

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, June 24, 2013 at 5:15 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, Patsy Kinsey, James, Mitchell, LaWana Mayfield and Beth Pickering.

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MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Foxx said some councilmembers have already submitted questions for consent but are there any other ones other than the ones that have already been presented to staff?

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

Councilman Mitchell said Consent Item #20

Councilmember Cannon said Consent Item #27

Mayor Foxx asked, are there particular questions?

Mr. Dulin said confirm Item 22A has been pulled by staff.

Mayor Foxx said yes sir.

Mr. Dulin said no consent items from me tonight Mr. Mayor.

Mr. Cannon said I want to know on #27, what other financial partners have been lost or will be lost relative to the circulator service? I'd like to know what about the future years to come as to how this is operate. The estimated annual operating cost of Fiscal 2014 is \$883,000. But this suggests that the balance will be paid with transit and state transit funds. I want to understand if we are expected to continue any level of contribution and if so, at what level? I want to know how much the service is actually being utilized in terms of ridership right now.

Mr. Dulin said I made some notes on #27, in case somebody else brought it up. The Gold Rush is currently free and so the numbers of riders are of interest to me and of course it should probably spike down when Johnson C. Smith's not in class, but as for the starter line for the street car, and then the now Path's extension, I'm curious as to what CATS is looking into for those fares. It's very important information whether they are planning on it for that also since it covers a line that is free, whether it's planning to be free or a paid service. So that would go along with #27.

Mr. Cannon said it is suggested that transit will operate without budget parameters. Transit will reduce Gold Rush Service. I would like to know if we reduce from what to what. Where is it currently in terms of its service, hours of operation? I want to know what that reduces it to. I want to make sure that people still have an opportunity to ride at the appropriate times.

Mr. Dulin said for instance, if annual operating costs for Fiscal Year 2014 are expected to be \$883,000 for a free Gold Rush bus route, just how much is it going to be for a streetcar route? And if is expected to be free, this council has got some real scrambling to do to paid these operating costs.

Mayo Foxx said so we will have staff respond at the end of the dinner briefing. Are there any other consent items?

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REAL ESTATE ACTIONS AND THE LYNX BLUE LINE EXTENSION

Jeb Blackwell, City Engineer said I am the City Engineer, and joining tonight will be Brad Branham. He is with the City Attorney's Office and he is the lead on our condemnations after

the Council vote to condemn. Tonight I am going to give you an overview and update on the Blue Line Extension Real Estate—where we stand today and how we work through the process that leads up to acquisition. Brad is going to talk about the safeguards on the process after council votes. The safeguards are intended by the Federal Rules and by states rules to ensure that there is a fair hearing by folks who know about real estate on what a fair value is for the real estate. Fair in terms of both protecting the property owner but also protecting the tax payers and insuring that FTA expectations are met. First, just a quick overview on the Blue line Extension project—it is over nine miles; 11 stations; a lot of parking; 25,000 daily riders set up for three cars from opening date; it will connect the uptown to UNC Charlotte at 22 minutes; it is expected to be opened in early 2017. It may sound like it's very far away but when you look at what has to be done, that's exciting. It is a very large and complex project. It is the largest project in City history. It is classified by the FTA as a megaproject and so that gives us plenty to worry about. The risks of delay are substantial. We have set a very aggressive schedule and with a complex project and an aggressive schedule, of course, that makes the risks large and the difficulties significant in meeting that schedule. We set an aggressive schedule for several really good reasons: It costs a lot of money. Overhead every day when you have a large group of staff and a large group of consultants working on a project, our daily costs are high so we want to minimize those costs so we can deliver this project as economically as possible. Inflation at 4% a year which is about what construction is running, will get you in the 10s of millions of dollars per year if delayed and so this project needs to move quickly for money reasons, but it also needs to be driven quickly for other reasons. We want to move quickly because during we have that quarter in stasis right now, while they know a project is coming, people can't go forward with their lives out there. Once we are under construction, they are in chaos and so we have a great drive to be gentle with that corridor to make us want to move quickly. As to the benefits of the project, we want to deliver those as quickly as we can and so we have set an aggressive schedule but that puts a lot of pressure on us to deliver quickly and, of course, that leads to us moving sometimes more quickly than we sometimes do on real estate acquisitions and impacts to that schedule, since there's not much float, tends to have repercussions to the schedule.

The one thing that I do want to point out is that just because we are trying to move quickly into an acquisition phase that does not end our time to negotiate with the property owners. That process can take up to two years and almost always results in a mutually agreed to settlement on those values. That gets us towards fairness to the property owner and to the people who paid for this and gets us out of the pressure of the project schedule. Again, we are trying to be fair to the property owner, to the tax payers and also we need to be complying with FTA and NC rules on how we do those acquisitions. The FTA has the authority to audit any of these acquisitions and many of these acquisitions have to be pre-audited by them to make sure that we are making fair offers and so when we come to you with a condemnation amount, that is the amount that is compliant with FTA rules and NC law for condemnation and so, again, those are not really values that are necessarily productive for us to try to reset and there is an opportunity to set those later.

Where we stand today, there are 309 parcels—there are several different versions of that number of parcels. Some of those parcels include state or railroad land or county land, but it's in the low 300 range of total parcels to be acquired. The real estate schedule is very aggressive but we are doing well on that. We've got 199 of those either complete or pending, which is what we have either got a signed amount with the property owner or the council has voted to go forward with a condemnation. So those are now in the process of being closed out. We had a lot of business relocations: 20 and 17 of those are complete. One of those I think is worth highlighting. We had a storage facility with 651 units. That by itself was identified on the FTA risk register as the ninth biggest risk to the project. We weren't able to get the property owner's names until we took title to it because of legal reasons and so we had to work really quickly to identify those property owners and work with them and less than 10 of those were we unable to get the property owner's (many of whom were out of state) to come in and reclaim their stuff and move out. So that was a very complicated piece and a big success that was in itself a big project.

Here is the really good news. This is my favorite slide. What this slide says is that after tonight, with the 42 that we have on tonight, the acquisitions are tapering off. As you know, council we have been voting recently on the demolition contracts. Those are underway. The utility relocation contracts—we have another one tonight, but work is starting out in the field. There will still be other acquisitions because some were in conflict with the utilities or with other

things so they weren't as critical. As you see, our acquisitions are going to start tapering off significant. So there will continue to be acquisitions throughout this project because one thing we did learn on the Blue Line when we went south is that even during construction, we had cases where we needed another piece of easement well into construction for a down guy or because of an unexpected conflicted in some way or other that had to be resolved. So we won't be through with property acquisitions until we really get into the project, but we are about to get through the push for these property transactions after tonight.

