

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, April 22, 2013 at 5:17 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, Claire Fallon, David Howard, Patsy Kinsey, LaWana Mayfield and Beth Pickering.

**ABSENT UNTIL NOTED:** Councilmember James Mitchell

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

Mayor Foxx called the meeting to order and said this is our second Business Meeting of the Month and we have quite a packed agenda. I'm starting a few minutes earlier than normal because we've got an item on the agenda that I expect will take us a little while. Just so you know for planning purposes if we are not able to get to the Gold Rush item we will ask staff to find another date for that and we may not get to the answers to Consent Items, but I would like to get the questions on the table now.

Councilmember Barnes said I have a question regarding Item No. 24, the CMPD Eastway Division Station and under the Sustainability Facilities Design Goal there is a reference to a Commissioning Agent who will be used as required by the policy for sustainability city facilities. My question is how much does that Commissioning cost. What I have been asking for years and I think we've started doing it, is implementing the techniques and spirit of LEED certification without necessarily spending part of the budget for construction on that. I would like to know how much of the budget is going to that Commission process out of the \$4.5 million.

Councilmember Dulin said I marked the Commissioning Agent down also when I was doing my reading this week-end so I comment you on that question Mr. Barnes. Item No. 23 Blue Line Extension building demolition contract – this is \$218,000, they are going to take five buildings down that need that need to go on. It is time to get that work started but we go over and over these things. That is the low bid and I'll be resistant if any change orders show up. This is what they bid and I want to keep them to it so we can make sure we are watching what we are doing. That is more a statement than anything else. I've pulled No. 35, Airport Visitor Information Center Management Agreement. That actually goes back to 2007 when we did that. That is probably a longer conversation than we can have now because we want to get to other matters.

Councilmember Kinsey said Item No. 31 – just a statement I have to make because I hate road humps. I hate and despise road humps and I know what they do to our emergency vehicles, like our fire trucks and I wish very much that the City would get out of the business of road humps and find another way of calming traffic. That was just a statement that was on my heart and I had to make it. Item No. 47 – the purchase of .2943 acres from the Charlotte Mecklenburg Board of Education. Do we have a ledger with the Board of Education and if we do why are we not using that with this property? If the answer is they don't want to do it, then I hope the next time they come to the City for something that we will remember that.

Mayor Foxx said Ms. Kinsey this is the first time I've ever heard the two words "hate and despise". That is serious.

Ms. Kinsey said I feel very strongly about road humps.

**Councilmember Mitchell arrived at 5:21 p.m.**

Councilmember Fallon said I just had something about speed humps too. Did anyone speak to the Fire Department because they shorten the lives of the trucks and unless they are absolutely necessary I think we ought to really start thinking about that?

Mayor Foxx said this is something maybe staff and give some thought to and maybe come back to us at some point. A couple of folks have mentioned it so let's hear about it.

Mr. Barnes said I actually tend to like speed humps because depending upon how your neighborhood is organized they actually slow down people who drive very foolishly within residential areas. If you've got small kids that is kind of a sensitive issue. I find them to be useful in terms of slowing down some of the foolish driving that I see. I understand what you are saying, but my kids are more important than fire trucks.

Ms. Kinsey said you know I did say I wish we could find another way. I think stop signs are more effective and I think parking on both sides of the street when it is appropriate is very effective. That is what we do on our street and it really slows people down. The Police will tell you that most of the time when they catch speeders in the neighborhood it is people who live in the neighborhood.

Mayor Foxx said you all thought Streetcars were complicated. We have an opportunity to have more discussion about this so why don't we find a good spot for staff to come back to us with some thoughts about alternatives. It doesn't mean that we won't keep doing what we are doing, but just look at it.

Councilmember Autry said round-about.

Mr. Barnes said are you going to give up your front yard for it?

Mayor Foxx said that is another good City Council technique, round-about.

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## **ITEM NO. 2: AIRPORT ADVISORY COMMITTEE**

Mayor Foxx said we asked the Airport Advisory Committee to come to the Council Meeting tonight and I would like for those serving on the Airport Advisory Committee to stand. The City Council has asked for you to come tonight in the wake of so much discussion that has happened about the Airport and to try to set the context for this and I would appreciate others who may have – if I misstate something or don't get all the facts in here please correct me. This City Council recognizes the value of this Airport. It is an asset that has grown literally into a \$12 billion annual generator of economic impact across this City and across the region. Its genesis was the foresight of previous leaders who impressed upon City taxpayers to invest in starting the new terminal and over the years the Airport has grown pretty markedly. We are also proud of the leadership of the Airport; not just Jerry Orr, but his predecessor who had a lot of vision and a lot of elbow grease associated with how this Airport has grown. But, I do think I do speak for the Council in this respect. What is going on in Raleigh regarding this Airport is something that never had to happen. We rely on the Airport Advisory Committee to help us as we try to guide this Airport along and my sense in talking to some of the Airport Advisory Committee members is that they are as frustrated as the City Council about the fact that this conversation is not taking place in the usual way, which would have normally been the Airport Advisory Committee discussing this, making a recommendation, have the Council look at it, the Council reviews it and we decide whether that is the way we want to go or not and at that point if we go to Raleigh and ask for change we are all going together. That is not happening right now and tonight I think Council what you are going to find tonight is that some members of the Airport Advisory Committee don't feel like they've been in the loop in this conversation either. Added on to that is the fact that the Chair of the Airport Advisory Committee who I reappointed by the way, has been quoted advocating for this change; sending messages to surrounding counties advocating that they advocate for this change; sending talking points to Legislators debunking some of the issues that have been raised relative to the financial impact on the City and that has been problematic.

Now Council you ought to know that I've had a conversation with Mr. Dorsch less than two weeks ago and we had a very good conversation. I thought it was a healthy conversation but the conversation ended with my asking him for some information on exactly what contacts he has made outside of the City of Charlotte to other elected officials, etc. I'm hopeful tonight that he will tell me why I still don't have that information. Tonight what I think we need to explore is why this issue has not come up before the Airport Advisory Committee before a bill was  
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dropped, not after; why it is that the Chair of this organization has been advocating for this without consulting with the Board that he serves on and finally what this Council would like to see done as a result.

One final point is that the folks in Raleigh are watching what we do and it is not clear at all to me that anything we do will change the outcome in Raleigh, so let me make another statement about that. We run the Airport until we don't and I believe that if there are problems out there we've got to figure out a way to fix them and if there are issues to be addressed we need to address them. We can't control what our Legislators do to this City. We can give them information, they can choose to accept it or not accept it. We can give them logic and they can choose to accept it or not accept it, but what strikes me is that this discussion, this dialogue; actually it is a monologue because it is not really the way the City operates. What has happened here is that every time a fact is asserted we've been able to show that that fact isn't true. The City of Charlotte, when somebody falls out of an airplane and there are security assessments made our job is not to ignore those security assessments. Now we could argue whether the City went too far, but any decision we made is an operational decision can be studied again. That is exactly what we are doing. There is an issue of succession planning and I can't speak for what the previous Manager said to somebody, what I can tell you is that this Manager and this Mayor believes that our partners belong at the table as that decision is made. As far as whether this group of Councilmembers are up to the task of running an Airport I actually think that is offensive. The people of this City elected this Council and they also elect some of these Legislators, but this Council has never played politics with the Airport. Never, and it is insulting to have people making that claim. It is a type of claim you can make about anything. We make politics out of the Charlotte Housing Authority. We made politics out of the Bicycle Committee. We are not talking about a rational argument. We are talking about an attack on the future of this City and the message that I would like to make very clear to those that are listening within our borders and outside of it, is that this City is not going to let this happen without a fight.

Because of that I have continued to advocate and I will continue to say this that there needs to be a time out on this issue. The Legislation needs to stop and let this community and the people in it come together and have the conversation about this Airport that should have happened before this bill was dropped, which is what is best for the Airport, how are we best going to grow it? Every bit of evidence I've seen, the governance model has nothing to do with how the Airport grows, nothing. There are airports that are authorities that are great big airports and there are airports that are controlled by City government that are great big airports. That is not the issue, but we could find ourselves gummed up for three years fighting over governance, meanwhile American Airlines is trying to figure out where it is going to grow its presence. This is a dumb fight because it is not a fight that ultimately ends up with everybody winning. It is a fight that ends up with everybody losing. I'm asking the Airport Advisory Committee through the folks that you know and you talk to, most especially Mr. Dorsch, stop the bill. I'm asking our Legislators, stop the bill. You will destroy the very thing you are trying to protect. With that Mr. Dorsch – welcome.

**Shawn Dorsch, Chair of Airport Advisory Committee** said the Airport Advisory Committee is grateful for being invited here tonight. The City Council created the Airport Advisory Committee and appointed us as experts in aviation and related fields to serve and provide advice to Airport management and to City Council. I speak for all the members of the Airport Advisory Committee when I say that it is our objective to help the City Council in any way we can to reach the best answers for the people of this City.

Mayor Foxx said do you think it is helpful to this Council and to this community to advocate for changing the governance of the Airport to an authority without having a recommendation from the Airport Advisory Committee, without having a recommendation from this City Council?

Mr. Dorsch said since at the City's request, the Committee has not taken a public position on the question of transferring the Airport from the City to a regional authority and we can tell you why.

Mayor Foxx said you have not answered my question.

Mr. Dorsch said Mayor I'm here in an official capacity tonight.

Mayor Foxx said so am I sir and I'm asking you a question.

Mr. Dorsch said there is a study being conducted right now which the City has paid \$150,000 for and the committee was asked to hold off on publically discussing this matter until after the study comes out and since I'm here in an official capacity tonight I think it would be improper for me to answer that type of question until after the study comes out.

Mayor Foxx said sir, I've asked you a question and it is a very fair question because whether you were acting in an official capacity or not, you are the Chair of the Airport Advisory Committee and you have said that the Committee's purpose is to be helpful to the City of Charlotte and to this City Council. I'm simply asking do you think your actions have been helpful.

Mr. Dorsch said the Committee voted unanimously at our February 7<sup>th</sup> meeting to hold a special meeting to look into this issue. Within about 36 hours after we voted to do that the previous City Manager, Julie Burch, contacted me and ask me to hold off and not look into this matter publicly.

Mayor Foxx said let me go back. In our conversation I recall that you said that this issue has been discussed for about a year, back to January 2012. Is that correct?

Mr. Dorsch said the issue has not been discussed with the Airport Advisory Committee.

Mayor Foxx said that is correct and that is part of the problem I'm trying to address. Have you known about it since January 2012?

Mr. Dorsch said I don't recall the exact date that I first heard people talking about this.

Mayor Foxx said okay how about February of 2012?

Mr. Dorsch said I've heard people talking about the idea of an Airport Authority for a long time. In fact I believe it was in the Charlotte Observer more than 10 years ago.

Mayor Foxx said were you part of conversations about changing the Airport to an authority as early as January of 2012?

Mr. Dorsch said I'm here tonight in an official capacity.

Mayor Foxx said I think you've just answered my question.

Councilmember Cooksey said in your official capacity let me ask you this question. Can you think of an issue in which the Charlotte City Council did not follow the advice of the Airport Advisory Committee?

Mr. Dorsch said in the six years that I have been on the Airport Advisory Committee the City Council has never contacted me and requested any information or asked any questions about any of the issues that we have discussed or any other issues that they had concerns about until recently.

Mr. Cooksey said I appreciate that answer to as the Mayor as noted a different question. My question is are you aware of a case where the Charlotte City Council did not follow advice or guidance provided by the Airport Advisory Committee?

Mr. Dorsch said no I'm not.

Councilmember Autry said thanks for being here this evening sir. You were most recently reappointed by the Mayor correct?

Mr. Dorsch said yes.

Mr. Autry said and the Airport Advisory Committee is to work with the Airport and be the conduit with information and data issues back to the City Council correct?

Mr. Dorsch said well I'm not exactly sure of that. I know that City staff has a lot of direct contact with Jerry and his staff, far more than we do. We certainly don't see everything. We just see key important issues once a month that are presented to us.

Mr. Autry said have you ever brought anything to this Council? What have you brought to the Council that the Council did not follow through with in an affirmative manner based on the recommendation?

Mr. Dorsch said I cannot think of an example.

Mr. Autry said why do we need an Airport Authority to handle the governance of the Charlotte Airport?

Mr. Dorsch said as I said a moment ago, I'm here tonight in an official capacity, there is a study going on, the City has asked us to refrain from discussing the matter until after the study comes out. We decided at our February 7<sup>th</sup> meeting to hold a public meeting, after which the City asked us, and we affirmed on several occasions that they wanted us to hold off and so the Airport Advisory Committee has held off discussing this matter until after the study which City Council has contracted for will be released I think in the next couple weeks sometime.

Mr. Autry said so if there is an issue with the Airport and a question about its governance would it have not been appropriate to bring that to the City Council first?

Mr. Dorsch said I cannot speak for people that are driving the legislation and what drives them. That is a group that is certainly far above me.

Mr. Autry said but you sir, accepting protocol of being the Mayor's representative on the Airport Advisory Committee, if there were questions about the governance of the Airport, would it have not been proper protocol to bring those questions to this body?

Mr. Dorsch said I cannot speak for everybody, but I believe that questions may have been raised before but I'm not sure.

Mr. Autry said do you have any idea if there were questions that were raised before, why those questions would not be brought before this body?

Mr. Dorsch said I can't speak to that, but nobody brought these questions to the Airport Advisory Committee either.

Mr. Autry said so why are we having this discussion?

Mr. Dorsch said I think you should discuss that with the people that are driving the legislation.

Councilmember Fallon said Mr. Dorsch I have a very simple question, why would you go outside this County to talk to other people and to lay the guidelines to break away from Charlotte to an authority? And don't tell me I'm here in my official capacity, I'm asking you unofficially why?

Mr. Dorsch said the Advisory Committee members have had the opportunity to gain some experience in aviation.

Ms. Fallon said you are not answering me. I asked you a very simple question, why as head of a committee that you were appointed to by our Mayor, you would go outside this County to give people a guideline on how to break our hold on the Airport? Why? It is a very simple question and it requires a very simple answer.

Mr. Dorsch said from time to time all of us receive calls from people asking our opinion about things.

Ms. Fallon said I didn't ask about that I asked why you did it.

Mr. Dorsch said we are all free to express our personal opinions to people in a personal setting.

Ms. Fallon said Ah, personal opinion, but you said you are here in an official capacity, and you wait tonight but you felt you could speak unofficially and give people guidelines of how to take the Airport away from this Council.

Mr. Dorsch said tonight I'm here in an official meeting and the City has asked us to hold off in discussing this matter until after the study is released. Julie Burch asked me and it has been confirmed and the Committee has held off and I think it would be improper to discuss that publically in advance of the study being released. As you are probably aware I am one of the people that is part of the study group and I have answered the questions that Bob Hazel, the Study Consultant has asked me. I've provided him that information.

Ms. Fallon said you are really not answering my question so thank you.

Mayor Foxx said let me say one thing because I've heard it said several times. The question that this Council is really asking you isn't what happened after the bill was dropped. We all know what happened after the bill was dropped, we've been following that quite closely. The question is why was there murmuring under the table in back rooms and quiet corners of this City about this issue before a bill was dropped? It is quite clear that you knew that this legislation was a possibility, that the discussion was happening and you didn't go to your Committee to ask them what they thought about it.

Mr. Dorsch said well, I'm new to politics, in fact I'm not an elected official.

Mayor Foxx said you seem very experienced because the talking points were really phenomenal.

Mr. Dorsch said I know there are a lot of people who think this is an important issue and I wanted to be prepared tonight and thank you. I can't speak for all these other community leaders that have a position or have been driving the legislation. They are far above me.

Councilmember Howard said I have huge respect for the work that you've done with the Aviation Museum. We've talked about it before. I think that may be clouding some judgment here, but I'll talk about that in a minute. I think it won't be good for any of us if we continue down the path that you are going. We get that you are here in an official capacity, but I think it is clear from all the comments that have been in the press and every place else that this is actually insulting to keep this route. Prior to me serving on Council I shared a similar roll. I Chaired the Planning Commission. One of the things that was really clear to me, not only when I was a member, but when I Chaired it, is there was little separation between David Howard the citizen and David Howard the Chair person. I know that is not something that has gone past you on this one so I think it is clear why we are asking these questions because whether you were doing it as John Q. Citizen or John Dorsch Citizen you still were the Chair of that Airport Advisory Committee. In that capacity, whether you had your hat on while you were running the meeting or otherwise, it is actually insulting to kind of keep this thing going and the circus that we are doing because nobody wants this to be a circus. We've actually all talked. We know that Raleigh is watching and we know that everybody wants to see there is another reason, nobody wants to turn that into this. I think you would agree and I know a number of your Committee members would agree, that there is a breakdown in communication somewhere when we have to read in the paper, when people from other counties are telling us that you called them, not that they called you. When we read in the paper that is reaffirmed that you were telling them that it wouldn't affect them. You are telling them that their airports will not be a part of it, you are working on that part, and when legislators have talking points, those are the talking points the Mayor was talking about, not the ones you are giving tonight by the way. Those talking points that the Legislature has that you authored or came through you, that you were part of it. So thank you for being Chair of the Airport Advisory Committee. We are asking you all those

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things that we read about in the paper – one, I want to know why did you feel like it was okay given the fact that there is little room between your title as citizen and the chair, and we know that. I've been there. If you make statements you understand that there is some credibility to because whether you say I'm calling you as Airport Advisory Chair or not, everybody knows that is what you do. Why would you feel like it was okay to communicate with anybody outside of this Council and your Committee about that issue? I think what we need to understand is that if there is really an important issue, please explain to us why an authority is more appropriate because who knows, if we had been advised appropriately maybe we would be supporting what you are talking about. We've actually told the Legislature that. If this was done appropriate, who knows, we could all be holding hands on this. We think that what Jerry and his predecessors and his team have done is incredible. There was a City Council that supported every action that was taken out there, going back some years.

Mayor Foxx said including an item on the agenda tonight.

Mr. Howard said that is the work it works and it has worked fine. Maybe it hasn't worked the way the people at the Airport wishes it would. I'm sure there are some people in this building who wish it has worked a little smoother. It has worked so I think what we are lacking here is why didn't we get the advice that you are giving other people? If it really works, why didn't Shawn, Chair or otherwise give us the same advice and tell these folks we really should take this issue up. Please don't keep reading that statement. Please explain to us why we are sitting here today.

Mr. Dorsch said I can't speak for Senator Bob Rucho or any of the others that have introduced the legislation.

Mr. Howard said I really want to know why you thought it was okay to talk to Iredell County, Union County and any other country we don't know about, about why the authority made sense. That is what I want to know.

Mr. Dorsch said the Advisory Committee members are here to advise and we get calls and we communicate with a lot of people.

Mr. Howard said who are you here to advise? Are you here to advise Iredell County and Union County? No Shawn, please don't do that. That is not why the Mayor appointed you. Maybe in the future if there is an authority you can advise them but right now the rules are saying to advise Jerry and his operations, to talk to these folk about it and to duly advise us. All I want to know is why you thought it was okay to advise Iredell and Union Counties and anybody else who called you for advice?

Mr. Dorsch said I'm happy to give anybody advice who contacts me. I'm happy to talk with them about that and I do not believe that any of the Advisory Committee members or anybody on any of the City's Advisory Committees has given up their rights to their own opinions. I think freedom of speech exists in this country and people are entitled to it and I don't think that anybody should be prevented from expressing their thoughts.

Mr. Howard said I'm not advising that. I Chaired the Planning Commission and I can tell you I had my own opinions but I know it came with a responsibility at the same time. It is responsibility. I bet if I asked your Committee right now who felt like that you held that responsibility that they gave you in trust and held in the right way, and I won't do that to them, but you hear something different because it is a responsibility when they raised their hands and the majority says we trust you, that is what they are saying. When the Mayor decided that he would reappoint you he was saying the same thing. Shawn please understand because there is frustration at this table. I probably hadn't been angry about anything other than reading that paper a couple weeks ago about the fact that Iredell County said you talked to them in the midst of us talking about MUMPO, redoing and all these other things, now this has turned into a mess. This one issue will ruin all regional planning that has gone back decades, this one issue. I may later publicly question motives because I think it is interesting that e-mails several months before talking about advocating to Jerry about the Museum and then two months later you are advocating for an authority. I would like to think that had nothing to do with it, but it is kind of

weird to me Shawn, all of it makes questions. Nobody wants to do this but it raises questions so again I still don't understand why if you are advising us why something in you didn't say I have a responsibility to the City of Charlotte before I talk to Iredell and Union. Maybe I should give a heads up to the people that voted for me and the people who appointed me about what is going on. If you are going to read the paper gain fine, we'll move on but I'm telling you how I feel about it.

Mr. Dorsch said I'm not reading from the paper. As I said myself and the other Advisory Committee members are eager to help, I'm happy to talk with each of you. I think it is premature to do that with the study going on in a public environment, but I'm happy to talk with each and every one of you individually so that we don't jeopardize or influence this study that Bob is working on.

Mr. Howard said you've already done that by talking to other counties.

Mayor Foxx said what you may not understand about this is that last week there is a major thoroughfare project in Union County that the City of Charlotte is part of supporting. That project almost got derailed because of some of these issues with the counties and how they've come out on this issue, at your request by the way. This is spilling over into some things that no-one in their right mind should want this stuff to escalate, but that is why I keep saying – I'm not saying stop the bill because it is a matter of us winning and the legislature losing. I'm saying that because the equilibrium for which this county, this city, this region and the balance between State and local government works is about to spill over. It is not healthy for this City and I've said that many times.

Councilmember Barnes said Mr. Dorsch welcome, thank you for being here. I wanted to read a few things to you and get your reaction to it, but I want to begin by talking about something you said a few moments ago and that is in the last six years you have not heard from us. That is because when we believe a Board or Commission is functioning well we tend not to ask many questions. There are people who said and the Airport Director said that the City Council has a lot to say grace over and are too busy to oversee the Airport. There are other people who say that we are meddling in the Airport's affairs, but the fact of the matter is, you as Chair of the Advisory Committee and a member of the body for six years have not heard from us, we have not, based on what you just described, been meddling in at least what the Advisory Committee does so I think it is worth noting that we have not been "meddling" at least with the Advisory Committee, if with anything. You said someone had asked you not to discuss the authority issue, was that Julie Burch?

Mr. Dorsch said yes, that is correct.

Mayor Foxx said I was also part of that because once the bill dropped and this issue came up on the Advisory Committee several Councilmember came to me and said we don't want the Airport Advisory Committee looking at this because frankly there were some concerns that the outcome would be baked. That is the point at which Mr. Dorsch is talking. That is why I framed my concerns about his role before the bill dropped because it is clear to me that Mr. Dorsch knew this legislation was out there, was part of the conversations and that is where I think some of the problems are.

Mr. Barnes said yes sir, I understand and I appreciate it. Mr. Dorsch I read the Airport Advisory Committee responsibilities statement and I want to read it out loud. It says to review the responsibilities of the Committee or to review long-range planning for Airport development, recommend appropriate action to City Council on Airport policy matters and to continue to review and study of all aspects of Airport transportation needs, of Metropolitan Charlotte, also to monitor and advise City Council on the implementation of the Airport Master Plan and Airport noise compatibility on the neighborhood relations program. Is that what you understand your responsibility to be?

Mr. Dorsch said generally speaking, yes.



Mr. Barnes said in yesterday's paper you were quoted as stating that the City Council created the Advisory Committee to provide it with expert and technical advice on aviation and land usage among other things so the Advisory Committee looks forward to answering the Council's questions on today. By the way I know you are not the only person on that Committee who favors the creation of the Airport Authority so if you want to bring other people up to answer questions that would actually be great because right now you are taking all the questions. I know you Chair the Committee but there are other people who may want to speak for themselves and we would be happy to hear from them as well. What I would like to understand is there have been several statements in the public domain reported by the Observer, reported by the TV media indicating that you have provided information to legislators regarding the creation of the Airport Authority that you, as my colleagues have said, provided information to surrounding counties about the creation of an Airport Authority. If it is your job to provide us with expert advice why is it that you never came to this body to talk about the fact that you believed there was some set of circumstances that warranted the creation of an Airport Authority? In other words what are we doing so wrong that an authority needs to exist?

Mr. Dorsch said I believe the people that are driving the legislation should speak to that. I do believe that this group was contacted before the bill dropped about the legislation. I think the advocates of the legislation should be the ones that you interact with about that. As you said earlier you would like the bill to slow down to stop or whatever.

Mr. Barnes said hold on one moment. The problem we have Mr. Dorsch is that we can't identify who those people are. We know about Rucho, we know about Brawley, we know about some of the elected who are pushing it. I have yet to determine who these other local people are who aren't elected, other than you sir. So who is it that we should be talking to? That would help.

Mr. Dorsch said it is my understanding that Senator Rucho contacted you all before the bill dropped.

Mr. Howard said no sir, I contacted him.

Mr. Barnes said other than elected officials are there business people, are there community boosters, Chamber members, who is it that we should be reaching out to.

Mr. Dorsch said I think it is improper for me to speak for other people.

Mr. Barnes said here is the point. We are asking you to help us because that is what you agreed to do as a member of the committee so I'm saying to you Mr. Dorsch I need some information from you so that I can do my job as an elected official here in Charlotte to protect what I believe to be a significant asset for the people of this City, that being the Airport. I'm saying to you I need your help and your partnership in figuring out who it is that I need to be talking to, who we all need to be talking to, to resolve some of the challenges that we are having right now with the Airport.

