

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, April 8, 2013 at 5:22 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, LaWana Mayfield, James Mitchell and Beth Pickering.

**ABSENT:** Councilmember Claire Fallon

Mayor Foxx called the meeting to order and said we want to welcome Ron Carlee back. He is back for his second week and he didn't run away so that is great.

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#### **ITEM NO. 1: MAYOR AND COUNCIL CONSENT QUESTION**

There were no Consent items pulled by Council.

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#### **ITEM NO. 2: BROWN'S COVE SEDIMENTATION UPDATE**

**Rob Phocas, Energy and Sustainability Manager for the City of Charlotte** said I am here to give you an update on Brown's Cove, particularly the sedimentation build-up that has been happening in this Cove for the past decade. Since 2000 the Cove has been seeing accelerated rates of sediment deposition due to development and since 2000 Cove residents have been working with public and private entities to address the soil erosion and come up with a plan to dredge the Cove. The proposed Tanger development has brought a new attention to the sediment build-up and the efforts to reach a multi-party stakeholder resolution to dredge the Cove. This afternoon I will present, with some help from additional staff, an update and give you the development history of the area, how the regulatory oversight works, some of the residents' concerns, what is happening with the Tanger development and soil erosion control, some of the strength and erosion control measures and review the dredging and cost allocation plan that we have to date. There is a lot of information on this issue, a lot of stakeholders, a lot of history, a lot of emotion. There is too much to capture in one presentation so as I mentioned I have several staff members in the wings to lend aid for questions and details if needed. There is no council action requested tonight with this presentation.

Mr. Phocas used PowerPoint for his presentation to Council. Brown's Cove is located on Lake Wylie, down here in the corner, just southwest of Charlotte. It is part of the Catawba River. This slide shows you a close up of the Cove area. It is broken into Upper Brown's Cove which is what we are talking about tonight, but you will also see Lower Brown's Cove. You will notice some of the roads; we have Windygap and a lot of development down on the southern shore. The Upper Cove is approximately 23 acres. Duke Energy has jurisdiction over the Cove through their license with the Federal Energy Regulatory Commission and the City has annexed land on the southern portion of the Cove. These two slides show you the position of 1938 and 2012. You can see back in 1938 we mainly had farmland and woods. Today in 2012 you see a lot more development on the southern shores of the Cove and also all the way around the cove. The watershed for Brown's Cove is very large. The whole watershed is contained within this red boundary and covers approximately 3,200 acres. Between 2003 and 2012 we saw 884 of these acres developed which is approximately 27% of the watershed. Some of the prominent land disturbing activities that happened during the time: The Airport expansion, 171 acres; the construction of I-485, 177 acres; the development of the Berewick Subdivision, 371 acres and the Berewick Elementary School at 37 acres. I also point out for your information this is the proposed development of the Tanger site.

Why is Brown's Cove different, why is it unique? It is unique compared to a lot of the other coves on Lake Wylie for several reasons. First, as we just talked about, it is the endpoint for a very large drainage basin. Second, the soil type in this area settles out a lot faster in the water, thus giving it less of a chance to move on and escape out of the cove. The cove has an unusual shape to it, in particular is what has been called a pinch point. It is only 200 feet across the cove

there and it makes it very difficult for that Cove to flush out on a regular basis. Once the sediment gets in there it is pretty much trapped. Finally, there is high development potential because it is located so close to the major interchange of I-485 and High 160.

Councilmember Dulin said the white dots along the shore line, are those docks? So inside the pinched point of the Cove I see 12 homes with docks inside the pinch point.

Mr. Phocas said that looks right.

Mr. Phocas continued his presentation with the slide on Regulatory Oversight. The state is the lead agency on all public land development that happens. If CMS builds, if we build, if the state builds the state has oversight responsibility. Since 2001 when the remainder of this watershed was added into our ETJ, Engineering and Property Management's Land Division started to oversee private land development activities. Charlotte-Mecklenburg Storm Water Services oversees stream and cove water quality and there has also been a lot of regulatory action and oversight in the years between 2004 and 2012. There were 26 notices of violation issued to ten different entities due to soil erosion control violations and the penalties ranged from \$1,000 to \$21,000 with a total collection of \$29,000.

Someone told me this watershed and cove is probably some of the most studied in the area mainly due to the sedimentation issue that has come up over the years.

Councilmember Howard said what happens with the money from the fines?

Mr. Phocas said that money goes into the general fund.

**City Engineer, Jeb Blackwell** said then it goes to the schools.

Mr. Howard said you get fined for doing something wrong in the Cove, but the money doesn't go back to fix the Cove?

Mr. Phocas said it doesn't go back to fix the cove.

Mr. Phocas continued his presentation on Findings. The major findings from these studies – that natural sedimentation is always occurring in the Cove. Even back in 1938 when you had agriculture and the forest there, there was still sediment coming down the streams and creeks into that Cove. However, development has definitely accelerated the sedimentation into the Cove. Post-Construction, once the site is done sedimentation into the Cove returns to the natural rates and the sediment will settle out in the Cove as opposed to staying up in the water. Since 1910 the average deposit rate was .05 feet per year and at that rate the Cove would be unusable for recreation by the year 2063. However from 2003-2012, due to the development this rate increased by .08 to .13 feet per year. At this rate the Cove would be unusable for recreation by 2026.

Mr. Dulin said the other picture we had from 1938, is Brown's Cove a natural cove of the Catawba River?

Mr. Phocas said as I understand it, it was created as a result of the damming of the river so as the water backed up these coves were created.

Mr. Dulin said that makes sense of course, but for the life of me I can't remember the year Duke dammed up the Catawba River to create Lake Wylie and now you've gone back from 1938 to 1910 which prompted my question. When was it created? I should know that but I don't.

Mr. Phocas said I do not know.

**C-MUD Director, Barry Gullet** said the first damn was built in 1904. It may have been rebuilt after that, but I believe it was 1904.

Mr. Dulin said if you go back to the 1938 picture you can see a bigger land mass there then there is now. That Cove has been naturally drained into since 1904. Water finds the low spot and Brown's Cove is the low spot of that section. The pinch points are interesting because it can't flush itself, do this has been happening since 1904 and it looks like it is better now than it was before.

Mr. Phocas said the next slide speaks to that Mr. Dulin. The next slide illustrates the bottom two bullet points here. If you notice there are three different columns here, 2003, 2012 and 2026 and what we have done is show that between 2003 and 2012 based on the studies and reports, we had 1.17 feet of sediment deposited in the Cove. That is 62% from development in the area. In 2026 based on the reports it is estimated that we will have close to 3 feet of sediment deposited into the Cove and what happens, that will decrease the amount of water that is available for recreation and at the low water depth would leave only about a foot of water which would make it unusable for the residents of the Cove.

Mr. Howard said how do you know that 62% of that sediment came from development?

Mr. Phocas said based upon the research that was done in the studies. We can ask Mr. Rozzelle who is responsible for overseeing a lot of the work. Rusty, would mind illustrating how or collaborating how they identify the sedimentation?

**Rusty Rozzelle** said I took cores of the Cove and aged out some of the sediment. UNCC did quite a bit of work out there and actually collected some core samples and they were able to age the different sediment layers and from that work they were able to determine the deposition rate in the Cove going all the way back to 1910 and it has been fairly steady at .05 feet per year. In 2003 that jumped .08 feet per year to .13 feet per year like Rob said in the previous slide. They actually took cores of the bottom and aged out the sediment layers and that is how they determined what the natural deposition rate is compared to this artificial rate boosted by land development activities.

Mr. Howard said the only explanation for it jumping that fast would be development? There is no other explanation, for instance the drought we had a couple years ago and no other natural occurrence could have done that?

Mr. Rozzelle said based on the study that was done by UNCC and studies that we have done and other agencies have done, the deposition was real constant. It was .05 per year from 1910 all the way to 2003 and then it jumped up. The assumption, and it is an assumption, a lot of this is an assumption that is the very same time that all of this land development activity occurred. We do know there were some releases of sediment from those construction sites so it makes sense that that flux of sediment came off those land development activities.

Mr. Howard said Rob, I would like to look at the picture of the Cove again. The river flows this way and it would seem to me that the development right around the Cove is obvious so how would sediment from every place else, the Airport, how does that drain down? Is that because our storm drainage runs down to this Cove? What would drive sediment other than going through that little pinch point?

Mr. Rozzelle said right there a creek runs into the back of the Cove. It is called Beaver Dam Creek and that is how the sediment drains from all that watershed area into the back of the Cove.

Mr. Howard said has that creek seen a lot of sediment build up?

Mr. Rozzelle said yes sir.

Mr. Phocas said one of the efforts I undertook in doing the research for this was to meet with some of the community members on Brown's Cove, reviewed e-mails they had sent in to get a sense of their position. Some of them are in the audience tonight. They have been dealing with the impact from the run-off and the sedimentation since about 2000 when it really became obvious. There is a lot of emotion and time invested on their side. Requests that we hear from the community are to not allow the Tanger development to proceed until the Cove is dredged.

They would like more enforcement and stricter financial penalties for lack of compliance. They would like a sedimentation bond to be created and then drawn upon if needed. They want their quality of life and their environment protected and more accountability from development and government entities.

I also had opportunity to meet with the entities that are developing the Tanger site, Tanger Outlet Centers, Steele Creek 1997 LLP and Land Design. It is important to note that there has been no development yet on the site so there has been no contribution of sediment to Cove from development at the Tanger site. The developers are interested in being good neighbors and preventing off site sedimentation. They see their development as really being a catalyst for better and greater erosion control protections for future development in the area. They are piloting stronger erosion control measures and they are also incurring additional expense for these stronger measures. This is the area as it is right now where the Tanger Development is going to go and this is the proposed development.

Several of the erosion control measures are listed here. Because we are in a critical watershed, this isn't just for this site, but all development in a critical watershed has required enhanced erosion control measures. You can see those listed – a double row, high hazard silt fence; the sediment basins are going to be designed for a 25-year storm event; there are going to be stream berms provided along the back of diversion ditches and any area that is inactive for more than 10 days must be stabilized with grass or some other kind of covering so that sedimentation cannot occur. In addition to those measures Tanger has agreed, working with our land development group, to put additional measures into place to control more erosion and soil run-off. They will be running the skimmer discharge through filtered silt bags, an additional measure to grab the silt as the water runs through. They will have a dedicated erosion control manager on site for the project and they will also be funding a downstream stream monitoring station that will let us know how much sedimentation is coming into the streams.

What is the current status of all of this and where do we stand as of tonight? As I mentioned earlier there is a proposed dredging plan. Over the past year developers, City, County and State agencies convened to work on a dredging and cost allocation plan. This plan would remove sediment above the natural accumulation levels to create a stream of channels and boat basins that would link the docks that you saw in the picture out to Lower Brown's Cove. The range that staff got was \$311,000 to \$650,000 to do this dredging. The City and County started this negotiation process. It was DENR – Department of Environment and Natural Resources on the State level, took over the negotiations, took the leadership role and as of December the negotiations were stalled because NC-DOT withdrew from the negotiation process. This next slide shows you the major players in terms of the cost allocation and the dredging plan. I will point out and you can see the percentage that they would be responsible for. The high cost, the \$165,000 value and what each entity would pay and then the final column is the low cost and what each entity would pay. The two significant parties here in terms of allocation are the Charlotte Douglas International Airport and also North Carolina Department of Transportation so you can see not having them at the table has a major impact on our reaching a solution. In total the City amount is \$236,000 for the high cost and \$119,000 for the low cost.

Councilmember Mayfield said these are the conversations that have been previous had with bringing the business community to the table. I do not see the line where the residents have come together for what the contribution is going to be to help mitigate this financial cost along with the fact that there has been development where docks have been built. There have been some new homes that have had some changes and some additions to them. This is a man-made cove. We are going to run into this issue again in another 15 to 20 years so I'm trying to hear the long-term plan that includes the residents on how we are going to mitigate this in the future unless someone is going to come up with an idea of trying to figure out how to put some type of mechanism in the bottom of the Cove in order to have a current flow. The biggest concern is the fact that everyday weather conditions along with development that happens among all these entities but also the development that happens within the resident in the Cove. Where is that line item for what they are contributing to these costs?

Mr. Phocas said to date I do not believe the residents have been involved in the negotiations and given a share of the cost allocation. In terms of the long-term plan the goal is that the measurers  
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that will be piloted at the Tanger site will prove out to be very effective in controlling the soil erosion and that going forward other developments in that area will have similar erosion control measures put into place that will slow down the amount of sediment going into the Cove. You make an excellent point that over the long-term, as good as those efforts are there is still going to be natural accumulation into the sediment. That is something that has been a big part of the discussions of this group so far in going forward with part of that discussion too.

Mr. Phocas said the next steps, in speaking with the Department of Environment and Natural Resources, they intend to reconvene the parties in April. As of Friday when I spoke to them they didn't have a date for that. The City departments will continue to participate in the process and pay their fair share of the cost allocation. As I mentioned earlier there are additional erosion control measures being put in place at the site. There are stronger measures and this will be a pilot to determine how effective they are. If the measures are successful they will be used in the future. If we find they are not working we will look for alternatives to take their place. Of course the City and County will continue their oversight. One other point that has been brought up in some discussions is that there is the possibility of a civil citizens' suit for them to seek damages from the parties involved in the sedimentation to address the sedimentation.

Councilmember Pickering said are we confident that a plan can be agreed to?

Mr. Phocas said it is hard to say at this point. I think there is a strong possibility that a decision can be reached but right now the biggest factor is the Department of Transportation and whether they will participate and hopefully over the next month we will be able to get that group together. I can't give you any guarantees at this point that any plan will be reached. There is an issue that if DOT doesn't participate will the other parties go forward; do we go forward with a partial plan as opposed to a full plan?

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### **ITEM NO. 3: COMMUNITY SUSTAINABILITY PLAN**

Councilmember Autry said it was a little more than a year ago that I ask Council to refer the prospects of a Community Sustainability Plan to the Environment Committee. We have been working on this for a year and we had a study performed by the ICMA to determine how the County and the City may go forward or even if they should go forward together in collaboration for a sustainability plan. The results were that the ICMA recommendation was that the City and County collaborate on this and how we bring in the community. It is going to be an interesting journey to say the least, but I think we are at a point where it just so happened that the County was exploring the same kind of opportunities to do a sustainability plan at the County level and we have tried to exploit that to the benefit of all the residents of the county and Mr. Phocas has an update for us and hopefully we will be able to come back to you the next time we talk about this with a recommendation from the Environment Committee to the full council.

**Rob Phocas, Energy and Sustainability Manager for the City of Charlotte** said as Mr. Autry mentioned, in March 2012 City Council referred this topic to the Environment Committee and asked them to look at the concept of developing a community sustainability plan. Also in the spring of 2012 the County's Natural Resources Committee asked the County staff to do a very similar job. Since that time the City and County staff have been working together to determine the feasibility of a study and the Environment Committee has reviewed the City and County staff proposal and seeks the Council's feedback tonight. There is no action requested on this.