This is roughly what our acquisition process looks like that leads to condemnation or closing. In many cases, about half of these on the Blue Line have been condemnations and the other half have been ones we've had agreement before we reached the city council. This process is not our normal acquisition process. It is somewhat dictated by the FTA rules. For example, the contact phase of eight weeks. The FTA rules say that, if the property owner doesn't respond, you have to send them a certified letter. Then you wait two weeks. If they don't respond, you send them another certified letter, then you are required to wait two weeks and if they don't respond again, then you send another certified letter. So that can take six weeks. In many cases, we make contact quicker, but in some cases, we don't. The appraisal phase at 12 weeks that is probably our most demanding piece in terms of work that we have to deliver. When you think of an appraisal, at least for me, I think of that two page thing they gave me with my house. The first appraisal that is required by the FTA rules is an MAI appraisal that has a huge amount of requirements in it as far as valuation and the documents that we have looked over are from 70 to 160 pages. So that first appraisal takes two to four weeks to do. It is a whooper of a document and it has a huge amount of valuation and requires dealing with the property owner to understand their concerns and making sure that those are set in the valuation. After that appraisal is complete, the FTA process requires that we do an internal review of that and it also requires a second MAI appraiser takes that appraisal and does an appraisal review on that and verify or disagree with what that first appraiser came up with. If they do disagree, then we have to meet with them and try to reconcile that. If they are unable to reconcile and agree on a value, then we have to have an additional full appraisal (100 page document again). So the appraisal phase is very knowledgeable professionals working hard to set a value that complies with state and FTA rules. So it is a detailed set of analyses that can include income based analyses, before and after impacts, and a whole lot of work. After we have the appraisal, we will begin negotiations in earnest. That eight weeks can get tight, especially if the property owners are hard to catch up with and so that's the piece that's fairly snug and one that is tighter than what we normally work with. But, again, we were trying to work within a very hard driving schedule here. If we are able to reach an agreement or not, we are then working through our council agenda process. Again, if we are not able to reach a valuation agreement, then that would be one where we would say that could defer the process which Brad is going to talk about, deals with.

The one other thing I would note is that the six week phase of the closing condemnation after council votes to condemn the property (assuming we didn't have an agreement), there is a two-week period that we keep in our real estate area and try to reach an agreement with the property owner. We sign between 25-30%. When we looked a few weeks ago, we had signed 29% at that point. I have not looked at what it is exactly right now. We sign a lot of them in that time period. We were able to reach an agreement with the property owners. So that provides us a lot of opportunities leading up to and immediately after the council vote, to reach a fair valuation of land. It's fair to everybody and complies with FTA rules. The FTA is a funding partner. It's really critical that we follow processes that they feel are fair to them because they are a major funder. I am now going to turn it over to Brad to describe what happens after council vote in that two-week period.

Brad Branham, City Condemnation Attorney – I have found time and time again that there are very few words in the English language that are more disturbing than condemnation and attorney, and when you put them together it really makes the blood run cold. I hope when people begin to deal with me that I'm not quite so evil, but more importantly I hope, and I believe this is the case, that they find that the condemnation process is not nearly as terrible as they had feared it may be. I think the title of the section of the presentation should really be Life after Condemnation because I think you will see that there is in fact a world after the condemnation approval.

I want to talk to you about the condemnation process, but I want to start with a description of what I think the condemnation process is mostly kin to. Given that there are two sides to any condemnation, the City and the property owner, I think it is an excellent description of condemnation to say that it is a bridge. The fact is that as we proceed with any negotiation with the property owner, the City is always under the threat of meeting or failing to meet our project deadlines. In fact, in many cases on each and every parcel that we are dealing with, the City runs the risk of missing a deadline which could essentially hijack the entire project. Jeb has talked about some of the risks of that and I think that it is fair to say that the condemnation allows the City a bridge. As we speed towards that cliff, where we could fall off and incur many damage, the project in whole is put into jeopardy. The condemnation allows the City that bridge to go over that cliff and to continue going safeguarding the project. I think from a property owner's perspective, what I find is that condemnation itself to the property owner is the cliff and they have some misconceptions about that. They feel if they get to that point that life as far as this process is concerned is over. The fact of the matter is that the condemnation is really the bridge for the property owner as well and many of them almost universally find that there is little difference in the process that they go through before and after council has approved condemnation. The negotiations that they are used to, the lines of communication continue to stay opened and they move passed that cliff. The only thing that has been lost is that deadline for the project that's been hanging over the heads of both the property owner and the city. So I want to talk to you a little bit about who this plays out in process today, as well as little about the benefits of the condemnation process and I think it's important to note that when I say benefits, I'm talking about the benefits to the property owners.

Finally, a little bit about the results that we have seen over the past approximate year of the condemnation process. First, when we talk about the process of condemnation, there are a lot of misconceptions. I think the two largest misconceptions is that the day when that condemnation approval goes through, that that's it. The phone lines are cut. The lines of communication end. The dialogue is over. That is in fact absolutely not the case. You have heard Jeb talk to you a little bit about this already. The very first two weeks after condemnation approval, real estate is continuing their negotiation process actively while re-funneling this through the channels to prepare it for condemnation. Also, the second major misconception is that property owners are going to get drug through the court system immediately. They are going to have to get themselves an attorney. They are going to be in trial next week. Those two things are simply not true and they are not true in a way that benefits the property owner.

Since we are talking about the process, everything starts with council approval. I think it is easy to say that those two misconceptions I talked about are really untrue by showing you three major points in time in any condemnation process. The first is six weeks, and Jeb mentioned this already. On average it takes six weeks from the time a condemnation is approved before it actually gets filed with the Court. What that means is that there is about six weeks where we continue to actively negotiate after approval has gone through. In many cases, as Jeb mentioned, within the first two weeks we are still settling this cases because we have this extra time, however, we have gone across that bridge where the condemnation allows us make sure that the process is safe guarded.

Councilmember Fallon said why do we use eminent domain?

Mr. Branham said we use eminent domain essentially for a couple of reason. The primary reason is because when we've reached that point where the project deadlines have snuck up on us and we run out of time to negotiate, in that phase, eminent domain allows us to gain access to the property that we need for that individual project while still being able to maintain the lines of negotiation with the property owner. So it really becomes a win-win in many situations when we reached that point where we have to safeguard the project in order to protect the city and we also afford the property owner the continuation of the negotiation without all the hassle of having to deal with that deadline.

As we said, that six weeks gives us that first period of time. Two weeks in real estate and about 30 days once it comes to the legal department. In that 30 days some the things we are doing is that we are preparing all the documents to get filed, we review appraisals, we review maps and surveys. But also what we do is we are contacting the property owner. We are letting them know that just because we have started this process that we have not stopped negotiating. I have

found that time and time again there is a very high percentage of cases that we settle because we got so close before. There is absolutely no reason for us to stop at that point. It is not our goal to push ourselves through the legal process. Do we do that to protect the City, but we only do it if we can't reach a settlement with that property owner and that additional 30 days once it's in legal's hands, gives us a great opportunity to put another set of eyes on it and see what else we can do for that property owner.

The next big deadline is one year. The major misconception that I think a lot of property owners have is the day that they are condemned they think they have to be in court the next day. They have got to have an attorney the next day. The fact is that the vast majority of our condemnations, once they are filed, the property owner is not required to do anything in terms of filing a legal response, hearings in front of the court, trials, for a minimum of one year—12 months after they have been served with all the documents. That does not mean that we go into a black period for 12 months. What happens is we continue to talk to those people and we are very effective both for ourselves and for the property owners, at utilizing that time period to get us over the hump that we couldn't quite get over before condemnation. The benefit is the City has now protected itself by allowing us to go through the condemnation and have access to the property. Again, the only thing we've lost is that deadline that was hanging over everyone's head.