Mr. Dorsch said I appreciate that and I want to help you and I want to help the City and the entire Committee wants to do. I am more than willing and I certainly will express what I gather tonight at this meeting and what you all say to me to people that I talk with about things and I will absolutely help you in any way I can, but I think it would be improper for me to speak for other people.

Mr. Barnes said I'm not asking you to speak for them I'm simply saying that the boosters, the proponents of the idea have names so you could simply say you guys may want to talk to John Doe, and Jane Doe and Smith and just give us the people. We've seen Johnny Harris and his name mentioned and a few names mentioned, but I don't know if that is accurate or not and I know that you do, just based upon the statements etc. So what I'm trying to appreciate and understand is how do we do our jobs as elected officials if the Advisory Committee that we've appointed won't help us, which is what according to the responsibility statement you are supposed to do and in accordance to your own statement you've agreed to do. We need the information in order to protect the interest of the people of Charlotte and that Airport.

Mr. Dorsch said I don't think it is my role to identify people in this community and what their individual views are on things. I think it is up to them to make a decision about when they want to publicly identify themselves and express their opinions.

Mr. Barnes said, but they are not going to. They clearly pushed Rucho and these other guys to the point where they file bills and the we are rolling downhill now and the terd is getting bigger and bigger so it is not going to stop. It is going down the hill collecting grass and dirt and everything else and what I'm saying to you is that some point it is going to smash at the bottom against something, the people of Charlotte. Before that happens what I'm suggesting to you is if you are doing the job that you agreed to do as Chair of the Committee as a member of the Committee, it would seem to me that you would be willing to help us by stating who it is we should be talking to.

Mr. Dorsch said again it is not my job to publicly out people. People have their own opinions and they are entitled to them. I'm absolutely happy to facilitate dialogue. I'm said that to a number of people and I will do that, but it is not my job to call out names publicly. I think each citizen is entitled to the privacy of their own opinion and to make their own decision about when they would be like to be publicly known.

Mr. Barnes said I understand and listen, it is not my desire or interest to try and humiliate you and I'm not trying to do that. I want the information and if there are other people on the Committee who have information they want to share with us we would love to hear it because what is happening is in a matter of a couple of weeks, the study will be done and either the State House will move forward with the bill or it won't. It likely will and we will be a point in two or three weeks where we will say you know what the bill passed, the Airport Authority was created and we still have no clue as to why. We don't meddle in the Airport because you have already said that, or at least with the Committee we don't meddle in the Committee. You guys haven't questioned anything Jerry has done in the last I think ever. We don't really question much. The one thing that I've picked up on and this is from the media, not from you guys, is there are people at the Airport who did not like the fact that CMPD was put in charge of security. The problem I had with the responses to CMPD was going out was I think it was obstruction of justice because there are people trying to classify crimes as civil incidents and they weren't. If having a real Police Force out there with true policing powers stops "progress or efficiency" that is what we need to know, but if people are simply trying to classify the theft of people's property as a loss instead of a larceny or whatever crime it may be I don't think that is appropriate. If that was the issue that created some of this tension I would like to know that. So what I'm asking you sir, I get your meeting minutes; you know they send those to us. I want to understand what was going on at the Airport that has led us to this point? Again, we've seen the paper, these issues with CMPD and the City Manager and Jerry Orr. What was it? How did we get here?

Mr. Dorsch said I think the best way to provide you with that answer, and there are two choices, the first would be to go ahead and have the meeting that the Airport Advisory voted to have on February 7<sup>th</sup>, but we were asked to hold off. That would provide a collection mechanism in a formal method for the Airport Advisory Committee to discuss the matter and collect the information. I realize that there is another concern which we have this study going on and you asked us to hold off. I think that bringing us here tonight was a great thing because it provided the opportunity for us to begin to have some dialogue that we had not been able to have in an official capacity because of being asked not to. We could either have the meeting before the study comes out in the next week or so or we could have a meeting after the study comes out. I suspect the study is not too much further out and at that time we can discuss it and collect more information and then the Committee can form an opinion. Privately until then I'm certainly happy to do what I can to help the City, but in an official capacity in this meeting I think it would be kind of difficult for me to do that and not affect the outcome of the study that Bob is working on.

Mr. Barnes said let me say this one more thing and I will yield. We do not have that much time.

Mr. Dorsch said I agree.

Mr. Barnes said if we are to try to influence anybody in the State House we need the information now. So based upon your reluctance to give us information do you see what we are somewhat frustrated?

Mr. Dorsch said I also hope you will appreciate my frustration in that it is not my role to identify other people and tell other people about another person's opinion. It is their right, their responsibility and their privilege to either convey their opinion publicly or to keep it private.

Mr. Barnes said but if you are doing their bidding thought.

Mr. Dorsch said as I said I think the legislation is far above me being driven by people that are dramatically more significant in this community than I am.

Mr. Barnes said apparently not sir. I disagree with you because according to the statements in the paper people in the region are reaching out to you for guidance on how to keep their airports out of the authority. I think you've got more power than you think.

Mr. Dorsch said thank you for letting me know that.

Mr. Barnes said no, I think you knew it.

Mayor Foxx said the issue to me is once the bill dropped that set in motion a whole chain of things that no amount of conversation on the Airport Advisory Committee at that point was going to delink. The question that I think is the most pressing question for you as Chair of this Committee is why did you not bring it up to the Airport Advisory Committee and to this Council before then? You keep saying that you were asked not to talk about it, but you had a whole year to bring it up.

Mr. Dorsch said you know not being a politician and having been involved in working on legislation in North Carolina and things like that and not really knowing a lot of the people who are driving the legislation, I don't know them very well, it is hard for me to really have gaged how serious they were or were not and when they would do or would not do whatever they may have been thinking about. I also find it a little bit hard to believe that the City management, whether that is the Council or within the City Manager's Office, was unaware of frustrations and issues at the Airport. I think that the Airport Director and others are far better able to express those concerns to City management than I am because they have almost daily and certainly weekly interaction across a wide number of staff persons. I find it hard to believe that the City wasn't aware of any frustrations that they might have had. I'm not able to gage the level at which those were conveyed and by whom because I certainly wasn't in any of those discussions. It is hard for me to know whether or not they were going to introduce legislation.

Mayor Foxx said in a way I understand what it is like to sit up there and be on the grill in the hot seat but you don't change the governance of a \$12 billion economic impact asset because of frustration. You just don't do that. The City hasn't grown the way it has grown because frustrated people made decisions to change things. It has grown that way because we've made really smart decisions about how to grow the future and one of the reasons why I keep saying there needs to be a time out in this is because there is too much emotion really on all sides of this for a rational decision to be made. If our goal is to see our Airport grow, if I were you I wouldn't be out lobbying for folks to agree to do this because what you are going to get is the fruit of a poisonous tree. The poisonous tree is this cramming of this bill through the Legislature with absolutely no description of why it is this bill needs to happen. It has to go beyond, as much as I love our Airport Director, it has to go beyond what our Airport Director wants because the Airport is bigger than even our Airport Director. He may not think so, but I think so.

Councilmember Kinsey said Mr. Dorsch I appreciate your calm demeanor, but boy are you a dancer and I really don't appreciate you dancing around our questions. Most of us know what has been going on. We got the rumor in January that this might be going on, that is the earliest that I got it. Most of us are involved in regional activity, I'm on the Council of Governance Executive Committee and it has been talked about recently I know that at least one elected official in another county contacted you because he was quoted as saying in the paper that they

didn't even know who you were but you contacted him. Other counties have commented on the fact that you provided them with information and frankly even if other elected officials did call you, they called you as Chair of the Airport Advisory Committee. They didn't call you as Shawn Dorsch. That is the only reason they would call you so I really don't appreciate you dancing around our questions and going back to you don't feel comfortable or you shouldn't be talking. You don't even have to answer that. I'm having to tell you how I feel and I just think you have way over stepped your bounds and there was plenty of time prior to that bill being dropped when you could and should have let this body or management know what was going on.

Councilmember Mayfield said first I want to thank all of the members for the Committee for being here tonight. Shawn, I have a couple of comments for you. I have one specific question, so you are saying from everything and the non-answers this evening that it is based on the consensus of your Board or which you are the Chair of the Airport Advisory Committee that you wrote our ads as well as had discussions regarding the creation of an authority because what you have repeatedly said this evening is that you are working in an official capacity. What I want to know which is a simple yes or no answer, is in that official capacity is it on the approval and support of your Board that you wrote our ad stating why we should consider an authority as well as speaking with members of our regional partners. I'm not concerned whether they called you or you called them. The fact that you had the conversations, the fact that I'm pulling up multiple e-mails and multiple op ads that have been written by you, referencing you regarding this authority, are you saying it is on the authority in your current capacity your official capacity, of an appointed member by the City of Charlotte to represent the City of Charlotte on the Airport Advisory Committee, that you were out having this conversation?

Mr. Dorsch said thank you very much for giving me the opportunity to clarify that for the record. I have never said here tonight nor in the media that I have had any discussions with any other officials in an official capacity. I have said that I have had those discussions in a personal capacity. The editorial that the newspaper printed where I talked about Jerry Orr, it did not advocate for an Airport Authority and that was written by me. I have not and the Committee has not discussed or taken a position on this matter. The press calls me multiple times a day and has so for the last six weeks or so. In each and every single one of my comments to the press I have refrained and I have been very clear not to use that forum to advocate or push for an Airport Authority and I have not spoken in an official capacity to the media either for myself or for the them about an Airport Authority. They are calling me all the time. They are giving me the opportunity to do so and I think if I really wanted to get out there publicly and push for an Airport Authority I think I would have had a wonderful opportunity to do so. I have not done that and I'm not doing that here tonight.

Ms. Mayfield said Mr. Dorsch I will express right now that I am highly disappointed in the responses that my colleagues have received to very direct questions. Contrary to your statement I'm not being politically savvy; you are extremely politically savvy without answering a question. Everyone that sits around this dais receives multiple phone calls from the media on a daily basis. We make a decision on what conversations we are going to have to the medial. If it is for something for me personally that is going to benefit the City I have no problem having a conversation but if it is going to be something that is going to be contrary to building our beautiful City, then I don't really see a need for us to have a conversation. I'm also concerned that you say you have no political savvy, but you and I both know we have e-mails going back to October of 2012 where you have repeatedly lobbied to make sure that the foundation and the current space of the Aviation Museum is not removed. That is a part of using that political savvy, the fact that we have had multiple conversations via e-mail regarding what you thought I should be championing for you to try to maintain that space since that is the space that Mr. Orr has identified for you which sits on the Airport and as the Airport continues to grow and has grown, it needs more and more space. So you have used your political savvy when it has best suited you. What I am concerned about most importantly is for what I'm hearing, the statements and comments that you have made tonight that you are either saying that you during the six years that you have been a part of the Airport Advisory Committee, that I'm wondering if you are unequipped to be the Chair of this Board since you are saying that in an official capacity you are not able to answer certain questions, but yet in an unofficial capacity, without speaking to your fellow Board members or sharing that you had conversation with your fellow Board members you chose to have a discussion regarding the governance of a business within the City of  
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Charlotte that you sir were appointed to represent. You were not appointed by the region to represent this particular facility or this body. You were appointed by the representatives of the City of Charlotte. You have heard Councilmember Barnes read to you, which I'm assuming that at some point in the six years, you actually read the governance to know what your role and responsibility is. I'm also very offended by the fact that you said you never heard from Council when that is not our responsibility. Once we appoint you it is your responsibility, and this piece goes long to the entire Advisory Board that if there is a concern you have signed off, just as I signed off on the Community Relations Community saying that it is my responsibility to report back to Council if there are any conversations or concerns in order for Council to then have a conversation and address those concerns. The fact that you have neglected to do that, the fact that we are now having this conversation and I also sit with you on that Committee so I have shared very little regarding the study, but we are not talking about the study. We are talking about actions that you sir have participate in leading us to this study that you have done in the capacity of representing the City of Charlotte. These actions are not the actions of someone representing the City. These actions seem very similar to someone that is seeking self-preservation and I have a clear concern when you use a title and a role to get access to certain rooms where if you were Shawn Dorsch, not the Executive Director of the Aviation Committee or Shawn Dorsch not the Chair of the Charlotte Airport Advisory Committee, you would not even have access to some of these rooms to have these conversations to say, even it if was over coffee or over a glass of wine, so what do you think about the idea of an authority? I think that you are misrepresenting not only your role that has been plagued within this last year, but there is also a misrepresentation of this Board because right now you are speaking for all of them and during the time that you have been speaking I have been looking over and watching the faces and watching the reaction of our Board members and there is a clear concern with the comments that you have made that may be in direct contradiction of what your role as an appointed member of this Advisory Committee is. You don't have to respond because I don't need another statement that is going to be in a circle, I just needed you to know that I'm very disappointed because from the moment, especially as a newly elected member, that I was elected along with three of my colleagues and we started up in January of 2012, every event, every opportunity to support to highlight to show off and I'm proud of the work that the Aviation Museum has done, but I'm very disappointed in how you have represented not only the Advisory Board but also yourself this evening.

Councilmember Pickering said thank you Mr. Dorsch and the committee for coming tonight. I know this is not pleasant or easy and I'm sure you are aware that some members of this body have requested your removal from your Chairmanship. My question is have you considered stepping down and what are your thoughts on that?

Mr. Dorsch said no name I haven't. I have not done anything that would require that or warrant that and as I said tonight any conversations I've had with anyone has been in a personal capacity and in the media and in official meetings and in official capacities I have refrained from any comments about that either for myself or for the Committee. As I've said this evening, I think maybe the thing to do is to let the Committee go ahead and have the public meeting that you asked us not to, the Committee can then form an opinion and then anytime I might speak about it in an official capacity, I would have to then speak the mind of the Committee.

Councilmember Dulin said you've made this very unpleasant for all of us tonight. It is very clear to me that you have the best interest of Shawn Dorsch in mind and not the best interest of the citizens of Charlotte. You have indeed had conversations with counties outside of our own and the idea that you would have those conversations and that is personal and not official is very insulting because when Shawn Dorsch goes somewhere he is still the Chair of the Airport Advisory Committee. You go somewhere and talk to somebody you are the Chair of the Airport Advisory Committee; they call you; you call them, you are the Chair of the Airport Advisory Committee and it is insulting to me personally that you are hiding behind this personal versus official. You are one slick fellow and I don't trust you. I came in here with an open mind to see what was going to happen, but you put that at the forefront very quickly. I cannot remove you from the Airport Advisory Committee; you don't deserve to be there. I cannot remove you, that is for the Mayor and the Mayor is calmer than I am sometimes but I can tell this Council and this Mayor if the Mayor would appoint me for one minute I would take care of some business. You sir are not worthy of being the Chair of our Airport Advisory Committee. It's gotten me really

curious as to what you are doing over at the Aviation Museum too and those five parcels of land you have over there. We are probably going to start a little audit of the Aviation Museum if we can do that within our duties because we own those buildings, we own the dirt under those buildings and we are paying the rent on the military aircraft, going through the paperwork of the military aircraft. You just about beat all man, I'm telling you. It is just amazing. Thank you Mayor, I'm just going to blow if I say anything else.

Mr. Howard said the one thing I find interesting about all of this is that we've been accused as a City Council of politicizing the Airport and I cannot think of one thing that has politicized the Airport more than this action. Shawn you are talking to people in other counties then being told that if they pass a resolution that their airports won't be a part of this is quid pro quo. It is worse. This effort to actually make the Airport an authority to protect it from politics has actually made it political and I'm not sure if that was your thing; I'm not sure if you were trying to get favorably with Jerry to keep the hanger for the Museum. I'm not quite sure what your angle on this was but I can tell you sir, you have politicized the Airport far more than anybody sitting around this table in the past or probably in the future will ever do. I'd actually like not to talk to Shawn anymore. I would like to know if there is anybody from the Airport Advisory Committee that would like to come up. I think we've heard Shawn quite a bit. The one thing I made clear is that we did not want – our problem with Shawn and his comments are Shawn. Our issues with you all I don't think surround the authority as much as how do we communicate with each other going forward and maybe how we have not communicated in the past. One of our committees has started talking about how do we talk about the roles and I would hope that there are suggestions on how we can better communicate with the Committee after you pass through this phase, that you give us feedback on how we do that. We are serious about making sure that as long as the Airport is under our control, that is well run at low costs, and all those great things that Jerry has done and his predecessors and his team, and every other City Council to this point. If there is anything you can share or wish to share tonight please do so. Is there anybody over there want to stand up and support the actions that Shawn has done? Shawn as your committee asked you to consider resigning?

Mr. Dorsch said I've had a variety of discussions.

Mr. Howard said has anybody asked you to resign? Shawn, please just one time tonight answer one questions direct. Has anybody in your committee asked you to resign?

Mr. Dorsch said I've had a range of discussions with people.

Mr. Howard said does anybody want to stand up and tell me – has anybody over there asked Shawn to resign?

Unidentified speaker said I asked Shawn to resign yesterday.

Mr. Howard said does anybody agree with this gentlemen? If you want to stand I'll be more than happy to do that.

Several members of the Committee stood and said they agree with the gentlemen who asked Shawn to resign.

Mr. Howard said I didn't do this for theatrics, I just wanted to be clear Shawn, you don't have their support. You don't have our support because the direction you have gone is being irresponsible with that title. That title is something real. I Chaired the Planning Commission and I know how real those titles are, you don't play with those. It is just the trust from the public, it is the trust from the people that appoint you. I just can't believe – I'm like Ms. Mayfield I am so disappointed because I love the Aviation Museum, I love everything out there and this is unfortunate.

Mayor Foxx said let me clear about something. This is an important point because you've been up there for the better part of an hour and a half Shawn and I really don't think my problem with this has to do with your personal opinions about whether it should be an authority or not. Frankly, I think you could probably pole this Council and there are people who have a range of

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opinions on whether that is good or not and probably want to know more. That is really not the issue. The issue that this whole thing at a rate of speed that lummo is not only this Council, but the whole community and I think most people in this community are scratching their heads trying to figure out why the rush on this item. If it is a good idea it will be a good idea once we all understand why it is being moved. Frankly, I think to say what Mr. Howard said a different way is I think you and those who shall not be named or cannot be named, or will not be named, whoever they are, they have deprived this community of an opportunity to have a real discussion and that is what I'm trying to push us towards because this community is going to be a lot better off if there is at least some consensus that this is a good idea. That consensus does not exist today and if the bill moves forward it is going to be perceived, right, wrong or indifferent as a taking and we are going to be living with the fallout of that decision for many, many years to come. As Mayor of this City, as Chair of this Board I take this responsibility very seriously and I can tell you that there are unintended consequences of this action; there is collateral damage that folks are not taking into account. There was almost collateral damage last week. This is not about how you personally feel. This is about what is good for the City and I would urge those who are listening in the City and outside the City, even if you feel that you are the most right on the merits of this, this community needs some time to have a real discussion and we have not had it.

Ms. Fallon said since I opened the questioning I'd like to close it. I want to teach you a little issue of you revealed to me that it was a personal opinion. Your responsibility as Chairman of something, because I was on the Planning Commission also. I went to many meetings where people would say, well what do you think. I couldn't think because I was in an official capacity. There is no personal capacity when you are head of something. People take your word as gospel. You knew that and don't tell me you didn't. Your responsibility was to say I cannot discuss it as Chair of the Airport Advisory Board, which you have told us tonight, so you know how to say it. Why didn't you say it?

Mayor Foxx said I think we can ask Shawn to sit down. He's had a long night standing up here. Thank you.

Councilmember Cannon said I want you to think about this really, really long and hard based upon a question that Mr. Howard posed to your peers. There are 11 members including you that serve on this Advisory Committee. At least half that number, 5 members stood and there may be more I don't know, but you remember there is an old school song called by the main ingredient "Everybody Plays The Fool". You've tried to play us that way it seems. I hope that that is indeed not the case by what is perceived to be just that. When you leave out of this room what concerns me is that because you've had at least half the members of this Advisory Committee to stand to say that they think you need to resign, you need to visit that deep within yourself because you have to continue to work with them and they with you. Our concern as a body is that we have an Advisory Committee that will continue to move forward in a direction with the best interest of the Airport serving in an advisory capacity. If we feel like or even think or even more so if you even feel like or think that there is going to be some level of confrontation or whatever it may be I think you have to make that decision deep from within to determine if indeed you need to remain Chair. You've said that you would like to. You've said that you don't want to resign, but I also want you to think about if you were sitting on this side of the table and the shoe was on the other foot, what might your thoughts and/or your actions be.

Mr. Howard said this has upset me more than most things I've had to deal with on Council. The first thing I want to do is not just leave it to the Mayor. I think I'd like to make a motion that we suggest to the Mayor that he remove Mr. Dorsch as a member of the Airport Advisory Committee.

Motion was made by Councilmember Howard that the Council suggest to Mayor Foxx that he remove Mr. Dorsch as a member of the Airport Advisory Committee.
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Mayor Foxx said let me say this, I've had a good conversation with Mr. Dorsch, I've asked him for some information and I haven't gotten it. We did have a very good conversation that I thought was healthy but I was hoping to learn a little more tonight than I learned. I don't know

that the Council has to take that action, but if you want to do that that is fine. I worry a little bit about the precedent setting nature of it.

Mr. Howard said I got you, I'll withdraw it; I got the precedent, you are right we don't have to do that. I would like to refer to the Council/Manager Relationships Committee, maybe a conversation about how to better communicate with our Airport Advisory Committee and suggestions on how to improve that. Is that okay with this body?

Mr. Cannon said I think we took that action.

Mr. Howard said we are not talking about communication as roles.

Mr. Cannon said that is what it was. It was a motion on visiting the roles to redefine the roles. That was the actual motion.

Mr. Howard said add to that, we started it today and what we did talk about was how to better communicate, especially with this body.

Mr. Cooksey said it is a responsibility issue. There are three categories; roles, responsibility and ethics. I think communication is certainly a responsibility on both sides.

Mr. Howard said I would like a report from the Manager and Aviation Director about exactly what the City role and the Airport role is with the Aviation Museum.

Mayor Foxx said I'll make my mind up tonight before we leave on this issue about Mr. Dorsch. To the Airport Advisory Committee, including Mr. Dorsch, please don't take tonight's discussion as a statement that we don't value the time you all spend working on helping to make this asset the best asset it can be for this region, but I'm very concerned. This issue is just one of them and frankly I think Mr. Dorsch is right in one respect in that I don't think he is the ring leader in this, he is playing a position, but I don't think he is the play caller and we don't know who those play callers are. It is a sad day in this City when folks want to try to do an in-run around the Council because it is only going to be damage to the City long-term. The Airport Director, Mr. Orr, I want to take the opportunity to tell him in public that his service as the Airport Director has largely been good and helpful to this community. I wonder whether this conversation and the amount of dissention and division and rancor and spillover affect that is now emerging is good for Charlotte. This City is about to see 30 or 40 years of a lot of hard work by a lot of people go down the drain really fast and I think there is something all of us can do to stop it. All I'm trying to advocate for; not trying to tell people to change their opinions on the ultimate question, but there sure does need to be a lot more conversation and it is not going to happen in the space of a couple months. Mr. Dorsch, whoever else over on that side of the room or any place else in this room thinks the Airport Authority is a good idea, my advice to you, if you really think it is a good idea encourage, engage in a dialogue that goes a little longer than a couple of months on this topic because you may find that you have a lot more credibility to make that case when you've got more people who understand what it is that is driving it, but right now that is not the case.

The Dinner Briefing was recessed at 6:45 p.m. to move to the Council Chamber for the regularly scheduled Business meeting.

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### **BUSINESS MEETING**

The Council reconvened in the Meeting Chamber at 6:52 p.m. for their Business Meeting with Mayor Anthony Foxx presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, Patsy Kinsey, LaWana Mayfield, James Mitchell and Beth Pickering.



## INVOCATION AND PLEDGE

Councilmember Cooksey introduced Boy Scout Troup #9 from St. Patrick's Cathedral who will lead the Council in the Pledge of Allegiance. Their leader has a name that is familiar with this Chamber, Scott Syfert, son of former City Manager Pam Syfert. We have to make that reference when we are in this room that Pam Syfert's son is here with his son, her grandson, as a member of the troop. They will be coming down on cue from the Mayor for the Pledge of Allegiance.

Mayor Foxx gave the Invocation and the Boy Scouts led the Council in the Pledge of Allegiance.

Mayor Foxx said I always love it when we have young people come and do the Pledge of Allegiance because you just never know which of them is going to become a City Councilmember or Mayor one day. I'm sure some of them will so it is great to have them.

Councilmember Cooksey said Mayor in my ear I heard or a City Manager. There is a Syfert there.

Mayor Foxx said it is in the genes of at least one of them.