What is a Community Sustainability Plan – A plan describes the community's vision for its quality of life; it builds upon existing plans and programs, potentially introduces new plans and programs, it strives to break down silos in our community and to create measures for the community to achieve. The Plan would look at all aspects of the community, not just the environment. We look at health, education and youth, natural environment, energy use, safety, parts and culture and potentially several other topics. Often people refer to this as the people, planet, profit or economy, equity, environment or the triple bottom line. This graphic illustrates what the triple bottom line is getting at. You have your people, your planet and your profit and what you are shooting for is sustainability where all three of them meet each other.

What are the benefits of a Community Sustainability Plan? When you talk to other counties or read other plans generally what people are looking for is an opportunity to foster cooperation and collaboration among diverse community stakeholder groups to focus on common goals and to increase efficiencies; to provide a forum for conversation and awareness with residents and the private sector regarding the larger community and also to increase options for grant funding both on the local and national level toward a community's goals and priorities.

Where are we right now? This plan would look at all of Mecklenburg County. We are talking about the City, the County and each of the 6 towns. There are numerous localized plans and vision documents. For example we have our bike master plan, centers, corridors and wedges. The County has their state of the environment report. Davidson has a community plan but there is no unified community vision that brings together the existing plans and programs, establishes goals and performance measures that provide a map for the quality of life or that utilizes a robust community engagement approach to communicate between the siloed efforts. As was mentioned by Mr. Autry the City and County contracted with a consultant to do a feasibility study. We used ICMA, the International City and County Management Association that took an extensive research effort which included speaking with 18 community stakeholders, they reviewed 14 county and city plans, also did interviews with several of these cities and counties and they drafted a report of their findings and recommendations. They found that it was feasible and that the community was very interested in having a Community Sustainability Plan and came back to us with 6 possible scenarios to achieve such a plan. At the top was the Business as Usual approach. Basically keep doing what you are doing to better the community. Then at the far end you had developing a Community Sustainability Plan from whole cloth, really not recognizing all the effort that we put in, but starting from scratch.

ICMA recognized several desired outcomes from doing this plan. The first was to create something that is very specific to Mecklenburg County, not take something off the shelf or something that was done in another community and just place it down here, but really take a look at where we are and what our community wants. To identify commonalities, overlaps and gaps with our existing plans so that we can establish goals and performance measures for the larger community; to provide policymakers with strategies to organize and communicate common community goals; to identify opportunities to highlight unique municipal identities and characteristics. The idea is to allow the different municipalities participating to come into this and keep their own identities so we might have a larger goal that each municipality is using as to how they were going to meet that goal. Again identify opportunities for public, private and non-profit partnerships to eliminate duplication and increase collaboration in the community.

After going over all this information, speaking with ICMA the City and County staff agreed to pursue a hybrid of the six scenarios. It was really melting of all of them. The most important pieces that we wanted to stress for you was that there be a phased approach to the development of a plan, that there be a multi-jurisdiction staff oversight committee, citizen workgroups would be established to help us create the different indicators and dimensions and that we are really searching for robust public engagement in the development of this plan. Phase I would be the development of this community vision or community framework that we can use to review our existing plans and programs that are throughout the county. The idea would be to come up with maybe 5 to 8 different indicators or dimension that we would focus on. Phase II, after Phase I was done we would come up with a Community Sustainability Plan building on this vision and framework created in Phase I, we could develop goals, measures, actions and an implementation plan to move forward. This could reaffirm or realign out existing goals and may result in development of new goals to address new opportunities.

Project Oversight is extremely important in this. Elected officials sit at the top of the Project Oversight slide. In the middle we have our staff oversight committee that would work with both citizen groups and also executive management teams from the different municipalities. The Oversight Committee would consist of two City staff members, two county staff members and a representative from each of the six towns and also a representative from the Foundation for the Carolinas who would be able to bring their expertise and convening skills to bear. This team would be supported by the County's Community Plan and Sustainability Officer, myself as the Energy and Sustainability Manager, the Chairs of the different workgroups and by the Foundation for the Carolinas also. As I mentioned earlier we would look to create approximately  
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5 different workgroups that would work on these different community indicators that we would focus on in Phase I. You are probably most familiar with these indicators through our work on the Quality of Life Study. Several of these indicators, health, energy, education and youth and safety, we envision having about 15 public members to work on each of these workgroups. Robust Community engagement piece as I said earlier, there are a lot of plans and information out in the community that we would like to bring to bear as these citizen workgroups meet. The box in yellow is the public input piece. Like I said we want it to be robust. We plan on having several community meetings, public meetings, for those of you who remember the Energy Block Grant, we did that where we would bring people in to give us their ideas. We intend to use a lot of social media to reach out to people to not only get their ideas, but to vet ideas that we come up with. That will all flow back into the citizen workgroups as they help develop the community vision and the Community Sustainability Plan.

Timeline – it is an aggressive timeline. We heard from several Councilmembers that they want this to move as quickly as feasible. It starts in April with the initiation and then a best case scenario would end in August 2014. You can see we have a phase to go through the development of Phase I and then the deliverable which would be the adoption of our vision and framework by the elected bodies and then the biggest chunk of time would be where we are actually developing the plan and coming up with a plan to implement it.

Funding and Staff Support – It would be done with existing staff resources. We look to hire a consultant to help us with the project. The cost of the consultant is estimated to be \$300,000 and that would be shared equally by the City and the County, \$150,000 and that would come from the City's current year budget. We are also pursuing grants to offset and reduce the City and County's share of the cost.

Next Steps – The Environment Committee requests the Council's feedback on the proposal. The Committee will then review the feedback and finalize a proposal that will come back to the Council for a vote. The County Commission is also considering the final proposal and will be asked to take action. As I mentioned, we will continue to look for outside grants to lower the cost to the City and County.

Councilmember Barnes said it would help me a lot if you could paint a picture of what the end of this process might look like within Mecklenburg County.

Mr. Phocas said the end product, say we have 5 to 8 indicators and in each of those indicators, we will take energy for example, we may want to have a certain percentage of energy that is coming from renewable resources in the community so we could set a goal for that.

Mr. Barnes said tell me what that means.

Mr. Phocas said that we would look for a certain amount of energy that is being produced in Mecklenburg County to come from solar or GO thermal.

Mr. Barnes said would that be from government owned facilities of the government incentivizing the private sector to do it?

Mr. Phocas said it focused more out in the community. It could be incentives if that is the way Council wanted to go. It could be a recommendation that comes from the citizens that the City and the County and the towns develop some kind of incentive program, but the idea is to work with the community so when you look at the energy profile there is a certain amount of it coming from solar, a certain amount coming from GO thermal. I will give you another example on parks and culture, one of the goals might be that we want every resident to be within 5 miles of a park facility and that would be the larger goal. Then it would be up to each municipality to figure out how we are going to reach that goal. Is it buying more space for parks or cultural facilities?

Mr. Barnes said use the economic security as an example. What does that mean?

Mr. Phocas said I would say that would be job creation or people being able to get to jobs. There could be a certain sector we want to focus on, maybe it is entrepreneurs so we want to create  
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more entrepreneurs in the community. If we want a green works program, maybe the community would want to establish programs so that people are getting training in the green building trade. A lot of these things overlap but you want to make sure people when looking at where people live and where their jobs are that people can get to their jobs easily, that we have enough public transportation and different ways to do that.

Mr. Barnes said all of that sounds great. One of the things I wonder about is you are obviously creating I think a very hefty layer of bureaucracy. We've passed things like the Transportation Action Plan which in part is intended to address some of these types of issues regarding access to parks and access to public transportation. I wonder the extent to which some of this work may have already been done by other entities, by other Council Committees, by other layers of government and the extent to which you all are including it in here in order to avoid the duplication.

Mr. Phocas said that is an excellent point and that is one of our major goals here and that is something that we are very focused on in the timeline too. We need to sit down and we've already started doing this to some extent, and take a look at everything that already have created from The Transportation Action Plan to the Bike Master Plan. We know we have a lot of this stuff and this will give us the opportunity to pull this together, not only from a city perspective but a county perspective, from the towns' perspective and where is there overlap, what is missing, do we have specific goals that we can already pull out? As someone mentioned earlier we might have a lot of these things already in place, but they haven't been pulled together. We haven't had the opportunity to see where there is overlay. Where can we find efficiencies, where can we find collaboration? Maybe there is an opportunity like with Envision Charlotte to bring together public/private partnerships to achieve some of these goals.

Mr. Barnes said is that where the consultant comes in?

Mr. Phocas said that is one of the roles of the consultant. First they would help us to pull together all the plans, projects and programs to help us put all that information together, analyze it, help to look for those gaps. Where is the overlap, where are the opportunities for collaboration?

Councilmember Kinsey said you mentioned that the consultant would be paid \$300,000, \$150,000 coming from the City and the County. You also mentioned that the \$150,000 would be in this year's budget, where? We are always looking for money, where is the \$150,000?

**Budget Director, Randy Herrington** said it would be from current Pay As You Go Capital Maintenance Program.

Ms. Kinsey said I was afraid someone was going to say the Business Corridor Fund.

Councilmember Dulin said I'm on the committee with Chairman Autry and I respect his work. I think so much of this is things that we are already doing. One of the items they are going to do is find out existing plans gathered. It might be that we are doing all these things and instead of having to spend \$300,000 telling everybody we are going to have a new study, tell everybody that we are already doing it. I had a meeting at 4:00 this afternoon upstairs with a group. It was a dark room and I said mame, just walk on in the lights will turn on. She was very impressed and said this is a gold star building because this City has made a huge effort to make its facilities energy efficient. That is not unique what happened today in that room upstairs to what goes on all over this room Rob, you are in the front lines, you are captain of the procedure as well as Engineering. It is not a one man job, but I don't want to go out and spend \$150,000 that we don't need to spend. We've got stuff that we are going to be fighting on over the next couple of months that I think we are just doing so much stuff now and maybe we need to do a better job of telling people what are doing Mr. Chairman, rather than spending \$150,000 of our money and \$150,000 of the County's money which is the citizens' money to go out and feel good about ourselves.

Mr. Autry said I would see that \$300,000 as a good investment for this community at large to understand that we have plans and processes in place, that we've identified any gaps where  
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attention needs to be applied, understand where there are overlaps and somebody else had a takeoff of that. There should be savings from that kind of operation, but in the long run opportunities that will provide other economic benefits that we have yet to be revealed to us and going through the process will find those.

Mr. Dulin said we've got the Blue Line Extension Study Plan. I got about 15 minutes into this thing this week-end and said oh what the hell and just put it down. It probably cost \$4 or \$5 in ink and paper to make one of these and we are going to spend \$300,000 to pay the guy to tell us the Sustainability Plan and then put together \$50,000 worth of brochures to give everybody. Quite frankly I'd rather spend \$150,000 to dredge those people's cove. It is going to fill up again, but let's start talking about priorities. I'm not sure we are supposed to do that either but I'd rather spend my money dredging those people's cove than telling them what a great job we are doing being sustainable.

Mr. Barnes said kind of the spirit with which I'm approaching this is that so many of the environmental challenges we face are beyond our control. A lot of the air pollution in North Carolina comes from Georgia, Alabama and Tennessee. A lot of the water issues we experience come from upstream and what I'm trying to figure out is how to create the sustainability plan in all respects, the energy side, the environmental side, water quality, air quality, all those from all those perspectives in a way that is actually within the control of Charlotte Mecklenburg County and the six towns, in light of the fact that many of our problems environmentally come from without those boundaries, the boundaries of the towns, the city and the county. Mr. Autry this is the first time I've seen the presentation on this and I'm trying to figure out again whether or not we are getting our bang for the buck or simply employing another consultant and creating another layer of bureaucracy. That is the struggle for me.

Mr. Autry said I appreciate that Mr. Barnes and I don't believe this is a wasteful endeavor. I believe it will have benefits that will add to this community for many, many years long from now, but it is not just about what we do to protect our environment, but also insuring that we have economic opportunities for employment, for businesses to thrive and grow and all of it should have a positive affect when it is all said and done on the quality of life for the citizens too.

Councilmember Howard said I'm on the committee and just trying to figure out whether to jump into this. Rob, I was wondering if you could give us an example of how other cities have used similar plans. I think Mr. Autry you may be able to share some of that as well. The way I think about this from my standpoint is that this is about us taking all those things and putting them in one place and saying this is all that we do. Right now it is a scattered shot of what we do and we are not sure where the holes are in our operation where we could be doing it better. A lot of times the way that we judge ourselves would be to judge ourselves based on what other cities are doing and if we can do it better we should figure that out. What the cost of that is we can debate, but I'd like to hear how other cities have done it so that we can hear those because right now we are trying to figure this out in our own little fishbowl.

Mr. Phocas said there are several communities across the country that have put together sustainability plans or often have different names for them. I will point out that one of the things that is unique to ours is it has a much larger scope and we are looking to do the whole county. I will give you an example of one city called Austin, Texas that you've probably heard of. They focused on those three different buckets, the economy, the environment and equity and they came up with 10 different indicators. They were focused on everything from housing, arts and cultural to the natural environment and certain safety issues. Within each of those 10 indicators they had about 40 different programs that were going to help them reach the goals they want to set. One example is the one I mentioned about everyone being within a certain distance of an arts and cultural facility. Did that mean developing them on their own, looking for more private public partnerships to develop them and then they developed a plan to go out into the community and make their vision real. Other cities, Philadelphia has a great plan that is focused on just the City of Philadelphia that looks at the economy and the environment, is a little heavier on the environment. The idea is to focus on five or ten of these major indicators and then look for specific actions that you can undertake to achieve those. We have several of them that we can share with you if you want to see them.

Mr. Howard said I think one of the things that stands out to me is that we are having a community right now in ED about the fact that we want to cease on being an energy cluster and bring in energy companies here. How in the heck are you going to do that if you don't lead by example? If we are going to do this then we need to talk about how we are doing it in every part of our operation and what I just heard you say Rob, it is not just about the city doing it, but it is about leading our community in that direction as well, which is even more so why. You've got to think about this from a bigger standpoint than this cost. If it leads us in a direction and I think I would like more information about how cities have taken this and used it and what their goals were and what it resulted in. I'm sure they are tracking their cost savings some kind of way even in dollars, energy or some kind of way. If we really want to be taken seriously as this energy hub you have to live it Andy, you can't just talk about it.

Councilmember Pickering said cities across the country are doing sustainability plans, cities that we wouldn't think of as maybe more progressive than Charlotte have done and are doing sustainability plans. It is an attraction for businesses and workers across the country. These young workers that we want to attract who can have their choice of cities to live in these days are interested in what we are doing from a sustainability standpoint. You put a sustainability plan together, you put it on the website and boom there it is in one spot and they say Oh Charlotte is doing this and this and it is great. It gives you a competitive advantage just in that one area alone. I think it is important. I think we absolutely need to do it and I'm interested in seeing what other cities are doing. We've had some of that information come to us and some of the experts that attend the Environment Committee meetings. I get the concerns but I think it is important and it is really a must at this point.