Mr. Howard said this came up when we were talking about some of the properties that were along zero values. So explain to me when is the first time council sees it when we have to vote on it for approval to move forward? Where in this process? How much time do they really have after we vote for you to move forward with the condemnation?

Mr. Branham said that's an excellent question and that's what I want to explain in this slide. It's very important to understand that there has been a negotiation process while we have tried to voluntarily purchase the property before condemnation. That's a lot of what Jeb is talking about in his timeframes. The first point on here that you see council approval—that is the first time you have seen it in terms of being asked to approve the condemnation. Everything that you see after this is periods one after the other. Where the property owner is still not in trial; still not required to do anything, but the negotiation is continuing. So after council has approved the condemnation, there are six weeks before the actual documents are filed, that's a rough average, and then following that there is another year in most cases before the property owner is required to have any response of pleadings filed, before anything has to be done in the court system. All of that is utilized to just continue the ongoing negotiation process which can take a few days, it take the full year. It depends on the circumstances.

Mr. Howard said do you continue to talk with them up until the time something legally is filed. So that one year, do you keep talking to the property owner? Does somebody in your department or is there is a point of no return where you stop and you wait until you take possession? At what point do we take possession of the property? Is it a year after?

Mr. Branham said that is an excellent question. In most of our cases—there is some statutory difference here—but in the vast majority of our cases, the City takes possession of the property upon the filing which is at the end of that six week period. So approximately six weeks after council has approved it that's when we are taking possession of the property. As far as when we stop talking to the property owner, the answer is never. Throughout the process regardless of how long this takes, we have a goal that is the primary objective to try and reach a settlement with the property owner.

Mr. Howards said in those six weeks or when we take it, can we start work after those six weeks on the property?

Mr. Branham said that is exactly right and that is the true benefit to the City of the condemnation. What I am trying to get at here tonight is that condemnation allows us to start the work on time but not stop the negotiation process and hopefully what you will see as we go through this is that the property owner loses almost nothing in terms of the negotiation position or rights and in fact there is a lot of built in safeguards for them that I will talk about as well. During that year, that you see after the six weeks during that next year, we have access to start

working to do whatever we need on the project, but we continue our negotiation throughout that process without the property owner having to do anything.,

Mr. Howard said so you take possession, you start the work and essentially they have no right to stop you after the six weeks so really all their doing is talking to you about what the value is compared to what you have offered and what they think they should get? So are you telling me they have a statute of limitation of one year to now file against us if they don't agree?

Mr. Branham said the one year period, and that's in most cases, is the statute of limitations for them to file a responsive answer to our original filing. Now if we are in active negotiations with someone, we are not in the habit running any through the legal ringer and defaulting people for these kinds of things. Our goal is really to try and keep talking to them but yes we have the ability at that point after the original six weeks to start our project, to do whatever we need to do. But we continue to negotiation either about price or even about certain project details. Some things were are not able to change and were never able to change, but some things we are. So open the table up to whatever they want to talk about in terms of figuring out where we need to be for a mutual settlement that everyone can live with and be happy with.

After that year, again a full year to do essentially nothing other than talk, which is what we try to use it for. The last deadline is two years. Most of these cases do not go to trial for a full two years. That sounds like a long time, but the reason that it is that long is because we try to afford the property owners that full year before they are required to go through this legal process before they are dragged into court. The two years allows them to go through the full gamut of opportunities with us, trying to reach a settlement before they would then have the option to say do I want to go on and take this to trial or do I not, but nothing is pushed on them quickly in this process.

I think now as we move on to the next section, which are the benefits, you will see why that this long period is very good in fact for the property owners. There are several benefits I think that condemnation offers to each property owner in every case. The first one is that we are allowed to continue our negotiations without the deadlines hanging over our head. The only deadlines that we really have are certain court imposed deadlines and even those give so much time to the property owner that we simply don't have that pressure. We allowed actually talking with each other, looking at what each has to say and figure out what's fair in each case.

Councilmember Mayfield said so what you're saying is that we are giving them opportunity. There is also the expectation for that business owner to be paid for their attorney for all of these different cases going back and forth. Do we have any history where it has caused the hardship for that business where they have gone through condemnation with them having to pay for an attorney, where there has been a difference in opinion on the value of the land?

Mr. Branham said that is one of the primary fears that a lot of people have about condemnation. My answer to that would be, one of the first things we do try to do even before filing is start our dialogue with the property owner. Some cases they already have any attorney, some do not. We make it very clear to that, both upfront and in practice that if they choose to move forward without an attorney, they are going to be treated the exactly the same by us and they have ongoing continuous access to myself or any of my staff as well as any outside counsel that we have. Now some people chose to get any attorney. The general rule out there is that most people are hiring those kinds of attorneys on a fee structure that they would only pay that person out of additional proceeds. In other words, most of the time, this is not money out of their pocket. We always offer them the option to proceed through the entire process without an attorney. We try to take the legal ringer out of this. The goal is treat them fairly and to treat the City fairly and if we get to that point, we think that everybody wins.

The next major benefit is they have immediate access to funds. When we go through the condemnation, there is an appraised amount, and although we may not agree with the property owner about what the final amount is going to be, the day that we file condemnation, the property owner access to those funds in the appraised amount. They can walk to the courthouse, go through a simple process and get that money out and then the negotiations still continues. They don't lose their right to negotiate for more and in many cases that is exactly what happens. So ever though we have had this year and up two year period to talk about it, they can go ahead

and get a substantial portion of the money because we deposit that for their benefit the day condemnation is filed and it's an excellent benefit for the property owner, to take the pressure off them.

Next, as I said, they do have access to the condemnation attorney regardless of representation. My phone number is given, my email is given to everyone and I welcome them to use it because I feel that that is the process that leads to our settlements and not through legal posturing, which just forces them to spend more money. No one asked to be condemned in most cases, so we try to treat them in a manner that is respectful to the process but also respectful to them.

The next major benefit is that in every case before you are allowed to go to trial, it is mandated that you go through mediation. Mediation is an independent certified third party who is trained to help you negotiate a settlement. Before anyone is thrust into a trial, they are required to go through this mediation, but the wonderful thing about it is that its non-binding which means any settlement that comes out of these mediations is purely voluntary on the part of the property owner. The mediator has no power to simply decree a value and I will show you that it has been extraordinarily effective at getting these cases settled.

Finally, if all else fails, and they have gone through all of this negotiation period, we've gone through mediation, and we still can't reach a final agreement, the property owner does have the right at their choice to a trial by a judge or a jury where they can simply say, this is my argument, this is my stance, let's let someone else make the decision on this. That is available to them.

Now as we go in, we can talk finally about how all this plays, what are the results? What are we saying? Over the past year, we've seen approximately 65% of the approved condemnations settlement before we even get to mediation. This is a process that is working not because of legal means or legal maneuvering but because we are continuing to talk and it's a simple process but effective. Regardless of representation, we are settling 65% of these cases before they even have to deal with mediation and all those settlements are purely voluntary and mutually agreed to. Approximately 75% of the cases that go through mediation settle at mediation—non-binding voluntary settlements at mediation.