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## CITIZENS' FORUM

### Mayor's Bike Ride invitation

**Dianna Ward, 333 East Trade Street** said I am the Executive Director of Charlotte B-Cycle. I think it is appropriate that we are going first, cycling is something that I think everybody here can get behind. We came back in August to give you an initial overview of the program and it is appropriate that we come and let you know how we are doing. Charlotte B-Cycle is something that promotes environmentally friendly transportation; it promotes people combining modes of transportation, healthy living and so I'm sure that everybody here can get behind that. It also supports our 2020 vision of becoming a City of bikes; our 2030 Transit Plan and certainly that is something that I think everybody here can get behind. The main reason for my coming to the meeting is to invite you to a very early morning event taking place on Friday. Friday represents the beginning of Bike Charlotte, a time that we celebrate cycling in the City. It is a two-week long program and it begins with the Mayor's ride that starts at 7:30 a.m. All you have to do is show up at the Dowd YMCA and we are going to have a B-Cycle waiting for you along with a helmet that you can keep to go along with that helmet I gave you in August. The B-Cycle Program has been over successful. To date we've had around 23,000 trips; we've sold 386 annual memberships and sold around 8,200 24-hour passes. You asked how that compares to other cities, we're in the process of gathering that information from all of the B-Cycle cities so that we can say, not only are we doing well, but we are doing better than a lot of cities that people think the programs are probably doing better than we are. I look forward to coming back and providing that update in the future.

Mayor Foxx said anybody up here want to get your Spandex on? I'm just telling you, you got to get up early to catch me in some Spandex. It is not going to happen!

Councilmember Autry said I will join you Friday morning, but I will spare you the Spandex.

Councilmember Howard said I was wondering if you would tell us what your expansion plans were going forward. Tell us where the next stations are going to be and kind of what is to come.

Ms. Ward said we are working on that expansion plan, but we do have some exciting news coming soon. We have people contacting us regularly saying not only when are you going to get a station at this place, but how can I help you get a station. So our next news will be this folks partnered and they are paying for a station at this location. I say stay tuned on that, but we have a lot of those types of dialogues coming along. We are in the process of finalizing our 5-year strategy that outlines how we are going to expand the system and for the future meetings I will make sure that I come prepared to share that information with you.

**Request for a Traffic Light or Crosswalk at Steele Creek Senior Apartments.**

**Janie Turner, 4314 Branch Bench Lane, Apt. 130** said I live at the Steele Creek Senior Apartments on Branch Bench Lane and we don't have a light there. We need a light really bad. It is hard to cross that street and I have almost gotten hit myself twice and I cross right. It is just the median we cross over to catch the bus; we cross over and get in the median and wait until the traffic slows down and then go to the other side. One gentleman has already gotten killed. It is unfortunate and I don't know where it is in the budget or how you go about proposing to get a light there. We need a light. I know I've heard about the possibility of getting an island there, but it doesn't stop the traffic. There are some very sweet people who have stopped to let me go across but we need a light there to cross and be safe and let the traffic know that they have to stop for us when we are crossing the street. We have to stand there so long before we get a chance to across and the CATS drivers are very considerate and they will wait until we can get over to get to the bus if we get caught in the middle, but it is so dangerous. I can't tell you how terrified I was that day when that truck almost hit me. I just stood there and screamed. I know it was by God's grace and mercy that I am standing here tonight and that truck did not hit me. It was a flatbed, 18-wheeler. The car had stopped, but he didn't consider the truck behind him which had to brake down to stop and he had to go around the car and therefore that made him cone in the median. We do need a light. The island would help but that is still not going to make the traffic stop for us older people. Everybody that lives in that building is 62 and older so we don't walk real fast and we don't run real fast but we have to get across on the other side of the street to get the bus because it only goes one way.

Mayor Foxx said can we get a report on this? Mame, you are raising issues that citizens in various places around the city are also raising and it has been a topic that Ms. Pickering has been very focused on. She is leading our task force on sidewalks, informal though it is.

Councilmember Barnes said could we had to that analysis the challenges we are having at the Prosperity Creek Senior Apartments off Prosperity Church Road. We've gotten very similar feedback there. C-DOT has actually worked on a response that I think might be useful.

Councilmember Howard said I actually live in the neighborhood right behind this particular complex and I think they have widened that part when the apartments were built, part of the improvements was actually having the apartment builders that built two apartment complexes down there widen the road to four lanes with the area on the side and all it has done is kind of increased the speed of traffic down through there. I've been down there for about 13 years so as a part of that study could we also look at what we are doing about speed control because people do with this just wide open space just take off down through there and it is really dangerous to even pull out of my subdivision in the mornings. I'm sure there were plans to put a light between Westinghouse and Browns Grier Road so wherever that light is supposed to land, if we could figure out what the long-terms plans are for that it would be nice.

Councilmember Pickering said the Department of Transportation and I do have a meeting scheduled for a couple weeks from now. They are putting together an entire pedestrian safety report and this is exactly the kind of issues we are going to talk about, so we will add this location. I'm sure that accident itself will be part of the report so thank you for coming down and we are very concerned about this.

Councilmember Cannon said Councilmember Howard had raised some issues about the speed of traffic flowing and the way that it flows in a fast mode over there Mr. Manager. I'd like to ask if we can get our fine officers of CMPD to get out there during some of the peak times when this is occurring and Mr. Howard you can share that information in terms of when those peak times happen to be.

Mr. Howard said the regular peak time is in the mornings and afternoons.

Mr. Cannon said I think if we can put some enforcement in place that can help a little bit until we get to some of the areas where we may be able to put a traffic signal over there.

Mr. Howard said the speeding that the young lady was talking about probably happens all the time no matter what just because it is such a clear shot now. Trying to figure that out all the time is important, but the peak time is really bad.

### **Special Transportation Service**

**Jeff Ballek, 7435 Ashfield Court** said in the fall of 2007 I was beginning to take Special Transportation Service (STS) and was doing real well in the beginning. It took me from my house to wherever I needed to go, but in the fall of 2011 they have been doing all these cut backs so they haven't been able to take me from my house to wherever I need to go. I had to take DSS cab to the Y and then take the bus from the Y to wherever I needed to go and then take the bus back to the Y and take the DSS cab home. The cab service has pretty much been unreliable.

**Linda Ballek, 7435 Ashfield Court** said I was here with Jeff a year and a half ago and we talked to you. Mr. Dulin was very helpful with that. We've talked to about every official I think there is in the government and I don't want to put down DSS services, they are better than nothing but you are dealing with a cab service which are guys are out there trying to make a buck and I understand. They don't want to come pick up somebody who is going a mile and a half by the way. Jeff lives on the corner of Carmel and Quail Hollow and when they pick him up at the Y and take him to another location the DSS bus – he usually goes to the Arboretum and they go by his house every single time. I talked to Pete Wallace about this and they said there is no way they are going to pick him up. They are overrun with people that meet the qualifications, live within  $\frac{3}{4}$  of a mile of the main bus line. I understand this – the service was shrunk because of money. The ridership is increasing because people who have moved from where they were before when they lost their service, they are moving closer to that service by renting. We own the condo Jeff lives in and I guess we could sell it and move as Pete Wallace said. He said you know we could change the main route and then there you area again. The thing is we sit here and we spend millions of dollars on a daily basis for God only knows what and if this was on a ballot that said Special Transportation is getting cut or the Panthers are getting their money. There is a million things you guys spend money on and I'm not saying you should not spend it on all of them, but what I'm saying is you've got to take care of those who can't take care of themselves. I am the most conservative person you are going to have here tonight and I'm sure of that.

Councilmember Mayfield said if you had one minute to finish your last statement so we stay within the time constraints, what were you going to say?

Ms. Ballek said I just wanted to say that the handicapped and physically handicapped and mentally handicapped are the most vulnerable of our community and the only people they have that speak up for them is maybe a mother once in a while. It is a tough dig and we really your help.

Mr. Ballek said I think they are saying now that they pick up ADA customers first that are within  $\frac{3}{4}$  of a mile.

Ms. Bellek said that is the law and I understand that is the law so that is the most they have to do but for years you picked him up at his location and a lot of other people. There are so many people out there that are not getting any service sit in a room sometimes without any body or anything.

Ms. Mayfield said we've had some conversations with CATS and thank you for coming into town again and supporting your son. We have had some financial cuts because I have the same calls in District 3 with identifying transportation but while we are looking at the budget Mr. Manager, can we look at what possibilities we have with expanding support for our Special Transportation, specifically with CATS.

**City Manager, Ron Carlee** said yes.

### **Beatties Ford Road Widening Project**

**Paul Holmes, 3840 Beatties Ford Road** said this is Ms. Patricia King, owner of King Funeral Home. As you know we've spoken three times and the information I'm passing out to you I've left you several bits of paper work and what we are asking for on that first page is the red circle. We do not want a concrete median on Beatties Ford Road between Capps Hill Mine Road and Slater Road. That is all we are asking. The next page – I will give you just a few highlighted facts because this matter began last May through Councilmember Mitchell who became involved in September and here it is April and no return of phone calls, e-mails and he admitted he had dropped the ball. I'm not sure that he even had the ball. We are missing out on some things. The ball is here – here is the ball, residents on Beatties Ford Road - that petition that you now have and by the way not only our residents on Beatties Ford Road have signed this petition, I also went to businesses on East Boulevard who are in the same circumstances we are, but they do not have a concrete median. They are in support of us having one. The last page of that petition is a letter on behalf of King Funeral Home from James B. Humphrey, III who is the President of the Western District Funeral Directors and Morticians Association, asking the same thing. You are negatively affecting our businesses. The proposed construction of a permanent concrete median, based on an outdated Beatties Ford Road Widening Project from 2003. Residents were told a median design would not be a hindrance. City response, the median openings will be based on current guidelines and public input. You will not have to drive all the way down Beatties Ford Road and make a U-turn. You said that back in 2003. You are having us to do that. Look Dick, see Jane run. Look at Puff chase the ball. You remember that from Dick and Jane? We do not want a concrete median. It is that simple. That is all we are asking. My business is not Chiquita Banana. Do you give them accommodations? Heck yes. I can't bend over that far back as much as you are accommodating them. No we are not Chiquita Banana, but we are the west side. They are important to this City. Am I right about it? This business is not Met Life, same factors.

Councilmember Fallon said Mr. Holmes if you had another minute what would you say?

Mr. Homes said you were going to have the Engineering Department give the smoke and mirrors answers again about public safety. The Engineering Department is going to say it is in the best interest, it is a new standard as Mr. Mitchell said. New standard – you don't like hearing that yourself. You are hearing people tell you it is a new standard and you are fighting it. Am I right? It is a new standard, we want your Airport – you don't like that. He is telling us it is a new standard we are going to put you a median in here. We don't like that. We are just asking for 800 feet of no concrete. That is a lot of tons of median though isn't it? It is a lot of tons of concrete; use that for sidewalks. We don't want the median. Please we are asking you for that.

### **Anniversary of Army Reserves**

**Jim Cardo, 307 B West Tremont Avenue** said I am a US Army Reserve Ambassador for the State of North Carolina and on the eve of the Army Reserves 105<sup>th</sup> Anniversary, I'm here representing Lt. General Talley and the 200,000 plus Army Reservist located in 701 cities across America. I'm here to thank Charlotte, its employers and particular Charlotte City Government for its support of the Army Reserve. I am joined by Lt. Cornel Cullen Wright who is Sergeant Wright of the Charlotte Mecklenburg Police Department. Lt. Christopher Black, a full-time civilian at the 108<sup>th</sup> Trading Command on Central Avenue; Command Sergeant Major William Payne, Command Sergeant Mayor of the 81<sup>st</sup> Reserve Support Command and an executive at Wells Fargo; First Lieutenant Eric Conner who is a full-time civilian technician with the 81<sup>st</sup> Reserve Support Command; Captains Tim Page and Jason Shultz and First Sergeant Chase Colvert of the Charlotte Recruiting Company who recruit both the regular army and the Army Reserves. Generations of Charlotteans have served in the dual role as citizen soldier and we have been a major presence in Charlotte since 1954. Currently there are over 700 serving Army Reservist in the Charlotte area and the current payroll exceeds \$15 million. We purchase over \$200,000 in utilities and municipal services. If we were just moving to Charlotte we would be a major recruiting tool for the city. As it is I think we are a little under the radar out there on Central Avenue. Charlotte has the distinction of being one of the very few cities in the country that has a two-star Major Command Headquartered here, The 108 Training Command which controls all the Army Reserve Drill Sergeants from coast to coast out of this headquarters.

I would like to thank the Mayor for his proclamation recognizing the Army Reserve on its 105<sup>th</sup> birthday; Councilmember Dulin for his assistance in helping me navigate the proclamation process and I would be remiss if I didn't acknowledge Fellow Marine Reservist Hale of the Clerk's Office who helped me through this process also. Again, we thank Charlotte; we thank the employers in Charlotte and we thank you for your support.

### **Airport Advisory Committee**

**W. H. Neely, 13601 Ervin Road** said I speak today with several concerns about the Airport Advisory Committee and I know you met with them earlier but I wasn't there, and the staff as they take actions which I believe were detrimental to the Steele Creek Community where I was born and reside. On April 4<sup>th</sup> the Committee apparently took action to reportedly recommend the purpose of 100 residences and over 370 acres of property in the Steele Creek area. I say reportedly because I've attempted to obtain copies of the minutes of that meeting and have been unsuccessful. There are not posted on the Advisory Committee's website and calls to the person listed there said they would not be released until the next meeting, which is May 2<sup>nd</sup>, but you are voting on a recommendation tonight but citizens don't know what that is. They haven't been able to find out. The media did provide a brief report or we wouldn't know anything about this proposal. The Committee has held no public meetings with the area involved so additional information could be shared. Why not? You have public hearings for rezoning issues. It has been only 18 days since that meeting and the public knows little about these plans. What was the vote? Was it unanimous like the hundreds of previous meetings? Votes like the Observer reported or was it a split vote this time? Why does the Airport want to purchase this land? It is not for use by the Airport we understand, but apparently will be held for resale to developers. Developers I know are quite competent to purchase their own property and do not need the City to act as a go between. Can the City and County afford to forgo the property taxes on these parcels since they will no longer pay property tax if the City owns them? Why not let the market decide when these parcels are to be acquired and the price. Will the City purchase the land at current residential market value and then the Airport Authority sell it later at increased value through industry and business? How does that help the property owners currently? Who reaps the profits, the City, the Airport and what will happen to those profits? Finally there is a matter of trust with the Committee and the Airport staff. About three years ago I sat in a meeting with an Airport spokesman where he was discussing the Airport rezoning of hundreds of acres in this area, especially the Steele Creek area which we were interested in. The Intermodal Rail Facility was mentioned and I directly asked him whether any of the rail facilities would come south of West Boulevard and cross West Boulevard or Highway 160 – Steele Creek Road. He responded no, all rail traffic and connections will be to the north of the intermodal Facility that lies between the runways. We backed off of opposition to the rezoning because of that. Now it is on the map that is associated with the matter you are discussing tonight, it is clearly an extension of that rail facility across Highway 160 – Steele Creek Road and not only that, but a large Intermodal Expansion Area III that is south of West Boulevard that was never discussed before. Had I known that we would have taken a different position on the rezoning at that time. Please stop the continued expansion of the Airport into our community and restore trust and transparency into the operation of the facility.

Mayor Foxx said who is here from the Steele Creek Community? Will you stand up? Folks you just exercised a right to petition your government that is now under assault. We are now in the throes of a discussion with the State over – well I wouldn't call it a discussion so let's not use that word, but what could happen here is that you wouldn't be addressing these concerns to a body that you elect and that you can un-elect if you feel they are not being responsive to your concerns. You would be talking to an un-elected authority so I just wanted to in the wake of the conversation you just had, and by the way we will look into the questions you have just raised. I will ask the staff for a write-up on that. That is fundamental to democracy and I think there is a concern I have about whether folks are hearing your views, not just on this issue, but your right to express your views in a forum like this.

I know this item is on the agenda later and we are going to put some of those questions to the staff at the appropriate time.

### **Beatties Ford Road Widening Project**

**John White, 8101 Renee Drive** said I wanted to come down and second some of the statements that Paul Holmes has made regarding the Beatties Ford Road Widening Project. I support it wholeheartedly. I urged the Council to get behind it and I don't need to go into a long speech, most of you I know personally. I've talked to you about it; had breakfast with some of you, lunch with some of you and dinner with some of you. I'm very serious about this as it impacts upon that area and we are concerned about so many areas I don't have enough time to go into detail and tell some jokes that nobody is going to laugh at. Please get behind this project; make yourself aware of what is going on. Understand what is going on in the community. A lot of times we get into these little cubbyholes and we get isolated and start talking among ourselves. There is a force outside that I try to stay close to on the ground and I try to represent the people who don't always come down front and speak. I'm a Christian and I'm not ashamed of the gospel of Jesus Christ; I sell it wherever I go; that is my sustaining power and that is what I really look to and I'm going to stop right there.

### **Goodwill**

**Sharon Hudson, P. O. Box 1786, Huntersville, NC** said I'm a resident of Huntersville; I'm multitasking tonight so I might as well help Ms. Turner out. I have an idea for her problem. I would have a CATS bus stop on her side of the highway until you can do something more permanent; stop those people from getting run over. I'm also here for a group called Widening I-77. Mayor Foxx I understand from a quote in the paper that you feel like you are having something shoved down your throat. I can relate to that because we are having 50 years of toll roads shoved down our throats. I'm also here for another group. Corporate Goodwill is a well-known term in business that refers to the value of a corporation based on its reputation and which could be worth millions of dollars. In *Pride and Prejudice*, a well-known book and movie there is a character called Mr. Darcy and he says My good Opinion Once Lost is Lost Forever. Charlotte area residents are a lot like Mr. Darcy, they are faithful and supportive, but they have their limits and once their good opinion is lost it is lost forever. I'm sure we can all think of times when that has happened. An April 3<sup>rd</sup> Charlotte Observer article by Mark Washburn titled "Thing you Never Hear Said Around Charlotte" included the following: Landing Chiquita certainly has raised the City's profile. Commuters on I-77 have nothing to whine about, their tolls are only going to last 50 years. Since the Panthers never disappoint us we shouldn't disappoint them. Right now we love the Panthers, however by giving taxpayer dollars to a millionaire you are gambling with the good will of the Charlotte community. You are risking falling attendance levels and the support of fans because their good opinion once lost is lost forever.

### **Spending Issues**

**Fred Mauney, 131 Newton Moore Road, Peachland, NC** said as you know I've been here before about some issues and the last time it was about security. This time it is about your security. What I brought before you before was misconduct going on in a case representing the City and it happen to involve the City Attorney and others. We have in the paperwork stating that I had threatened the life of the President of the United States, you all's life and now Governor Pat McCrory, but you all see I'm standing here and I've never been questioned by any police. While all this was going on I was in constant contact with the Secret Service to start with and they saw it. When I took the order to them they were in a little bit of a shock. Something has happened between them and the Federal Judge, but we brought it to you all to see how you all wanted to handle it and nothing has happened. So now we say what is the conclusion here and the conclusion is that there has been a murder for hire contract issued. Starting with the Federal Judge and ending up at your door. A murder for hire by using the Police Department to find me some night and gun me down, and you can Google this, it happens all the time from executions to assassination or other murders of unarmed people. Then you all pull out this federal order and say look here he is a dangerous person, he has threatened the life of the President of the United States. It now also has the Secret Service concerned because it is going back to the door of the President of the United States. Has he authorized this in any kind of way? As me and the Secret Service talked about it, just as people put things out there about abortions, but they are not in charge of whoever bombed an abortion clinic or who went into a church and gunned

one down, and we've got all these other nut cases out here killing people. I'm not in charge if anybody shows up at your door, whether it is at your home or your office and does something over all this. The thing of it is a nut case or something can get the wrong address and go to your neighbor or somebody across the street. This is a serious issue. I'm through with it. I've just gotten myself clean and executing me or killing me, or arrest me under false charges and say he hung himself in a prison cell is not going to clear you all.

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## CONSENT AGENDA

Motion was made by Councilmember Cannon, seconded by Councilmember Barnes, and carried unanimously to approve the Consent Agenda as presented with the exception of Item Nos. 23, 24, 31, 35 and 47 which were pulled by Council and Item No. 48-D which was pulled by staff.

The following items were approved:

### **Item No. 25: Governor's Highway Safety Program Grant**

Resolution authorizing the Charlotte-Mecklenburg Police Department to apply for \$2,310,459 in grant funds from the Governor's highway Safety Program, for a Driving While Impaired (DWI) Task Force.

The resolution is recorded in full in Resolution Book 44, at Page 163-164.

### **Item No. 26: FY2013 High Intensity Drug Trafficking Area Program Grant**

(A) Accept a grant from the Office of National Drug Control Policy, in the amount of \$86,500 to continua a Regional High Intensity Drug Trafficking Area (HIDTA) Piedmont Initiative for Mecklenburg, Gaston, and Union Counties; (B) Accept grants up to \$173,000 combined, for FY2013 and FY2014 to continue the HIDTA initiative for the City of Asheville and Buncombe County; (C) Budget Ordinance No. 5093-X appropriating \$259,500 into the Public Safety Grant Fund for Action A and Action B and (D) Authorize the City manager to accept three additional future HIDTA grants to the City of Charlotte (FY2014, FY2015 and FY2016 in the estimated amount of \$519,000 for the three year period.

The ordinance is recorded in full in Ordinance Book 58, at Page 150.

### **Item No. 27: Fire Air-fill Stations**

(A) Approve the purchase of air-fill stations, as authorized by the sole source exception of G.S. 143-129(e) (6), and (B) Approve a unit price contract with Safe Air Systems, Inc. for a five-year term.

### **Item No. 28: Refuse Truck Tires**

(A) Award the unit price contract to McCarthy Tire Company of NC for the purchase of new and recap tires for refuse trucks for a three-year term, and (B) Authorize the City Manager to approve up to two additional, one-year terms with possible price adjustments as authorized by the contract.

### **Summary of Bids**

McCarthy Tire Co. of NC	\$647,747.79
Snider Tire Co.	\$722,792.51
Parrish Tire Co. - Non-Responsive	

### **Item No. 29: Belmont Center Basement Renovation**

Award the low-bid contract of \$190,900 to Synergy 1, Inc. dba senertyone for the Belmont Center Basement Renovation Project.

**Summary of Bids**

Synergy 1, Inc. dba synergyone	\$190,900.00
D. E. Brown Construction, Inc.	\$230,771.65
Hall Builders North & South Carolina, LLC	\$286,130.60
Graylyn Builders, Inc.	\$324,680.05

**Item No. 30: Storm Drainage Improvement Projects**

Approve contracts in the total amount of \$4.5 million for engineering services on Storm Drainage Improvement Projects with the following Firms:

- W. K. Dickson & Co., Inc. in the amount of \$1 million
- US Infrastructure of Carolina, Inc. in the amount of \$1 million
- HDR Engineering, Inc. of the Carolinas in the amount of \$1 million
- Dewberry Engineers, Inc. in the amount of \$1 million
- Land Design, Inc. in the amount of \$500,000.

**Item No. 32: FY2013 Pipe Video Inspection Services**

Approve unit price contracts for pipe video inspection with the following firms for a 3-year term:

- BIO-NOMIC Services, Inc.
- HAZ-MAY Environmental Services, LLC
- D&A Wolverine PLLC

**Item No. 33: Roof Inspections and Maintenance**

(A) Approve a contract with Corner Stone Construction Services, Inc. in the amount of \$88,935 for roof inspections and maintenance, and (B) Authorize the City Manager to approved up to two additional renewals up to the original contract amount.

**Item No. 34: Little Rock Road Realignment Project**

Award the low-bid contract of \$3,783,199.20 to Blythe Development Company for the Little Rock Road Realignment Project.

**Summary of Bids**

Blythe Development Company	\$4,068,977.00
Triangle Grading and Paving	\$4,958,150.18
Sealand Contractors Corporation	\$5,161,077.13
Blythe Construction Inc.	\$5,591,573.68
The Lane Construction Corporation	\$5,578,524.67
Hunter Construction Group, Inc.	\$5,893,304.62
Morgan Corporation	\$6,490,916.82

**Item No. 36: Transit Proprietary Bus Engine Parts**

(A) Approve the purchase of Original Equipment Manufacturer (OEM) bus engine parts as authorized by the sole source purchasing exception of G.S. 143-129 (e) (6), (B) Approve a unit price contract with Rush International Truck Center for the purchase of OEM bus engine parts, (C) Approve a unit price contract with Clarke Power Services for the purchase of OEM bus engine parts, and(D) Authorize the City manager to approve up to two additional, one-year renewals with price adjustments as authorized by the contract.

**Item No. 37: Transit Portable Bus Lifts**

(A) Approve the purchase of four sets of battery-powered portable bus lifts as authorized by the cooperative purchase exception of G.S. 143-129 (e) (3), and (B) Approve a contract with Alan Tye and Associates for \$152,000 for the purchase of battery-powered portable bus lifts.

**Item No. 38: Sugar Creek Outfall Repair Project**

Award the low-bid contract of \$1,479,285 to Sanders Utility Construction Company for construction of Sugar Creek Outfall Repair Project.

**Summary of Bids**

Sanders Utility Construction Company, Inc.	\$1,479,285.00
Dellinger, Inc.	\$1,923,250.00
Hall Contracting	\$1,926,555.00
mpl	



State Utility Contractors, Inc. \$1,965,750.00  
ITG, Inc. \$2,083,731.38

**Item No. 39: Water and Sewer Service Connections**

Award a low-bid contract of \$125,200 with Advanced Development Concepts, LLC for the construction and installation of multiple commercial water and sanitary sewer services to serve the Circle University City Apartments.