Mr. Dulin said for instance everybody must live within 5 miles of an arts facility. Huntersville has a Discovery Place, Kids Museum and I was up there for the ribbon cutting two summers ago. There are arts facilities throughout this community. I would have to say that the Raptor Center in Latta Park would be cultural facilities. The cut back from the State might or might not hurt the Polk Home in Pineville. I bet if that group started lifting these places there would be 50 of them down to Bechtler, Mint and Gantt would be in the headlines. Mr. Howard and Ms., Pickering I understand exactly and Mr. Autry I understand. I've been sitting down here long enough now that I've been really proud of our community and mostly pushed by staff and Rob you and Heidi on the County side about the things we are doing right for sustainability and for the environment in our community. To me I think cataloging it and staff can do that for the money we are paying staff to do that to let us know where we are. That is all I'm saying and I've said this from day one Mr. Autry that I've been really proud of what this community has done for the last 7 1/2 years while I've on Council in this seat for what we are doing for the environment.

Mayor Foxx said John you were asking for feedback and I think you've gotten some tonight. I would just add another piece of it which is if we are going to have a sustainability plan clearly one component of it is what is being done already, but the real value of this in my opinion is what leading edge things can we do as a community. Once those are identified I'm sure there is some cost that is going to be associated with that and I think this visioning needs to get us as far along the way in terms of understanding what the costs of being leading edge are and what the potential sources of getting there are because we are in somewhat constrained environment and it is going to take a lot of coordination to get us where we want to be but that is my feedback to you and look forward to seeing what comes back.

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#### **ITEM NO. 4: SIDEWALK OBSTRUCTION ORDINANCE**

**Michelle Moore, Deputy Director of Solid Waste Services** said we are here tonight to give you some context for some recommended changes to the ordinance language for the placement of rollout containers. We are going to give you a little background, show you some examples that we shared with the Environment Committee, go over some challenges that have been identified by staff, the sidewalk safety campaign that was kicked off in January of this year, we will talk about how we are handling reported cart obstructions today and will review the specific ordinance language that is recommended.

The background on this began with a tragic accident that I'm sure you all remember. Andrew Wright, a Myers Park High School student was riding his bike to school on a sidewalk that was cluttered with rollout containers and he bounced off some rollout containers into the street and was hit by a truck fatally. In June the issue of sidewalk obstructions was referred to the Environment Committee, and in January 2013 we launched a public awareness campaign for sidewalk safety. In February the Environment Committee approved recommending these revisions to the City Code.

This is an example and as I said we've shared this with the Environment Committee, but what we are showing you are places where in Charlotte we have a lot of streets that have no planting strip between the sidewalk and the curb. What you are seeing here on the left, this is two blocks away from where the fatal accident happened on Sharon Lane and you can see you've got two issues really, the incline of the yard and also the fact that there is no other place to put cart except in the street. Here you have a landscaping issue, basically heavy shrubbery right up to the edge of the sidewalk but again not a lot of space on that sidewalk or curb or anywhere to put the cart. Here on Selwyn Avenue this is a bike lane/parking lane and we have a yard that slopes pretty severely. There is no way to put a cart there and the only other place you could put it is in the driveway. Citizens are putting it out here which basically obstructs parking or biking and there really aren't a lot of good locations to put the cart. This is on Sharon Amity Road, we've got a fence and you can see it is lined right up against the sidewalk. The same kind of issue, and finally on Kenilworth Avenue where we've got an elevation problem. The elevation changes and there is a retaining wall. What we have is the cart and yard waste piled on the sidewalk. They are doing the best they can, but there is really not much other space to put it.

The point of this is to say that staff has identified a number of challenges basically involved in a civil penalty associated with the ordinance language. These are the challenges that have been identified by staff associated with sort of rigorous language. The sidewalk safety campaign that we've launched is focusing on the increased use of visuals to depict the correct way to put those items out for collection. There is a website that the City has launched that also gives citizens a way to ask for help if they would like to have Solid Waste Services come out and look at the location and advise them on where to place the cart, that is an option. This is a public awareness campaign and we are trying to raise the level of awareness and have people be more aware of their neighbors and be more aware of this shared space and use it in a more considerate way. We are using a lot of different components from print media and this is the website I mentioned, [sidewalksafety.charlottenc.gov](http://sidewalksafety.charlottenc.gov). I would urge you to have a look at that. There is social media and we are putting truck decals on our vehicles that should be installed within the next week to heighten people's awareness on this. We have door hangers, direct mail and we are targeting community meetings in some of these areas.

The way that we are handling reported cart obstructions today is on that scheduled day of service, Solid Waste Services is investigating and using cart stickers, letters to residents, meetings with those residents and then ongoing collection vehicle operator education. We have a contractor who handles our residential recycling so they are dealing with those carts more than we are but we are still responding to any questions or complaints that we get on any of those rollout containers.

Councilmember Autry said can you go through what the escalation process is or do you have a slide for that?

Ms. Moore said I don't but I can tell you what we are doing right now.

Mr. Autry said the trucks have a can in the street or on the sidewalk and there is an area in the yard where the receptacle could be placed, what would the process be and how would it work?

Ms. Moore said the first step is that the people would get a sticker on the cart. It is an orange sticker and they get a letter that says this is a violation of a City Ordinance in blocking the sidewalk and we would like you to move it. We've been getting some calls and people have been most accommodating on that. The second step is another letter and sending a contract monitor out to talk with the people. Sometimes it is difficult to meet with them given people's schedules but we are trying to meet with them face to face and talk with them. So far we have

not had to take it any further than that. We've not gotten anyone who was not responsive and didn't work with us. The cases we've run into the people weren't really aware. It is a case of educating and letting them know.

Ms. Moore continued her presentation and said we really have not had a lot of complaints. We have some complaints that really aren't. We get there and there is no cart there and perhaps it has already been moved and we are not sure what has happened, but we've really only had 10 valid complaints since January of last year. I will say we've had 5 since we started the sidewalk safety campaign which we see as a positive.

Councilmember Howard said is the only way you are getting complaints is if somebody calls? Are your workers actually calling in stuff? Is that how you are finding out it is only 10 or is that from my neighbor calling and saying I left my trashcan out on the sidewalk?

Ms. Moore said the 10 are from citizens that have been reported. We do notice some and we have some areas where we notice it is a pattern along the sidewalk or in the streets and those we are reacting to and responding to individually. Our drivers are focusing on collection. That is what we do. I can't promise you that every single one is being reported as it should be but we are emphasizing that when they service the container that it is put back in a location that is not blocking the sidewalk.

Mr. Howard said have you had any situations where it wasn't placed back off the sidewalk? Like the situation where it was on the incline and you put it back there or back off the sidewalk, how would you put it back?

**Victoria Johnson, Director Solid Waste Service** said it would be placed after the collection probably in the driveway so when the person comes home that is the first thing they will see and they would have to get out and move it so it won't be put back where that wall was. It will be put on the side of the driveway as much as possible if there is not an incline there to stop it from tipping over.

Mr. Howard said this is where I'm going. The best eyes on the street are your guys on this one and I know they have other things to do so I get that point as well. Helping to change those behaviors will happen at that level probably more so than the neighbor calling if we are really trying to stop the next accident.

Ms. Johnson said we do have a segment on the day of collection where we know where it is going to be on the street. We have a safety staff and some contract monitors that go out and ride those areas, just look for it where we know there are problems now and they will sticker it to let them know that it is a violation and it will generate a letter because they will write down the address. That would generate the letter to the citizen and it will initiate contact for us to educate them on not blocking. We do have certain areas that we do ride on the day of collection.

Mr. Howard said the reason I was asking there are times when I come home after you have picked mine up, because you do two different trucks for recycling and for the garbage, sometimes they are in totally different places and I'm trying to think if they have ever been on the sidewalk. Your guys extend out a lot further than I would have when I put it down, but you do make sure that you don't put it on the sidewalk.

Ms. Johnson said our arm can stretch out 10 feet. The recycling truck may not stretch out as far as our arms so that is the difference between a garbage can being put further back than the recycling can being able to be put further back. They don't all have automated trucks so it is a person actually flipping in the recyclables and then rolling back. That is the difference between where the placements are.

Councilmember Kinsey said this is a little bit of a factious comment I guess but more often than not, I put it on my two-foot planting strip as I told you earlier, but more often than not, it is put back in the street. If somebody is not home to get it, it just sits there until somebody gets home to move it. Sometimes I've seen them on our street where it was plopped down so hard that it tips over.

Ms. Johnson said it tips over because it is empty and it doesn't have anything to keep it upright. That is one of the issues that we have when we do put it back down.

Ms. Kinsey said some of the drivers need an orange sticker too.

Councilmember Dulin said I'm a huge fan of our Solid Waste Services and some of them do flip over but those guys are churning and burning. They are in the numbers business and even the folks that come by and pick up the yard waste, those guys are proud of their jobs and they want to do a good job. I bet out of their 275,000 customers less than 1% per week are displeased with the service they have been given. That said I want to say again that this study today and the work we are doing on this sidewalk obstruction, and Ron this will be good information for you, last this fall this young fellow was killed. He was riding his bike to school and he either hit one of the cans that were put on the sidewalk or he was going around a can and a truck came by and hit him. It was a horrible fatality for that family and for our community. This sort of started this but there is a lady whom I know and lives a mile from where the accident happened, and she is a mom and it is amazing what can happen when a mom gets fired up about something. I called her yesterday to let her know that we were doing this and I just sent her a text message telling her that we are working on her sidewalk ordinance. Victoria you and the 570 people that work for you over there in Solid Waste, you all are doing this community a fine job and this is good work because the next kid we save we'll never know it because he doesn't get nailed. I think this is community safety at its best, really working together with different organizations. Libby Smart and the other 300,000 moms in this community who see their kids leave their driveway every day on a bike or in a car we appreciate this work.

Ms. Moore said that is our goal, safety and customer service so we are monitoring the problem areas that we are aware of. Here is the ordinance language and I'll let Thomas Powers walk you through that.

**Thomas Powers. City Attorney's Office** said what has been highlighted in yellow are the changes from the current ordinance to the new proposed ordinance. As Victoria alluded to earlier the actual arms on the trash vehicles can actually extend out to 10 feet, but right now on average the majority of the vehicles are at 6 feet to be able to extend out. We also added language so if anybody does have a rollout container that they do not place it within a roadway and again that is to make sure that it is not blocking traffic or causing other incidents on trash pick-up day. At the very bottom where it is highlighted, a customer should use reasonable care and caution, that is because in situations that were alluded to earlier based on the pictures, if a constituent does not have the ability to place a trash can in any other location due to topography or a retaining wall that they would try to use their care and caution to place it where it can be picked up, but not blocking the sidewalk. This language is more a directive and what we are trying to strive to in regards to having sidewalk construction to be free and clear, but also to allow individuals who want their trash picked up to be able to have their trash picked up without having a citation based on their inability to place it in other position but in the sidewalk to have it picked up on the day of collection. I also want to note that any other day outside of the day of collection if a rollout container happens to be in the sidewalk it would be cited by code enforcement because that is not a normal pick up day for that rollout container.

Mr. Howard said up at the top where you say must be placed at ground level within 6 feet and then you get down into the language at the bottom, a customer should use reasonable care. Do we not need to say somewhere up at the top, customer must place if possible at ground level within 6 feet?

Mr. Powers said you want to have the "must" in the second line changed to a "maybe"?

Mr. Howard said "or where possible". Up there you are saying is has to and down here you are saying if you can. It is kind of more directed at the bottom.

Mr. Powers said okay I see exactly where you are going with that.

Ms. Moore said if it is not at ground level I don't think we can pick it up.

Mr. Howard said I'm actually talking about the 6 feet. If you've got the curb and the rest of the stuff.

Mr. Powers said I will say if it is outside of 6 feet it will not be picked up anyway because the arm probably will not be able to extend out to pick it up. Your bigger point is that because we are using something that is mandatory and down at the bottom we are saying it is permissible we need to make sure that they are congruent. That can be changed, yes.

Ms. Kinsey said I'm just using my own experience, but in front of my house there is no way to place either of my cans three feet from either of two trees, the telephone pole, the driveway so you don't mention trees but street trees can get in the way too.

Mr. Powers said I will make sure that once this is brought forth for your adoption we will address that as well.

Councilmember Barnes said I would caution us on this. I think the ordinance is perhaps a good idea, but what I wonder is whether we are creating false expectations because almost every driveway configuration is unique and different. I don't want people to think that we are passing some criminal law because it is not. It is a \$50 fine at most and there are so many outs in this to the point that Mr. Howard was making that a person should use reasonable care and caution and the whole reasonable and prudent person standard is, depending on how you can define it, it can vary widely from person to person. What John may think is reasonable and what I may think is reasonable could be two completely different things depending upon whether I've got mail boxes and trees and recycling containers. I like the idea and I thought maybe the education piece was a good idea, and I'm not saying this is not but I would hate for people like Mr. Dulin's constituent to think that this is the fix all because it is not. And, people frequently move other people's trash cans. My trashcan may be where I put it this morning and when I get home tonight it will be somewhere else. I don't want us to be having situations where we are creating a burden unintentionally on other citizens because of activities of other people or the machine knocking the container over or what have you. Yes, it is a good idea, but should we be somewhat reasonable in our expectations, yes.

Mr. Powers said just to make sure I clarify, under this particular section of the ordinance there is no citation or penalty that would be issued at all. This is why the last four lines are highlighted because this is an aspirational directive.

Mr. Barnes said I went down to F, right in the penalty phase.

Mr. Powers said that is if your normal trash pick-up is on Monday and let's say your trash can is sitting out on Wednesday, that will be when the penalty listed in F would actually apply. It would not apply to this particular situation here.

Mr. Barnes said I see that so there is no penalty for violations of B?

Mr. Powers said that is correct, yes.

Mr. Barnes said so what is the point of doing it? Is this going to require a vote?

Mr. Powers said for the ordinance changes, yes.

Ms. Moore said that ordinance change would be on the agenda for April 22<sup>nd</sup>.

Councilmember Cooksey said the Clerk passed out this reference to the Charlotte Regional Visitor's Authority vacancy. I don't know what anyone else is thinking about that but I just hope that the addition of this designated category does not serve to deny a second term to Larry Huelsman. If you look at the timing he came in right before things got very public with the Charlotte Regional Visitors Authority, stepped up and has been serving as Treasurer. He has been helping with reform so I hope that we could postpone doing a rental car category, maybe another appointment and give him a reappointment as an incumbent position.

Mr. Barnes said Mr. Cooksey that same thing will happen with the next appointment and they asked for that rental car designated spot. Whoever comes up next won't be in the rental car category I don't think and it would likely be an at-large person. I'm trying to figure out how to get around that.

Mr. Cooksey said you can get around that because people are term limited. They can't serve on and on and on. The get to terms and they are gone.

Mr. Barnes said but you would be reclassifying one of the seats. I got an e-mail from Mr. Huelsman about the ordinance and whether we were actually were violating state law in doing what we did. They asked us to do that and we responded to their request.

Mr. Cooksey said who is they? The General Assembly is the one that passes the statute.

Mr. Barnes said the industry asked us to do that last year.

Mr. Cooksey understood, but I just hope – we are the final designators of who qualifies in whatever category that we set up and I'm just hoping that in order to give Larry a second term as we generally do for people who have done particularly well on the board to which they have been appointed.