The one that I really love 98% of the condemnations filed over the past year have settled in condemnation without going to trial. That great misconception that I'm going to be in trial and I don't want to be trial, the vast majority its saying that only 2% of people are not getting to the point where they feel like they got a far settlement for us once they have gone through condemnation and those are the people who are going to trial – 2%. And for those 2% there are additional safeguards that are in place. At trial those owners are entitled to interest, that's set statutorily on any additional money they get over our appraised value. So they have had to wait a little while, they've had access to the original appraised amount the whole time. If they get additional money that they've had to wait that long for, they get interest on it. Statutorily mandated and guaranteed.

The second thing they get is recovery of certain costs that they have had to expend. If they need some experts to come to a trial with them, they can get recovery of that expert's fee. All of these are just some of the safeguards that are put in place if that 2% decides they want to go and take their chances at a trial. But the big number there is 98% and that's the real number that shows that this process truly is working to both safeguard the city and provide a great avenue of settlement for these property owners.

Now finally, I'll close by saying that in every one of these cases we have a very firm philosophy. It boils down to two goals. In every single case, our goal in the condemnation process is to safeguard taxpayer funds, mitigate unnecessary expenses and waste. Essentially, in other words, don't waste tax payer funds by paying more than you should but at the same time, and equally as important to take all possible steps to ensure fair and equal treatment for every property owner regardless of the situation. This may seem likes it pulls you in two separate directions, however, if both of these were done properly and I believe that we are doing them properly, the City will never pay too much but they will pay everything that is owed and that is the method by which we feel it takes the fight out of the condemnation and makes it a fact finding mission between ourselves and the property owners to figure out what is fair and make sure they get paid without

wasting taxpayer funds in the process. And I think that's what's gotten us to that 98% settlement.

Mr. Dulin said job well done.

Mr. Cannon said does the City give property owners, particularly business owners, enough time to maximize as much as they can out of their business operations before it goes into trying to negotiate something? I mean that both in condemnation as well potentially relocation?

Mr. Branham said I think perhaps Jeb might be able to speak to that first part and I will certainly add as needed.

Mr. Blackwell said yes we do. We try very hard to give them as much time as we can. I think there was an article this morning about Nona's. That is one where we gave them five months beyond the stated move out date. They had asked for an extension and an additional extension. We gave them five months. Actually we stepped into the role of landlord and provided that rent free at their lease rate, that would have been \$75,000, but we felt that the only risk that you had with that that if you get right to the deadline and they don't move, they could delay the project. But certainly to the extent we can, we do accommodate property owners if the schedule will allow it.

Mr. Cannon said well I think that's it Jeb. The project timetable changes sometimes and as a result of that change what happens is that we find that the property owner could have continued to be at that location longer than what we would have anticipated or that they would have anticipated and therefore there are some unintended consequences in their minds relative to a business being able to continue to operate as it should.

Mr. Blackwell said sometimes it's unpredictable when you might get a schedule delay, but certainly when we can foresee an opportunity to work with somebody, we do that.

Mr. Cannon said I wish it could happen in all cases. We have some examples out there I think that should be paid some attention to still in that regard.

Ms. Fallon said that the \$75,000 was to make up for loss of business.

Jeb said no ma'am that was what the rent would have been. As you may know, they were a tenant and our acquisition is with their landlord, however, they do qualify for substantial relocation. They sent us request for reimbursement on those relocation expenses. We have signed that and sent it back to them to sign but that would bring our total amount paid to them for locating for relocating of a tenant of \$188,000, just \$31,000 in this one. They still have 14 more months if they have qualifying relocation expenses, we would review and approve those, if they qualify under federal rules.

Ms. Fallon asked if loss of business insurance would cover them.

Mr. Blackwell said I don't know the answer to that. It would depend on the insurance and of course one of the factors there also is whatever your lease with your landlord says, if he terminates earlier, that sort of thing, presumably they have some contractual protections there. I understand that they had some concerns that maybe they hadn't done everything they could to protect themselves in that contract. I don't know all the details of that, but they certainly have some protections in our process that provided a fair amount of softening of the relocation difficulties.

Mayor Foxx said this was stimulating. There was important content here. We get these condemnations actions all the time and sometimes we don't know what's behind the veil. So I think that was a good look on staff's part to do this.

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ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Julie Burch, Assistant City Manager said we have two agenda items for which questions were raised. The first is Item #20, the Solid Waste Services Mechanical Renovations. Councilmember Mitchell raised a question in voicemail to me earlier this afternoon revolving around the recommended award to Edison Ford particularly around their SBO and meeting the SBO requirements through good faith efforts. Councilmember Mitchell asked for a summary of the contracts that have been awarded on that basis i.e., through good faith efforts for the past 2 years and we have that information. We will distribute that now.

Councilmember James Mitchell said this is a follow-up as Julie is passing the information around, I would like council to pay close attention. It is the fact that 2011 Edison Foard was awarded a good faith effort on one project and if you flip over 2012, Edison Foard was awarded a project based on a good faith effort and I think we spend a lot of time in our new small business program. We need to make sure that our community is cooperating and has a different mindset of behavior to be inclusive as much as they can with our small business. Our City Attorney did warn me that we may be on a little slippery slope here because of the lowest bid. I don't know where we go from here. I tell what I would like to do, if we had a little bit more leeway to ask Edison Foard to do their very best to increase their goal and get 10% instead of approving this action item tonight. I think our next scheduled meeting is not until July 24th and so my first question would be is this project time sensitive? Do we have any flexibility to give Edison the ability to reach the goal?"

Mayor Foxx asked are these all contracts by this particular contractor on this sheet?

Mr. Mitchell said no. Julie is showing only the awards based on a good faith effort and it was five in 2011, but you can see Edison Foard was one that in 2011 we awarded only on good faith and then in 2012, we awarded Edison Ford again strictly on good faith efforts.

Councilmember Mayfield said Julie, do we know if the second bidder actually met our SBE goals because there are plenty of times where we reject the first bid and then go with the second bidder if there are any concerns or if all the goals have been met. Do we know where the second bidder came in?

Mr. Blackwell said we do not. We received the documentation as part of their early meetings leading up to the Notice to Proceed, insurance and lot of that documentation was received then. So we do not know.

Ms. Mayfield said that that information would be helpful.

Councilmember Cannon said that I think was one of them. What was their amount and what was the goal? I would be interested in trying to understand. So I'll ask the second questions, which is, would Edison Foard say that they maximized the find as best they could for SBEs to meet the goal?

Ms. Burch said I understand your question was maximize the find.

Mr. Cannon said would Edison Foard say that they would have maximized the best find possible of SBEs to meet the goal?

Ms. Burch said that I need Nancy to answer that question for you.

Nancy Rosario, Neighborhood Services said yes Edison Foard has expressed that for this particular project at the time of bid, that was the best that they could do as far as gaining utilization on this project.

Mr. Cannon asked does the City concur with that?