**Summary of Bids**

Advanced Development Concepts, LLC \$125,200.00  
State Utility Contractors, Inc. \$134,000.00  
R. H. Price, Inc. \$150,800.00

**Item No. 40: Vehicle Communication and Electrical Equipment Installation and Removal Services**

(A) Approve a contract with Wireless Communications for vehicle communication and electrical equipment installation and removal services for an initial one-year term; and (B) Authorize the City Manager to approve up to four additional, one-year renewal options with possible price adjustments as authorized by the contract.

**Item No. 41: Vehicle and Equipment Oil, Lubricants, Fluids and Coolants**

(A) Award the low-bid unit price contracts for providing oil, lubricants, fluids, and coolants for a two-year term to the following: Brewer Hendley Oil; Isgett Distributors and Hagan Kennington Oil Co., and (B) Authorize the City Manager to approve up to three additional, one-year terms with possible price adjustments as authorized by the contract.

**Item No. 42: Citywide Generators and Related Services**

(A) Award the low-bid unit price contract to National Power Corporation for the purchase of Generators and Related Services for a three-year term, and (B) Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments as authorized by the contract.

<b><u>Summary of Bids</u></b>	<b><u>Amount</u></b>	<b><u>No. of Generator Sizes Bid</u></b>
National Power Corporation	\$12,049,054	18
Clarke Power	\$ 1,386,323	12
Cummins Atlantic	\$ 2,415,000	14
Power and Energy	\$ 2,661,771	12
Western Branch Diesel	\$ 2,280,500	9

**Item No. 43: Citywide Safety Shoes**

(A) Award the low-bid unit price contract to Saf-Gard Safety Shoe Company for the purchase of safety shoes for a three-year term, and (B) Authorize the City Manager to approve up to two additional one-year terms with possible price adjustments as authorized by the contract.

**Summary of Bids**

Saf-Gard Safety Shoe \$1,961.00  
Little Hardware – Non responsive. Did not comply with specifications.

**Item No. 44: Arena Certificates of Participation Refunding**

Resolution affirming the refund of \$128 million in outstanding certificates of participation that provided funding for Time Warner Cable Arena.

The resolution is recorded in full in Resolution Book 44, at Page 265-270.

**Item No. 45: Financial Auditing Services**

(A) Approve a contract with Cherry Bekaert, LLP for financial auditing services for a one-year term, and (B) Authorize the City Manager to approve up to four additional one-year terms with possible price adjustments as authorized by the contract.

**Item No. 46: Refund of Property Taxes**

Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$1,069,398.41.

The resolution is recorded in full in Resolution Book 44, at Page 271-282.

**Item No. 48: Property Transactions**

**Item No. 48-A: 5740 North Tryon Street**

Acquisition of 618 square feet in Fee Simple, plus 1,594 square feet in Temporary Construction Easement at 5740 North Tryon Street from Engine Service Products, Inc. for \$171,475 for Blue Line Extension, Parcel #2111.

**Item No. 48-B: 2628 Celia Avenue**

Acquisition of 8,320 square feet in Fee Simple (Total Take) at 2628 Celia Avenue from Sgt. Homes, LLC for \$33,000 for Celia Avenue Storm Drain Improvement Property Acquisition, Parcel #2.

**Item No. 48-C: 4527 Gaynor Road**

Acquisition of 7,517 square feet in Storm Drainage Easement plus 1,257 square feet in Temporary Construction Easement at 4527 Gaynor Road from Gaynor Arms Association, Ltd. for \$59,710 for Gaynor Storm Drainage Improvement Project, Parcel #68.

**Item No. 48-E: 103 Eastway Drive**

Resolution of condemnation of 2,359 square feet in Fee Simple, plus 4,195 square feet in Storm Drainage Easement, plus 527 square feet in Sanitary Sewer Easement, plus 518 square feet in Access Easement, plus 126 square feet in Access Easement and Utility Easement, plus 16,098 square feet in Temporary Construction Easement, plus 21,501 square feet in Utility Easement, plus 3,491 square feet in Storm Drainage Easement, plus 16 square feet in Sanitary Sewer and Storm Drainage Easement, plus 136 square feet in Access Easement, Utility Easement and Storm Drainage Easement at 103 Eastway Drive, from ABI North Park Limited Partnership and any other parties of Interest for \$56,850 for Blue Line Extension, Parcel #1345.

The resolution is recorded in full in Resolution Book 44, at Page 283.

**Item No. 48-F: 525 Merwick Circle**

Resolution of condemnation of 12,527 square feet in Storm Drainage Easement at 525 Merwick Circle from Hugh C. Humphreys and wife, Virginia L. Humphreys and any other parties of interest for \$36,125 for Gaynor Storm Drainage Improvement Project, Parcel #4.

The resolution is recorded in full in Resolution Book 44, at Page 284.

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**ZONING**

**ITEM NO. 6: PETITION NO. 2013-001**

**ORDINANCE NO. 5165-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 82 ACRES LOCATED ON THE WEST SIDE OF I-485, SURROUNDED BY SHOPTON ROAD, DIXIE RIVER ROAD, STEELE CREEK ROAD AND TROJAN DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL), I-1(CD) (LIGHT INDUSTRIAL CONDITIONAL) CC (COMMERCIAL CENTER), AND CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT), LOCATED WITHIN THE LOWER LAKE WYLIE WATERSHED OVERLAY TO CC, CC SPA AND MUDD-O (MIXED USE DEVELOPMENT DISTRICT OPTIONAL), LOCATED WITHIN THE LOWER LAKE WYLIE WATERSHED OVERLAY.**

Mayor Foxx said the petition is inconsistent with the Dixie Berry Plan but to be reasonable in the Public Interest.

Motion was made by Councilmember Mayfield, seconded by Councilmember Barnes, to approve the Statement of Consistency and Petition No. 2013-001 by Steele Creek (1997) Limited Partnership for the above rezoning as recommended by the Zoning Committee.

The vote was taken on the motion to approve Petition No. 2013-001 and was recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 58, at Page 362-363.

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**ITEM NO. 7: PETITION NO. 2013-002**

**ORDINANCE NO. 5166-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 114 ACRES LOCATED ON THE EAST SIDE OF I-485 AT THE INTERSECTION OF SANDY PORTER ROAD AND I-485 FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO O-1(CD) (OFFICE CONDITIONAL) AND I-1(CD) (LIGHT INDUSTRIAL CONDITIONAL).**

Mayor Foxx said this one is the one in which the Zoning Committee found that the Steele Creek Area Plan does not support the industrial use as proposed, but that it does support the office component, further the Zoning Committee found that the proposed mix of industrial and office uses will blend in and be compatible with the existing land use pattern in the area and that is the Consistency Statement.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously, to approve the Consistency Statement and Petition No. 2013-002 by Steele Creek (1997) Limited Partnership for the above rezoning as recommended by the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 58, at Page 364-365.

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**PUBLIC HEARINGS**

**ITEM NO. 8: PUBLIC HEARING ON A RESOLUTION TO CLOSE A RESIDUAL PORTION OF HOKE STREET**

The scheduled public hearing was held on the subject matter.

Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and carried unanimously, to adopt the resolution to close a residual portion of Hoke Street.

The resolution is recorded in full in Resolution Book 44, at Page 257-259.

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**ITEM NO. 9: PUBLIC HEARING ON A RESOLUTION TO CLOSE A 10-FOOT ALLEYWAY BETWEEN CAMDEN ROAD AND HAWKINS STREET**

The scheduled public hearing was held on the subject matter.

Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and carried unanimously to adopt a resolution to close a 10-foot alleyway between Camden Road and Hawkins Street.

The resolution is recorded in full in Resolution Book 44, at Page 260-262.

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**ITEM NO. 10: PUBLIC HEARING ON THE FY2014 ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT**

The scheduled public hearing was held on the subject matter.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously to close the public hearing and approve the FY2014 Annual Action Plan for Housing and Community Development.

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**ITEM NO. 11: CITY MANAGER'S REPORT**

City Manager, Ron Carlee said no report this evening.

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**ITEM NO. 12: ROLLOUT CONTAINER COLLECTION SERVICE ORDINANCE.**

Councilmember Autry said this ordinance is a change in the ordinance regarding Solid Waste Services and roll-out cans and has been worked on quite a bit since an unfortunate issue last year. We think we've got a good ordinance that will help the situation and hopefully mitigate the prospects of such an issue to occur again. I would also suggest that because of the public awareness campaign that is being put forth to support this ordinance change that the Council would consider revisiting the success of this effort within a 6-month period to see if we need to adjust it in one way or the other.

Councilmember Barnes said during the hearing that we had on this a little while back I talked about and asked the question about the toothless nature of the proposed change in the ordinance and Assistant City Attorney, Mr. Powers indicated that there really was no impact other than good spirit. I like the sidewalk safety campaign, but I don't like the ordinance and I'm not going to vote for it because it doesn't actually do anything. It says what people should do and remember we talked about the fact that depending upon the topography of your land and the nature of your sidewalk and whether your neighbors might be moving your roll-out containers or anyone else may be moving them, you could be held to accountability for something that ultimately is not your doing because it happened while you were at work or because of the design of your sidewalk. I love the Committee's work Mr. Autry but I don't think the proposed change has this sort of impact that we would like and I think it creates false expectations.

Motion was made by Councilmember Autry, seconded by Councilmember Mayfield, to approve the Environment Committee's recommendation to adopt Ordinance No. 5090-X amending Section 10-99 of the City Code, Rollout Container Collection Service.

Councilmember Dulin said this is not perfect Mr. Barnes and Mr. Autry walked us through this. It came as a result of a young fellow who rode his bike around a rollout can and was hit by a truck. I think this is the Council listening to folks trying to make things a little safer. If we can educate folks and the next life we save from some kid on a bicycle we will never know it because the kid didn't get hit by a truck. I'm pleased to vote for this tonight.

Mr. Barnes said Mr. Dulin I understand what you are saying. The sidewalk safety campaign makes sense. This ordinance change will create false expectations because people are going to believe that some child will be saved because of this ordinance change because there will be some teeth in the law; there won't be. That is my concern.

Councilmember Cannon said for clarity because the general public may or may not know what this write-up actually suggests. The ordinance amendment is to better define the placement of garbage and recycling rollout containers by citizens by doing the following: One, would be of course setback distance from the curb for rollout containers. That is to increase actually from 2 feet to 6 feet. Two, the container should not be placed in the roadway and placement of rollout containers along the curb should avoid interference with the access to or deny the use of sidewalks by others. I wanted to highlight those pieces that are here, but I get what you are saying Mr. Barnes, but I think for the sake of trying to do something here, but mind you this was made at the April 8, 2013 Dinner Briefing.

Mr. Barnes said I appreciate the spirit of what you are saying but if someone doesn't do what you just read nothing happens. That is the problem. You are saying do these things, but nothing happens so I can't support it.

Mr. Cannon said you mean nothing in the way of a fine or a fee to somebody who does not do it?

Mr. Barnes said yes sir, there is no penalty phase for not obeying the ordinance. As you recall there was language added which says a customer should use reasonable care and caution when placing the rollout container along the curb and should avoid interfering with access to or denying the use of the sidewalk by others. The point I made is that during the day your neighbor may move your rollout container, it may move on its own depending upon the topography of your lot and your property. I can't remember the number of rollout containers in the City but it is a very large number and I think it was made clear by Code Enforcement that they would literally have to hire an army of people to patrol every street in this City to make sure that rollout containers were not within 6-feet of the curb. I don't want to keep dragging this out, I'm just not going to vote for it.

Mr. Cannon said I'm going to gamble on responsibility in hopes that our citizens will get it and will be about this program. Sometimes my children may do something that they shouldn't and we can have a conversation that doesn't call for me to have to break out the wood, if you would, but I think there is something to be said for trying to do something. We also have to be conscious of fees that we are imposing on people. We want them to be good stewards and I think that is what we are asking.

Councilmember Cooksey said I'm going to take a stab at this and say I'm supporting it because there are three substantive issues involved in this change. One, as has been mentioned is the change from 2 to 6 feet. Previously we required folks to have the rollout container within 2-feet of the curb and now for greater flexibility you can go to 6-feet so that is a change I think worth making. Secondly, we expand a little more as has been said about reasonable care and not to block and we are also adding trees in terms of an obstacle that folks should try to keep 3-feet away from. Enforcement however I think doesn't require a code enforcement officer, doesn't require an army of people descending; our enforcement is in the guys we've got on the ground picking up the containers because the ordinance at present says that service may be denied to an improperly place container. That is how we address this; if the driver sees an improperly placed container, our ordinance allows the driver the discretion not to pick it up and when the 311 call comes in and say why didn't you pick up my trash; it wasn't placed where it needed to be and that is how we get that kind of change if it needs to happen. I don't anticipate thousands upon thousands of call like that, but we do have an enforcement mechanism, it is called not picking the stuff up.

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

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

NAYS: Councilmember Barnes

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The ordinance is recorded in full in Ordinance Book 58, at Page 146-147.

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**ITEM NO. 13: FY2013 HOUSING TRUST FUND RECOMMENDATIONS**

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, and carried unanimously, to recuse Councilmember Howard from participating in Item No. 23.

Councilmember Kinsey said the Housing Trust Fund Recommendations reaffirm the City's Housing Policy to preserve the existing housing stock, expand the supply affordable housing and support family self-sufficiency initiatives. These allocations provide local alignment with state supported projects and allows for greater local leverage of tax credit awards. You can see all of this in your back-up material. The North Carolina Housing Finance Agency will announce its tax credit awards in August of 2013. Should one of these projects listed here fail to receive a tax credit award funds will be returned to the Housing Trust Fund for re-allocation? The two projects that the committee is recommending are the Sardis Trace Senior Housing, 100 Nolley Court. It is being developed by Creative Development Group, LLC; it is in Mr. Dulin's District and there will be 78 affordable senior units. The City funding would be \$600,000 and that would be a ratio of 1 to 14.

Hall House Redevelopment is comprised of 171 units and that is in District 1 and I have to digress because it is in the district from which I'm elected and it is a historic building, I am so excited about it being renovated and saved. One-hundred fifth-one of the 171 units will be occupied by seniors earning 60% or \$39,100 and below the area median income. The remaining 20 units will be occupied seniors with no income restrictions. The developer for that is The Community Builders, Inc. but it under the auspices of the Charlotte Housing Authority. The City funding requested for that is \$1 million and that would provide a 1 to 20 ratio.

Motion was made by Councilmember Kinsey, seconded by Councilmember Cannon, to approve the Housing & Neighborhood Development Committee's recommendation for a total amount of \$1.6 million to: Creative Development Group, LLC for Sardis Trace Senior Housing for \$600,000 and The Community Builders, Inc. for Hall House for \$1 million.

Ms. Kinsey said this does come as a unanimous recommendation from the Housing and Neighborhood Development Committee and the Vice Chair is Ms. Mayfield and then I have what I call the ABCs, Mr. Autry, Mr. Barnes and Mr. Cooksey.

Councilmember Dulin said as Ms. Kinsey was describing this she used two terms, on the first one a 1 to 14 ratio and on the second a 1 to 20 ratio. That is the ratio between the City's investment dollars versus the private sector's dollars. The 1 to 14 ratio is actually \$600,000 from our Housing Trust Fund which is what we have that money to do, help with housing. The City will have \$600,000 in a \$9 million project and all but the \$600,000 comes from the private sector. The 1 to 20 the City will have \$1 million in a \$20 million project. It is a good use I think to help folks that need housing in our community and partner with the private sector. I plan on supporting it Ms. Kinsey.

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

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**ITEM NO. 14: FY2014 CITY COUNCIL FOCUS AREA PLANS**

Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, to approve the City Council Committees' recommended FY2014 Strategic Focus Area Plans for (A) Community Safety, (B) Economic Development, (C) Environment, (D) Housing & Neighborhood Development and (E) Transportation. The vote was recorded as follows:

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

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**ITEM NO. 15: CITY/CAROLINA PANTHERS STADIUM PARTNERSHIP**

Mayor Foxx said this has been a topic of conversation for several months in the City of Charlotte. I'm going to turn this over to James Mitchell to introduce this item, but let me say first of all that as many different twists and turns as this proposal has had I feel very strongly that there hasn't been a sports related investment we've made that has more value to the City than this one does. The reason why that is is because most of the time when we are looking at these incentive packages we are trying to attract something to the City, this is actually keeping something we already have and keeping it for a substantial period of time. There has been a lot of activity between the City of Charlotte and our Legislative Delegation and I certainly appreciate the opportunity to have the flexibility with the Convention fund. It is very clear that it will not be able to do the arrangement we initially talked about which would have tethered the team to the City for another 15 years, but I do appreciate the Panthers and their commitment to the City and particular Mr. Richardson who is here with us tonight. I also want to thank the entire Council because all of you have been part of this discussion, part of this dialogue and part of trying to help do something that is going to last long after we are out of here.

Motion was made by Councilmember Mitchell, seconded by Councilmember Dulin, and carried unanimously, to recuse Councilmember Cannon from participating in Item No. 15.

Councilmember Mitchell said we have about 14 speakers signed to speak and then we have the privilege to have Mr. Richardson and if there are no other issues or problems I would like to have Mr. Richardson to come and speak and then we can go through the other 14 speakers that are signed up.

**Jerry Richardson, Carolina Panthers** said on behalf of our Carolina Panther Organization, our staff, our players and our ownership let me say thank you to you for your consideration of our request. Thank you for the respectful manner in which you have engaged with our team and these negotiations. My interest has been to guarantee the future of this franchise to the Carolinas. I've been clear that I would never want to move the team nor would I move the team. I think that we have been good for Charlotte and likewise Charlotte has been good for us. We are a proven investment and this should continue to be a great return to our City and to each of you individually we would like to thank you for your consideration of our request and I personally thank you for coaching me through this process. Thank you very much.

Mayor Foxx said as a life-long resident of this City I remember the struggles this City had winning professional sports teams in the first place and I particularly remember the struggles that Mr. Richardson had working for years and years to get the NFL into Charlotte. It took a lot of coordination with the state and with the local community, with the NFL and Mr. Richardson this has been an arduous process for everybody and I know there will be speakers who will say things in support of and in opposition to what the Council is considering tonight. I want the community to understand that what this man has done to raise the profile of this City is something that isn't being replicated in any other fashion in our City today. In many ways you have put Charlotte on the map and you have my personally thank for that.

Mr. Ron Kimble will walk us through the presentation. We want to make sure everyone in this community who wants to understand this transaction get a chance to understand it and Mr. Kimble is going to help us do that.

**Deputy City Manager, Ron Kimble** said the City Attorney, Bob Hagemann will assist in this presentation. It is similar to the presentation we made in the Economic Development Committee last Thursday and we sent additional information out to you in your Friday night packages. I hope each of you have that package in front of you, it is the request for Council Action and we also have the two-page set of business terms that have been recommended to you by a 4 – 0 vote of the Economic Development Committee and we are here tonight to present to you the terms and conditions that have come forward in the negotiation with the Carolina Panthers and the City of Charlotte. We want to make sure that we give the proper context and the background to this particular effort which began about 7 months ago.

Related to the Stadium, why are we here tonight and what have we been doing for the last 7 months. Bank of America Stadium opened in 1996. It is now 17 years old. It is the 25<sup>th</sup> oldest stadium in the NFL that is not either new or have had a substantial upgrade. It is important to note that the speed of change with stadiums in the NFL is rather fast. With a 17-year old stadium it is the 25<sup>th</sup> oldest one by standards. It has great bones, good bones. The Panthers have maintained this Stadium in great shape but it is in need of a modest set of improvements comparatively speaking to other NFL stadiums in the national football league. When we started this process 7 months ago this was one of the lowest cost to the public of NFL Stadium partnerships in the last two decades. Today as we stand here and you sit there, it is the lowest cost to the public of NFL Stadium partnerships in the last two decades. We can continue to say that.

Related to the NFL why are we here? It is because the Panthers are Charlotte's team, they are North Carolina's team and we want to keep them here. Mr. Richardson has no intentions of having the team leave Charlotte, but we don't know what might happen with any subsequent owner, so it is very important to look to the Panthers to be contractually tethered to Charlotte. They are not contractually tethered to Charlotte right now; for the last 17 years they have not been contractually tethered. It makes them ripe for courting by the City of Los Angeles and others as has been widely reported. They are lurking, they are seeking the relocation of an existing team because there are only 31 cities in America who have an NFL team, New York having two of the 32 teams. Our majority owner, Mr. Richardson who just spoke to you is 76 years old; he desires to keep the Panthers in Charlotte. However, the team will be sold no later than two years after the current owner's passing. He has made that clear and in widely distributed reports we know that to be true. Because of that Mr. Richardson will never move the team but a subsequent owner could have the opportunity to do that. It is important that we contractually tether the team and do it now while Mr. Richardson is the majority owner. In a nutshell the bottom line of these negotiations for the last 7 months has been that the investment of public dollars in this partnership equals a contractual tether of the Panthers to Charlotte. Currently there is no tether, you need one; this community needs one and we are willing to go forward with that negotiation you authorized to get that tether for the Panthers to remain bound to Charlotte.

As we walk through the presentation you will realize that earlier on in the negotiations we were seeking a partnership with the state, the city and the Panthers. Mr. Hageman will talk about the strength of the tether, what it consist of, how long the tether will now be, given the fact that we were not able to obtain state participation in this process other than the much appreciated relaxing of Convention Center funding for use in this Panthers' partnership. We will walk you through what the tether used to look like in the early parts of the negotiation and what it looks like tonight as we speak to you.

From a historical perspective, the Panther Stadium again from 1995 to 2013, there has been a total of around \$594 million invested in this Stadium. Originally the City, County and State were asked to come up with \$60 million and we did that in the form of land, in the form of infrastructure, a parking deck and we did some brownfields clean-up of the practice field. The Panthers themselves put private money in at \$187 million at that time. Over the last many years there has been \$108 million of financing costs, they have put in \$50 million of capital  
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improvements themselves and operating over the last 17 years has been \$189 million. All in, counting everything there has been \$594 million that has gone into Bank of America Stadium over the last 17 years.

What is the annual economic impact of the Panthers? The University of South Carolina Department of Sport and Entertainment did a study talking about the annual economic impact of the Panthers. This is it, you've seen it, this was distributed on February 8<sup>th</sup> to the community at large as well as the terms and conditions of the previous negotiations were all released on February 8<sup>th</sup>. Tonight we are giving you an update on where we've come since February 8<sup>th</sup> when you openly discussed and distributed to the materials related this negotiation. Important to note, over 6,000 jobs, 4,400 direct and almost 2,000 indirect; a total of federal, state and local tax revenues that are attributed to the Panthers, \$93 million per year. Federal Government is about \$53 million, State, County and City are around \$39 million and we've done that breakout. The total economic impact, direct and indirect, of the Carolina Panthers to this region is \$636 million per year and we asked the University of South Carolina to break that into Mecklenburg County only and of that \$636 million, \$512 million is attributable to Mecklenburg County.

We wanted to show you some comparisons we've seen before and we've shared with the public, but The Chicago Bears, Green Bay Packers, Kansas City Chiefs, Buffalo Bills and the Carolina Panthers are five of the comparisons of renovated stadiums in the last 10 years. Chicago Bears in 2003 was a \$587 million renovation of Soldier Field; \$387 million was public; \$200 million was private and I would date say if you were costing out that amount of improvements today you would probably be in the \$700 million to \$800 million range for that \$587 million ten years ago. Green Bay Packers, probably the most unique franchise because the public has an ownership interest in that team; \$169 million in 2003 public; \$126 million private for a total of \$295 million. Kansas City Chiefs, one of the most recent renovations in 2010; \$280 million of public dollars, \$125 million private for a total of \$405 million. Recently the Buffalo Bills announced a tethering of the team for 7 years and then an extra tether for 3 more years with liquidated damages and their total of improvements to a county owned stadium was \$95 million of public; \$54 million in state participation; \$31 million in local public and \$35 million from the Buffalo Bills for a total of \$130 million. Charlotte's to kind of talk about what it is at this sitting tonight \$75 million in public; \$37.5 million from the Panthers for a total of \$112.5 million for stadium renovations. It is important to note in the Buffalo Bills model, a county owned stadium, they were also responsible by the government putting up \$11 million per year for 10 years for operating, maintaining and supporting the franchise.

Our negotiations with the Panthers has resulted in an additional \$1.25 million per year for 10 years of maintenance at \$1 million per year and up to \$250,000 per year for traffic control for 10 years which is \$2.5 million. We are talking about a total all in of \$87.5 million and this is reflected on this particular chart. Capital improvements for the City \$75 million; Panthers \$37.5 million for a total of \$112.5 million. The title on the slide is Smaller Stadium Partnership Proposal Due to the Absence of State Financial Participation and Additional Revenue Authorization in the form of additional food and beverage tax. Remember that the original partnership that we brought to you was \$250 million; \$125 million from the City' \$62.5 from the Panthers and \$62.5 from the state. That \$250 million would have brought a 15-year injunctive relief hard tether and Mr. Hagemann will cover that in his remarks. As a result of this the tether is going to be 6-year hard tether which is injunctive relief and then a 4-year additional tether that is covered by liquidated damages or you being able to get the stadium that is privately owned for \$1 and Mr. Hagemann will cover that in some greater detail.