Mr. Howard said another way to look at that is because the change happened during his term he should be grandfathered. That is the way I'm looking at it. Both of us have served on bodies where – after you have served and done what you are supposed to do, that second term should be an automatic if you have done everything you were supposed to do. The rules changed while he was there and when the next person is appointed it will go to somebody in the car rental industry, but he is in the middle of time that he could do. I would hope that we would grandfather him in that situation.

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

There were no Consent items pulled by Council.

The meeting was recessed at 6:37 p.m. to move to the Council Chamber for the regularly scheduled business meeting.

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#### **BUSINESS MEETING**

The Council reconvened at 6:52 p.m. in the meeting Chamber of the Charlotte Mecklenburg Government Center for their regularly scheduled business meeting with Mayor Fox presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, LaWana Mayfield, James Mitchell and Beth Pickering.

**ABSENT:** Councilmember Claire Fallon

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#### **INVOCATION AND PLEDGE**

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

## **AWARDS AND RECOGNITIONS**

### **Fair Housing Month**

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

Unidentified speaker said thank you for this opportunity to come before you today. April 2013 marks the 45<sup>th</sup> anniversary of the Fair Housing Act. Federal legislation that makes it illegal to discriminate in real estate transactions based on race, color, national origin, religion, gender, disability or family status. This year's Fair Housing Month Theme is Our Work Today Defines our Tomorrow, a reminder that current efforts of organizations like Charlotte Mecklenburg Community Relations are helping to foster sustainable inclusive communities of opportunity for future generations. Charlotte Mecklenburg Community Relations or CMCR has been administering the local Fair Housing Ordinances since 1980 and its staff is responsible for receiving and investigating complaints of housing discrimination. Over the past year CMCR has filed a complaint against the homeowners association for illegally fining families with children more often and higher amounts than those without children; conciliated a complaint brought by a disabled women with a settlement nearing \$10,000; and helped an African American man remain in his home after he alleged discriminatory eviction, just to name a few. A grant from the US Department of Housing and Urban Development has made it possible for CMCR to launch a new initiative geared toward Charlotte's disabled community. The initiative was launched this year. In partnership with the non-profit organization, Disability Rights and Resources, CMCR is conducting a study to test for housing discrimination in the disabled community and doing extensive outreach to educate persons with disabilities and their service providers about fair housing.

Fair Housing has come a long way over the past 45 years and the over emphasis of housing discrimination that were the norm during the 60's are rarely encountered today. Still discrimination continues to happen in our communities in subtle and sophisticated ways. CMCR is working to make sure that is no longer the case 45 years from now.

**Josie Mazzafero, Chair of the Housing Opportunity Foundation** said I want to thank you for designating April as Fair Housing Month and for giving us the opportunity to come talk to you a moment about what we do to recognize the month which is Realtors Care Day. The Housing Opportunity Foundation is the non-profit charitable arm of the Charlotte Regional Realtors Association and this is our fifth year that we are doing Realtors Care Day. It is a daylong initiative where over 500 realtors come together and work on houses of individuals who are unable to afford modifications. We do exterior code repairs and we also help modify them so that handicapped individuals can get into their house. In the past five years I am proud to tell you that we have helped a total of 110 families with an estimated financial impact of \$800,000 in Mecklenburg and Iredell Counties. This year we have 16 different home sites that we are going to be working on and these deserving homeowners were selected with the help of our housing partners which includes the City of Charlotte's Neighborhood and Business Services Department so thank you.

**Irene Gammon, Greater Charlotte Apartment Association** said thank you Community Relations and thank you Councilmembers for acknowledging Fair Housing Month. It has been something that been important to the association since we were founded in 1977. It is definitely a focus for us and continues to be so. Our members own and operate over 100,000 apartment units at this time so you can look at the residence population that is there. It is quite a number of people and they are of all ethnicizes, all religions, different ability levels and it is so important for us that all of those people are treated equitably. It is something that we emphasize ongoing and especially in April. If you were to look on our website you would see our general membership meeting this month is featuring a fair housing program and we also have several times a year programs that train our members on how to comply with fair housing laws, how to do the right thing in those instances. It is really important. I've been at the Association for 10 years and every year I think we train probably between 150 and 200 people at this various fair housing programs so just since I've been there it is a couple thousand people, apartment professionals that interact with residents day to day, that interview them when they come to rent an apartment.



We hope we are doing some good. We hope we are training the people that work on site at apartments to do the right thing and we hope to continue to do that going forward.

**Eric Locker, President, Charlotte Regional Realtors Association** said this is the 5<sup>th</sup> anniversary of Realtors Care Day and we are excited to partner with our partner firms. In addition to doing the homes that Josie mentioned, we are rehabbing some group homes up at Barium Springs in Troutman, North Carolina. It is a group home for young children and we will be helping clean up, paint and get those homes in better order. On behalf of the Charlotte Regional Realtors Association we invite you to join us. We've had several members of Council and the Mayor has joined us several times in helping rehab these homes. We invite you on April 19<sup>th</sup> to join us. We will have a drop-in at 10:30 a.m. and we invite you to come to that and we also ask you to join us up at Barium Springs.

Through the work of the Realtors Association Housing Opportunity Foundation we work year round on helping folks with housing needs and Realtors Care Day is just one of those programs. We thank you for the opportunity to join our community partners in marking the importance of Fair Housing Month and we hope you will make every effort to join us on Friday, April 19<sup>th</sup>.

### **Preeclampsia Month and The Promise Walk**

Councilmember Cannon read the Proclamation recognizing May as Preeclampsia Month.

**Christine Dane, Coordinator of the Promise Walk for Preeclampsia** said each year over 300,000 women are affected by preeclampsia and health syndrome and I am one of the lucky ones as well as my son. This year the Walk will be held on May 11, 2013 at Frank Lisk Park and we invite everyone to come out and walk with us, help us make stride. We thank you for proclaiming May Preeclampsia Awareness Month and we look forward to bringing awareness to the community.

### **Mayor's day of Recognition for National Service**

Councilmember Barnes read the Proclamation recognizing April 9, 2013 as Mayor's Day of Recognition for National Service.

Unidentified speaker said representatives of Charlotte Non-Profits before you tonight share many things in common. We love our organizations, we love our communities and those we serve and we've been blessed by the faces, hearts and souls of the corporation for national and community service, our Americore, our Vista and our Seniorcore members. We are very thankful for the proclamation just read honoring contributions made by these outstanding servants among us. The organizations represented here tonight use one or some combination of Americore, Vista and Seniorcore members to strengthen their efforts in our community. These organizations use approximately 685 Americore, Vista and Seniorcore members to coordinate volunteers, teach our children, market, train, recruit, build, repair, empower, encourage and welcome as part of their core service delivery. They manage and oversee over 55,000 volunteers and clients for their combined organizations each year. Our organizations need the talent and the energy, the enthusiasm and oversight provided by the Americore, Vista and Seniorcore here in Charlotte. We are leaving with each of you tonight a summary of the work done by the agencies represented here and encourage you to review it at your convenience. I ask those who serve the retired senior volunteer program at the Charlotte Mecklenburg Senior Centers, Citizens' Schools, Hands on Charlotte, Innovative Community Services, UNCC, Queen's University of Charlotte, Teach for American, Teach Charlotte, the Mecklenburg County Schools, Urban Ministry Center, Latin American Coalition, Catholic Social Services and Habitat for Humanity of Charlotte to stand at this time.

We are not here to ask you for money tonight, but we ask you to contact your Congressional Representatives and Senators in Washington to let them know the tremendous contribution the Corporation for National Community Service makes here in Charlotte. Thank you for the proclamation and thank you for your time this evening.

**Recognize Boy Scout Troup #3**

Mayor Foxx recognized Boy Scout Troup #3, led by Dane Parrott and said they were supposed to do the Pledge of Allegiance so we are going to do that again as they took a lot of time and trouble to get here.

**Chris Canty Foundation and Keep Charlotte Beautiful Recognition**

Councilmember Mitchell read a proclamation recognizing the Chris Canty Foundation and Keep Charlotte Beautiful for their participation during the History West End Clean-up for Change event.

Unidentified Speaker said thank you for supporting this initiative. The Chris Canty Foundation recognizes that something as simple as picking up trash and clean up the neighborhood can really insight change, not only in youth, but in those in the communities we serve day in and day out. On behalf of our Board members and our founder Chris Canty and the many youth and families that we serve throughout the country, thank you so much. We are very proud to be a part of this and join Keep Charlotte Beautiful in the City of Charlotte in this endeavor and keep growing this initiative.

**Winston Sharpe, Keep Charlotte Beautiful Committee** said I am Chair of the Great Charlotte Clean-up this year. The Keep Charlotte Beautiful Committee is proud to partner with the Chris Canty Foundation around the Historic West End Clean-up. It is our mission and the mission of the Committee to engage Charlotteans to take greater responsibility in improving their communities and environment and this event definitely works toward that mission. The Historic West End Clean-up for Change has taken place in alignment with Keep Charlotte Beautiful Great Charlotte Clean-up initiative where all neighborhoods, businesses and individuals are encouraged to take part in clean-ups during the month of April. You will see a lot of activity around Charlotte during the month of April. It is definitely an honor to be a part of this great initiative in keeping our City beautiful and safe.

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**CONSENT AGENDA**

Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and carried unanimously, to approve the Consent agenda as presented with the exception of Item No. 34-O which has a speaker, 34-N pulled by Staff, 34-H, 34-J and 34-K have been settled and are now on the agenda for approval as acquisitions.

The following items were approved:

**Item No. 23: Assets Forfeiture Appropriation**

Budget Ordinance No. 5075-X appropriating \$198,919 in assets forfeiture funds for a software contract, patrol division equipment, and a portion of the salary for a Program Manager for the eNOugh Domestic Violence Program Campaign.

The ordinance is recorded in full in Ordinance Book 58, at Page 137.

**Item No. 24: Police Janitorial Services**

(A) Contract with the Budd Group for janitorial services for a three-year term; and (B) Authorize the City Manager to approve up to two additional one-year renewal options as authorized by the contract and contingent upon the company's satisfactory performance.

**Item No. 25: Police Equipment**

Approve the purchase of license plate reader trailers, and upgrades to the camera system in the amount of \$307,550, using the 2010 and 2011 Urban Area Security Initiative Grants.

**Item No. 26: Security Guard Services**

(A) Approve the unit price contracts for security guard services for a three-year term with the following firms: SunStates Security (for the CMGC and Old City Hall; Total Protection Services Carolinas, LLC (For the Belmont Center and Eastland Mall; and (B) Authorize the City Manager to approve up to two additional, one-year renewals each up to the original contract amount.

**Item No. 27: Independence Boulevard Widening Traffic Signal Work**

Resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for performing all the traffic signal work associated with the widening of Independence Boulevard.

The resolution is recorded in full in Resolution Book 44, at Page 245.

**Item No. 28: Community House Road Farm-to-Market Project Phase II**

Approve a design contract for \$198,580 with DRMP, Inc. for engineering services for the Community House Road Farm-to-Market Phase II project.

**Item No. 29: Street Resurfacing FY2013-A and FY2013-B Contracts**

(A) Award the low-bid contract of \$3,577,820.40 to Blythe Construction, Inc. for resurfacing FY2013-A; (B) Award the low-bid contract of \$3,493,400.25 to Ferebee Corporation for Resurfacing FY2013-B; and (C) Authorize the City Manager to approve up to two renewals each not to exceed the original contract amount.

**Summary of Bids for A**

Blythe Construction, Inc.	\$3,577,820.40
Blythe Brothers Asphalt Co.	\$3,783,695.00
Ferebee Corporation	\$3,795,509.80
The Lane Construction Corporation	\$4,162,839.00

**Summary of Bids for B**

Ferebee Corporation	\$3,493,400.15
Blythe Construction, Inc.	\$3,733,416.96
Blythe Brothers Asphalt Co.	\$3,794,764.47
The Lane Construction Corporation	\$3,824,761.69

**Item No. 30: Utility Management System Upgrade Contract**

Approve the professional services contracts with Ventyx in an amount up to \$987,342 to upgrade the Utility Management System.

**Item No 31: Refund of Business Privilege License Tax**

Resolution authorizing the refund of business privilege license payments made in the amount of \$476.77.

The resolution is recorded in full in Resolution Book 44, at Page 246-247.

**Item No. 32: Resolution of Intent to Abandon Mooney Avenue**

(A) Resolution of Intent to abandon Mooney Avenue; and (B) Set a public hearing for May 13, 2013.

The resolution is recorded in full in Resolution Book 44, at Page 248.

**Item No. 33: In Rem Remedy**

**Item No. 33-A: 2938 Nance Cove Road**

Ordinance No. 5076-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2938 Nance Cove Road (Neighborhood Profile Area 109).

The ordinance is recorded in full in Ordinance Book 58, at Page 138.

**Item No. 33-B: 524 Rutland Drive**

Ordinance No. 5077-X authorizing the use of In Rem Remedy to demolish and remove the structure at 524 Rutland Drive (Neighborhood Profile Area 121).

The ordinance is recorded in full in Ordinance Book 58, at Page 139.

**Item No. 33-C: 1728 Hawthorne Lane**

Ordinance No. 5078-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1728 Hawthorne Lane (Neighborhood Profile Area 378).

The ordinance is recorded in full in Ordinance book 58, at Page 140.

**Item No. 34: Property Transactions**

**Item No. 34-A: 3911 Beatties Ford Road**

Acquisition of 252,239 square feet in Fee Simple, plus 101,029 square feet in Fee Simple within Existing Right-of-Way, plus 145,132 square feet in Storm Drainage Easement plus 150,019 square feet in Temporary Construction Easement plus 25,676 square feet in Utility Easement at 3911 Beatties Ford Road from Martin Marietta Materials, Inc. for \$502,300 for Beatties Ford Road Widening Phase 4, Parcel #2, #7, #25 and #39.

**Item No. 34-B: 4115 Blenheim Road**

Acquisition of 10,926 square feet in Fee Simple, Total Take at 4115 Blenheim Road from Judith Hyslop Holland for \$58,850 for Blenheim Storm Drainage Improvements Project, Parcel #6.

**Item No. 34-C: 204 East Peterson Drive**

Acquisition of 3,656 square feet in Storm Drainage Easement, plus 12,458 square feet in Temporary Construction Easement at 204 East Peterson Drive from Billy Winslow Hefner and wife, Linda K. Hefner for \$25,575 for Peterson Drive Storm Drainage Improvement, Parcel #9.

**Item No. 34-D: 301 Eastway Drive**

Resolution of condemnation of 5,199 square feet in Fee Simple, plus 5,450 square feet in Access Easement and Utility Easement, plus 18,766 square feet in Temporary Construction Easement, plus 4,621 square feet in Access Easement, Utility Easement and Storm Drainage Easement at 301 Eastway Drive from Da Dai Mai and Kim P. Mai and any other parties of interest for \$54,425 for Blue Line Extension, Parcel #1339.

The resolution is recorded in full in Resolution Book 44, at page 249.

**Item No. 34-E: 251 Eastway Drive**

Resolution of condemnation of 361 square feet in Storm Drainage Easement, plus 10,358 square feet in Access Easement and Utility Easement, plus 6,472 square feet in Temporary Construction Easement, plus 87 square feet in Access Easement, Utility Easement and Storm Drainage Easement at 251 Eastway Drive from First Industrial B & L, and any other parties of interest for \$33,100 for Blue Line Extension, Parcel #1341.