Nancy: yes we did. We concurred with that. While they do have a history of earning GFBs in the past, on this same agenda (Item #24), that's an award to Edison Foard where they actually

exceeded the SBE goal on this project. So you are seeing two examples of the same contractor. In one case they didn't meet the goal. In the other one they actually exceeded it.

Mr. Cannon said so the City is comfortable with the idea that based upon who is out there, that that's the best that they could do.

Nancy: Yes on this particular project. We always keep track of the spending throughout the life of the project and it may be that the utilization actually increases.

Mr. Mitchell asked do we know who the second bidder was.

Nancy: That information is in my office. I will go back and have that information for you.

Mr. Mitchell said I guess Mayor what I would like council to proceed with caution on with this until we get information for the second bidder to see if the second bidder actually met the goal of 10%. I think that could help our discussion even more.

Bob Hagemann, Senior City Attorney said councilmember Mitchell eluded to conversation he and I had. What I need to do is remind you that your program right now, the SBE program, as well as the program you adopted that begins here in a couple of weeks, does recognize good faith efforts as a way to comply with your requirements. In other words, while certainly we all would like to see contractors meet or exceed the goals, legally we can't across the board require a minimum that is set aside or a quota which has been held to be unconstitutional by the Courts. So in order to have a constitutionally defensible program, we have to have built into a program, an avenue of good faith efforts. If you are seriously inclined to consider rejecting this bid, I think we need to have a deeper conversation about that in closed session.

Mr. Cannon said I don't know that I heard around the table that we may reject it per se, but I think that there has been an ask for some additional information that could potentially change some hearts and minds about that. What is important to me in addition to that is making sure that the City is comfortable that all of whoever would have been out there were explored. Sometimes we often wonder if there has been a miss—if there is somebody out there under a rock. But typically you know who is within our database and who is not. So I guess that would take care of that if that would be accurate. We will just wait.

Ms. Burch said yes had another item, Councilmember Cannon had several questions related to Item #27, The Gold Rush Uptown Circulator Service. One was regarding the sponsors that are part of supporting the service. The sponsors that are still involved include: Center City Partners, Bank of America, Johnson C. Smith and CPCC. Sponsors that have dropped out that we are aware of are Presbyterian Hospital, Wells Fargo, and the Charlotte School of Law, although we understand the School of Law may come back later at a reduced level.

Mr. Canon asked do we know why those other entities stopped contributing or are not sponsors anymore?

Ms. Burch said I'm going to ask Larry Kopf with CATS to address that question as to why they might have dropped out.

Larry Kopf, Chief Operations Planning Officer, CATS said the legwork to round up the sponsors is done by Center City Partners. What I can tell you is that in general it's the economy and the pinch that some of these businesses are feeling is one of the reasons that they have given as to why they have dropped out and in terms of the School of Law, of course, they are moving. We had some service that went out to their campus out near Wilkinson and they are moving into the Center City. They are still considering being a part of the funding stream but at a reduced level.

Ms. Burch said additional questions that were raised—yes the cost has been reduced from \$1.5 million to \$883,000. Charlotte Center City Partners and the partner's fund \$380,000; \$207,000 from Center City Partners; \$380,000 from CATS; and another \$296,000 in state grants. Again the reduction was made effective July 1, cutting out the Orange Line which is the Line that runs along Tryon Street between Morehead and 10th Street—that's the piece that's being cut out

effective July 1. The current Red Line which will remain in service after July 1st has ridership of approximately 650,000 riders per year. The Red Line runs along Trade Street. Mr. Cannon, I believe you raised a question about the future costs and future funding and partners. Actually CATS has a consultant study underway right now. It should be done towards the end of the summer to begin to address those questions, what the cost might be and how we might be able to fund that cost. But again that study is underway right now.

Councilmember Barnes said I just want to clarify—are you suggesting that along what would be the Red Line route, there are 650,000 riders per year?

Ms. Burch said yes as to an annual figure.

Mr. Barnes said and we are not charging anything?

Ms. Burch said no, we don't charge anything for the Gold Rush.

Mr. Barnes said for a buck we could pay for the Silver Line. I was just asking a question.

Ms. Burch said I know that the issue with charging fares is also having the mechanism to collect and that kind of thing account for the money. I'm not sure if the current vehicles wouldn't actually accommodate that. No, the current vehicles wouldn't actually accommodate that.

Ms. Burch continued stating that there was one more question that Councilmember Dulin had about fares for the LYNX Gold Line. For phase one of the Gold line, there would not be a fare. That would be free. That's the 1.5 miles stretch and as far as phase two, the extension of that, fares for that are still under review—no determination at this point regarding fares for phase two.

Mr. Cannon said Julie, who did you say is responsible for sponsors? Did you say Center City Partners?

Ms. Burch said Center City Partners facilitates bringing all those folks together.

Mr. Cannon said Mr. Manager I want to ask that you reach out to Center City Partners to ask that they work as hard as they can, I understand that they work hard already, but if they could work harder to find some sponsors. My concern is the future operation of this circulator, the Gold Rush, and its future because I would anticipate that there would be some other sponsors that could go south if what I have been hearing and having in the way conversations comes into fruition and that would only mean that we would have to continue or someone would have to continue to make up that difference and I don't know what happens for the years to come if we are to continue to move this service forward especially on the operational side. With that said, we have our own transit related issues that we have to be prepared for in the event that some things don't shake out on the State level or otherwise and I want to make sure we aren't setting ourselves up for an opportunity to not be able to handle that. Now mind you, there is not a lot here that we are doing yet but that's all in the eyes of the beholder. If we can those conversations with them and there may be members on this body that also can help in that regard to suggest some sponsors that might help, at \$50,000 or whatever it is a pop to keep it going.

Mr. Barnes said I would like to go back to the SBE issue that Mr. Mitchell brought up. I want to talk about one of the adjustments we made to the program, which was the mentor protégée program. What we, as I recall, had talked about was these larger companies helping smaller companies get on their feet so they become an expert in the business and they can actually qualify to get business. That's the sort of thing we are at least asking and that I would expect at a minimum and I don't know if the ED Committee is going back to look at it at any point, but that's a great opportunity to help people help themselves.

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CLOSED SESSION

Motion was made by Councilmember Mayfield, seconded by Councilmember Cannon and carried unanimously, to adopt a motion pursuant to NC General Statute 143-318.11(a)(4) to go into closed session to discuss matters related to the location of an industry or business in the City Charlotte including potential economic development incentives that may be offered in negotiations

The meeting was recessed to go into Closed Session at 6:18 p.m.

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BUSINESS MEETING

The City Council reconvened at 7:05 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center for their regularly scheduled 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, James Mitchell, LaWana Mayfield and Beth Pickering.