What also happened was \$10 million is the amount of public dollars or \$1 million per year maintenance for 10 years; \$2.5 million for traffic control and the total over 10 years for the City of Charlotte would be \$87.5 million. The Panthers put in \$37.5 million in capital; \$10 million in maintenance; a million per year for 10 years and they have agreed in the negotiation to come forward with rent free use days of Bank of America Stadium, the current Belk Bowl plus four other events per year between January 15<sup>th</sup> and June 30<sup>th</sup> which is \$250,000 of rent relief for each one of those five events each year for 10 years and that is equivalent to a rent free contribution by the Panthers of \$12.5 million over 10 years. Brings their total cash and in kind contribution of \$60 million, a total of \$147.5 million; 59% public and 41% Panthers for a total of 100%. I think it is important to note that since the State relaxed the use of Convention Center funding for  
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these purposes, the entire \$87.5 million comes from the Convention Center funding. It comes from the 1% food and beverage tax and really the second 3% hotel/motel occupancy tax. Those are the two taxes that have funded the Convention Center here in Charlotte for a couple of decades. Because we now would use what we have called \$110 million in debt capacity from that Convention Center fund for the Panthers purpose of \$87.5 million you would say how much money does that leave then for the Convention Center in terms of debt capacity. It is not an easy one for one, dollar for dollar explanation. The Panthers are a private entity and we will be putting public dollars in a private entity and owning the improvements, but when you do that it is called taxable public debt instead of tax exempt public debt. If we had \$110 million in debt capacity for the Convention Center that is tax exempt debt because it is a municipally owned facility and you are issuing debt for a municipally owned facility, not in partnership with the private sector. When you go in partnership with the private sector and invest in that facility, it is a little bit higher interest rate as a result of investing in that taxable stadium.

Secondly, it is important to note that it leaves \$11 million in Convention Center funding. This is 10-year debt, not 25-year debt because the \$110 million of Convention Center funding in debt capacity was 25-year debt. When you drop down the term of the debt and the capture of funds you also drop the capacity of the fund. If you add \$87.5 million for 10 years devoted to the Panthers, it leaves you \$11 million in debt capacity remaining for the Convention Center. You simply can't add \$87.5 million and \$11 million and get to \$110 million because of the complications in tax exempt versus taxable, the length of term of the debt and then finishing where you are. This is where we stand \$87.5 million coming out of the Convention Center fund for 10 years, leaving \$11 million in debt capacity for the Convention Center fund for the coming couple of years. It is complicated but I think it is important to note why the two numbers don't exactly add back to \$110 million in debt capacity.

Everybody wants to know what will the money be spent for, the \$75 million of City money and the \$37.5 million of Panther money. Remember we talked about the original proposal \$297 million worth of improvements have been identified, but we agreed to \$250 million out of that \$297 million. Where we are left now with \$112.5 million is you predominantly have expenditures for capital improvements that are for those everyday fans that attend Bank of America Stadium. It is the people who come out day in and day out, game in and game out. I believe we've had over 100 consecutive sell outs at Bank of America Stadium. We are thankful for that and the kinds of improvement that the \$112.5 million will go for are listed here. The escalator project, the video boards/ribbon boards and sound improvements, back of house stadium infrastructure such as HVAC, electrical, mechanical and all the other types of improvements from the back of house; technology additions and technology upgrades and then there is concourse and rebranding improvements in that concourse area in order to make the area even more fan friendly and accommodating to the everyday fan on an everyday basis. The total amount of improvements \$112.5 million versus what we originally had anticipated \$250 million leaves you with the types of improvements that are shown here on the slide.

What is the spend rate for the improvements? Because we had to squeeze debt capacity out of this Convention Center funding we couldn't do all of it at once in the off year after this football season. It is important to note that all the improvements need to be done in the off football season which is in the February to August timeframe and so the estimated spend rate was \$28 million from the City in 2014 and \$23.5 million respectively in 2016 and 2018 for a total of \$75 million. If the Panthers were to spend pro rata it would be 50% of each one of these; \$14 million in 2014; \$11.75 million in 2016 and 2018. The Panthers want to move faster than that; they have some significant improvements that they would like to see, most importantly from the previous slide they would like to see the escalator project, video boards/ribbon boards, sound board move forward as fast as they can. They are trying everything they can to get these things ready. They want to spend faster than what the schedule I just showed you is. We will have to figure out that final amount in the agreement that we will negotiate but I can tell you that the Panthers are aggressively looking at making improvements with their money as quickly and as fast as they can, most likely in 2014 and 2015 for all of their money to come forward. We would still bring our money in \$28 million in 2014; \$23.5 million in 2016 and \$23.5 million in 2018. That is all the Convention Center can afford based on the cash flows from the Convention Center.

Mayor Foxx said Mr. Kimble I want to interrupt for a second because I know a lot of people are going to want to know the answer to one question which is the Convention Center source was not initially proposed. Can you talk about why it was not initially proposed?

Mr. Kimble said the current Convention Center is also 17 years old. It is ironic to note that both Bank of America Stadium and the Convention Center are the same age. The Convention Center has needs. It has existing needs and it is going to have future needs. In the early 1900s when the 1% food and beverage tax came about with the second 3% hotel/motel tax it is planned that there will be regular upgrades and improvements made to the Convention Center and the origins of those two funding sources was to continue to carry the Convention Center forward, not only upon its initial construction, but to periodically be able to upgrade it as well. What we've done is raid some of the Convention Center fund for the project that is front and center with us now, the Carolina Panthers, and make sure that we figure out how we can keep a little bit of debt capacity in the Convention Center fund, but there will come a time when we will need to engage the State Legislature again for how you are going to have sufficient funding long-term for the Convention Center to also be renovated, improved and enhanced. It is taking this opportunity in front of us pledging the sources of revenue that we do in deed have in hand, no increase in the food and beverage tax and redirecting some of the Convention Center funding. I will tell you that the hospitality and tourism industry is not doing back flips and is not thrilled that this is where we are, but they have been consoled every step along the way and they understand how important the Carolina Panthers are and they are supportive of moving forward in this fashion today, but know that our partners in the hospitality and tourism industry will want to work together with you to develop a master plan for that Convention Center and be able to go forward with additional improvements later on.

I could ask Brad Richardson to come up, but I'll call on him in case I don't do well on this, but the new Charlotte Business INClusion Program, formerly your Minority Small Women's Business Enterprise Program, been rebranded. You are always wanting us to negotiate with partners on what the goal will be for the new Charlotte Business INClusion Program which starts on July 1<sup>st</sup> and the effective date of this agreement will also be July 1<sup>st</sup>, so this will be your first big project under the new program. We have negotiated with the Panthers for a 16% combined goal for 2014/2015 for those improvements that will be done and we believe that the later phase of it ought to be negotiated separately, but we wanted to show you that we are at a rather robust amount of participation on minority, small, women's combined goal and then there will be independent individual goals for each one of those components, minority, women and small business.

If we were to run through the business terms outline that you have in the two pages that is attached to your information, I'll start and I'll quickly turn it to Mr. Hagemann who will cover some rather complex and intricate details on tethering, but again the Panthers make \$112.5 million of capital improvements to the stadium over 10 years; \$75 million City; \$37.5 million Panthers. Our City contribution will be funded through the 10-year debt financing using the existing Convention Center funds. Any funds that might be remaining after 10 years, we don't expect any, but any funds remaining after 10 years would be paid to the city and the Panthers still in the earlier negotiation and this one reserve the right to pay for an additional improvements over and above the \$112.5 million. I will turn it over to Mr. Hagemann who has been very instrumental in the negotiations as has Greg Gaskins, our Chief Financial Officer for the City of Charlotte.

**City Attorney, Bob Hagemann** said as Ron explained at the beginning, what this is really about for the City of Charlotte is insuring that the Carolina Panthers stay here in town. What our money is going for and what it is paying for, the things in the last couple slides is important, but really is more technical in nature. At bottom what we are getting for our bargain is the guarantee that the next owner of the Carolina Panthers cannot easily move the team away from Charlotte. Ron mentioned and previewed a little bit about what is this tethering concept and what are the terms. I'm going to go through them in more detail. On this slide is an introductory statement that says basically where we've landed with our negotiations is a \$12.5 million payment for each year that the Panthers are tethered to Charlotte. That is what we are spending in addition to the maintenance money and the traffic control, but that is the capital contribution for each year that the Panthers are contractually guaranteed to stay in Charlotte. On February 8<sup>th</sup> when you went  
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public with your proposed terms for a State, City, Panthers participation we had a \$250,000 project, a \$187.5 million of public money, City and State together, and doing the math for 15 years that came out to \$12.5 million per year. If the state had simply authorized the City of Charlotte to levy the additional food and beverage tax, but not participated directly financially we probably would have been able to do \$125 million public project and using that linear scale that would have bought us a 10-year hard tether. With what we have been authorized to do and given the financial constraints and financial model, we have \$75 million of capital contribution which under that formula would buy us a 6-year hard tether. I think this is an important point, because our debt model contemplates 10 years debt and one of the things that we understood, Ron and I as negotiators, that was important to you, our client and that is to not have debt service that extends beyond the term that we knew the Panthers would be here, we went back to the Panthers and said we need to do something more than a straight 6-year hard tether. Mr. Richardson and the Panthers offered what we are calling a 4-year additional tether, and I will go through this in more detail, it does not guarantee that the team will be here, but creates certain penalties or leverage that we would have to try to insure that they are here for 10 years.

Again, as I said it is a 10-year non-relocation agreement with a 6-year hard tether. What does that mean? A 6-year hard tether means we would have legal recourse directly into local State Superior Court before a local judge in the event that a subsequent owner attempted to relocate the team before the end of the 6<sup>th</sup> season. If there was any indication that the owner was attempting to relocate the team we would have a direct cause of action, a lawsuit here before a local judge and they will have agreed to through this agreement, binding on the successor, they will have agreed that the court can enter an order directing that they play their games for those 6 years here in Charlotte, North Carolina. It is backed up in the very unlikely event that the owner tries to do that and in the very unlikely event that the NFL were to approve that, it is backed up with liquidated damages where in essence we would recoup the money we've invested during the term that they are here at the beginning of the tether. It is a hard tether backed up by their agreement by the right for the City to go into court and get a local judge to insist that they live up to their bargain and keep the team here in Charlotte for 6 years. Beyond that, as I indicated, and I will mention one more time at \$12.5 million per year that would equate to a 6-year hard tether. Beyond that we do not have the right to go into court but if a subsequent owner attempts to move the team between the end of the 6<sup>th</sup> and the 10<sup>th</sup> season we would have two choices as a remedy. First, we could demand to be paid liquidated damages in a declining scale related to the City's \$75 million investment, specifically if they leave after the end of the 6<sup>th</sup> season they would owe us back \$37.5 million and that would decline at the rate of \$7.5 million per year. One very important issue that I don't think is widely understood and that is the current arrangement with the Bank of America Stadium. The Stadium sits on City owned land that was leased 18 years ago to the Panthers for 99 years at \$1 per year. It was the public contribution to the current arrangement. The Stadium itself is purely privately owned. In the event that a subsequent owner were to move the team the question then would be what happens to the Stadium. The lease gives the owner the right to buy land at fair market value or to let the City have the Stadium for free. One of the vulnerabilities that we have identified early in the negotiations is the potential that a future owner takes the team away and sees an opportunity to leverage the City into a very tough situation by buying the land at fair market value, perhaps putting a fence around the Stadium, stop maintaining the Stadium, wait some time and then look to the City to see if we'd be willing to write a check for a significant amount of money to get control of the Stadium and/or the site. In other words a future Eastland Mall situation downtown Charlotte. What we have negotiated with the Panthers is if an owner moves the team between 6 and 10 the Council would have the option, not the requirement, but the option of taking ownership of the Stadium and the land for \$1 at that point in time.

We also have not given up on the possibility of bringing more public money to the table. We believe that the deal that was put out on February 8<sup>th</sup> was a good and fair deal and what we have built into this agreement is a provision that allows the possibility of extending the hard tether even further on a \$12.5 million per year basis upon the agreement of the City and the Panthers so it would not be automatic, it would be your choice, but in the event that the State comes to the table, or other public money is found and it makes sense to do it, if we come up with a minimum of \$50 million we could with that \$50 million buy 4 years hard tether and an additional hard tether up to 15 years, the original deal at \$12.5 million per year.

Finally to deal with the Stadium situation I just discussed, if the team relocates at the end of the 10<sup>th</sup> year and we haven't been able to put some other future deal in place to keep the Panthers in Charlotte this is not as good as what happens between 6 and 10, but it is better than what we have now, the Council would have a window of 5 years to buy the stadium at appraised fair market value without an NFL team. Again I would expect that would be quite expensive but I would predict it would be less expensive than what an absentee owner might try to leverage the City into paying to avoid the Eastland Mall situation I mentioned.

Mr. Kimble said the remaining pieces of the business terms are very similar to what you've seen and what we released on February 8<sup>th</sup> to the public. The City funded stadium improvements that are paid for with the \$75 million, they are leased to the Panthers at fair market value, the City then contracts with the Panthers to manage and maintain these improvements, but in no event shall that payment exceed the lease rate. The Panthers contribute \$1 million to a maintenance fund, the City contributes \$1 million per year to a maintenance fund. We only do that for 10 years now instead of 15 from the previous deal that we had shared with the public. Again the Belk Bowl or successor event to the Belk Bowl and up to four additional events per year between certain dates and these are events that could be requested by the City or the CRVA and we would go out and market the fact that the Stadium could be secured for rent free use on a per day basis and our goal was to fill that Stadium with 74,000 fans whether it is for a major concert, whether it is for an international football game called soccer in the rest of the world, an International Soccer Game, or religious convocation, any kind of event that is going to bring that kind of economic energy, economic life, that number of people, 74,000 fans, we have the opportunity to go and market that and secure that.

Again the City, as we talked about before on February 8<sup>th</sup> would pay up to \$250,000 per year for documented traffic control costs for Panther game days. It is important to note that the Panthers did have this kind of coverage prior to 1999 but it eventually went away. What we are doing is in the negotiations figuring out how to provide that in the cascading of streets beyond the Stadium, not inside the Stadium and not on the Stadium grounds, but traffic control on the streets that cascade from Bank of America Stadium in all directions. We have analyzed this with Charlotte Mecklenburg Police Department; their estimate of how much it costs per game day now is \$17,700 per game. They've estimated two pre-season games, 8 regular season games and the distinct possibility of two play-off games for a total of 12 games per year times the \$17,700 gives you \$212,500 per year. For the next 10 years up to \$250,000 would be devoted for traffic control expenses on streets cascading from the confines of Bank of America Stadium.

We are still exploring options for sharing revenues for Panthers game day parking. Beyond today there are no parking lots that are owned by the public; owned by anybody that can share revenue with the Panthers. Most other NFL teams share their game day revenues with that team; we are still exploring options. You remember one that we talked about many weeks ago was the NASCAR Hall of Fame parking deck. It has 1,060 spaces in it and they are not all used on game day Sundays and there is an opportunity to carve out some of those spaces in that deck and boost parking revenues for the Panthers and the City and find some way to share those parking revenues with each other and it would be increased revenue over and above that which is there today. We also know that the improvements that are done to the Stadium have to be subject to U-MUD approval by City Planning, the Urban Mixed Use District regulations and parameters for improvements in the center city. Again we've covered the Charlotte Business INCLUSION goals, the small minority women's business enterprise goals to be mutually agreed upon.

At last Thursday's Economic Development Committee meeting there was a recommendation by the Committee, Mayor Pro Tem Cannon was recused from the vote, it was 4 to 0 in favor with Mitchell, Cooksey, Howard and Mayfield recommending approval of these business terms to the Council and we are here tonight for you to consider approval of these business terms and then to authorize the City Manager to negotiate and execute the referenced agreements in conformance with these business terms.

I would like to close by thanking Ron Carlee, our new City Manager who just joins us about three weeks ago and he joined in the negotiations at the last minute and was very helpful. Thank you Ron and I would like to thank the Mayor and City Council for sticking with this for 7 months. We called it a long and winding road according to the Beatle song from many, many,  
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years ago, but we are here tonight to put forth the Economic Development Committee's recommendation for you to consider.

**Bob Morgan, 3607 Mountain Cove Drive**, said I'm President of the Charlotte Chamber of Commerce and a citizen of the City of Charlotte. I hope all of you saw the two job announcements that took place earlier today. A company, Black Goal Biofuels announced a multi-million dollar recycling facility in the Brookshire Boulevard Corridor. Pack Terria, the largest Chinese IT firm announced the addition of 200 jobs in Charlotte at an average salary of \$100,000 per. On the heels of MetLife 1,300 jobs; United Technology Corporation 325 jobs; Chiquita 400 jobs; etc. etc. etc. Not one of these companies has moved to Charlotte simply because we are an NFL City. Every one of these companies and more are attracted to a City that invests in its future and in fact they look at Charlotte and they see a City that invests in its future and that aspires to and in fact plays in the big leagues. There is no stronger sports brand than the NFL and is the fastest growing Metropolitan area in the United States in the first decade of this century we play in the big leagues and the competition to attract people and jobs. We have lost a professional sports team before and it was expensive. We all know that we need to continue to invest in our future and you have just heard the details of a deal that I believe is a modest investment with a huge return on investment, both tangible and intangible that of keeping the NFL in Charlotte with all of the positive big league exposure that it brings. At a time when many issues are dividing this community and at a time when others, not this City Council, but when others have fumbled the opportunity to secure a 15-year tether for our Carolina Panthers I want to thank the Charlotte City Council for the courage and consideration with which you have dealt with this issue and I would like to encourage your favorable consideration of the deal before you.

**Brett Carter, P. O. Box 32785** said I would like to thank the members of the Council and the staff for their work to negotiate a deal to keep the team here in Charlotte. Having an NFL teams obviously brings a lot of exposure to a city, not just national exposure, but international exposure. You heard the comments made by Bob Morgan, the televised games, the draft, the high profile players all bring a brand to a city that can't be matched. Corporation, as Bob mentioned choose to move to a city because they have type of a profile and that type of a brand. I would not have come to Charlotte myself if there was not a Panthers team here. I've lived in several cities that have had NFL teams and I've lived in cities that did not. The feel, the economic opportunity, just the community presence is not the same when you don't have an NFL Team. Those companies recruit employees from all over the world; they actually are looking for venues like NFL Teams. The team gives the community something actually to rally around. It gives us a culture that brings us all together, gives us something to support. What I'm asking is for you to please vote to provide the public funding that will tether the team here. I would love for the folks that are here in support of the Panthers to please stand. I think the numbers speak for themselves.

**Pat Riley, 6700 Fairview Road** said I would be remiss if I didn't take the opportunity to thank you for your hours and hours of service to this community. I know there are many thankless hours. I also think as citizens we have to recognize something that every decision tonight that I heard talked about, especially with it talks about spending money. When you have a recession, the first group into a recession is housing and that was about 4 ½ years ago. The first out is housing and the last in is government and the last out is government. Every decision we made on spending right now is circled around a time when we need to look at all kinds of cost control. A region is either growing or it is decaying. There is no region that stays status quo, it is status quo or it become nonexistent. The Stadium, as we heard tonight is sitting on City ground. It is an asset that must be maintained, updated and like any museum, park or public owned facility, you've got to take care of it. People and companies come into a region for work first, a quality of life, professional sports, concerts and large gathering places are a must component for any attraction. Stadium events with or without the Panthers provide countless secondary jobs and income to workers who need part-time and full-time work. Travel, tourism and conventions all depend on national and international recognition. One event leads to repeats and new visits and returns to all of our hotels, restaurants and venues. A stadium will always be part of an equation necessary to attract going forward. I just entertained 26 national and international brokers from around the country two week-ends past. The museums, the bike race, weddings, proms, The

Bobcats and the night time pub crawls made for a fabulous, vibrant, lasting impression as we walked from the City Club back to the Westin. Even our guest from San Francisco, Manhattan, San Diego and Chicago were amazed at what they experienced. What the Panthers are asking for in the grand scheme of Stadium renovations is not enough. It is not enough in my opinion for its age and the demands of the market going forward, it is not enough. Public and private partnerships are what brought us to the international stage. Private partnerships will take us into the future. We need to keep private partnerships going to keep us special. Thank you and I ask for your support in this endeavor.

**Darrell Williams, 1230 West Morehead Street,** said welcome Mr. Carlee to one of the best cities in America. Thanks for this opportunity to share a few brief words regarding this agenda item. Yes, I am on the Board of Charlotte Center City Partners, but I also come to you this evening as a resident and citizen of this community since relocating here over 30 years ago. Of the 30 years I've lived in Charlotte, 20 of those years was in the Third Ward Neighborhood. I want to comment you on your willingness to come up with a plan to utilize existing hospitality taxes to reinvest in much needed stadium improvements without adding new taxes. I'm urging you to support this plan. We've all heard about the economic impact, and we heard this evening, however I would like to take a moment to share a bit of history because some may not be aware of the direct impact the Panthers brought to a neighborhood that was first on the upswing, thanks to the City, Nations Bank and many others, then declining property values partly because of a vacant contaminated site that obviously had become a major challenge to develop. As a resident and President of the Third Ward Neighborhood Association at the time I clearly remember when the Panthers were first awarded the NFL Franchise. Prior to that time Third Ward was left with about 13 acres of lands. The junkyard left but the contaminated site remained. With a desire to revitalize the Third Ward Neighborhood and to add new housing and residents uptown, the City did a great job relocating the junk yard. Nations Bank led the development of new infill housing and provided low interest mortgages that attracted new residents to the neighborhood. However, after several years the contaminated site remained, undeveloped over time, negatively impacting property values and the attitude of existing and new residents. That was until the Panthers developed the site into what is now the practice field. During that time the Panthers worked very close with the Third Ward Neighborhood and did everything they promised they would do including several other improvements to the community. I would venture to say that if it had not been for the Panthers I am not sure what Third Ward be today. What would our City be today, our state, our region without the Panthers? Charlotte is the envy of so many cities across the country who would pay anything to have a football team. I urge you to support this initiative because it is so important to our entire region.

Councilmember Howard said I just wanted to point out that we should thank Mr. Williams for his services as a County Commissioner. I was telling the Mayor he reached out to me 30 years ago when I was 14 years old and has been my mentor ever since.

**Doug Stephan, 214 West Tremont Avenue** said first if I need to recuse myself let me know. I'm a PSL owner and a fan. This may be a little bit of a different perspective. We, my partners and I and our investors, recently purchased the Epicenter which as you know had some problems and we've invested millions of dollars. We employ almost 2,700 people; we have 60 tenants that are up there and many of those tenants and many of those employees really rely on the hospitality and the entertainment of both the Panthers and the Bobcats. We are game day central, fan central; you can go to many of the different bars and even the fans that did not make the game for whatever reason, couldn't get a ticket, couldn't afford a ticket are in there with jerseys on, sometimes even of the opposing teams, which is great; it is still business and it is still fan and really supports the community. We are significant land owns in SouthEnd and significant land owners in North End and hope to develop that in the near future and really rely on this type of business, this type of hospitality and this type of infrastructure for the region and I think it is a minor, minor investment. One of the things that we look at from a small business and a business perspective is our return on investment so when we looked at the Epicenter we said what are the problems, and there was a lot of unknowns as you can imagine. How much it is going to cost, what is our risk, what is our potential return? A lot of risk; not so sure on the return yet and we will see how it goes, but with the Panthers this is one that we do our due diligence and underwrite a deal, this is kind of a layup. We don't look at this as a high risk whatsoever. We look at it as a known commodity. We've seen and experienced 17 years of the regions benefits

and the amount of money that they are asking is really minor. We could probably go to a half dozen cities that would throw five times, maybe ten times this amount of money at it just to get them in there. I think this is absolutely a no-brainer and we hope you will support it from more of a community and a business perspective.

**Sid Smith, 13000 South Tryon Street** said I am the Executive Director of the Charlotte Area Hotel Association and I am here today to simply express our strong support for this proposal that you have before us. It is almost shocking sometimes when you stop to think that Charlotte is one of 31 cities in the entire world, 32 if you count New York twice, that have an NFL Franchise and an NFL Stadium listed among their residents. That is pretty elite company and that is also a very unique economic opportunity that all of those cities, including us are leveraging and the Panthers play a very large role in hospitality and tourism for that reason. Ten times a year for 3 or 4 hours, Charlotte is in the spotlight in a national broadcast. Commentators and sports writers are talking about Charlotte, showing pictures of our skyline. I'm still convinced today that is the large part of the reason we were able to convince the Convention Committee to bring the DNC here. It played a large part of it so we fully support this. Deputy City Manager, Ron Kimble made a great presentation and kept commenting about public funding. I think that is technically true, but I think it is quite important to clarify and understand that the dollars and cents that you've earmarked to go toward this renovation are very highly restricted dollars that cannot be used of anything else. They are restricted by State Legislation. That second 3% occupancy tax is paid not by the citizens of Charlotte, but travelers that come to Charlotte and stay in our hotels and it can only be used for the Convention Center. The 1% food and beverage tax which has been on the books for a number of years is also highly restricted and can only be used for Convention Center. It is only through a little bit of flexibility that the State government recently gave us that we can now possibly use that for renovations to the Panther Stadium. If you decide tonight not to approve this proposal those dollars are still not available to be spent for anything else than the Convention Center, so basically we are not taking one dollar away from general tax revenue and any other projects that we the citizens of Charlotte might want. We the Charlotte Hotel Association would like to make sure that we continue to be one of those 31 cities around the world. Let's lock this deal up here tonight.