The resolution is recorded in full in Resolution Book 44, at Page 250.

**Item No. 34-F: 7601 north Tryon Street**

Resolution of condemnation of 535 square feet in Fee Simple, plus 1,379 square feet in Temporary Construction Easement, plus 2,943 square feet in Utility Easement at 7601 North Tryon Street from DDR Belgate, LP and any other parties of interest for \$5,925 for Blue Line Extension, Parcel #3108.

The resolution is recorded in full in Resolution Book 44, at Page 251.

**Item No. 34-G: MacFarlane Boulevard**

Resolution of condemnation of 13,604 square feet in Fee Simple, plus 5,498 square feet in Temporary construction Easement at MacFarlane Boulevard from DDR Belgate, LP and any other parties of interest for \$21,350 for Blue Line extension, Parcel #3130.

The resolution is recorded in full in Resolution Book 44, at Page 252.

**Item No. 34-H: 8419 North Tryon Street**

Acquisition of 9,012 square feet in Fee Simple, plus 205 square feet in Access Easement and Utility Easement, plus 1,708 square feet in Temporary Construction Easement, plus 2,812 square feet in Utility Easement, plus 275 square feet in Combined Utility and Waterline Easement at 8419 North Tryon Street from WS HIUP, LLC and any other parties of interest for \$463,125 for Blue Line Extension, Parcel #3181.

**Item No. 34-I: 8551 North Tryon Street**

Resolution of condemnation of 5,135 square feet in Fee Simple, plus 423 square feet in Access Easement and Utility Easement, plus 744 square feet in Temporary Construction Easement, plus 2,972 square feet in Utility Easement at 8551 North Tryon Street from University Bank Properties Limited Partnership and any other parties of interest for \$570,425 for Blue Line Extension, Parcel #3199.

The resolution is recorded in full in Resolution book 44, at Page 253

**Item No. 34-J: 8800 J. M. Keynes Drive**

Acquisition of 7,434 square feet in Fee Simple, plus 80 square feet in Waterline Easement, plus 6,004 square feet in Temporary Construction Easement at 8800 J. M. Keynes Drive from Wells Fargo Bank, NA and any other parties of Interest for \$188,500 for Blue Line Extension, Parcel #3205.

**Item No. 34-K: J. M. Keynes Drive**

Acquisition of 3,916 square feet in Fee Simple, plus 2,251 square feet in Temporary Construction Easement at J. M. Keynes Drive from Wells Fargo Bank, NA and any other parties of interest for \$27,750 for Blue Line Extension, Parcel #3207.

**Item 34-L: 8900 J. M. Keynes Drive**

Resolution of condemnation of 12,329 square feet in Fee Simple, plus 3,222 square feet in Temporary Construction Easement at 8900 J. M. Keynes Drive from McDonald's Corporation and any other parties of interest for \$271,325 for Blue Line Extension, Parcel #3209.

The resolution is recorded in full in Resolution Book 44, at Page 254.

**Item No. 34-M: 9311 J. W. Clay Boulevard**

Resolution of condemnation of 11,560 square feet in Temporary Construction Easement at 9311 J. W. Clay Boulevard from Dagger Properties, LLC and any other parties of interest for \$48,050 for Blue Line Extension, Parcel #3224.

The resolution is recorded in full in Resolution Book 44, at Page 255.

**Item No. 35: Meeting Minutes**

Approve the titles, motions, and vote reflected in the Clerk's record as the minutes of: October 8, 2012 Business Meeting; October 10, 2012 Special Meeting for Affordable Housing; October 15, 2012 Zoning Meeting; November 12, 2012 Combined Zoning and Business Meeting and November 26, 2012 Business Meeting.

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**ITEM NO. 34-O: 3840 BEATTIES FORD ROAD**

**Paul Holmes, 3840 Beatties Ford Road** said if you remember I spoke to you two weeks ago and there was a packet of information and I only have one sheet now. I wish this could go up on the screen but the property acquisition part has been verbally resolved between me and Property Management so that park is done. The rest involves the median on Beatties Ford Road that is proposed. This median negatively impacts two businesses, mine and King Funeral Home and they are also here. I may be speaking but the residents that are directly involved who live in this  
mpl

800 foot segment are negatively impacted. If you will look on your map you can see the width of the Beatties Ford Widening Project. You see what is circled in red, that is all we are speaking of, 800 feet that we do not want a median to negatively impact either direction. That is all we are asking for, less than a mile. Remember our school days, 5,280 feet is a mile. This is just 800 feet and we do not want a median from Caps Hill Mine Road to Slater Road. The rest can be medians all the way down. That is our requests. King Funeral Home is negatively impacted as well. They want to make their comments. The residents on short notice couldn't be here but I have a flyer that I have been giving out to friends, relatives, people who pass through. Our citizens can't understand why you want to put the median, the statistical part regarding traffic isn't applicable. 800 feet is not going to so skew accidents statistics on Beatties Ford Road that just have to have a median to keep people pinned in, either direction, East Boulevard, 24 months ago, you have a painted median, just 24 months ago. Now you can't do that because of traffic on East Boulevard is different than Beatties Ford Road. It is but there is a lot of traffic both ways. We are asking you to ask the Engineering Department our request, redesign so the people aren't negatively impacted. Would you consider that for not only the residents and two businesses but the regular vehicular traffic that goes right past us into the other businesses, Angie's Diner, Reeder Memorial Church, and the Medical facility.

Mayor Foxx said as I understand it you are happy with the property transaction.

Mr. Holmes said that is verbally resolved and that is done and that is for me. The median part is not.

Motion was made by Councilmember Mitchell seconded by Councilmember Howard, and carried unanimously, to adopt the resolution of condemnation of 1,531 square feet in Fee Simple, plus 644 square feet in Storm Drainage Easement, plus 3,744 square feet in Temporary Construction Easement, plus 691 square feet in Utility Easement at 3840 Beatties Ford Road from Paul O. Holmes and wife, Anita C. Holmes and any other parties of interest for \$5,525 for Beatties Ford Road Widening Phase 3, Parcel #1.

Councilmember Mitchell said I want to thank Mr. Holmes for actually coming down and articulating very well in a professional manner and he has been passionate about this for several months and rightfully so. I think we are just kind of in a quandary because there is an Academy right across from McCrory YMCA that has had a median for 40 + years so it is almost a matter of driving patterns and driving behavior. What is key to me and some of the Councilmembers will be the impact on the Funeral Home. I want to be very sensitive that that Funeral Home has been very successful for a long period of time and to make sure that they can continue to have business because I think the worst thing you can do during a tough time of losing someone, then you an impact by traffic and we would definitely get the calls. Mr. Green can you share with me the changes we made to the Funeral Home and I think one of the owners is here and I would like to hear your comments because we've got to make sure we are not impacting your establishment.

**Tim Green, Engineering and Property Management** said what Councilmember Mitchell is referring to, we did make accommodations for the Funeral Home. Originally we did have a median proposed for that section, but after continuing discussions with the Funeral Home, understanding more about how their business operates with the funeral processions egressing and ingressing the Funeral Home we did provide a median cut for that business. It is a little different from what we are used to doing, but we are making that accommodation.

Councilmember Dulin said Mr. Green how does that go with what Mr. Holmes is interested in. Two weeks ago when he was here he was very concerned about the Funeral Home not having to make a U-turn, but I'm not sure that helps Mr. Holmes.

Mr. Green said no it does not. I have a visual presentation if you want to take a look at it. It is about 3 slides long.

Mr. Dulin said I would like to see that.

Mr. Green said this picture shows the full view Mr. Holmes' property. He has a circular driveway in front. This is a photo of Prosperity Church Road and is very similar to the design we are proposing for Beatties Ford Road. It has the planted median, bicycle lanes, a planted strip between the sidewalk and the curb and then the sidewalk itself. The next slide is a little bit larger view of Mr. Holmes' property. To the north is Capps Hill Mine Road, to the upper left corner is the YMCA and what he will have to do is ingress either one of the two entrances of his driveway. He can make a U-turn at Capps Hill Mine Road or he can go further north to Slater and make a U-turn. This is the circular driveway, the impacts to his property is a little U-turn bubble that drivers will have to make a left turn here and make a U-turn to go north. This is the median he is referring to here and this is the sidewalk that is in front of his home.

Mr. Mitchell said Mr. Green show us King Funeral Home.

Mr. Green said it is just off the sheet, but is just about where the laser pointer is here, just to the north. The green is showing the planted median and then we are showing a median opening right in front of the King Funeral Home, just off the slide.

Councilmember Cannon said there is not a planted median that is in front of his property correct?

Mr. Green said there is an opening here right in front of Capps Hill Mine Road. This intersection is configured for the future signal to be installed. It is not warranted for a signal at this time with the project, but we do believe at some time in the future there will be a signal installed at this intersection.

Mr. Cannon said and there has to be a median there?

Mr. Green said we are designing this under our complete street to provide pedestrian access across the street, pedestrian refuse. There are a number of bus stops in that area that we are proposing with the project.

Mr. Cannon said so it is public safety issue?

Mr. Green said yes sir.

Councilmember Howard said the idea of aligning that second driveway up so it is not necessarily circular with that intersection, was that something you were interested in?

Mr. Holmes said no my business is a different volume of traffic and coming out, I work for small, medium and large companies and it is attractive for my clients to be able to exit from either direction as well. We are talking about only 800 feet and if you don't have a median, and that is a long way but 800 feet of concrete, labor, a month to install, etc. if you just have the painted median because just to the left is painted median.

Mr. Howard said well kind of not because if you are going to get a pedestrian across the street on that side you have to put at least a refuse in and if you put a refuse there you are still forcing a U-turn at that piece. What I'm saying is the second part of your driveway should be in line with Capps Hill Mine so it is just straight across. All those homes on East Boulevard have to do the U-turn if they don't fall where the intersection is.

Councilmember Pickering said along Beatties Ford Road the median alternates now. Some have a concrete median as we are discussing and some areas have what we call the painted median. What would be the problem as you see it with alternating one more time this last 800 feet to be a painted median?

Mr. Green said we are under different design standards now than when we built Beatties Ford Road in 1993. It is more commercialized. Probably if we were designing that piece of road today it would have a fuller median in that area because this is a major thoroughfare, 25,000 vehicles per day is our traffic count for 2020 and this is more of a complete street design that we are looking for. We would anticipate that sometime in the future more development would occur in the northern part and this is the safer alternative.

Mayor Foxx said there is no action on our agenda on this item but the concern has been noted and I think our staff is going to try to work on some kind of accommodation. It may not be everything you want Mr. Holmes but it will be better than what was on the books initially.

The resolution is recorded in full in Resolution Book 44, at Page 256.

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**ITEM NO. 11: PUBLIC COMMENT ON BLUE LINE EXTENSION STATION AREA PLANS**

Councilmember Howard said I would like to thank the Transportation Committee for their hard work on this. This is another important piece of moving the Blue Line Extension forward. The Committee is Councilmembers Barnes, Cooksey, Ms. Kinsey and Mr. Autry. This plan of course like every other area plan we've dealt with deals with land use, transportation and community design. This is about what actually happens around each one of the stations. Staff has actually had quite a bit of community input and tonight we are looking for public hearing so we can get final input before we bring it back to Council for approval.

**Kathy Cornett, Senior Planning Coordinator, Charlotte Mecklenburg Planning Department** said Alysia Osborne and I are co-project managers for the station area plans and the purpose of tonight's meeting is to introduce the Station Area Plans and to receive public comment on them.

Tonight's presentation will cover these general areas; Plan Purpose and Overview will describe the plan development process; will highlight or summarize the draft policies and recommendations; we will discuss how the plan is implemented and then discuss next steps. While we are here to discuss the stationary planning around the future transit stations I would like to give you a brief update on the BLE project itself. The project stretches 9.3 miles from 9<sup>th</sup> Street to the UNC-Charlotte Campus. It is expected to begin service in 2017. It will serve about 25,000 additional daily riders and will include improvements to North Tryon Street. The project has had several major achievements over the past year. The FTA issued a record of decision in 2011 then approved entry into final design this past July, and the full funding grant agreement was signed in October. The development of the plans has been a collaborative effort between Planning, CATS, C-DOT, Engineering and many other departments.

The starting point for any of our planning initiatives, centers, corridors and wedge growth framework, Charlotte's broad base framework for growth. It has been used in some form since 1994 for the basis for development of more detail plans and policies and it illustrates a generalized land development pattern for Charlotte by categorizing land into one of three categories, activity centers, growth corridors and wedges. The Northeast Corridor is a growth corridor and we are discussing transit station areas within it. We also identify established neighborhoods areas within the corridor. A lot of groundwork has been done toward station area planning for the BLE over the past several years. To begin with Charlotte adopted Transit Station Area Principles in 2001 and they are our starting point in the process. They make general recommendations for the type of land use design and transportation facilities that are desired within a ½ mile walking distance to transit stations. We also use adopted land use plans such as Belmont, Optimist Park, The NoDa Vision Plan that was developed by the NoDa Community. We also completed a market study to examine the development potential around each transit station area.

What is the purpose of a Station Area Plan? There are policy guides that provide a framework for future growth and development. They provide detailed land use, community design and transportation recommendations for each station area. They identify public and private investments and strategies that are needed to realize the plan vision. They represent a shared vision for the future and look at projected population and employment growth within the station area boundaries.



There are 11 stations along the Blue Line Extension total and in this process we are discussing Parkwood, 25<sup>th</sup>, 36<sup>th</sup>, Sugar Creek, Tom Hunter and Old Concord Road which are the first six stations and they are shown in red on the linear graphic. The University stations which are shown in gray have station area plans that were adopted as part of the 2007 University City Area Plan. Since 2007 some of the stations have shifted so we will undertake plan amendments to reflect those changes once we've completed this process.

Taking a closer look the red line shows the station area boundaries that we are discussing as part of this planning process. Generally the boundaries include properties within a ½ mile walk distance of the transit stations. Some include properties that are zoned single family but I want to stress that typically established neighborhoods are identified for protection, preservation and enhancement. Some of the existing neighborhoods along the line are Belmont, Optimist Park, Villa Heights, NoDa and Howie Acres. With this effort we've incorporated some of the lessons learned from previous station area planning efforts, for example we've provided illustrated initial concepts at each of the meetings for the public to react to and also to be more efficient and provide an easier way for the public to provide comments. We used a series of interactive workshops that gave participants hands on opportunities to discuss concepts, height, scale, massing infrastructure and also that provide multiple ways for folks to comment, written comments, drawing on maps, piecing blocks, talking with staff and those types of things. We also used an electronic sign in process again to provide efficiency where participants could sign in ahead of time and could use their mobile devices and we also had computers at the meetings where folks could sign in. That data automatically fed into a data base and then we were able to use that to keep in touch with folks that had participate throughout the project. We introduced the Northeast Corridor Infrastructure Program or NECI which is similar to the SKIP Program that was used in the South Corridor and it identifies a wide range of infrastructure projects like sidewalks, bicycle facilities, storm water improvements and others that improve accessibility to the stations and also promote economic development. With the South Corridor the Station Area Plans and SKIP are really two different processes and that was really because of their timing. Finally we included a QR code on our mailers so that people who chose to could use their mobile phones to automatically link to the project site.