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INVOCATION AND PLEDGE

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

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CITIZENS' FORUM

Gaining Employment

Tony Sturgis, 2024 Oaklawn Avenue said I had a letter of a list of items I wanted to speak to council about but I feel like I should just do it from my heart. I'm not trying to be dressed in appropriately or act unruly. I just feel like my concerns I should just speak from the heart. With that Mr. Mayor I have been trying really hard living in this city struggling with homelessness and job-hunting. I have obtained certificates in trades to land a good stable job and I'm not just able to punch through the door and my children are getting older and I'm not able to look them square in the eye as a man that really changed and trying to do what's right but I do that every day in this city and it's so hard for me. I don't have the proper things around me but I know I want to live the rest of my days doing the right things. I just need the proper information or to be pointed in the right direct so that I can actually live and breath in it and put that body of armor on that says that I really have changed, but I need a stable job and just need that push. I have \$30,000 in debt over my head from student loans right now and I'm 29 years old. Next year I will be 30 years old and I can feel the weight on my shoulders. It's not the kind of weight to be upset with people and point fingers; I just know that I need to be responsible and accountable for everything I've done. That's why I have accepted all of my wrongs that I've done and I've been gradually working on change. I'm not perfect but I just need a little help to get pointed in the right direction. Maybe a district knows of some welding company that could use some welders right now or anything—something I could do for the community to pick up with my rights to being a normal citizen and trying to get a couple of my rights restored. I have a lot of stuff on my record that reads dismissals but when you are trying to get a job and they see, even if dismissed, you still get judged and I'm tired of being judged by everybody because my kids are growing up and I can't --\$40 to \$50 sending them every other week is not enough in today's society. They need things and I need to be able to provide for them. So I'm just asking if I can just get pointed in the right direction with the right information, I will try my best. I need help now. I can't do it on my own. I'm just asking you all to forgive me. I'm asking the City of Charlotte to forgive me for things I have done in my lifetime but I just been work on it.

Mayor Foxx said thank you Mr. Sturgis. We do have some resources in the community that we can try and point you to, including the workforce development board as well as some non-profit organizations, like the Center for Community Transitions that are good resources and I would like to see if there is someone on the staff who will be available to help you reach out to those folks. Alvin Burney—I want you to talk to this gentleman after you are done here.

CATS Increase in Fares and Implementation of Fare Free Zone

Abram Miller, 573 Leake St., Apt. 15, said today I will be doing my petitioning on lowing bus

passes, keeping the Gold Rush free and the implementation of free zone for students. Over a period of five days I have collected a total 1544 signatures to petition the following subjects of title: Over time, I have been enlightened that the City of Charlotte has raised taxes by approximately 7%. With this new found knowledge, news of this caliber has struck an intolerable tone to the common people. As obviously known, the mass majority of people who live in Charlotte live at a fixed income and struggle to even pay their bills, support families and transport. Some are every homeless. It is acknowledgeable that money is thereby a currency that must be utilized to maneuver and survive in this world but with said, raising prices won't benefit people but rob them of the very thing that allows to cope, live and survive in society—their money. All students supposedly are to receive discounts but are required to pay the full bus fare if they are not in high school. When closely viewed, college students aren't able to get discounts as high school students, but rather pay full price. A number of college students don't have financial aid and are seeking revenue by scholarships or jobs, as well as the common people. On a negative route, because of the lack of money due to high prices, people are becoming products of their environment, leading to robbing, stealing, killing and other crimes, all for the sake of obtaining money. In effect, this increases crimes and dangerous streets in Charlotte as well as keep students and the common people from ever attaining an abundant lifestyle. I request bus prices go to \$1.00 at least, if not \$1.35. Additionally, I request for both high school and college students to pay a fare of \$.75 for many college students struggle to pay tuition as well as high school students who seek revenue of some sort to go to college. In addition, I ask that high school and college students are benefited the implementation of free zones. Free zones are areas that are within a one mile radius of the Charlotte Transit where students can ride to the transit for free. Students of the past have walked to the transit to avoid paying high prices. Many of those students have died and came up missing. Free zones save money for students' education as well as keep them safe. Bus passes, such as the monthly, weekly, day pass and all around bus passes are very expensive. Monthly passes are \$80; Weeklies are \$20 and day passes are \$4.00. A price of \$80 should serve at least for a term of two months. If that request is not applicable, I request that it be lowered to a minimum of \$35. Weekly passes should be \$12 and the day pass should be made an equivalent price of the all-around pass which is \$4.00 since they serve the same purpose.

Mayor Foxx said thank you but we do have your written, which is helpful. Are there any comments or questions from the dais?

Councilmember Howard said just a question for anyone with CATS about how we distinguish between given discounts to students. I didn't know it was just for high school. I was just wondering what the rationale behind that was.

Councilmember Dulin said Mr. Mayor while they are coming down, may I ask a question? Sir, you are doing a great job, if you had another 30 seconds, if there is something you would like to finish up.

Mr. Miller said the implementation of free zones; altogether lowering these prices is still a considerable price that would bring in a choice income to Charlotte transit or whoever revenue may be distributed to. Last but not least, I was informed by a CATS bus driver that making the Gold Rush shuttle a cost of \$.25 was up for discussion. The Gold Rush should remain free. More of the common people ride it more than corporate society because it saves them of the little money they do have and all I ask that you use your power to ease the life of those under the unbearable yoke so they too can live a life that abundantly. Thank you.

Larry Kopf, CATS said that the questions related to what level of student gets to ride at a discount and we do provide a discount to students who are 18 years old and under, so basically high school students. We have thought about a university pass. We have approached some of the universities about levying a student fee for their students and then they would pay us a sum and then we would be able to let them ride for a discount or maybe ride free with their student pass. But we haven't worked out any such deal at this time.

Mayor Foxx said don't you think that's worth looking at.

Mr. Kopf said yes it is and we are still trying to work something out and get the financial part of it worked out.

Mayor Foxx asked Mr. Miller are you in school?

Mr. Miller said no sir not currently.

Mayor Foxx said do we know what percentage of college students uses our transit?

Mr. Kopf said I would have to look at that I don't know off the top of my head.

Mayor Foxx said I think its worthy of taking a look at so thank you for bringing this to our attention Mr. Miller and I'm sure there will be some follow-up.

Abusive City Authority

Thomas Shope, 1825 E. 7th St. said I am a resident of City of Charlotte and I live in District 4. This evening I would like to address the need for a grievance system within the City of Charlotte. The City departments should always be held accountable for their actions to the public they serve. No City Department should be allowed to police themselves when the procedures that department enforces are called into question. It should be impossible for any city employee to ever use their position in collusion with any group or citizen to deny another citizen or group their due process or violate their civil rights. My family and I have had to deal with these sort of issues from the City of Charlotte Neighborhood Business & Service Department since mid-April 2013. No matter how many supervisors I address, their harassment, when ignored by each successive supervisor all the way to the Department Head Pat Mumford. After 34 days, our requesting Donald Moore to obtain a warrant to search our home for the series of false anonymous allegations instigated from a personal dispute and select Elizabeth Community Associate board members. Mr. Moore used his position of trust with the public to falsify information on a warrant to gain access illegally to my residence violating our fourth amendment constitution in the process. Only after I address the subsequent code violations and remedies available to me with Mark Fowler of the City of Charlotte Zoning Department, did anyone inform me that there was a problem with the improperly issued warrants and code violations. As of this date, I still have not received any paperwork rescinding the improperly issued violations, even after verbally requesting with Donald Moore and Michael Jenkins to do so. I find it frustrating that at this present time it is so easy for city employees to through the constitution under the bus and abuse the rights of citizens without a process for re-dress. A grievance system needs to be implemented here in Charlotte that can be used to address these types of issues as they may arise so that attention may be focused on these types of abuses before they get out of hand.