**Mike Smith, 200 South Tryon Street,** said thank you for your thoughtful consideration of this important decision for our community. As you see tonight you do not stand alone. We at Center City Partners we passed a Board Resolution last month in support of requesting public funding for these improvements that need to be made at Bank of America Stadium. Our Board recognizes what so many of you also recognize, it is that our Carolina Panthers are a proven investment for our community; for Charlotte; for the region; for North Carolina and for South Carolina. This is the next chapter in our rich legacy of public/private partnerships to make sure that we continue to build upon the hard work that the decade before us and the decades before us have achieved. The Carolina Panthers contribute incredibly to the economic prosperity, the quality of life, the vibrant future that our City looks to enjoy. They generate hundreds of millions of dollars of economic impact annually. You heard earlier the kind of hospitality jobs that also are complimentary to this kind of work. It is over 5,000 jobs per year in the region. The requested improvements to the Stadium aren't just for the NFL, these are improvements that are going to accrue to us having more college games; more youth games; more amateur sports and provide incredible support to the hospitality industry. We believe that the staff has done an incredible job in negotiating a more than fair deal representing the taxpayers of this community. This will strengthen the regions competitiveness as a national destination as is called for in our adopted 2020 Vision Plan and we ask that you thoughtfully consider supporting this request.

**Christian Hine, 735 Shellstone Place, Fort Mill, SC** said I am a small business owner here in Charlotte and I've also been a diehard Panthers fan since the 1996 championship run. A quick look at the memorabilia shrine I have in my living room would give testament to this, but just because I'm a fan does not change the fact that this proposal is the result of incredibly poor negotiations; questionable ethics; debatable legality and a weak economic understanding. Ladies and gentlemen we are stuck in a pattern that is simply unsustainable. We cannot allow our emotions or our likes or a group think mentality to cloud our judgment and move forward with a plan that is simply wrong on so many levels. I will say again what I have said to this Council before; it is a disgrace that we allow our government to reward special favor to some businesses over others. This is downright discrimination. Yes we all love the Carolina Panthers, but they



are no more important than any other business in this City that is providing jobs and paying taxes. Companies have learned that once they reach a certain size or are a recognizable brand they are no longer bound by the same rules as everybody else. No, they then become too big to fail and continue to grow in profitability, not because they are offering a better product or service but because they can wring concessions from elected officials and the taxpayers. Meanwhile other area businesses are left to struggle in hard economic times as they actually have to pay their own bills. Corporate welfare is a disgrace. The Carolina Panthers are the 13<sup>th</sup> most valuable sports franchise in the county; they have the 6<sup>th</sup> highest attendance. In fact as of November 2012 the Panthers have sold out all but two of 171 exhibition, regular season and play-off games. Does this indicate to anybody that fans are clamoring for escalators or prettier video boards? There is no need for these improvements and if the team really wants them can afford to pay for them themselves just like any other private for profit business would have to. I have seen arguments that this deal is a good economic impact, but that is a flawed point. I have over 20 economic studies that justify subsidizing entertainment options is not a group inducer. Just look at Detroit, Buffalo, Oakland, these are NFL cities that people are fleeing from. According to one study by Sports Economists, Brad Humphries, as sport and stadium related activities increase other spending declines because people substitute spending on sports for other spending. If the Stadium simply displaces dollar for dollar spending that would have otherwise occurred, there are not net benefits generated. I am also concerned now about the Convention Center. According to Tom Murray, the CEO of the CRVA, the Convention Center fund was established to address the long-term needs of the Convention Center and while they support the Panthers their primary concern is to preserve the City's investment in the Charlotte Convention Center. He said this legislation would prohibit us from doing that. The legislation he was referring to was House Bill 193 which this body is now operating under. Please vote no.

**Wayne Powers, 4321 Stuart Andrew Boulevard,** said I could talk about the specifics of this deal but there isn't time to do that so instead let me talk to you about the process. Now this deal has been discussed and crafted and lobbied for behind closed doors, both in Charlotte and in Raleigh, it has been fast tracked. We just got the details of the deal tonight and you are already voting on it right now without any public input, without any consulting with the public and to my knowledge you haven't even consulted with one another. Not everyone on this dais has been consulted all along the way and that is not the way our representative government is supposed to work. This is why the City is being faced with a contempt of court action which defends the open meetings law. There is a permanent injunction as you know and that will be defended. That is going to happen on May 6<sup>th</sup>, a couple of weeks away. On the morning of May 6<sup>th</sup> we have priority hearing, we could go to court and have that hearing later that same day or within a few days so it is a matter of a couple of weeks. I attended your Dinner Meeting and I heard the Mayor talk about let's just wait a few week on this Airport issue. We want to wait until the City report comes out. You know what, doesn't it make sense to wait a few weeks to see if you have even legal standing to make this deal because a judge could very likely rule that the entire deal is illegal and needs to be null and void. Waiting a few weeks doesn't hurt anybody. Just like the Mayor asked earlier tonight, very wisely, for a time out. We are asking for the same thing. Wait a few weeks for a legal ruling in Superior Court, not a study commissioned by yourselves, but a legal ruling with legal standing. In the interest of ethics and legal governance that just seems to me to make sense. I ask you tonight to think about because you are not going anywhere in the next few weeks; I'm not going anywhere; Mr. Richardson is certainly going anywhere and I don't know anybody that has even suggested that they are going to jack up the Stadium, put it on wheels and roll it off of Mint Street. We are still going to be here in a few weeks. Please do not rush to judgment, the public has not really stepped up on this. They have no way to do it with the details just divulged tonight. Please give us a few weeks and then you will be able to know if you have a legal ruling or not and then you can proceed.

Mayor Foxx said the Legislature is still in session so you never know. Mr. Powers I want to compliment you on your decorum. A lot of times people come down here and you waited for me to acknowledge you and I just wanted to tell you how much I appreciate that.

**Robert Hartford, 3325 Tilley Morris Road, Matthews,** said I am 10 plus year resident of District 7 and a long time Panther fan and I appreciate this opportunity. I ask you to consider the negative ethical consequences if you approve this partnership. To see those consequences clearly; think how you would feel in the following situation: Imagine you are advising a young  
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person to work hard and take responsibility for her own life and goals; you explain to her that in this wonderful free country all her relationships can be voluntary, not involuntary or forced. Now tell her that you are taking her tax money, the product of her time and effort to subsidize a private organization. Will you be surprised when this young person questions your judgment and integrity? We can't teach one thing and practice the opposite. Your subsidies are simply forced redistribution, taking economic benefits earned by the taxpayers and giving those benefits to the politically favored; an abandonment of ethical behavior and a perversion of the proper purpose of government. Charlotte and the Panthers deserve praise for building the original stadium without direct City subsidies. A principle stand by the Panthers to refuse money taken the taxpayers will earn our respect and Mr. Richardson will become a modern day hero. Mr. Richardson's support of the Charlotte community has been outstanding and appreciated. To ask him to do more by tethering without taxpayer money may be too audacious a request, but we hope he will reconsider taking this taxpayer subsidy.

**Dennis Peterson, 8721 Bodkin Court** said I'm a huge football fan. I was born and raised in eastern Nebraska; my two favorite Panthers were Mike Miner and Mike Rucker. People in Nebraska love football and they support football; 50 straight years of sellouts. They recently added on to their stadium, \$100 million and not a single dime from the citizens of the State of Nebraska or from the citizens of the City of Lincoln. I'm wearing a Pat Tillman jersey because 9 years ago today he gave his last full measured devotion defending our freedom and liberty. He turned down millions of dollars from the NFL so that he could wear another uniform and serve me; protect my freedom, my liberty and I ask you tonight to please turn down the millions from the City of Charlotte. I will always be a Corn Husker fan; I will always be a Pat Tillman fan; I may not be a Panthers fan.

**John Hreha, 5729 Kirkwynd Commons Drive** said I'm going to take a little bit of a different turn than some folks who have spoken tonight and I'm going to tell a bit of a story. It starts on November 6, 1995 and an 11-year old boy was told that his football team was being taken away from him. That childhood hope, the spirit and enthusiasm towards the hometown team was now gone. The City itself suffered drastic economic downturn and the districts surrounding that stadium is has yet to recover. Restaurants closed and a once thriving entertainment district was no longer. Even though the City got another team four years later, the City of Cleveland, Ohio and its football fans have never been and will never be the same. I am that 11-year old boy. I've been in Charlotte for about 7 years and I'm here tonight representing the Charlotte Chamber Young Professionals. It is a fact that that football team left over a dispute with the City regarding stadium renovations and its funding. The day after the announcement that Art Modell was taking our football team to Baltimore, Cleveland voters overwhelmingly approved a \$175 million tax issue to remodel that stadium, but it was too late. Our team was gone. My point is that it is not about economic growth and stability, it is more. It is the emotional tie football fans have with their team, their city and with each other. It is a sense of community. Things like that don't happen overnight. The Brown's Franchise has been in existence over 60 years, the Panthers are still working on their first 20. It is hard to explain the emotional ties and loyalty of Cleveland fans being one; we've had two winning seasons over the past decade, but you know we have been considering those records. I want to see that passion for this franchise, for the Carolina Panthers, this team and this community to live on here in Charlotte. I implore you tonight to vote yes on a proposal to partner with the Carolina Panthers on renovations to Bank of America Stadium, not just for the clear economic implications, but so no kid or football fan in the Carolinas has to experience the pain that I felt of losing the football team that I love.

**Daniel Rufty, 8612 Tweedsmuir Glen Lane** said I am a struggling college student at UNC-Charlotte and I hope my voice is considered even though I'm not a man a great wealth. I want to apologize for not having the money to buy t-shirts and hats to have a choreographed opposition to this corporate welfare. I have never been to a Panthers game because I cannot afford it. The majority of Charlotteans are in my position and there is large percentage of people that do not even care about attending NFL games. It is not fair to take money from us and give it to the millionaires. Today we have heard countless reasons for not giving this money to elitist NFL team owners. We need sidewalks, we need traffic lights, we need assistance for the disabled. You are taking money from special needs people like Jeff that spoke earlier and giving it to millionaires. I am asking you to focus on the necessities for our community before extravagant sporting events. Charlotte does not need escalators and bigger jumbo ... in a facility they will

never visit. We have very high unemployment and our community is struggling. This is not the time to take money from the poor and give it to millionaires. What message do you send to small business owners and where is their \$80 million. This is not fair for businesses in Charlotte that have been providing goods and services to us here in Charlotte far longer than the Panthers have. This is madness for Mr. Richardson is clearly not hurting for money, but the people of Charlotte are. I pay my taxes expecting my money to go to schools, infrastructures, police, firemen and government agencies. I do not pay my taxes to go to millionaires. I think the next time we wonder why our sidewalks are not being built or schools aren't getting more funding, we will know where that money went. I ask for your vote no to this proposal.

Mayor Foxx said that concludes our speakers and I want to thank folks for coming on both sides of this issue and for those who are watching we understand both sides of this debate. The reality is that sometimes we make a decision as a Council and we know there will be something happening in the City that will be different than what happened before, but in this situation what we are trying to do is to keep something good that is happening here. Our decision tonight isn't one in which you will see a difference, but I can promise you that we did not make this decision and if for some reason over the next 6 to 10 years the team was sold, you would feel that difference. This team has an impact of 4,000 jobs in this community and a lot of the economic impact of the team is actually to the state because of the income taxes and other revenues that come through. The City in a way is hoisting up a lot of other levels of government by trying to help keep this team here. I say that with all due respect to our folks in Raleigh, but Raleigh gets an awful lot of the share of this team's revenue today.

Motion was made by Councilmember Mitchell to (A) approve the Economic Development Committee's recommendation to support a City/Carolina Panthers Stadium Partnership according to the April 11, 2013 business terms outline which provides \$75 million capital funding over ten years, and up to \$1.25 million per year for ten years for maintenance and traffic control expenses, and (B) Authorize the City Manager to negotiate and execute referenced agreements in conformance with the above business terms. Councilmember Cannon seconded the motion.

Councilmember Autry said I just think it should be stated and it has been stated, but I want to reiterate it that this deal does not levy any new taxes for anyone. It is taxes that are already being collected through hospitality, room occupancy and prepared food and beverage. These funds are highly restrictive by the State Legislature and when you go to a restaurant tomorrow you will pay exactly what you paid today. It will have no impact on the cost whatsoever. What the State Legislature allowed us to do was to take funds from one bucket and share it with another bucket. I hope that we can support this deal for the betterment of this City.

Councilmember Mitchell said I'm just going to say a lot of thank you to some other people who was part of the team. Tom Murray, the Panthers Team and to our Delegation who helped pass HB-193 and I would like for the Councilmembers to show a unanimous vote today for this important asset and tether the team for ten years.

Councilmember Fallon said I just want to talk to the people that are saying no. Before I made a decision I did my due diligence; I started asking questions about how much money was brought in before a game, how much money after a game, both in hotels and restaurant. We are talking about 17% to 20%. That is tax money that means working families don't have to pay that difference that we get when we have to raise taxes. I think people should understand that. If this team goes away you will see restaurants close and you will see less occupancy in the hotels because no-one will have a reason to come here. There are so many people from out of town who come here. That is money paid into the tax coffers that we don't have to find other money for and that is beside the hotel tax. I am not somebody that likes to approve spending money. I always look at the bottom line. This more than pays for itself, beside it pays for itself in the publicity that we get and that we are on the map because of the Panthers. I will be voting yes.

Councilmember Howard said I would like to thank the Panthers as well as staff for working on the second part of this and that is if we can find additional funds, and I want to make it clear to

the public that I intend to continue to try and find funds so we can tether this team to the City a lot longer. And Mr. Richardson I wish you a lot of good health.

Councilmember Pickering said the case has been made about the economic impact of this team so I'm not going to go there. I'm very concerned that the team and it has been said, it does create a culture, it does unify a city and to lose a team like this, the Panthers in particular, would be a huge physiological blow to this City. It has also been said every time that home game is televised to viewers around the country, that is like a calling card for the City of Charlotte. We have just had an incredible experience with the DNC where we got publicity that you can't buy. We want to build on that now. Every time a viewer tunes to a Panthers home game to say oh, there is that beautiful Charlotte that we know a little bit about now. That is an attraction to companies, to individuals and one thing that hasn't been said, for those of you who haven't had the opportunity to meet Mr. Richardson personally, and I certainly had never had that opportunity, this is a true gentlemen from the classic sense of the word. He is a man of his word, he says what he means and he means what he says and he has said from day one that he wanted the Panthers to stay here in Charlotte and he has proven that to be true. I want to thank him for the patience he has shown, he and his management team through this process. I want to thank him for the willingness to scale down this project in order to make this deal work and to stay in Charlotte. I also want to thank the people of Charlotte and the Carolinas who have supported us as we have worked to find a way to keep the Panthers. Let's bring this beautiful Stadium up to date and let's go win some football games.

Councilmember Kinsey said I want to thank everybody for coming. We rarely have this many people watching us so thank you for coming and for making comments, letting us know how you feel about these issues.

Councilmember Barnes said because no-one used his or full minute, all my colleagues have donated their time to me, so I've got about 18 minutes. Of course I'm kidding. I do have a few questions and I want to speak to a lot of the folks who do not want us to support this effort. You may recall that a few months ago a number of us voted no on directing our staff to go to Raleigh to seek authority for the additional tax. There were several reasons for that which I won't get into, a lot of them having to do with some of the concerns that have been expressed about corporate welfare and giving money to millionaires, but unfortunately folks we live in a society right now where cities are being forced to create economic incentives to get businesses to come. We are in a situation because of the competitive nature of the NFL where we are having to work with the Panthers. I don't think Jerry Richardson wants to be here. I don't think he wants to have to ask for the money, I don't think we want to have entertain this whole process of giving them money only because we know because of what you saw on the screen what is happening in other cities in terms of how they are keeping their teams and how hard some cities are working to attract teams. What I would say is that I wish the public had been more involved early on because I'm sure there are comments that people would have made that would have been useful to us. I think that Ron Kimble and Bob Hagemann and other people on our staff have worked hard, Mr. Carlee, to come up with a deal that works well for Charlotte and what I've had to tell a few people is, think about what happens if the Panthers leave. What do you lose? The 6,000 jobs that are supported by the team; the \$600 million in economic impact and Mr. Mayor you mentioned the benefit to the State; I believe the State gets more money from the Panthers than we do. You are right we are pushing this uphill as opposed to down, which I said earlier tonight. The question I have concerns the reserves, if there are any for the Convention Center and Mr. Kimble early on I asked you about the fact that we are using public money to take care of a building we don't own instead of using that money to take care of a building we do own. You mentioned that there would be \$11 million left for the Convention Center, is there a reserve set aside in case a "what if" occurs at the Convention Center?

Mr. Kimble said there are sufficient backstops to the operations of the Convention Center. This is the debt capacity for improvements, renovations and enhancements to the Convention Center. This is over and above the everyday operations of the Convention Center.

Mr. Barnes said if there are any, let's say a wall falls down and half the building falls over, I assume we have insurance, although I imagine we are self-insured to a great extent on that, but do we have reserve money because this is the kind of thing people are going to want to know. If

something big happens in the Convention Center they may want to know that the City can afford to fix it.

Mr. Kimble said the \$11 million is that capacity. We also have reserves for the existing debt on the Convention Center because those are required by the bond covenants. This is \$11 million that is on top of all the other assurances and insurance on the Convention Center, and we will own the improvements inside Bank of America Stadium even though we are doing business inside a privately built Stadium, we actually own the improvements. They are paid for by the public and owned for by the public.

Mr. Barnes said I appreciate you clarifying that in case anyone is wondering. Regarding the Business INClusion Program, why can't we set a goal now to carry through the life of the deal?

Mr. Kimble said we are trying to do that for the 2014/2015 which is still a year and two years away and we can target that now and then we don't do another set of improvements until 2016 and 2018. We want to be able to evaluate what kind of businesses are in our program at that time and make more certain goal setting and more accurate goal setting at that time and we pledge to do that with the Panthers.

Mr. Barnes said I think this is the best deal that any city is currently getting from an NFL Franchise and it is not very large at all if you look at what some of these other competing cities are spending on their team so I'm going to support it. I can't afford to go to the games, but I look forward to watching them on TV in the fall.

Mayor Foxx said and that was from a Red Skins fan.

Mr. Barnes said the owner and I are from the same part of the State so he understands my allegiance to the Skins, but I do like the Panthers.

Councilmember Cooksey said since the action is to approve the business terms outlined and turn the matter back over to staff for the Manager to execute I have some questions about the terms. Mr. Kimble referenced the fact that under the terms the City will own the improvements that the City is providing the funding for. If there is some sort of injury by a member of the public on a city owned element of the stadium, according to the terms who is liable for that injury?

Mr. Hagemann said we have talked to the Panthers about that, although we will own it, it will be leased to them and they will be fully responsible for maintaining and operating, that includes insurance indemnification of the City. It is their responsibility.

Mr. Cooksey said is this agreement purely subject to agreement between the City and the Panthers organization or is the NFL as a whole involved in it as well. Do they have to sign off on any part of it?

Mr. Richardson said no.

Mr. Cooksey said I heard a no there so this is purely an agreement between the City and the Panthers, no third party has to sign off on it so there is no risk to either organization that somebody else might come in and interfere with it. I want to make sure that is clear in the terms that we are agreeing to tonight.

Mr. Hagemann said that is what we've been assured to by the owner.

Mr. Cooksey said the terms talk about the number of years, the number of seasons the Panthers will be tethered, six and four. What did the terms say about any sort of incident arising in which 8 home games and 2 pre-season games aren't played during the course of a season? Do we have a level of detail that addresses games being played or is it just about maintaining the Panthers Organization based in Charlotte?

Mr. Richardson said we are going to have to play the games the NFL will schedule. I can't control the NFL.

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Mr. Cooksey said I was just curious because I remember that was one of the provisions of our arrangements with the Knights last year, was they don't get the public funding agreed to last year unless they are actually playing in the stadium. I didn't know what kind of similar language might exist in these terms that would be part of the final agreement about games actually being played within whatever confines of the NFL's directives there are.

Mr. Hagemann said we are aware that the NFL has this program of teams occasionally playing in London for example, but that would be determined by the NFL scheduling and it would not be a breach of the Panthers obligation to play their games in Charlotte if they had one of those games scheduled in London for example.

Mr. Cooksey said I know part of the issue with the tether is to compel playing of the games here in the event a future owner tries to do something. I'm concerned about the risk that we are opening that we and the Panthers as a team are open up to if there a third party that could control or in some way shape or form affect the number of games assigned to the City of Charlotte during the course of the 10-year agreement.

Mr. Hagemann said we have looked at the arrangement that the Buffalo Bills recently struck with New York and the local community there and they do have language in their agreement that we intend to replicate that protects the community on the number of games that will be played in the community with allowances for example for a game every so many years and I think the NFL right now is playing one game per year in London so by the time it rotates around the league it is not very frequent.

Mr. Cooksey said thank you, those were the questions I had about the terms and the specifics that help keep all this going on. I very much share in the appreciation for the work gone into this, particularly in addressing these issues with existing restricted tax revenue. I'm a former Convention and Visitors Board member so I well understand how restrictive those taxes are and to open them up a little bit for an associated use that still ties into I think advertising the City for travel and tourism is a good priority for the City Council to adopt.

Mayor Foxx said I want to thank all of you who have come out tonight. It is helpful to see our community come out on an issue that is important and this is an important issue from the standpoint of business retention and continuing what I think is a wonderful enterprise that brings our community together. A lot has been said about the deal terms, etc. and there is just one point that I want to amplify tonight and that is as I'm getting into my sunset years as Mayor, one thing that I continue to worry about is that our City is having a harder time pulling for itself. The Panthers is an entity that is already here and when the call went out for people to come show up tonight, folks came. That is really important, but the future of our City is actually a little cloudy and there are things right in front of us and I expect that if the request went out to call up people to come help Charlotte keep its Airport I'm not sure this room would be full. I bet if there was a call for support behind the City's capital investment plan, it might not be full, and yet these issues are ones that are so important to the future of the City. So much so that I was joking and my jokes have not been funny today, I wonder if the City Council said why don't we just rename the team

The Charlotte Streetcar, would we have support for that? I don't think so. There might be a way to get investment in transit kick started. This is one of the four bricks that we are having to deal with here in this next 60 to 90 days, the Stadium, the Capital Investment Plan, the Airport and Transit. We need everybody who is in this room to show up and we need you to have a position. It is not just the fun stuff that this City has got to work on, it is the hard stuff and I promise you that in the generations of people who have been in this dais before and who have been in your seats before, folks had tough decisions to make, they had cloudy futures, but they figured it out together. I'm going to ask this community to ask our Legislators to call a time out on this Airport issue because it totally, totally going to rip up this region. I'm going to ask you as we go through this process of looking at our budget to show up. I may not agree with you, but I sure would like for you to show up. On the issue of transit which I think is such a defining issue for this City and for this region, we've got some conversations about how to fund it and I think we are about two years away from figuring out how to plug the overall hole, but we've not an opportunity to kick start some incremental progress and I hope you show up because this City is

more than sports. Sports are important but so are roads and bridges and Police Stations and many other things we have to deal with in the next 60 to 90 days.

The vote was taken on the motion to approve the City/Carolina Panthers Stadium Partnership and was recorded as unanimous.

Mr. Mitchell said I forget to thank three important people who spent a lot of time in Raleigh and here negotiating on our behalf so I think we own a lot of gratitude to Bob Hagemann, Ron Kimble and Dana Fenton for making this possible for us.

Mayor Foxx said let me also thank our Economic Development Committee Chair and also our Government Relations Chair James Mitchell and Andy Dulin and all of the Councilmembers who spent a lot of time on this. You put a lot of work into this and I want to thank you.

Mr. Richardson said Mayor and Council I thank you for your vote and your support. This was something I'm not good at and for you folks behind me, these folks in front of you may tell you that I may be too direct, not very patient and I am direct and I'm not very patient, but this has been an interesting night. I was moved by the comments that were not supportive of what we are doing and I hope in time we can change Mr. Mayor and Council, the views of the people that were opposed to this. We've talked a lot about tether and the biggest and best tether you've got Mayor, is me. I'm 76 and if you really want a tether say a prayer for me tonight.

Mayor Foxx said thank you Mr. Richardson, we have some oatmeal in the back, we've got a treadmill and all kinds of stuff ready for you, but we really appreciate your standing tall for us.

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#### **ITEM NO. 16: AIRPORT LAND ACQUISITION**

**Ellen Neely-Thomas 7407 Steele Creek Road** said I stand before you on behalf of the session of the Steele Creek Presbyterian Church. The Airport Advisory Committee met on April 4th which was only 18 days ago to propose this ordinance to you the City Council. Since this time the minutes of that meeting have not been made public as others have been published in the past. No public notifications or hearings have been afforded to those in the surrounded affected areas. When land is rezoned we have such hearings, why not this? We the Session of Steele Creek Presbyterian Church own 18 acres of the suggested land acquisition and another 40 acres across the street from the suggested land acquisition. On behalf of Steele Creek Presbyterian Church I ask a public hearing take place with individuals who would be affected by the recommended land acquisition, offering our church there as the site for the public hearing. If the City Council does not consider this request, to postpone the vote until a public hearing can be conducted. We request property owned by Steele Creek Presbyterian Church to be exempt from the consideration and the 300 yard buffer surrounding all affected property to be considered in order to provide the opportunity for a similar look and feel as it does today. Again the proposal from Steele Creek Presbyterian Church, which is celebrating 253 years in its current location which predates the Airport, predates the City and predates Mecklenburg as such, to postpone the vote until a public hearing can be conducted offering the church for this public hearing. If the request is not considered Steele Creek Presbyterian Church would like our property to be exempt including a 300 foot buffer surrounding all affected properties.