As I mentioned we held a series of workshops in October and November. There were three workshops, they built upon each other and got into more and more detail for each station area. After that series of workshops staff prepared recommendations and presented those at a final public meeting on January 31<sup>st</sup>. Then that meeting kicked off this review and kind of review and comments process for the document. We are now in the midst of the review and adoption process. Staff received public comments that addressed a variety of issues including land use, transportation and public facilities in each of the station areas. The comments shown on this slide reflect some of the kind of general comments that were heard and also station's specific feedback that we heard throughout the process. Recommendations were developed from an analysis of not only existing conditions, the transit station area principles that I mentioned, and we also incorporated comments from the public and we will continue to receive comments throughout this process.

The draft policies and recommendations were based on our existing policies, existing conditions and also the projected growth and community input. General highlights of the recommendations include transit supported uses being proposed closest to the stations with existing neighborhood recommended for protection to maintain their character. Also neighborhood retail, parks and institutional uses are identified to complement existing development patterns. On-street parking is addressed in the transportation section and identified on the streetscape cross sections and much of this will happen as development occurs. Pedestrian access is addressed in both the land use and transportation sections. Also the Little Sugar Creek Greenway and portions of the Cross Charlotte Trail are identified and also we have identified improvements to the sidewalk network.

The Plan itself has two volumes, a Concept Plan and the Implementation Plan. The Concept Plan is the policy guide for future decision making and that is the piece that is adopted by Council. The Implementation Guide is not adopted by Council, but is used more by staff to insure that public and private development achieves the plan vision. The Concept Plan has four main parts, the Station Development Concept which is the big picture, broad concept approach to development for each of the areas. The Development Plan which provides land use design,

transportation infrastructure and environment policies. The Structure Plan which focuses on building types and design and the Mobility Plan which includes capital projects like new road connections, enhancements and improvements and bike and pedestrian accommodations. Each of the four maps were developed for all six of the transit station areas and they also address the various development concerns that we've heard and also policy recommendations.

This is an example showing the format of the recommendations for each the station areas, the map and chart and yellow boxes address recommended land use, building types, heights and heights within the station areas. The map outlined in light blue focuses on land use and corresponds to development policies for each of the station. The cross section in the red box addresses transportation improvements along streets and avenues throughout the study area. Many of the recommendations are long-term and many of them also allow out for built out scenario so this example that we are looking at is for the 36<sup>th</sup> Street Station. For example if 50% of the 134 acres that are recommended for TOD development were to develop with TOD residential type development it would yield 1,000 of the 1,700 residential units that are projected for the station by 2035.

How will the plan be implemented? There are several ways that area plan recommendations are implemented. One is through the rezoning process as development occurs. Another is through public/private partnerships and joint development opportunities. Another is through the NECI Program which I mentioned earlier. Again that identifies a wide range of infrastructure projects like sidewalks, bike facilities, storm water improvements, and others with a goal of improving accessibility to the station and also promoting economic development. These plans are long-term visions for the station area. For some stations transit oriented development could be more of a short-term goal so within the next 5 to 10 years, but for others it is really more of a long-term goal within the then 15 or may even 20 years.

Various ways to provide comment on the plan document. I mentioned earlier there is a variety of ways to provide comment. We had comment forms available at our public meetings and we had staff available and we had a variety of ways for those who attended to provide input. There is also an on-line comment form on our project web page and we have a dedicated e-mail address for comments as well that is shown on the screen. We've received comments, not only from the public but from Planning Committee and Council Committee too. We are addressing these comments by coordinating with other departments for specific issues, making changes to the maps to provide more clarity and also considering the need for additional regulatory tools to implement the TOD vision. Any changes that are made to the document will be made once the document is adopted to avoid confusion between the draft and various versions of it.

This is what the review and adoption process looks like, so tonight Council is receiving public comment and then staff plans to return to the Planning Committee and Council Committee later this month.

**Jay Privette, 11106 Knight Castle Drive** said assuming the Blue Line Extension is built on budget for \$1.16 billion and it carries 25,000 passengers per day it will take more than 127 years for fares to pay for its initial construction costs and that assumes zero percent interest. Rails have to be replaced every 25 to 30 so the construction costs will continue to compound over time. Fares only existing Blue Line only pay for roughly 20% of its operating and maintenance costs so money collected from fares vanishes before a penny can be spent on construction. Several reputable sources, including a senior fellow from Cato Institute concur that the current Blue Line requires slightly over \$20 more per rider in subsidies. That is in addition to the figure. That compares to less than \$3 per rider in subsidies for Charlotte buses. Consider the Blue Line Extension is projected to cost twice that of the original Blue Line. It is realistic as a cost per rider figure for the extension will soar well above the \$20 per rider figure and could easily reach \$70 per rider when normal costs overruns and reasonable ridership figures are factored in. That is a nice dinner for two, with wine, taken from the pockets of taxpayers or consumers every time a passenger boards the light rail. Is there any doubt why there is concern about how the Blue Line Extension will negatively impact our economy? I have been told by several members of this Council that the light rail is about improving land use. According to a document recently given to me by an advisor to a regional transportation board, property tax receipts along the existing Blue Line are projected to increase by \$10 million from 2005 to 2015. Now \$10 million

per year profit from a \$561 million investment some 10 years later is horrible. It is less than a 2% return on the original investment. Add to that the operating and maintenance costs of over \$25 million per year and the fact that only about 13% of the new growth along the existing Blue Line is a direct result of the light rail. The rest of the development would have taken place even without the light rail. Since Charlotte's Blue Line can't be described as anything other than a financial disaster for the taxpayers, with the only people that benefit being a select few contractors and developers. Aren't there more pressing needs for our taxes other than building a very expensive light rail for a corridor when much less expensive buses are currently doing the job very well?

**John Moore, 1571 Queens Road** said I support good public transportation, but I did find it necessary to come here this evening to share some information with you and this has to do with the station at Tom Hunter Road and Old Concord Road. As you are aware as you come out and go north at Concord Road the rail jumps over to North Tryon Street. Earlier the gentlemen talked about access so between Tom Hunter and Old Concord Road there are a number of small businesses there where access will be cut off. The reason I know about this we happen to have a piece of property there in the 5900 block. We have seven small businesses and then we have a convenience store that has operated there successfully for 38 years. Once this access is cut off the convenience store will go away and we are of the opinion that the other seven small businesses probably will go away as well. In this particular area you have to go 1,300 feet north to the North Arrowhead Road and then you have to go another approximately 600 feet south to Orr Road to make a turn so anytime someone leaves this location to go to lunch or do anything they will travel approximately a mile at least. My request would be for you to take another look at all these small businesses. We do not want another East Independence Boulevard. I would hope that you would take a look and these properties that are going to be stressed, that you buy these properties, not overpay, but buy these properties. I know at the moment that you only have to take what you need, but I do think that this should not be built on the tax of these small businesses. In our situation, they are going to take a little bit of a right-of-way for a guy wire, but they are also going to do away with parking, they are going to restrict our driveway and so far they have offered us, they have got to be on our property to tie it in, and we've gone through this before on The Plaza, Albemarle Road where our tenants will deal with 3 years of construction, mud and so far they have offered us \$3,000.

**Kent Moore, 819 Colville Road** said one of my first memories was riding down East Independence Boulevard with my father and he showed me the K-Mart Store. That was the commercial address at the time and he said son, that right there is the number one grossing K-Mart in sales in the country. There is a funny argument going on between government and business right now and I'm here to tell you that I support government. Businesses come and go but government lays the things that you cannot put a price on. My schools, I don't want to have to be paying for my school. The Fire Department – there are so many things that government does best. I'm an entrepreneur, I'm out there with our shingle out trying to match wits with everybody every day, but I'm not asking anyone for a parking deck, I'm not asking anyone for special consideration when we develop our office buildings. I'm grateful to pay my taxes. I'm grateful to live in Charlotte, North Carolina and I know this, as a small business person, you are dog gone right I'm paying a living wage. I'm making maybe twice what my employees make. Big business they will come to town and they will tax the heck out of us. Money is a little tight right isn't it folks? Yeah we spent a little money on Chiquita Banana and on ball stadium and all this and I'm having a little trouble competing with some of these people. I'm still very, very fortunate. I don't have any ax to grind with anybody and I love my city, but one thing I will mention. Traffic - you can live with, blight you cannot live with. Traffic – moderate you can live with, blight and vacancy you cannot live with. This is already a stressed area somewhat. We built that building in 1974 and it has had 100% occupancy in that convenience store. When a lot of our corporate tenants, after this financial issue in 2008, there are 7 little warehouse, office flex units behind that convenience store and right now they are 100% leased. Be careful as this is a high profile little strip right in there. It is a gateway from the University, the academic to the vibrant business uptown. Be careful, if you shut this off it will be vacancy, blight and graffiti.

**Joe Padilla 1201 Greenwood Cliff** said I am the Executive Director of the Real Estate and Building Industry Coalition and I'm here tonight to speak in favor of the Transit Station Area Plans and to comment your Planning staff for spearheading what is a critically important effort

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for Charlotte. The Blue Line Extension is arguably the most important infrastructure investment our city will make in the next decade. It presents a rare opportunity to concentrate high density and mixed use development along a mobility corridor that can serve as an economic catalyst for the neighborhoods around it. Now the key to insuring this corridors success is to allow for both maximum flexibility and density, particularly within a 1 mile radius of each transit station. Your TOD zoning category offers both of those elements and we are pleased that these plans encourage its use as often as possible. If we could offer two suggestions, the first would be to keep an open mind to even greater density in these station areas under the current plan a handful of neighborhoods directly adjacent to the planned stations are shown as remaining low density single family. In long-term this could prove to be a lost opportunity to maximize the growth potential of that corridor. The other thing we would encourage you to do is to take another look at the city's building height ordinance to allow for greater height along the Blue Line Extension and particularly right around those future transit stations. As other cities around the world are discovering, density around transit corridors represents one of the keys to healthy, sustainable urban growth. The transit funding becoming increasingly constrained it will be critical for our city to maximize the value of every corridor we have. The Blue Line Extension is an important part of Charlotte's future and we support these Station Area Plans as a good first step in outline what that future should look like.

Mayor Foxx said there were some comments about one stretch, North Tryon and Old Concord and Tryon and Tom Hunter Road and I'd really like to ask staff what has been done in terms of mitigation there or what can be done in terms of mitigation. Not necessarily asking for a response tonight but maybe something in writing to come back to us on what can be done about the problems that have been identified there.

Motion was made by Councilmember Howard, seconded by Councilmember Cannon and carried unanimously, to close the public hearing.
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#### **ITEM NO. 12: CITY MANAGER'S REPORT**

City Manager, Ron Carlee said Mr. Mayor I just want to thank everybody for all of the great welcoming I got last week. I did come back for a second week and very happy to do so. I had a highly enjoyable first week and people have been very patient, understanding and accommodating and I have found that working here in Charlotte has been all and even more than I expected. I am on a learning curve, trying to understand exactly things are done in Charlotte, although much of it is very familiar to me and getting out as much as I can. Last night I had the opportunity to see Charlotte Fire Department in action up in Lincoln County and not only did I get to see the performance of our Fire Department but also inter-jurisdictional corporation of what was an East Lincoln incident. I do want to send my condolences to Lincoln County and the family of the two children that were tragically lost yesterday. I think there were about six different departments responding and those people did everything they could for those children. What I saw was a high level of professionalism, good inter-jurisdictional, inter-agency work and pretty much everything that I'm seeing over the past week reinforces a very high degree of competence, professionalism and commitment to public service and I'm very proud to be here with you.

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#### **ITEM NO. 13: SMALL BUSINESS OPPORTUNITY POLICY REVISIONS**

Councilmember Mitchell said I would like to thank my Committee members, Vice Chair Councilmember Cannon, and Councilmembers LaWana Mayfield, Warren Cooksey and David Howard and staff for all their hard work in working on this program for what seems like a long time. For the Small Business community out there we think we have an outstanding program that will look at some of the disparity study that we found in 2011.

Motion was made by Councilmember Mitchell seconded by Councilmember Cannon to adopt the resolution approving the Charlotte Business Inclusion Program, which adds race and gender-conscious measures to the Small Business Opportunity Program to remedy the effects of marketplace discrimination documented in the 2011 Disparity Study.

Councilmember Howard said one of the things we read recently about this whole issue at the Airport is a little bit about this issue. I just want to address that for the record, even if nobody in Raleigh is listening. It was said that we originally got a report and then we went back and got a second opinion that this is the reason why we won't do the same thing with the Airport study. I just want it to be clear. What we did was we got an original study that said there was some disparity and then we came back and said in those areas where we have disparities, even though the first consultant said it is something you can live, we said as a city we didn't want to live with those disparities and we wanted to deal with them in the areas where we had them. We came back with another study and a program that will address those specific areas, almost laser focused, so just to be clear what we did, to the public, we didn't get one opinion, didn't like it and then go back out. We built on the first opinion and made it a better program.

Councilmember Cooksey said I disagree slightly with that rendition of history because I remember well MGT's presentation to Council on its report led by saying the bad news is there is good news and proceeded to explain to us how in MGT's analysis of the data they collected was insufficient to justify a race gender conscious set aside program in our contracting. They furthermore cited Charlotte's race neutral Small Business Enterprise Program as a nationwide model that they themselves presented to other cities to demonstrate that a race neutral program can be used in accordance with judicial guidelines to insure that contracting is done fairly. This Council didn't like that response and found another consultant that looked at the same data and came to a different conclusion. I don't begrudge the consultant's their differences, this is from what I've been able to pick up as layman a very tricky aspect of law to try figure out what exactly justifies set aside programs and what does not. That said, I think that the trend should be that when there is ambiguity you stick with the equal protection clauses in the constitution and say stay race neutral the way we had it and as a result because the very well respected consultant the first go round said we didn't quite match their experience in court of data to have a set aside program because I'm thus not convinced that a set aside program would be sustainable in court no matter how good our City Attorney's efforts are going to be to defend it if we are sued. I'm going to stick with the 14<sup>th</sup> Amendment, the first consultant and vote no on this proposal.

Councilmember Barnes said I wanted to ask a question that I have asked the Chair about one of the cost components of the program, but I feel compelled to respond to something I just heard from my good friend from District 7. I think Mr. Cooksey if we call it a set aside program and use other charged terms it defeats what we are doing. If you think about the fact that we are talking about a small piece of business for people who have historically not had a chance to get any business from us, it is not as big of a situation as you might imagine. I'm not suggesting that your heart is in the wrong place, I'm just saying I don't believe the program is intended to direct 95% of the City's business to any one group of people. It will still be a small percentage of what we do that goes to people who have historically not had a chance to get that business and I might add the requirements for competency and experience won't be any less so you won't have projects being done by people who can't do the work. The competency levels and all other requirements will be the same and again it is essentially saying we are going to spend some of a small part of public's money on public projects with businesses that have not historically had a chance to do business with the City. Mr. Mitchell, I had asked about the cost component, it was a \$330,000 budget piece there that I asked you about in an e-mail because I was wondering whether we could get that work done within staff resources, in other words, if we were to direct C-DOT or EP&M to create the SBO commitment and see it through, would that not suffice and you were going to respond.