Councilmember Michael Barnes said did you say live in Elizabeth.

Mr. Shope said yes I live at 1825 East 7th Street in Elizabeth.

Mr. Barnes said just for clarification, I understand what you are saying Mr. Shope, but that is in District 1, Ms. Kinsey's district.

45th Fourth of July Annual Hickory Grove Parade and Celebration

Susan Lindsay, 6205 Rosecroft Drive said we do have a lot of issues in our city that we need to face and it's a struggle every day to barely hear and listen to everyone, but tonight I'd like to just remind you about the 45th year of the Hickory Grove July 4th Parade and Celebration. There is one day a year that in spite of all the issues, we should come together and joyfully celebrate the independence of our country. I'd like to invite you all to participate and support the parade. We are making big plans for it this year being the 45th year of the parade associate. Please invite your neighbors and friends to enjoy the day. We are going to have the Shriner Dune Cats circling around through the parade; motorcyclists are invited to the free competition for the best decorated motor cycle. All motorcycles will be in front so the air-cooled engines won't fry on them. There is also for the kids the best decorated bicycle. Please invite everyone out. We are

going to have a lot of fun. I'd like to see some of you try the limbo contest or maybe the water melon eating contest or the pie eating contest. It's a lot of good old fashioned fun, celebrating the history of celebrating our Fourth of July and our independence. Thank you.

Beatties Ford Road Widening Project

Bishop Allen G. Porter, 5318 Salem Church Rd. said I'm here on behalf of the families in our local church that lives off the Beatties Ford Road and the issue of the concrete median that is scheduled to go up. I don't live in that area. I don't own a business in that area, but I do pastor several families that are within that particular area. Particularly, one family will be impacted by the concrete median that would go up. I believe that perhaps placing the non-concrete barrier up would certainly be beneficial for all. As I have driven through the city of Charlotte, I have seen both used and I believe that having the painted median would serve just as well as the concrete median between Capps Hills Mine Road and Slater Road. It's a stretch of property that is between those two streets.

Thomas Sowell, 2321 English Drive said I worked for the City for 30 years. I have been retired for 24 years. I was born and raised in Charlotte. I have seen a lot of changes in the City of Charlotte, some I like. Some I don't like. Those that I don't like are ones that did not come before us to have a say in it. I am saying the same thing about that which was just spoken about, the median. I go to Reeder Memorial Baptist Church. I am a past Chairman of the Deacon Board. I am a senior citizen as you can well see. Not only that, but a Korean Veteran and I don't get around well. Allowing a concrete median to go up there will impact a whole lot of our members and I hope that you will look into this and take it to consideration.

Paul Holmes 3840 Beatties Ford Road said I have been here a couple of times. Almost each one of you has been out there and physically seen, physically felt the issue. Our District 2 representative, as you well know, is not supportive of his constituents on this matter. You've seen emails, you've seen petitions, you've seen letters, and you've received phone calls from constituents from within the district who are supportive of this measure. It negatively affects two businesses "adjustment" for one of the businesses is not satisfactory to that business. The consistent referencing of my name, Paul Holmes, which I have no problem with, by Councilmember Mitchell, as the only one still complaining, is not fair. You've seen the petitions. Nothing matter with one complaining. Same principle, different issue, Rosa Clark was the only one who sat down on the bus. She was the only complaining. Did that make a difference, No.? I'm asking City Council, since our representative does not support us and the reason for support are safety, which has not been proven to be a factor. Beautification, not been proven to be factor. Now the reason is a new standard. I am asking the City Council: would you consider this, vote yourself, since he is not willing to support us and I respect his opinion, as he casually put it, "we will just have to agree to disagree." That's not how you do and one person complaining. I hope the City doesn't act on that basis. I hope your police commission doesn't act on that basis. One person complaining about a bully—I hope our school system doesn't act on this. One person complaining about a median, I hope that you will not act on that basis. It is serious to us. It impacts us daily. It's not going to hurt anyone and as Dr. Martin Cain, who was scheduled to speak tonight but had a family emergency out of town, he is the associate professor and undergraduate director for the Department of Civil and Environmental Engineering. He also came out, took a look. And as a director who trains civil engineers now that the request that we are making is valid and it ought to be considered.

Mayor Foxx said, what if any action is on the council's schedule on this issue?

City Manager, Ron Carlee said there is nothing on the agenda.

Mayor Foxx said will there be?

Councilmember Mitchell said what was told me Mayor and council, there will be something our agenda in the August timeframe.

Mayor Foxx said so there is still conversation?

Mr. Mitchell said, Paul articulated very clearly my standpoint has always been that I believe in the project. We have been out there and we had two good meetings when there was some impact to the funeral home. We made those adjustments. So I have always been convinced that this was a great \$9 million project for the Beatties Ford Road corridor that would start from Capps Hill Mine Road all the way to Slater Road. I spoke with Paul on more than one occasion. It's alright in life to agree to disagree. That doesn't mean that your idea is wrong. You just have two people who have different perspectives. I appreciate his passion for his voice and what he would like to see there, but I am just convinced that we have the right design for that project.

Mayor Foxx said that it sounds like there is more conversation needed. It can happen in August if it needs to.

Charlotte Motor Speedway Affects Charlotte Economy

Fred Mauney, 61 Newton Moore Road, Peachland, NC said I am back here to give everyone a heads-up as we were talking about last time I was talking about Bruton Smith and the Speedway out there. I went to see Bruton Smith and had about a 30 to 45 minute talk with him and he wanted me to put more of a projection together and I left it with some of his staff and went back and it's a citizen's thing that I'm doing and he has given it the green light. He's not going to put any money into it because it would look like he's paying for and we are coming from citizen's point of view that that race track since it's been there and he's the one that started this, that it's been our economic engine and he is the spark plug and he owns the engine and we are just throwing down as a hockey puck that there has been trillion dollars introduced into this economic for the last 50 years one way or another—straight forward or the ripple effect. In that we all know that there have been things years ago that we worked half a year just to pay taxes so there has been \$500 billion dollars in taxes been paid one way or another by this speedway. This means that Mecklenburg and Iredell Counties have been great beneficiaries of this and probably enough taxes have been paid to pay for the Coliseum for the Hornets and tearing it down and paid for the Charlotte Convention Center; paid for the Time warner Center and it's probably paid for this building you all are sitting in. So with it, it's like the goose that lays the golden egg, he's really upset about this highway thing that they say they are giving money back...some \$60 million dollars and now they raise the tax on him, and he keeps putting money in it to keep drawing people to have the tax revenue and then you raise taxes on him. So there have been some issues I've told him that I'm going to work on and like I said, I've got the green light, but the other issue is when the city had a race track and they got voted out back in the 50s, it was a dog race track. They paved every road down here for the three or four years that it was down there in that city. When they got it out, 25 years later, they hadn't paved another road nor had they fixed any of them. But I brought it up to him about it was a mill owner. In 1956 he closed the mill because he was having problems. He made over \$100MM by closing that mill. The issue now is, if Bruton Smith, because everybody sounds like he likes to be some kind of crybaby or something, talking about the October race, I put the program together - you padlock that thing. You just padlock that track and I'll show you where he can start making a billion \$10 billion, maybe \$100 billion dollars. Now if anybody wants to talk a little more, I have some time, well to us the comic book thing was here at the convention center and for us Bruton Smith is our hero. It says heroes aren't hard to find. We consider him a superman to come in and put this track together when it innovative and then to take it back over after being pushed out from the bankruptcies.