Councilmember Mayfield said do we have staff support here that can speak to this particular request. I know that tonight's request is the overall funding, but if you can speak to the concerns that would be helpful.

**Aviation Director, Jerry Orr** said a little bit of background, back in 2007 and shortly before when we were doing the environmental work to support the new runway we anticipated that we would offer a buy out to homeowners that were immediately south of that new runway because of new noise, that is they being located in the area where they didn't have direct over flights before. We thought we had agreement from the FAA to support that position. After the record of decision was approved for the Environmental Impact Study (EIS) we then learned that in their final paper they did not approve acquisition of that land under the Part 150 Program. Now we  
mpl

had held numerous public meetings in that timeframe and told all those people that we would offer acquisition of their homes as part of the runway program. We opened the runway in 2010 and we have been working with the FAA since that time to get them to agree that we could acquire that land, which of course makes it eligible for federal participation under the grant program. There are numerous people that for a number of years, especially since the runway opened that call me every day wanting to know when we are going to offer to buy their homes, but I can't do that until I get an indication from you all that you will support us using this money to initiate this program.

Councilmember Fallon said is it possible since there is a historic cemetery and historic church there and a Manse that is not historic, to carve out 8 acres around it so that they could keep that?

Mr. Orr said of course anything is possible. We've got the FAA to agree that to add this land to the Airport layout plan which gives us the framework under which we can buy out these homes and then as to quickly we buy them out is under our control. We can't ask for reimbursement from the FAA until we buy all of them so it is our intent to buy the homes from the people who want to sell them and not buy the homes from the people who don't want to sell them. You may remember or not that when we started our buy out in Moore's Park that was 1990 and there are still two property owners in there. So it takes a long time. The church itself, the cemetery are not in this piece of land.

Ms. Mayfield said Jerry just so that I heard you correctly, we started this conversation in 2007, you had meetings with the community so public notices went out. Have there been any conversations since 2010 outside of 2007 to 2010 and the reason I asked that question is a long with the speaker this evening who is concerned about not just the property the church is on, but the property the church owns, we also have a number of residents in the Steele Creek area that are in the audience that weren't able to sign up who had not received notices or information. I'm just trying to look at timeline here.

Mr. Orr said we haven't notified anybody. As you know we have a neighborhood task force which includes several people who live in this area. We've discussed with them at their quarterly meeting for years now. We haven't notified anybody that we are ready to proceed with acquisition until we get an okay from you all that we have a program.

Councilmember Cooksey said Ms. Neely-Thomas thanks for coming down and I appreciate the delicacy of this matter, particularly with everything going on. As I've been sitting here ever since the first speaker during the forum, churning okay, which is the better management of the Airport issue, going forward with the request for Council Action in spite of the fact that citizens are here expressing concern about it or asking to slow down the action. I appreciate the responses received because it does clarify what I think the best course of action is, which is to go ahead and approved this because this doesn't buy a thing as has been said. I think we need to be very clear on our communication, this is not about buying anything, this is the signal necessary to start the public conversation that you are asking for. Passage of this means that we talk, failure to pass this doesn't necessarily mean we talk because if we don't pass this there is nothing to talk about. I don't know if we can put it any clearer than that and I hope that is meaningful if not I will certainly take the slings and arrows of the error if it turn out that what I've said is in error. I'm interpreting this as being – this is obviously not spending any money because we don't have any purchases going on, this is about shifting funds from one account to another so that we can start that conversation and I appreciate the offer of the church for a place for a public conversation. I suspect the District Rep will be doing just that and I fully support all the open conversations that can be had once we get the process started by passing this action.

Councilmember Howard said Mr. Orr could you share what your intentions are with this property long-term? I see the future plans and the flight path for the future runway. What are your thoughts on what this land would be used for and if so what kind of rezoning are you talking about?

Mr. Orr said that really depends on how much of the land we actually end up acquiring and when we acquire it. As I said we started in Moore's Park which was 125 homes on that range in 1990;



we've acquired them all but two and less than a year ago we asked you to rezone a portion of it which we are now getting ready to develop.

Mr. Howard said no thoughts about what it could be at this point?

Mr. Orr said it depends on how many of these people end up wanting to sell. If nobody wants to sell then we won't be acquiring the land. Remember that if you approve this tonight we are not authorized to buy anything. We would bring those sales back to you on an individual basis to approve.

Ms. Mayfield said I did notice while we've had this conversation that we have at least one or two residents that have been physically vocal so I wanted to make sure that it is within quorum to invite at least one of you down if you would like to share so that we can hear the comments that you have since tonight is the public hearing and unfortunately I guess you did not have opportunity to sign up ahead of time or you might not have known what the process was. Earlier today Ms. Neely and I had a conversation so we were able to talk about what the process looks like. I'm going to pose a question and give you an opportunity to respond. Is there any additional information that you think you could share with us regarding the Steele Creek Acquisition.

Mayor Foxx said before you answer sir, let me say with no disrespect to you, I have to leave to catch a plane because I'm on a panel tomorrow. I really wanted to stay around for the next item to encourage council to support it so I'm going to state that now, although I do want to note that we are being asked to undertake an expense that we did not anticipate in the project and I don't particularly like the way this has come to us, but the project itself is important and it needs to be done and we will be using some property tax derived dollars for transit. I just wanted to make that point because I understand there have been some discussions in the past about property taxes for transit, but if we were flush with sales tax revenue we wouldn't be having this conversation, but we are not. I do support it, hope you all pass it. The other thing I wanted to mention before I left was I would like for us to have a meeting in the next week or so, special called meeting to have some further conversation about the Airport. I will try to find a date and time for that to happen and hopefully we can have some dialogue.

**Scott Price**, said I'm a Charlotte native. I love our City, I love our Airport and I love seeing our place grow. Our problem, my neighbors and myself that are here tonight, are not in opposition necessarily to what is going on. Our situation is about the total lack of knowledge about what is going on. For instance the rumors, the talk, when neighbors hear of this we all get together and we talk over the fence and things of this nature and the question is if they come in to buy us out, what value are they going to use, the value before the runway or the value after which is about 50% less. If we don't agree to their price are we going to be subject to eminent domain? What is the process, what is going on, what right do we have because that is not a house with sticks and electrical copper wire and refrigerators and ovens. Those are our homes. When we bought that home 15 years ago we made the decision then that we would be carried out of that house feet first. We've raised 1 ½ generations of grandchildren in those homes who held their Easter egg hunts in our front yards. Those are not scratches on the wall, they are marks where we've recorded their growth throughout their years. This is our home, not a house and if it going to have to be we want to make sure that we are treated fairly as I'm sure each and every one of you will be when the Airport comes for your house.

Mr. Cooksey said I just wanted to reiterate based on what I heard from Mr. Orr, this is transferring funds to allow for voluntary sale, so if you don't want to sell you don't have to sell. Am I interpreting it correctly Mr. Orr that we are not at this point setting up any forced sales.

Mr. Orr said yes, that is where we are right now. Keep in mind that if things had gone like we planned in 2007 we would be offering to buy those homes before we had opened the new runway.

Mr. Howard said I live in the Steele Creek area and the Presbyterian Church is definitely a gem in that area. Whatever we can do to protect that, and Jerry you've always done that. I would hope that we would continue to do that.

Mr. Orr said yes sir, my family has been good Presbyterians in Mecklenburg County since 1771.

Mayor Pro Tem Cannon said there was a Councilmember who made mention of shifting dollars from one account to another would start the conversation. It doesn't have to be that shifting dollars from one pot of money to the next begins the conversation does it? Could you not have already begun to have some of those conversations process wise?

Mr. Orr said we really got the whole process confused when we couldn't continue it in an orderly manner back in 2007 while we were building the runway. We have gotten FAA as of February 13<sup>th</sup> to do the things that makes these acquisition eligible for federal funding. If and when you should decide we ought to go ahead with this, then we will of course contact everybody, explain the process to them and go from there.

Mayor Pro Tem Cannon said I just wanted to make sure we were not putting the cart before the horse if you will.

Mr. Orr said that is exactly what we are not trying to do by going out and getting these people hyped up and then you all say no, we don't want to do this.

Mayor Pro Tem Cannon said I just wanted to be certain that the appropriation moves forward.

Mr. Orr said I would encourage anybody, you know we've done this in Moore's Park and we've done it in Whippoorwill Hill over the last 25 years. Ask any of those people if they were treated fairly?

Mayor Pro Tem Cannon said the last thing I will do is simply encourage you to still reach out to Ms. Neely-Thomas and the church to continue that dialogue to see where they are and make them much more aware about what is happening, and any other residents that are here this evening. We would appreciate it and I know they would too.

Motion was made by Councilmember Kinsey, seconded by Councilmember Howard to adopt Budget Ordinance No. 5091-X appropriating \$35 million from the Airport Discretionary Fund to the Airport Capital Investment Plan Fund. The vote was recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 58, at Page 148.

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**ITEM NO. 17: UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE/DUKE ENERGY UTILITY RELOCATION AGREEMENT**

Motion was made by Councilmember Barnes, seconded by Councilmember Howard to (A) Authorize the City Manager to negotiate and execute an agreement with the University of North Carolina at Charlotte (UNCC) the University of North Carolina at Charlotte Foundation, Inc. (UNCC Foundation) and Duke Energy consistent with the attached terms to share costs and bury overhead utility lines on North Tryon Street, and (B) Authorize the City Manager to execute the acquisition of property owned by the UNCC Foundation that includes a portion of tax parcel 049-311-11 (.759 acres in fee) and associated easement (totaling 1.465 acres) located at 9100 Robert D. Snyder Road, and (C) Adopt Budget Ordinance No. 5092-X to appropriate \$2,999,000 for relocation and burial of Duke Energy utilities on North Tryon Street funded by the City of Charlotte, UNC-Charlotte and UNC-Charlotte Foundation, Inc.

Councilmember Mayfield said unfortunately the Mayor had to leave but he did make mention of the property tax dollars so for transparency as well as complete authenticity when we are talking about how we are looking at supporting our transportation moving forward, when we go through these action items, just calling out A, B and C doesn't necessarily, if you are not in attendance and don't have a copy of the agenda, know what we are considering. When we are looking at a proposal and we are looking to adopt a budget ordinance to appropriate \$2,999,000 for the relocation and burial of Duke Energy utilities on North Tryon Street, funded by the City of  
mpl

Charlotte, UNCC and the UNCC Foundation, what we are saying is that even though there was a full funding agreement, there is an additional cost because what the request from UNCC is, of which I support, is to bury the lines underground as opposed to the lines being up top. I'm not a fan of all that, that is just how we've grown the City so you have a lot of power lines in the trees, but I think where we need to at least acknowledge the fact that at one point we said what we did not to do as far as tax dollars paying for certain projects, which I respect, but because we have an acronym on it NEICE, the community may not realize that that is still tax dollars that are being paid for transportation, even though these dollars are being asked for the burial underground of these wires, it is still tax dollars that are being used. We have a full funding agreement and I want to make sure that it is very clear that when we say we will or will not support it is very difficult later to have a conversation for any other project to say that we want to utilize very similar or identical funding in support of one project when we say we cannot do it in support of another project when we are still talking about funds that are being identified through the tax base. I want to make sure we talk about what we are approving. We are approving this additional \$2 million of which UNCC is offering to provide \$1 million in order to build underground, but I'm also concerned about what precedent are we setting if there is any other business that later along the Blue Line Extension decides they would like the same courtesy. Do we have it very clear that the reason we are doing this is for these specific reasons and that we are not opening a door for additional costs overruns as well as another potential business or partner that we have partnered with for many years to say we need additional funds and the City is expected to pay them.

Councilmember Kinsey said I think Ms. Mayfield mentioned some of what I was concerned about. I think you are right Ms. Mayfield, we do to let people know rather than just saying A, B, C because this could be setting a precedent and I was going to ask if there way anybody here who has been here longer than I have to see if there has been a precedent set already. This is almost \$2 million from City funds to bury lines and we have people who come all the time and ask us to bury the lines. I'm going to support this, but I do see it as setting a precedent.

**City Engineer, Jeb Blackwell** said I hate when you ask for an old timer who has experience, that would be me, but in 20 years this is the only case I know of where we have participated in underground utility, and every case is unique and this one is certainly unique but the practice field area at Cedar Yard which was mentioned earlier, part of that included some underground utility relocation as part of our arrangement with Third Ward. There was one other case that I know of and I can't say that there weren't other cases but that was about 20 years ago so I would say it is very rare, unique circumstances then and unique circumstances now.

Councilmember Barnes said I wanted, in the fairness to the point Ms. Mayfield raised, speak to each of the action items and give a little history on it because of the Streetcar issue. In 2008 and 2010 in our bond packages we established what was called a Northeast Corridor Improvement Program and it was modeled after the South Corridor Improvement program which we used to improve the infrastructure along the South Corridor, the original Blue Line. The money was used to improve lighting, sidewalks, roadway access to get people to the stations and to improve access to the Blue Line itself. That same model was used for the Blue Line Extension and when we established the North East Corridor Improvement Program (NEICE) money a few years ago there was \$30 million set aside that was to be used for corridor improvements along the Blue Line Extension. The \$2 million that we are talking about tonight comes from that original \$30 million so there is about \$7 million left out of the \$30 million and this \$1.999 million will come from that \$30 million. It is not new money, it is money that we have currently had in place and you all also know that the CIP included money for the Northeast Corridor Improvement Program in order to further improve the line from Ms. Kinsey's district up into mine. I believe Mr. Blackwell, and I'm not going to ask him this question, but if I'm wrong say so, but when you move the Blue Line from its current North Carolina Railroad alignment over onto North Tryon Street at Old Concord Road, the infrastructure improvements necessary become fairly robust. Is that fair? So the expense is a little different. As far as contributions for other transit projects we are obviously talking about the Streetcar, and the difference is that the Full Funding Grant Agreement with the State, Federal Government and Charlotte, Mecklenburg County, MTC will fund the construction of the Blue Line. The property tax money we've been talking about for the Streetcar will provide operating and construction costs for the Streetcar, that is the difference and in my opinion, I had this opinion last year, I had it actually six years ago is that those costs

continue to escalate requiring additional tax increases in order to fund the construction of the Streetcar and we still have yet to resolve that issue. I view the difference being that the NEICE program addresses infrastructure improvements along the corridor, the tax increases we talked about last year for the Streetcar would have funded construction and operating costs of the Streetcar. The fact of the matter here is that UNCC has an interest in having a corridor at its entrance on Highway 29 that can be a bit better than it is right now. Right now there are a lot of overhead power lines and they have partnered with us to get those lines underground and that is what this action is all about. There is \$1 million from UNCC and the UNCC Foundation and \$1.999 million from the original NEICE money that we set aside for this very purpose. It was intended to deal with infrastructure, this is infrastructure and so I think it is a very consistent action in light of what we did along the South Corridor and in light of our longstanding commitment to the Blue Line and the long standing commitment of our partners in Raleigh, even the people that we have expressed concerns about in Raleigh have been committed to the Blue Line. Some of the same people in Washington who have given us some minor heartburn from time to time are very supportive of the Blue Line and we all heard that in Washington when we were there last month. I support the item because I think it is one of our final steps in getting the Blue Line up and going and getting construction started in the first quarter of 2014.

Councilmember Cooksey said I will summarize for my own sake this issue. This action doesn't use property taxes to buy rails, it doesn't use property taxes to buy rolling stock and it doesn't use property taxes to buy catenary for the rolling stock and it doesn't use property taxes to operate the train so me it is not a conflict.

Councilmember Howard said I was going to leave it alone until then Warren. This idea of the fact that we can just divide up the fact that it all supports construction of the line and the fact that we've already used money to guarantee the Blue Line construction, I think it is healthy for us to stop trying to make the dissention. The only point that was trying to be made this week-end and I think Ms. Mayfield is making is that property tax is being used and we need to stop trying to be particular how we use that; as long as it doesn't pay for this then we are fine. What is the next thing? As long as it doesn't pay for what. The point is that we are using it and I'm going to support but I had some e-mails this week-end where I had concern about it, but this thing about determining what it covers and what it doesn't and being okay with other things that support it we should stop that because we are not helping. You are not helping me feel good about it that is for sure because it is still supporting the Blue Line and we got a feeling it maybe would be in jeopardy if we didn't.

Mayor Pro Tem Cannon said our job is infrastructure and that is exactly what this will be covering.

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

The ordinance is recorded in full in Ordinance Book 58, at Page 149.

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**ITEM NO. 18: NORTH DAVIDSON STREET FUEL, FARE AND WASH RENOVATION**

Motion was made by Councilmember Howard, seconded by Councilmember Mitchell, to (A) reject the apparent low bid of \$1,216,800 by Edison Foard, Inc. as a non-responsive due to non-compliance with the requirements of the federal Disadvantaged Business Enterprise (DBE) Program, (B) reject the next apparent low bid of \$1,244,400 by Ike's Construction, Inc. as non-responsive due to non-compliance with the requirements of the federal DBE program, and (C) award a contract to Nationwide Construction Group, the lowest responsive bidder, for the renovation of the North Davidson Street Fuel, Fare and Wash Building for \$1,218,400. The vote was recorded as follows:

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

NAYS: Councilmembers Cooksey and Dulin

mpl

**Summary of Bids**

Edison Foard	\$1,216,800
Ike's Construction	\$1,244,400
Nationwide Construction	\$1,495,200

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

**ITEM NO. 23: LYNX BLUE LINE EXTENSION BUILDING DEMOLITION CONTRACT**

**Deputy City Manager, Ron Kimble** said Mr. Dulin I think you pulled Item No. 23 and I checked on that and here is the story. We've done all the evaluation, all the review, all the testing; this is a great number. We are 99.99% sure this is all that is there. We can never be totally sure, but all the pre-work has been done and this looks like a great bid.

Councilmember Dulin said we see this all the time where people low bid us and then the next thing you know we have change orders. This is five structures that have come and I'm prepared to make a motion to pass this item, but it is just madding to me when these things creep up on us and I'm going to hold these folks' feet to the fire and then I'm going to hold staff's feet to the fire on this.

Motion was made by Councilmember Dulin, seconded by Councilmember Kinsey and carried unanimously, to award the low-bid contract of \$218,379 to NCM Demolition and Remediation, LP for building demolition associated with the LYNX Blue Line Extension Project.

**Summary of Bids**

NCM Demolition and Remediation LP	\$218,379.00
B & B Demolition Specialists	\$222,546.45
Blythe Development Co.	\$245,070.00
D. H. Griffin Wrecking Co. Inc.	\$268,887.15
NEO Corporation	\$286,996.50
Greenway Waste Solutions LLC	\$288,745.00
Clear Site Industrial, LLC	\$299,668.95
Contaminant Control, Inc.	\$313,950.00
High Point Builders, LLC	\$414,682.88
Environmental Holdings Group, LLC	\$460,236.00
Morlando Construction LLC	\$624,750.00
DeVere Construction Company, Inc.	\$641,287.50
Empire Dismantlement Corp.	\$696,150.00

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**ITEM NO. 24: CHARLOTTE-MECKLENBURG POLICE DEPARTMENT EASTWAY DIVISION STATION**

**Deputy City Manager, Ron Kimble** said Councilmember Barnes and Councilmember Dulin pulled this one. The question was about a commissioning agent and the cost. It is a \$25,000 amount for unspecified services, but mostly it is connected to mechanical and making sure that the mechanical systems operate the way that they were intended to do at the end of construction and installation. We've used this on several different models and several different buildings and it actually helps us save money in the long run to have it as a commissioning agent.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, to award the low-bid contract of \$4,500,718.10 to Southside Constructors, Inc. for the construction of the Charlotte-Mecklenburg Police Department Eastway Division Station.

Councilmember Cooksey said in light of that explanation I just have to say it, please make sure we don't have to see the mechanical installers on this building.

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

**Summary of Bids**

Southside Constructors, Inc.	\$4,500,718.10
Edison Foard Construction Services, Inc.	\$4,502,300.00
Ike's Construction, Inc.	\$4,522,950.00
J. D. Goodrum Company, Inc.	\$4,530,666.80
Marland Builders, Inc.	\$4,779,122.25

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**ITEM NO. 31: FY2013 TRAFFIC CALMING ROAD HUMPS PROJECT**

**Deputy City Manager, Ron Kimble** said I believe this was pulled by Councilmember Kinsey and we are going to get a report back to the Council on a later date on road humps, speed humps, how we go about looking at alternatives and just having a report back to Council.

Motion was made by Councilmember Mitchell, seconded by Councilmember Barnes, and carried unanimously, to award the low-bid contract of \$122,850 to Oliver Paving Company, Inc. for the FY2013 Road Humps Project.

**Summary of Bids**

Oliver Paving	\$122,850.00
RJJ Construction	\$123,099.38
Carolina Cajun Concrete	\$150,045.00
Red Clay Industries	\$184,879.80
Carolina Site Concepts, Inc.	\$193,607.40
W.M. Warr & Son, Inc.	\$196,087.50
Quinn Sales	\$201,563.25
Turner Asphalt	\$302,797.43

**ITEM NO. 35: AIRPORT VISITOR INFO CENTER MANAGEMENT AGREEMENT**

**Deputy City Manager, Ron Kimble**, said this was an item pulled by Councilmember Dulin and back in 2007 there was a relationship that formed between the Airport and the Charlotte Regional Visitors Authority. They were looking at synergies and the opportunity to partner and the opportunity to blend their talent and their skillsets on two different issues, advertising at the Airport and then the Airport Visitor's Center which later became the CRVA Visitor's Center. This one continues that relationship between the Airport and CRVA on new terms and conditions for operating the Visitor's Center and noted in this agenda item was going a new direction on the advertising contract, but this one in front of you tonight is the new relationship between the Airport and the CRVA on operating the Visitor's Welcome Center at the Airport.

Councilmember Dulin said going back to 2007, I've been pretty fortunate for the last 7 ½ years on Council and there are only a handful of votes I really wish I had back that bug me at night. This is one that has bugged me now for five years. We had an advertising agency, I don't remember the name of the agency, but it like 3 or 4 ladies, it was a women-owned business that was the advertising sales team for the Airport. Our Airport Manager and the head guy, at the time, over at CRVA decided that CRVA could sell those ads and make the money. I don't know if they kicking any of the profits back to the Airport or not, I'm not saying it was illegal, whatever it might have been, it was a business arrangement. We put this this women-owned  
mpl

advertising agency out of business and those ladies came to my house a couple of times pleading with me, please Mr. Dulin, help us save our jobs, help us save our company, we are doing a good job. I went along with the new arrangement in 2007 and it has bugged me for five years and so here in this motion tonight they are scrapping that plan as far as I can tell. I've read it and underlined it; they are scrapping that plan and have decided they are going to hire an advertising agency to start selling ads out there again. At the same time the CRVA was selling ads on one side and staffing the Visitor's Center on the other for no cost to the Airport, which is classic Jerry Orr, at no cost to the Airport; that is the way he keeps the cost down. This motion will add back \$243,015 in yearly expenses to the Airport, which is funny because we are in trouble on the other side of adding costs to the Airport. I don't know what to do about this. I still feel bad that those women lost their company in 2007 at the height of the recession and I don't know if they found other jobs or not. I've had no additional communication with them since the last time they came to my front steps pleading with me to help them and I didn't do it and I feel bad about it. I'm not sure whether I support this or not. If there is not another way to do it; I don't know if this is all that we could do; I just don't know. I was reading it this week-end and just marked this thing up. Can you help me Ron?

Mr. Kimble said it was a partnership arrangement on the two different functions, the advertising function in 2007 and then the Visitor's Center staffing and coverage by the CRVA. They've worked that relationship and that partnership for over five years now and because of the growth of the Airport and the relationship now it is felt that moving a different direction and they are going to go in a request for proposals route on the advertising side of this and open it up for competition to come back in and sell the advertising on behalf of the Airport, but the relationship has worked well on the Visitor's Center at the Airport and now they are restructuring their agreement in terms of cost coverage and what is fair to both parties and you in deed want them to have that kind of negotiation to cover the proper expense and responsibilities that are handled between the CRVA and the Airport.

Mr. Dulin said I've been by the Visitor's Center down there and it is staffed by usually one person that is always friendly and generally always busy because it is down in baggage claim and they are giving out information about what to do while you are in Charlotte. That is pretty much it isn't it?

Mr. Kimble said this is a tried and true model. This is the Port of Entry for a lot of visitors that come to our community and you want to have people with great skills, people with great knowledge, people with great relationship to the visitor and hospitality industry in Charlotte staffing that particular desk in that booth because you don't want to fumble your first attempt working with those visitors that come into the community. It has worked well, this relationship between the CRVA and the Airport at the Visitor's Welcome Center and they want to continue that relationship and they are coming up with a new cost sharing model for how to accomplish that.

Mr. Dulin said the RFP for this won't go out until we make the motion and it passes tonight, is that correct, so no RFP has gone out for advertising agencies?