Mr. Mitchell said in the Committee discussion we did not even tackle that resource issue. We clearly said that needed to be part of an overall budget discussion. Therefore we didn't make a

recommendation and say let's put that in our April or May timeframe. And to your point, I think some of us had the same concerns too, what is the current staff level, what is the new job description that would fulfill and do the work of the new program. I look forward to having that discussion during the regular budget process.

Mr. Barnes said if I might add this in closing. To the extent that we have folks at the Airport or folks at C-DOT or any other department who are responsible for creating a particular percentage commitment and seeing that through, I'd love to know why we can't do the same thing without hiring more people and adding more people to the payrolls of the City in order to get that work done because I do plan to support it.

Mr. Mitchell said I think the staff presentation to us was \$330,000 would include four additional resources so we say let's just make that part of the overall budget discussion and that is not an ED action item for our committee.

Mr. Barnes said and it is not in this action tonight?

Mr. Mitchell said no, actually say we refer that part and have that discussion during the City Manager's recommendation budget, so we will refer that to the budget.

Mayor Foxx said I want to make sure my recollection of this is correct. When the MGT Study was done initially, my understanding is that the initial study showed that there were in the aggregate no disparities when you add all these different groups and mash them altogether there is no disparity, but when you peel them out within particular programs, there were disparity shown for specific groups. Is that correct?

**City Attorney, Bob Hagemann** said I'm going to take a shot at this and then I will look to Cindy White to correct me if I get it wrong. I believe there was disparity in a significant number of categories but legally that is something called statistical disparity. Under the law as it is developed and interpreted by the courts there must be a threshold of disparity in order to be justified in using race or gender means to remediate that disparity. At the end of the day Mayor, your recollection is correct. This program that is before you today is designed to only permit the use of race and/or gender in those sub-categories of contracting whether it is sufficient statistical disparity to legally justify the use of those means.

**Cindy White, City Attorney's Office** said that is correct and there was significant disparity in a number of categories just based on the numbers which were broken out in the original study. What you may be thinking of is the anecdotal evidence when it was segregated by race and ethnic groups. The level of discrimination became much more pronounced.

Mayor Foxx said so was there or was there not statistical disparities found with respect to particular?

Ms. White said there absolutely was.

Mayor Foxx said and the anecdotal evidence was additional added evidence and reinforced those same statistics. Is that correct?

Ms. White said the anecdotal evidence is what ties disparity to discrimination. In addition to disparity you need some evidence to show that that is actually caused by discrimination and anecdotal evidence is one of the ways that you show that.

Mayor Foxx said let me make sure my recollection is correct that when all of that was put together in the MGT report the bottom line was that they said you have some statistical disparities, you have some anecdotal evidence of disparities, but in the aggregate your program is actually working pretty well. Is that correct?

Ms. White said that is correct.

Mayor Foxx said so what the second study did was it looked at the places where there were statistical disparity shown in the MGT report, correct?

Ms. White said it did.

Mayor Foxx said and developed a response to the particular disparities that were shown in the MGT report and that is what we have tonight. We are not going beyond what the original study showed in terms of statistical disparities and anecdotal evidence, is that correct?

Ms. White said that is correct.

Mayor Foxx said we as a community have to always decide what we are for. Are we for the middle of the road, are we for everybody, and what has happened in this scenario is that this isn't about just historical discrimination, we have actual evidence of current discrimination in our contracting based on how the courts define it. Perhaps we could turn a blind eye to that and leave the program as it is, but what is being suggested here is trying to true up the program to make sure that we don't have this type of discrimination in our own contracting programs. I think this is important for the future of our City, but I want to get back to something Mr. Barnes said and I think it is a true. This is a small piece of what the City does and we are talking about contracts that go no higher than \$200,000 or \$250,000?

Mr. Hagemann said the program would apply to all contracts. A component of the change is to raise these informal threshold to \$500,000 but it does apply for contracts larger than that.

Mayor Foxx said what is going to happen here is we are going to try to correct it and I think there probably should be some point in the future where this gets looked at again to see if we've gotten correction, but I think if we weren't doing this we would be saying essentially, yes we found evidence of discrimination in pockets, but that is okay.

Councilmember Pickering said it just so happens that we have recited the Pledge of Allegiance twice tonight and at the end of the pledge it says "and justice for all". I would submit that is exactly what we are trying to do here so I will happy to support it.

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

YEAS: Councilmembers Autry, Barnes, Cannon, Howard, Kinsey, Mayfield, Mitchell and Pickering

NAYS: Councilmembers Cooksey and Dulin

The resolution is recorded in full in Resolution Book 44, at Page 238-242.

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#### **ITEM NO. 14: PEDICAB ORDINANCE**

Councilmember Cannon said we have an action item on the Pedicab Ordinance to approve the Community Safety Committee's recommendation to delete Section 14-254 and adopt Article III of Chapter 22 of the City Code, entitled Pedicabs and I do want to acknowledge members of the Public Safety Committee, Vice Chair Pickering, Members Barnes, Dulin and Fallon who is absent tonight due to illness.

Councilmember Barnes said I recall that when we first talked about this issue there was a lot of concerns expressed from the Mayor and from other Councilmembers about this ordinance. I talked to members of the Committee about having the item actually referred back to the Committee for further consideration and I wanted to do that tonight if we could in order to try to address some of the concerns or whatever recommendation the Committee might make back to the full Council.

Motion was made by Councilmember Barnes, seconded by Councilmember Howard to refer this matter back to the Public Safety Committee for further consideration.

Mr. Cannon said I will support that, but I will tell you that specifically when it goes back to Committee I think we want to look at the liability insurance requirement that was discussed in Committee. I would hope that we would weigh as a Committee whether we are over regulating in this area, largely in part because when we talk about the industry being represented it was really an industry of one, one person representing the industry. We later learned that there were several others who had come down and spoke before this body and they too have some input and that input was not a part of our process. We need to make sure that we are addressing all concerns across the board and the last thing is we need to make sure that we aren't trying to put something into play that could potentially run other entities, smaller companies out of business. That concerns me Mr. Mayor and I know it concerns you as well as the other members of this body so I hope those will be some things we take under advisement when we go back to Committee.

Mayor Foxx said this ordinance does smack of a little overkill and down to what kind of shirts people wear when they are running one of these businesses I just think is just going a little beyond the pale so I think it is wise to take a little more time with this. If you hadn't I was going to invite you to take more with it tonight anyway.

The vote was taken on the motion to refer this back to the Committee and was recorded as unanimous.

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#### **ITEM NO. 15: INCENTIVE GRANTS FOR OTTO ENVIRONMENTAL SYSTEMS**

Motion was made by Councilmember Howard, seconded by Councilmember Mitchell to (A) approve a contract between the North Carolina Department of Commerce and Otto Environmental Systems North Carolina for a \$48,000 One North Carolina Fund Grant from the State to Otto; (B) Budget Ordinance No. 5074-X appropriating \$48,000 from the One North Carolina Fund Grant to Otto; and (C) Approve the City's share of a Business Investment Grant to Otto in the total estimated amount of \$66,377 over three years (total City and Country grants estimated at \$186,707. The vote was recorded as follows:

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

NAYS: Councilmember Cooksey

The ordinance is recorded in full in Ordinance Book 58, at Page 136.

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#### **ITEM NO. 16: INCENTIVE GRANT FOR RACK ROOM SHOES**

Motion was made by Councilmember Mayfield, seconded by Councilmember Howard and carried unanimously, to recuse Councilmember Dulin from participating in Item No. 16.

Councilmember Barnes said this is in University Research Park and Rack Room will be consolidating their Off Broadway Shoes Subsidiary and Rack Room Shoes to their University Research Park location and building another building on their campus and adding at least 72 new full-time jobs that pay just under \$75,000 per year on average. This is a good thing for Charlotte and I appreciate the Mayor and Council for their efforts in making it happen. The same is true for the State and for the County of Mecklenburg. It is a good deal and I appreciate everybody's support.



Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey and carried unanimously, to approve the City's share of a Business Investment Grant to Rack Room Shoes in the total estimated amount of \$187,760 over three years (total City and County grants estimated at \$528,135).

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**ITEM NO. 17: CAROLINA THEATRE SITE SALE AND REDEVELOPMENT**

Motion was made by Councilmember Mitchell, seconded by Councilmember Howard, and carried unanimously, to adopt a resolution approving a Purchase and Sale Agreement with the Foundation for the Carolinas (FFTC) for the Carolina Theatre site through a private sale for \$1.00 contingent upon the preservation and renovation of the theatre.

The resolution is recorded in full in Resolution Book 44, at Page 243-244.

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**ITEM NO. 18: REGIONAL WASTEWATER TREATMENT PROJECT**

Motion was made by Councilmember Cooksey, seconded by Councilmember Autry, and carried unanimously, to approve a Nutrient Allocation Purchase Agreement with City of Belmont.

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**ITEM NO. 19: CONCLUSION OF CONSENT AGENDA**

Mayor Foxx said I believe we have already concluded everything.

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**ITEM NO. 20: NOMINATIONS TO BOARDS AND COMMISSIONS**

**Item 20-A1: Business Advisory Committee** – The following nominations were made for one appointment for an applicant recommended by the Charlotte Chamber of Commerce for a three-year term beginning April 29, 2013 and ending April 28, 2016:

G. Wesley Jones, nominated by Councilmember Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Motion was made by Councilmember Cooksey, seconded by Councilmember Kinsey and carried unanimously, to appoint the Chamber's recommendation, G. Wesley Jones.

**Item No. 20-A2: Business Advisory Committee** - The following nominations were made for two appointments for a three-year term beginning April 29, 2013 and ending April 28, 2016:

Matt Fowler, nominated by Councilmembers Autry  
Andrew Golomb, nominated by Councilmember Kinsey  
Saeed Moghadam, nominated by Councilmembers Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield and Pickering.  
Robert Cox, nominated by Councilmembers Dulin and Pickering

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Gregory Wiley, nominated by Councilmembers Barnes, Cannon and Cooksey  
Benjamin Smith, nominated by Councilmember Autry

**Item No. 20-B1: Charlotte International Cabinet** – The following nominations were made for two open seats for three year term beginning July 1, 2013:

Ronnie Devine, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell, and Pickering  
Yolanda Perry, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mitchell and Pickering

**Item No. 20-B2: Charlotte International Cabinet** - The following nominations were made for two appointments for business Representative for three year term beginning July 1, 2013:

Sean Gautam, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering  
Dale Gillmore, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering

**Item No. 20-B3: Charlotte International Cabinet** – The following nominations were made for two non-profit organizations reps for three year term beginning July 1, 2013:

Maryanne Dailey, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering.  
Candace Murray, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and carried unanimously, to appoint Ronnie Devine, Yolanda Perry, Sean Gautam, Dale Gilmore, Maryanne Dailey and Candace Murray by acclamation.
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**Item No. C1: Charlotte Mecklenburg Coalition for Housing** - The following nominations were made for one appointment for a real estate community representative for a three year term beginning July 1, 2013:

Cedric McCorkle, nominated by Councilmembers Autry, Barnes, Cannon, and Pickering.  
Joanne Mazzaferro, nominated by Councilmember Cooksey,  
Magay Shepard, nominated by Councilmembers Dulin and Kinsey,  
Valerie Lewis, nominated by Councilmember Howard, and Mitchell  
Brenda Hayden, nominated by Councilmember Mayfield

**Item No. 20-C2: Charlotte Mecklenburg Coalition for Housing** - The following nominations were made for a donor/philanthropic community representative for a three year term beginning July 1, 2013:

Melanie Sizemore, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering

Motion was made by Councilmember Cooksey, seconded by Councilmember Kinsey, and carried unanimously to appoint Melanie Sizemore by acclamation.
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**Item No. 20-D: Charlotte Mecklenburg Public Access Corporation** – The following nominations were made for three appointments for three year terms beginning July 1, 2013:

Cassandra Blaine, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.  
George Cochran, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Eric Rowell, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and carried unanimously, to appoint Cassandra Blaine, George Cockran and Eric Rowell by acclamation.

**Item No. 20-E1: Charlotte Regional Visitors Authority** – The following nominations were made for one appointment for a rental car industry representative for a three year term beginning July 1, 2013:

Lawrence Huelsman, nominated by Councilmember Autry, Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering.  
Geoff Durboraw, nominated by Councilmembers Barnes, Cannon

Motion was made by Councilmember Cooksey, seconded by Councilmember Mitchell, and carried unanimously, to appoint Lawrence Huelsman by acclamation although he is not in the rental car industry.

Mayor Foxx said you are going to have to get a rental car person on there sometime, it just won't be this time.

**Item No. 20-E2: Charlotte Regional Visitors Authority** - The following nominations were made for one appoint for a general travel representative for a three year term beginning July 1, 2013:

Deborah Edwards, nominated by Councilmembers Autry, Kinsey, Mayfield and Pickering  
Vinay Patel, nominated by Councilmembers Barnes, Cannon, Cooksey,  
John Collett, nominated by Councilmembers Dulin, Howard, Mitchell,

**Item No. 20-F: Citizens' Transit Advisory Group** – The following nominations were made for two appointments for two year terms beginning July 1, 2013:

Katherine Payerle, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield Mitchell and Pickering.  
Michael Zytkow, nominated by Councilmember Autry, Cannon,  
Frank Kretschmer II, nominated by Councilmember Barnes, Cooksey, Kinsey, Mayfield, and Pickering  
Lee Cochran, nominated by Councilmember Howard,

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously, to approve Katherine Payerle by acclamation.

**Item No. 20-G: Civil Service Board** – The following nominations were made for one appointment for a three year term beginning May 16, 2013:

Karen Burke, nominated by Councilmember Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.  
Wells Van Pelt, Jr., nominated by Councilmember Dulin.

Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes, and carried unanimously, to appoint Karen Burke by acclamation.

**Item No. –H: Community Relations Committee** – The following nominations were made for 15 appointments for three year terms beginning July 1, 2013:

Patricia Albritton, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, And Pickering  
Mark Friedland, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, and Pickering  
Brenda Hayden, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, and Pickering  
Melvin Lowery, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, and Pickering  
Tin Nguyen, nominated by Councilmember Autry, Mayfield, Mitchell, and Pickering  
Delores Reid-Smith, nominated by Councilmembers Autry and Barnes,  
Lisa Rudisell, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, and Pickering  
Madelyn Baer, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, and Pickering  
Sheena Cox, nominated by Councilmember Autry  
Glenn Thomas, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering  
Jessica Davis, nominated by Councilmember Autry  
Sharon Merritt, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, and Pickering  
April Morton, nominated by Councilmember Autry,  
Aaron Orr, Sr., nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, and Pickering  
Jacqlin Robinson, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, and Pickering  
Carrie Taylor, nominated by Councilmembers Barnes, Cannon, Howard and Kinsey,  
Cedric McCorkle, nominated by Councilmember Barnes  
Kathleen Odom, nominated by Councilmembers Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, and Pickering  
Michael Tanck, nominated by Councilmembers Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.  
Roderick Garvin, nominated by Councilmembers Cannon, Cooksey, Dulin and Howard,  
Jason Lackey, nominated by Councilmembers Cooksey, Dulin and Kinsey,  
Michael Zytkow, nominated by Councilmember Cooksey,  
Sabrina Jackson, nominated by Councilmember Howard,  
Thomas Sowers, nominated by Councilmember Kinsey,  
Lisa Berk, nominated by Councilmember Mayfield,  
Veronica Jones, nominated by Councilmember Mayfield,  
Azizi Coleman, nominated by Councilmember Mitchell  
Carmen Jones-Pickett, nominated by Councilmember Mitchell  
Vanessa Kenon-Hunt, nominated by Councilmember Pickering  
Vernon Sadler, nominated by Councilmember Pickering

Councilmember Barnes said on that particular item, and I actually want to go a couple also, but on that particular item where there are people who received at least 9 nominations.

**Deputy City Clerk, Ashleigh Price** said there were 10 incumbents who received 9 nominations.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously to appoint Patricia Albritton, Marc Friedman, Brenda Hayden, Melvin Lowery, Lisa Rudisill, Madelyn Baer, Glenn Thomas, Sharon Merritt, Aaron Orr, Sr. and Iacqlin Robinson by acclamation.

**Item No. 20-I1: Development Review Board** – The following nominations were made for one appointment for a real estate development industry representative for a three year term beginning July 1, 2013:

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

Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and carried unanimously to appoint Sheraine Spivey by acclamation.

**Item No. 20-I2: Development Review Board** – The following nominations were made for one appointment for a transportation or urban planner for a three year term beginning July 1, 2013:

Nicole Storey, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes, and carried unanimously, to appoint Nicole Storey by acclamation.

**Item No. 20-J1: Historic District Commission** - The following nominations were made for one appointment for an at large seat for a three year term beginning July 1, 2013:

Donald Duffy, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and carried unanimously, to appoint Donald Duffy by acclamation.

**Item No. 20-J2: Historic District Commission** – The following nominations were made for one appointment to a resident of Dilworth for a three year term beginning July 1, 2013:

Roger Dahnert, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously, to appoint Roger Dahnert by acclamation.

**Item No. 20-J3: Historic District Commission** – The following nominations were made for one appointment for a resident of Wesley Heights for a three year term beginning July 1, 2013:

Bradley Norvell, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously, to appoint Bradley Norvell by acclamation.

**Item No. 20-J4: Historic District Commission** - The following nominations were made for one appointment for a resident of Fourth Ward for a three year terms beginning July 1, 2013:

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

Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and carried unanimously, to appoint I-Mei Ervin by acclamation.

**Item No. 20-J5: Historic District Commission** – The following nominations were made for one appointment for a resident of Plaza-Midwood for a three year term beginning July 1, 2013:

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

Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and carried unanimously, to appoint Thomas Egan III by acclamation.

**Item No. 20-K: Keep Charlotte Beautiful** - The following nominations were made for four appointments for three year terms beginning July 1, 2013:

Joseph Canty, nominated by Councilmembers Autry, Cannon, Cooksey, Howard, Mitchell and Pickering

Kelley Hyland, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering

Hung Chau, nominated by Councilmember Autry

Russ Ferguson, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering

Charles Jewett, nominated by Councilmember Barnes,

Eric Netter, nominated by Councilmembers Barnes, Mayfield, Mitchell

Stephen Marcus, nominated by Councilmember Cooksey,

Samantha Pendergrass, nominated by Councilmember Kinsey and Pickering

Joseph Franco, nominated by Councilmember Kinsey

Robert Rapp, nominated by Councilmember Mayfield

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously, to appoint Kelley Hyland and Russ Ferguson by acclamation.

**Item No. 20-L1: Neighborhood Matching Grants Fund Review Team** – The following nominations were made for one appointment for a neighborhood representative for a two year term beginning April 16, 2013:

Ezekiel Burns, nominated by Councilmember Autry,

Hilary Greenbert, nominated by Councilmembers Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously, to appoint Hilary Greenbert by acclamation.

**Item No. 20-L2: Neighborhood Matching Grants Fund Review Team** – The following nominations were made for one appointment for a business representative for a two year term beginning April 16, 2013:

Jerome Miller, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes, and carried unanimously, to appoint Jerome Miller by acclamation.

**Item No. 20-M: Planning Commission** - The following nominations were made for two appointments for three year terms beginning July 1, 2013:

Michael Sulburn, nominated by Councilmember Autry and Mayfield  
Randy Fink nominated by Councilmembers Barnes and Cooksey,  
Tracy Finch Dodson, nominated by Councilmembers Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mitchell and Pickering  
Dione Nelson, nominated by Councilmembers Cannon, Howard, Mayfield, Mitchell  
David Hamrick, nominated by Councilmember Dulin  
Frank Kretschmer II, nominated by Councilmember Kinsey  
Mike Sullivan, nominated by Councilmembers Autry and Mayfield  
Laurissa Hunt, nominated by Councilmember Pickering

Motion was made by Councilmember Kinsey, seconded by Councilmember Mitchell and carried unanimously, to appoint Tracy Finch Dodson by acclamation.

**Item No. 20-N: Public Art Commission** – The following nominations were made for one appointment for a community at large applicant for a three year term beginning July 1, 2013:

Patricia Boyer, nominated by Councilmembers Autry, Kinsey and Pickering  
Anthony Spencer, nominated by Councilmember Barnes,  
Viola Aisha Alexander, nominated by Councilmembers Cannon, Howard  
Celeb Layman, Jr., nominated by Councilmember Cooksey  
Connie Hayes, nominated by Councilmember Mitchell

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#### **ITEM NO. 21: APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Bicycle Advisory Committee** – The following nominee were considered for one appointment for an unexpired term beginning immediately and ending December 31, 2013:

Jess Cochrane, 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

Results of the first ballot were recorded as follows:

Jess Cochrane, 1 vote – Councilmember Kinsey  
Matt Fowler, 2 votes – Councilmembers Barnes and Howard  
Terry Lansdell, 1 vote – Councilmember Cannon  
Michael Zytchow, 4 votes – Councilmembers Autry, Cooksey, Mayfield and Pickering  
None of the above: 1 vote – Councilmember Dulin

Since none of the nominees received 6 votes a second ballot was taken between Matt Fowler and Michael Zytchow and was recorded as follows:

Matt Fowler, 6 votes – Councilmembers Barnes, Cannon, Dulin, Howard, Kinsey, and Mitchell  
Michael Zytchow, 4 votes – Councilmembers Autry, Cooksey, Mayfield and Pickering

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#### **ITEM NO. 22: MAYOR AND COUNCIL TOPICS**

Councilmember Barnes said I wanted to ask if we could get some information and perhaps a recommendation from the Manager on an issue regarding the Applied Innovation Corridor that was proposed to be included in the CIP and I think it impacts Mr. Mitchell, Ms. Kinsey and myself in terms of district connections and obviously citywide. One of the things that struck me over the week-end and I believe we saw this during our Chamber trip to New York, was the use of a Business Investment Zone or a Business Improvement Zone and I wanted to get Manager Carlee to give us some information and advice regarding whether we should consider establishing a Business Improvement Zone within the Applied Innovation Corridor to draw in the tech companies and R and D Companies and other entities that we hope to see establish in that area. One of the ways to do that is to provide incentives as we all know. I wanted to ask Mayor and Council if we might ask Mr. Carlee to give us a recommendation on that.

Councilmember Howard said if you remember back during the Retreat I asked the same question about who was going to take the lead on making that a reality after we heard from Mr. Gallis that it was such a good idea. I'm not exactly sure if a lot of people didn't think that Center City Partners were going to take the lead because it originally came out of the 2020 Vision Plan. I actually want to go a step further and refer it to Transportation and Planning to get the ball going because I'm afraid it is going to be one of those things where we will get a report, and maybe that will be one of the recommendations but we need to do something serious to get that whole idea going.

Mr. Barnes said the only issue is that it is slightly outside of the MSD, but I agree with you because it goes fairly far north.

Motion was made by Councilmember Cannon to refer this matter to the Economic Development Committee.
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Mayor Foxx said it is already in there.

Mr. Barnes said with that issue in there?

Mayor Foxx said yes, I think it is in there because it was part of the whole budget. As I recall I think you've got two issues that were in the capital budget from last year that have had the pause button put on them. One was the Applied Innovation Corridor and the other was the Streetcar.

Mr. Barnes said no that was the Informatics at UNC-Charlotte.

Mayor Foxx said I'm sorry. It is already somewhere and I think it may be in Transportation and Planning.

Mr. Howard said it hasn't gone anywhere yet. That is what he is talking about.

**Assistant City Manager, Ruffin Hall** said just for clarification, the Applied Innovations Corridor is referred to the ED Committee. That was one of the projects that you voted out so the specific referral I think Mr. Barnes is talking about is not specifically in ED, but you could have that as a part of your conversation.

Mayor Foxx said what is the \$10 million piece that is still?

Mr. Hall said that is the Informatics at UNC-Charlotte and the Applied Innovations Corridor, North Graham, that section going up North Tryon Street with multiple types of capital investment improvement.

Mayor Foxx said do those pieces belong together or does it matter?

Mr. Hall said the Applied Innovations Corridor and the Informatics are two separate projects.

Mayor Foxx said wherever you guys want to put it – put it.



Mr. Barnes said if Transportation and Planning can take it, however you want to do it. ED is fine.

It was referred to the Economic Development Committee.

A vote was taken on Mr. Barnes' request for information and a recommendation from the Manager and was recorded as unanimous.

Councilmember Pickering said you may recall that you proclaimed this week Charlotte Recycle Week and I just wanted to mention that briefly. Of course we always love to talk about recycling and not only recycling at home but recycling everywhere. In that vein our fantastic Solid Waste Department will have a series of events over the course of the week helping residents learn a little bit more about how to recycle in different ways outside of the house. Tomorrow at the Light Rail Platform at the Arrowood Station they will be out there from 3:00 to 5:00. They will be here in the Government Center Wednesday from 11:00 until 2:00 and Friday they will be at Trade and Tryon from 11:00 to 2:00. They have a lot of good information and games and it is fun so I would encourage everybody to come out. Please recycle at home and everywhere.

Councilmember Cannon said I want to make the General Public aware that we have a reception on Tuesday, tomorrow, for a very special person and that of City Manager Ron Carlee. We want to invite you, those viewing and those that are represented here tonight to come out and help us to be a part of a wonderful reception that we hope to have for our wonderful Manager, Ron Carlee.

The second thing if you want to come by and volunteer a little bit of time over at Westerly Hills Academy at 10:00 in the morning, I will be reading some books over there and I'm encouraging you all to come and participate if you can do so.

Councilmember Dulin said we got in our packets this week one of the original memos from Manager Carlee. This one is about Airport security issues and the back page of it is a letter from the Assistant Special Agent in charge of Homeland Security at the Charlotte Douglas International Airport. I did not know they had someone on site 24/7. It is very interesting and this letter from the Homeland Security folks to Chief Rodney Monroe succinctly lays out why we need to have a CMPD presence there, why it is important to increase that presence and even after that presence is increased how we will still be the fewest number of sworn officers in any of the top 23 airports in the nation that the Homeland Security folks are tracking. This is very good information and I would like to get this to our Raleigh Delegation somehow, the whole memo. I think it is important enough to do that. I don't know if I need to make a motion for that or if we can just ask our City Manager to get it to our Delegation. This is very good information and I read it over the week-end and market it up so I wouldn't forget to say something tonight.

Mayor Foxx said that is a very good point and I want to comment on that in a second.

Mr. Howard said we have some folks from the media here and if you haven't seen a copy of this letter you ought to get a copy of it. It actually lays out everything Mr. Dulin just talked about and I think there is still some room for us to talk about what the right balance is on all of this. It says that we didn't just go off halfcocked and we have some folks out there who believe in what we are doing. I'd like to make sure the media gets a copy of it as well.

Mayor Foxx said I would agree and I will probably say this a few more times between now and the time this report gets put out there on May 1<sup>st</sup>. I just hope facts matter. We can send reams of paper to Raleigh, but my hope is that the facts actually matter because if the facts matter cooler heads are going to prevail on this and we are going to take a lot more time and do a lot more discussing and talking about this before the action that has been contemplated happens. I am concerned that the facts don't matter and I'm hoping our leaders in Raleigh will realize that local government is the reason why we have local government. One of the reasons is because there is a lot of glandular stuff that goes on at the local level that if I were in Raleigh I wouldn't necessarily want to be dealing with. We are closer to these things, we are closer to the operations, we are closer to the various balances that have to be struck and for this whole discussion to be happening is really an affront to the way local and state governments ought to work. I will say that I'm encourage that the Legislature has chosen to at least wait until the study  
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is done and I hope that they will actually read it, digest it, ask questions about it. I don't even know what is going to say but I just hope the facts matter.

Mr. Howard said could we get that e-mailed to us so we could share it with other people as well. A number of us will be in and out of Raleigh in the next little while and I hope that Dana has it so when we are up there he can have it for us to share with people outside the Delegation. A couple of us will be meeting the Black Caucus in the Legislature in the next couple days and having it for them would be helpful.

**City Manager, Ron Carlee** said we have sent it to the Delegation. We sent it to the Council first so you could have it but we did develop this for public consumption. I received a much more detailed briefing from the Chief. I've had three meetings with him on security and I'm very satisfied with the focus which he has on security and his benchmarking it to other airports and trying to establish leading practices. This summary I think gives a very good sense of what we are doing so it will be available to the media. Our Delegation already has it and we will make sure you have an electronic copy of it so you can share it however you may like to do so.

Councilmember Cooksey said I appreciate that memo greatly because one of the things that I was unaware of was just how much a red flag issue adding local police to an airport was to an airline. I had no idea that there are other airports throughout the country where that kind of featherbedding had gone on. I appreciate the concern that US Airways had when they saw this happen and I'm glad that we've had the opportunity to communicate that it is not like it is in other places. I think another item that we should all keep in mind is that the Charlotte Fire Department has provided fire protection to the Airport for quite some time and has never been accused of overstaffing the Airport and neither have we been accused of overstaffing the Airport with our Fire Department. I think with the Fire Department analogy our Police Department staffing the Airport should also be considered a reasonable assignment of personnel in addition to the material we've gotten already.

Mayor Foxx said I want to thank the City Manager for I think he is already digging pretty deeply into this issue and trying to take a look at some of the cost issues and figures within the public safety budget as it is so we will see what that turns into. Sometimes you just can't ignore the facts. I was flying recently and it reminded me that sometimes you are in such a venerable position just by virtue of being on an airplane that you've got to pull for the pilot to land it. That is where we are with the State Legislature right now. We've got to pull for them to land this plane, but we are hoping that they land it in a way that doesn't do damage to this asset and to the strong relationship that the Airport enjoys with the City. I do appreciate the time they have given, but I hope there is some real caution because they are playing with fire and I don't want anybody to get burned.

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

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Ashleigh Martin Price, Deputy City Clerk

Length of Meeting: 4 Hours, 25 Minutes  
Minutes Completed: July 10, 2013