**Aviation Director, Jerry Orr** said the RFPs have already gone out and we have received the proposals. The ladies who had the contract which expired in 2007 are still in business, all of them.

Mr. Dulin said did they put in a request for the business?

Mr. Orr said they were one of two proposers.

Mr. Dulin said of this new business and Mr. Orr said yes.

Mr. Dulin said that is helpful, you should have told me that a while ago. I'm glad they didn't dry up and float off.

Mr. Orr said no sir, they are still in business. They operate out of Charleston, SC and have other small airports around the country.

mpl

Mr. Dulin said you don't mind adding \$243,015 to your cost out there to have somebody staff this thing from CRVA?

Mr. Orr said actually what they do is they run the information counter for us which runs the paging system and other things like that. It is an opportunity for us to partner with CRVA that you also support and get you the best bang for your buck.

Mr. Dulin said thank you Mr. Orr, thank you Mr. Kimble. I'm going to support it but I'm not up for making the motion.

Motion was made by Councilmember Kinsey, seconded by Councilmember Howard, to approve a management agreement with the Charlotte Regional Visitors Authority (CRVA) for management and operation of the Airport Visitor Info Center.

Councilmember Mayfield said I'm going to back this conversation up a little bit because what was just mentioned by Mr. Dulin was a small business enterprise, a female owned business that was once had this contract, but yet what we have on here is that no SBE goal was set for this contract because there are no SBE contracting opportunities. Small Business Enterprise, there is a conflict if we do have an opportunity for a small business and if we just had a discussion, I believe it was last Monday about what we on the Economic Development Committee are doing; we are trying to support and encourage more spending with our SBEs and our MWSBEs; our Small Business Enterprises as well as our Minority and Women Business Enterprises. If we are going to be consistent about that we need to be consistent about it. If there was a goal and if this bid did come in as a Small Business Enterprise that would help meet our goals that we have approved on Council as well as the Economic Development Committee. I'm trying to understand why there is no SBE goal on here and also I would like to know what is the actual breakdown of this \$243,000 because it does seem interesting that we say what makes the Airport so great is the fact that we keep the cost down, but yet we are looking at creating this additional costs. I'm not really sure what this \$243,015 covers. That is something I would like to know but I'm more concerned about these SBE goals and us not consistently setting them and making sure that they are being adhered to.

Mayor Pro Tem Cannon said can staff draw some distinction please in terms of why there are not goals here?

Mr. Orr said we are talking about several things here. First off the deal with CRVA was for them to sell our advertising and run the Information Counter. We didn't pay them anything to run the Information Counter; they got their money to pay the people that worked there out of the money they made by selling the advertising and providing the salesmen for that. What this deal does is pay them for their staffing to run the Information Counter, otherwise we would have two choices, one pay somebody ourselves directly or not have an Information Counter, which is not acceptable from a customer service perspective. Now the advertising that we have put out for proposal is an Airport Concession. It falls under the federal regulations for Airport Concession which means that it is a DBE project and the goal on those proposals was 16% DBE participation.

Councilmember Howard said in the future that kind of information may be good for us to know. No SBE goal was set but there was something else that covered it. That would be good information to know so folks at the Airport can get credit from at least us knowing that was covered some kind of way.

Mr. Kimble said that is a good point, but the action tonight was on the Visitor Welcome Center and that information would be included when the RFP answers come back for award.

Mr. Howard said we don't get a lot of credit for endorsing stuff. I actually think it is a good point that the Airport is working with the CRVA. Interdepartmental interest is important and I think that is a good thing.



Mayor Pro Tem Cannon said I would add that since CRVA is being talked about I would encourage us to encourage the CRVA to engage more broadly if they would in dealing with MWBEs across the board. I don't think they are doing the best job that they could be over there with regard to that.

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

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**ITEM NO. 47: PURCHASE OF 0.2943 ACRES FROM THE CHARLOTTE MECKLENBURG BOARD OF EDUCATION.**

Deputy City Manager, Ron Kimble said it is eligible for ledger but they have requested that it be a cash transaction from Charlotte Mecklenburg Schools.

Councilmember Kinsey said is there any indication why they wanted that?

Mr. Kimble said that was a desire expressed by them in the transaction.

Ms. Kinsey said as I said earlier, I think in the future, if and when they come to us for funding for something I think we ought to take into consideration the fact that they would not use the ledger and they wanted the money.

Mr. Kimble said this is a \$66,000 transaction.

Ms. Kinsey said I realize that and it is not a whole lot of money in the overall scheme of things, but they don't hesitate to come and ask us for money, and I just think in the future we need to take into consideration that they would not work with us on the basis of a ledger.

Councilmember Mitchell said I pulled this item as well, but I apologize Patsy, I didn't think about that angle. I actually pulled it to compliment the staff for the first time in a long time, this has come out of the Business Corridor Revitalization Fund and I know it has been a struggle for us to get projects to use those funds so hats off to Ms. Mayfield and to staff for working and finding the partners. I think they are going to develop a QuikTrip, a McDonald's and an office park on this site.

<p>Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell and carried unanimously, to approve the fee simple purchase of 0.2943 acres and approximately 8,000 square feet of permanent utility easement for the future Clanton Road Extension Project from the Charlotte-Mecklenburg Board of Education, in an amount up to \$66,000.</p>
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**ITEM NO. 20: APPOINTMENTS TO BOARDS AND COMMISSIONS**

**20-A: Business Advisory Committee:** The following nominees were considered for two appointments for a three-year term beginning April 29, 2013, and ending April 28, 2016:

Robert Cox, nominated by Councilmembers Dulin and Pickering

Matt Fowler, nominated by Councilmember Autry

Andrew Golomb, nominated by Councilmember Kinsey

Saeed Moghadam, nominated by Councilmembers Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield and Pickering.

Benjamin Smith, nominated by Councilmember Autry

Gregory Wiley, nominated by Councilmembers Barnes, Cannon and Cooksey.

Results of the first ballot were recorded as follows:

Robert Cox, 1 vote – Councilmember Mitchell

mpl

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Andrew Golomb, 5 votes, Councilmembers Autry, Fallon, Howard, Kinsey and Mayfield.  
Saeed Moghadam, 10 votes – Councilmembers Autry, Barnes, Cannon, Cooksey, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering.  
Gregory Wiley, 4 votes – Councilmembers Barnes, Cannon, Cooksey and Pickering.

A second ballot was taken between Andrew Golomb and Gregory Wiley and recorded as follows:

Andrew Golomb, 1 vote – Councilmember Howard  
Gregory Wiley, 7 votes – Councilmembers Autry, Barnes, Cannon, Cooksey, Fallon, Mitchell and Pickering.

Mr. Moghadam and Mr. Wiley were appointed.

**20-B: Charlotte-Mecklenburg Coalition for Housing:** The following nominees were considered for one appointment for a representative of the real estate community for a three-year term beginning July 1, 2013 and ending June 30, 2016:

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

Results of the first ballot were recorded as follows:

Valerie Lewis, 2 votes – Councilmembers Howard and Mitchell  
Joanne Mazzaferro, 3 votes – Councilmembers Cooksey, Dulin and Mayfield  
Cedric McCorkle, 4 votes – Councilmembers Barnes, Cannon, Fallon and Pickering.  
Magay Shepard, 2 votes – Councilmembers Autry and Kinsey.

Since none of the nominees received 6 votes a second ballot was taken between Joanne Mazzaferro and Cedric McCorkle and was recorded as follows:

Councilmember Cooksey said Ms. Mazzaferro has been waiting and eager to serve to see what our vote is so she is here now.

Councilmember Dulin said very worthy

Joanne Mazzaferro 7 votes - Councilmembers Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering  
Cedric McCorkle, 4 votes – Councilmember Autry, Barnes, Cannon and Fallon

Ms. Mazzaferro was appointed.

**20-C: Charlotte Regional Visitors' Authority** The following nominees were considered for one appointment for a general travel representative for a three year term beginning July 1, 2013 and ending June 30, 2016:

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

Results of the first ballot were recorded as follows:

John Collett, 3 votes – Councilmembers Dulin, Howard and Mitchell  
Deborah Edwards, 3 votes – Councilmembers Kinsey, Mayfield and Pickering  
Vinay Patel, 5 votes – Councilmembers Autry, Barnes, Cannon, Cooksey, and Fallon

Councilmember Mitchell said I ran into Mr. Patel and I told him I was confused because I thought he was a mayoral appointee. I am confused as to why he is in the pool as opposed to a mayoral appointee.

City Clerk, Stephanie Kelly said I would need to verify that; I don't believe he is a Mayoral appointee.

Mayor Pro Tem Cannon said he was a Mayoral appointment and the Mayor replaced him I believe with another body and that in turn left the category open for Mr. Patel to participate in vying for this particular post and as a result he has put his name in the hat for it as I understand it and this is for the general travel representative. That is probably the difference between him and some of the other candidates represented here if that helps you in your vote.

Councilmember Kinsey said when was he not reappointed because his application says that he currently serves on the Board as the Mayor's appointee, and is not sure if he will be reappointed by the Mayor. Maybe that has happened recently.

Councilmember Cooksey said if I'm looking at the form provided by the Clerk, in the case of Mr. Patel he was first appointed in 2009, had a reappointment date in 2010 and his terms ends June 30, 2013. That I think is the issue about not knowing whether he going to be reappointed by the Mayor. He is eligible for the Mayoral reappointment but he is also eligible to apply for the general travel category appointed by Council. He is on there currently as Mayoral appointee but there is no guarantee that he will be reappointed effective July 1, 2013.

Mayor Pro Tem Cannon said as I understand it, the Mayor already has a person to replace him.

Mr. Cooksey said that may be the issue if the Mayor has already indicated somebody else will fill the hotel representative slot then that is effectively saying Mr. Patel you don't get a second full term on your own.

Councilmember Barnes said I had nominated Mr. Patel and I'm going to vote for him because he is a member of the general travel industry. His company owns a number of hotels in this area and he has quite a bit of expertise in the business and I think losing him from the body would not serve the CRVA well to lose that expertise.

Councilmember Howard said what is confusing to me is what Mr. Mitchell mentioned. It didn't make sense to me why he was on here one week, nominated before and Vinay is a friend but I've kind of thrown my support behind John because it was confusing. I wish I had understood what this whole scenario and situation was. That would have helped.

Mr. Barnes said is Mr. Collett a travel industry rep?

Mr. Howard said he owns hotels.

Mayor Pro Tem Cannon said he has a few disciplines in it and he is a developer. It is before us to take some form of action by way of those that are represented here.

Since none of the nominees received 6 votes a second ballot was taken between Deborah Edward and Vinay Patel and recorded as follows:

Deborah Edwards, 4 votes – Councilmembers Autry, Kinsey, Mayfield and Pickering  
Vinay Patel, 7 votes – Councilmembers Barnes, Cannon, Cooksey, Dulin, Fallon, Howard and Mitchell.

Mr. Patel was appointed.

**20-D: Citizens' Transit Advisory Group** The following nominees were considered for one appointment for a two-year term beginning July 2013 and ending June 30, 2015:

Lee Cochran, nominated by Councilmember Howard

mpl

Frank Kretschmer, II nominated by Councilmembers Barnes, Cooksey, Kinsey, Mayfield and Pickering.

Michael Zytow, nominated by Councilmembers Autry and Cannon.

Results of the first ballot were recorded as follows:

Lee Cochran, 3 votes, Councilmember Autry, Fallon and Howard

Frank Kretschmer II, 6 votes – Councilmembers Barnes, Cooksey, Kinsey, Mayfield, Mitchell and Pickering.

Michael Zytow, 1 vote – Councilmember Cannon

Mr. Kretschmer II was appointed.

**20-E: Community Relations Committee** The following nominees were considered for five appointments for a three-year term beginning July 1, 2013 and ending June 30, 2016:

Lisa Berk, nominated by Councilmember Mayfield

Azizi Coleman, nominated by Councilmember Mitchell

Sheena Cox, nominated by Councilmember Autry

Jessica Davis, nominated by Councilmember Autry

Roderick Garvin, nominated by Councilmembers Cannon, Cooksey, Dulin and Howard

Sabrina Jackson, nominated by Councilmember Howard

Veronica Jones, nominated by Councilmember Mayfield

Carmen Jones-Pickett, nominated by Councilmember Mitchell

Vanessa Kenton-Hunt, nominated by Councilmember Pickering

Jason Lackey, nominated by Councilmember Cooksey, Dulin and Kinsey

Cedric McCorkle, nominated by Councilmember Barnes

April Morton, nominated by Councilmember Autry

Tin Nguyen, nominated by Councilmembers Autry, Mayfield, Mitchell and Pickering

Kathleen Odom, nominated by Councilmembers Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering

Delores Reid-Smith nominated by Councilmembers Autry and Barnes

Vernon Sadler, nominated by Councilmember Pickering

Thomas Sowers, nominated by Councilmember Kinsey

Michael Tanck, nominated by Councilmembers Barnes, Cannon, Cooksey, Hoard, Kinsey, Mayfield, Mitchell and Pickering

Carrie Taylor, nominated by Councilmembers Barnes, Cannon, Howard and Kinsey

Michael Zytow, nominated by Councilmember Cooksey

Results of the first ballot were recorded as follows:

Lisa Berk, 1 vote – Councilmember Mayfield

Azizi Coleman, 1 vote – Councilmember Howard

Sheena Cox, 1 vote – Councilmember Autry

Jessica Davis, 1 vote – Councilmember Fallon

Roderick Garvin, 4 votes – Councilmembers Cannon, Cooksey, Howard and Pickering

Sabrina Jackson, 1 vote – Councilmember Howard

Veronica Jones, 1 vote – Councilmember Mayfield

Carmen Jones-Pickett, 2 votes – Councilmembers Fallon and Mitchell

Vanessa Kenon-Hunt, 1 vote – Councilmember Pickering

Jason Lackey, 3 votes – Councilmembers Cooksey, Howard and Kinsey

Cedric McCorkle, 2 votes – Councilmembers Barnes and Mitchell

Tin Nguyen, 5 votes- Councilmembers Autry, Barnes Howard, Mayfield, Mitchell and Pickering.

Kathleen Odom, 9 votes – Councilmember Autry, Barnes, Cannon, Cooksey, Fallon, Kinsey, Mayfield, Mitchell and Pickering

Delores Reid-Smith, 3 votes – Councilmembers Autry, Barnes and Fallon

Thomas Sowers, 1 vote – Councilmember Kinsey

Michael Tanck, 9 votes – Councilmember Autry, Barnes, Cannon, Cooksey, Fallon, Kinsey, Mayfield, Mitchell and Pickering.

Carrie Taylor 3 votes – Councilmembers Barnes Cannon, and Kinsey

Michael Zytow, 1 vote – Councilmember Cooksey.

**City Clerk, Stephanie Kelly** said the two incumbents, Kathleen Odom and Michael Tanck each received 9 votes. There needs to be a run-off between Roderick Garvin, Jason Lackey, Tin Nguyen, Delores Reid-Smith and Carrie Taylor and you need three.

The second ballot was recorded as follows:

Roderick Garvin, 7 votes – Councilmembers Cannon, Cooksey, Dulin, Fallon, Howard, Mitchell and Pickering

Jason Lackey, 3 votes – Councilmembers Cooksey, Dulin and Kinsey

Tin Nguyen, 8 votes – Councilmember Autry, Barnes, Dulin, Fallon, Howard, Mayfield, Mitchell and Pickering.

Delores Reid-Smith, 5 votes – Councilmembers Autry, Barnes, Cannon, Fallon and Kinsey

Carrie Taylor, 8 votes – Councilmember Autry, Barnes, Cannon, Fallon, Kinsey, Mayfield Mitchell and Pickering.

Mr. Garvin, Mr. Nguyen, Ms. Odom, Mr. Tanck and Ms. Taylor were appointed.

**20-F: Keep Charlotte Beautiful** The following nominees were considered for two appointments for a three year term beginning July 1, 2013 and ending June 30, 2016:

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

Hung Chau, nominated by Councilmember Autry

Charles Jewett, nominated by Councilmember Barnes

Joseph Franco, nominated by Councilmember Kinsey

Eric Netter, nominated by Councilmembers Barnes, Mayfield and Mitchell

Samantha Pendergrass, nominated by Councilmembers Kinsey and Pickering

Robert Rapp, nominated by Councilmember Mayfield

Results of the first ballot were recorded as follows:

Joseph Canty, 9 votes – Councilmember Autry, Barnes, Cannon, Cooksey, Dulin, Fallon, Howard, Mitchell and Pickering.

Hung Chau, 1 vote – Councilmember Autry

Joseph Franco 1 vote - Councilmember Kinsey

Eric Netter, 5 votes – Councilmembers Barnes, Cannon, Howard, Kinsey, Mayfield and Mitchell

Samantha Pendergrass, 2 votes - Councilmembers Kinsey and Pickering

Robert Rapp, 2 votes – Councilmembers Cooksey, and Mayfield

A second ballot was taken between Eric Netter, Samantha Pendergrass and Robert Rapp and was recorded as follows:

Eric Netter, 8 votes – Councilmembers Barnes, Cannon, Cooksey, Dulin, Fallon, Howard, Mayfield and Mitchell

Mr. Canty and Mr. Netter were appointed.

Councilmember Mitchell said I can't say enough for the Canty Foundation; we had over 500 volunteers this week-end at Johnson C. Smith - Clean Up Historic West End. They may a clear clean-up to bring some change back so Joseph and Chris thank you for being a positive role model, playing professional football, but giving back to the community.

Mayor Pro Tem Cannon said he is not just an advocate, he is doing it and we certainly appreciate them for doing that.

**20-G: Planning Commission** The following nominees were considered for one appointment for a three year term beginning July 1, 2013 and ending June 30, 2016:

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

Results of the first ballot were recorded as follows:

Randy Fink, 2 votes – Councilmembers Barnes and Cooksey  
Dionne Nelson, 4 votes – Councilmembers Cannon, Howard, Mayfield and Mitchell  
Michael Sullivan, 4 votes – Councilmembers Autry, Fallon, Kinsey and Pickering.

Councilmember Howard said Ms. Nelson has been sitting here waiting and she has expertise. Just advocating and letting you know she stuck around.

Since no nominee received 6 votes a second ballot was taken between Dionne Nelson and Michael Sullivan and recorded as follows:

Dionne Nelson, 7 votes – Councilmembers Barnes, Cannon, Cooksey, Dulin, Howard, Mayfield and Mitchell  
Michael Sullivan, 4 votes – Councilmembers Autry, Fallon, Kinsey and Pickering

**20-H: Public Art Commission** The following nominees were considered for one appointment for an at-large representative for a three-year term beginning July 1, 2013 and ending June 30, 2016:

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

Results of the first ballot were recorded as follows:

Viola Aisha Alexander, 1 vote – Councilmember Howard  
Patricia Boyer, 4 votes – Councilmembers Dulin, Fallon, Kinsey and Pickering  
Connie Hayes, 4 votes – Councilmembers Autry, Cannon, Mayfield and Mitchell  
Celab Layman, Jr. 1 vote – Councilmember Cooksey  
Anthony Spencer, 1 vote – Councilmember Barnes

Since no nominee received 6 votes a second ballot was taken between Patricia Boyer and Connie Hayes and recorded as follows:

Patricia Boyer, 6 votes – Councilmembers Autry, Barnes, Cooksey, Dulin, Mayfield and Pickering.

Ms. Boyer was appointed.

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## **MAYOR AND COUNCIL TOPICS**

Councilmember Mitchell said I would like to ask the City Attorney if he can give us an opinion on the Airport Advisory Committee, do they have the authorization to remove a Chairman from that Advisory Committee. If we can direct the City Attorney on an opinion I would appreciate it.

**City Attorney Bob Hagemann** said I will do that.

Mr. Mitchell said the next one, it came up earlier today in a lot of our Consent Items and I can't remember if this referred part of the New Charlotte INClusion Program, but there was a lot of opportunity that said no SBE goal for professional. We need to look at that again because I think that was part of the original program we had and we have more companies now that are in professional services. I can't remember did we change that part of Charlotte INClusion or is that something we need to look at again because I just think we are missing some opportunities for our SBEs to participate, those who fall in the professional services.

**Deputy City Manager, Ron Kimble** said we will get a report back to you.

Councilmember Howard said I had a chance to attend the Legislative Breakfast for the Junior League and one of the things that was mentioned was that last your Mr. Mitchell and I asked Public Safety Committee to look at human trafficking and one of the things that was pointed out was that we did great work summarizing that but the US Attorney, Ms. Tompkins mentioned that there were some more things that she would like to work with the City on, including CMPD so I was wondering if your Committee would mind inviting her down. She expressed interest in maybe coming and talking to the City Council and taking about further things we can do as a Council to address that issue. We continue to rate number 5 in the top 10 in the country and that is not something that we want to be a part of.

Mayor Pro Tem Cannon said would it be okay if we tried to work with staff to get her on our regular Dinner Agenda, largely in part because coming to us as a whole on a topic as such, probably might be better, especially if we are not driven or charged in Committee with some action item.

Mr. Howard said I'm fine with that.

Mayor Pro Tem Cannon said staff if you can help us coordinate getting that on the Workshop that would be great.

Mr. Howard said they also mentioned something they are doing with food deserts and I noted Ms. Mayfield has brought that up from time to time, looking at some ordinances to try to help that. Just so you know Council, I will probably be looking at that one to see if there is something that maybe the Economic Development Committee could be doing to use our corridor money to help with that. Maybe something than non-traditional then just helping businesses as well as maybe looking at the way it works with neighborhoods with the HAND Committee in the future. I'm not prepared to do that tonight, but wanted to put that on the table. That is an issue that was really of interest to me that I thought maybe we should look at as well.

Councilmember Mayfield said I wanted to thank Councilmember Howard for attending the Smart Start Teddy Bear Breakfast which is an annual event. Smart Start really focuses on helping children from pre-natal up to 5 years because those first 2000 days are very informative. He was able to stop by the event on Saturday in support of Council and I also wanted to note that this coming Saturday Genesis Touch Program will be hosting a Biking Out Childhood Obesity, bicycle ride so we have the Mayor's Bicycle Ride on Friday morning at 7:30 and Saturday's is a little later, around 9:00 a.m. and will be starting from Southside Park which is 2645 Toomey Avenue. If anyone would like to join we will be out in support of Biking Out Childhood Obesity.

Councilmember Barnes said I want to announce a fantastic event that will be taking place on May 16<sup>th</sup>. It will be a District 4 Town Hall Meeting. It will be in the Community Room on the second floor of IKEA in Belgate in Northeast Charlotte. We will have the three new CMPD Captains for the three Divisions that serve my District. We will also have an opportunity for the public to meet and greet our new City Manager, Mr. Carlee. We will be talking about the Blue Line Extension Project and a number of other infrastructure projects that we are hoping to get off the ground in Northeast Charlotte. It will be from 6:30 until 8:30, second floor, IKEA. If you want further information please contact Kim Oliver at 704-336-2180.

Councilmember Fallon said I want to thank citizen Jeremy Johnson who organized a forum on Saturday about the Airport. Councilmembers Cooksey and Dulin attended. The general  
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consensus was the people that did attend do not want the Airport transferred to the State. They felt it was ours, we paid for it, we've been a very good steward of it and they want to keep it here, which I think all of us do. It was a citizen who decided to do something about something he could not ...

Councilmember Autry said I wanted to take the opportunity to remind everyone that last Friday was Realtor's Care Day where the Realtor Association of Charlotte along with REBIC went out through the City and identified homes that had for whatever reason, either with the loss of a family member or financial distress, some of these homes had fallen under the radar of being maintained well and the Realtor Association goes out with a general contractor and loads of volunteers from their membership and has a field day on these homes. In my district they worked in the Winterfield Neighborhood and as I spoke with a general contractor, in one day they did anywhere from \$6,000 to \$7,000 worth of work on this property. That is work that helps the value of all the homes in that neighborhood so I just wanted to thank the Realtors in Charlotte that we appreciate your efforts.

Councilmember Dulin said this is our employee newsletter and I look through this every month and he works up on 15, Wilson Hopper and his wife have had their first baby, named Carolyn Rose. Congratulations to Wilson, he is usually sitting over there in the energetic staff section and he got tonight off I guess. He is probably working harder than anybody else in the room.

Mayor Pro Tem Cannon said today marks this week to be Special Olympics Week. We had about 1,000 athletes come out during the procession today. It was a great event over at Bojangles Coliseum with about 50 plus Charlotte Mecklenburg Schools that participated in that, bringing them out and Charlotte Country Day has been engaged in it as well. I want to remind you on Wednesday, April 24<sup>th</sup> they will have the closing ceremonies and celebration. If you can attend that it will begin at 2:00 p.m. It is going to be at the Belk Stadium, Cannon Campus at Charlotte Country Day, at 1440 Carmel Road. If you can make that go and support these wonderful children who are doing such a wonderful job and have great support.

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#### **ITEM NO. 22: CLOSED SESSION**

<p>Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield and carried unanimously, to adopt a motion pursuant to North Carolina General Statute 143-318.11 (a) (4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.</p>
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The meeting was recessed to go into Closed Session at 10:51 p.m.

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Stephanie C. Kelly, City Clerk

Length of Meeting: 5 Hours, 34 Minutes  
Minutes Completed: July 26, 2013