Mr. Cannon said thank you for coming and sharing your perspectives with us. This now will take us to our council business meeting, but before we get too deep into the council business meeting I do want to recognize Councilwoman Patsy Kinsey on an earlier matter that we did have before us.

Councilmember Patsy Kinsey said I was remise in not asking someone from staff, I think building code enforcement, to respond to our number 3 speaker Mr. Shope, about the abuse of city authority. Mr. Ben Krise is here and he is head of code enforcement and if council doesn't mind, I would like to ask him if he would come and speak to that issue.

Ben Krise, Code Enforcement said Mr. Shope spoke earlier in reference to a property in Elizabeth neighborhood 1825 East 7th Street. We've been involved with property for

approximately two years. There are three separate issues and jurisdictions that were involved: non-residential building code; zoning; as well as health and sanitation. We contend that there still remains to be violations in all three disciplines. As late as last Thursday, we met with Mr. Shope who is the tenant of the property. Mr. Baxter McCray is the owner of the property. We met with Mr. Shope, and I would categorize our meeting with him last Thursday as a very productive meeting in that we will continue to work with him and we are committed to bringing the property into compliance and in assisting him through the process. Right now the biggest outstanding issues are the actual structure itself, the condition, the change of use, up fitting and permitting process that would enable him to have this mixed use that goes on at this property. We are committed to the neighborhood, committed to Mr. Shope as well as the owner of the property and just want to echo our sentiments that we will work diligently to go through that matter.

Ms. Kinsey said I just want Mr. Krise to have the option of explaining what was going on from the City's standpoint. I walked by the structure today and I can see that it does need some work.

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ITEM NO. 5: CONSENT AGENDA

Motion was made by Councilmember Cannon, seconded by Councilmember Mitchell and carried unanimously, to approve the Consent Agenda as presented with the exception of Items 20 and 22A pulled by Council; 29, 31, 42-AC, 42-T pulled by staff, and; 42-U, 42-AB, 42-AD have been settled.

The following Items were approved:

Item No. 13: Police DNA Equipment and Supplies

(A) Approve the purchase of DNA software upgrades and supplies authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6), and; (B) Approve a three-year contract with Life Technologies Corporation for the purchase of DNA testing software and supplies.

Item No. 14: Police Ammunition

(A) Award low-bid unit price contracts for providing ammunition for a one-year term to the following: Lawmen's Safety Supply, Inc. and Dana Safety Supply, and; (B) Authorize the City Manager to extend the contracts for up to four additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.

Summary of Bid

1. Duty Ammunition (.40 Caliber and .45 Caliber Dana Safety Supply	\$30,716.94
2. 12-Gauge Shotgun Ammunition Lawmen's Safety Supply, Inc.	\$ 14,700.00
Dana Safety Supply	\$ 485.00
3. Duty Ammunition for SWAT Lawmen's Safety Supply, Inc.	\$ 43,525.88
Dana Safety Supply	\$ 30,436.00
4. Practice Ammunition (.40 Caliber and .45 Caliber) Lawmen's Safety Supply, Inc.	\$198,500.00
Dana Safety Supply	\$205,951.30
5. Practice Ammunition (Paint Marking Rounds) Lawmen's Safety Supply, Inc.	\$ 51,000.00
Dana Safety Supply	\$ 47,600.00

Item No. 15: Fire Protection Services for Mecklenburg County

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

Item No. 16: Fire Self-Contained Breathing Apparatus Packs

(A) Approve a low-bid unit price contract with Municipal Emergency Services, Inc. for the purchase of Self-Contained Breathing Apparatus Packs and breathing masks for a three-year term, and; (B) Authorize the City Manager to extend the contract for up to two additional, one-year terms with possible price adjustments as authorized by the contract.

Summary of Bids

Municipal Emergency Services	\$3,203,451.55
Rhinehart Fire Services	\$4,998,060.00

Item No. 17: Poplar Street Two-Way Conversion Project

Approve a contract with Duke Energy in the amount of \$355,690 for the purchase and installation of traffic signal mast arms and poles for the Poplar Street Two-Way Conversion project.

Item No. 18: Aluminum Sheeting and Sign Posts

(A) Award the low-bid unit price contracts for providing aluminum sheeting and sign posts for a three-year term to the following: Vulcan Inc. and P-M Tube Specialties, Inc., and;
(B) Authorize the City Manager to extend the contracts for up to two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.

Summary of Bids

1. Aluminum Sheeting	
Vulcan Inc., dba Vulcan Aluminum, Vulcan Signs	\$199,063.50
Universal Signs	\$236,926.50
P-M Tube Specialties, Inc.	\$296,574.00
Casco Signs	\$311,841.40
Coastal Carolina	\$333,784.00
2. Sign Posts	
P-M Tube Specialties, Inc.	\$ 74,005.00
Vulcan	\$ 82,080.00
MD Solutions	\$ 84,780.00
Coastal Carolina	\$ 85,315.00
Casco Signs	\$196,820.00

Item No. 19: Private Developer Funds Appropriation

Budget Ordinance No. 5157-X appropriating \$109,731 of private developer funds for traffic signal improvements with the following Private Developers: S/L/H Ballantyne, LLC, and Dixie River Partners, LLC.

The ordinance is recorded in full in Ordinance Book 58, at Page 349.

Item No. 21 Charlotte-Mecklenburg Police Department Headquarters Renovation Project

(A) Reject the low-bid of \$290,125 from Bams Contractors LLC due to failure to demonstrate the firm's experience in renovation projects of similar nature, size, and scope, and
(B) Award a contract to the second lowest responsive, responsible bidder D.E. Brown Construction, Inc. in the amount of \$341,632.50 for the Charlotte-Mecklenburg Police Department Headquarters Renovation project.

Summary of Bids

Bams Contractors, LLC	\$290,125.00
D.E. Brown Construction, Inc.	\$341,632.50
Heartland Contracting, LLC	\$365,200.00

Item No. 22: Airport Advertising Concession Agreements

- (A) Approve a concession agreement with Titan Outdoor, LLC for management of the Airport's on-property advertising program and
- (B) Approve a concession agreement with Advanced Wireless Group, LLC for management of the Airport's Wi-Fi advertising program.

Item No. 23: Airport Business Valet Parking Deck

- (A) Approve the low-bid contract of \$37,212,000 with Shelco, Inc. to construct a 3,000 space parking deck for the Airport's Business Valet project;
- (B) Approve a contract of \$324,980 with PSI, Inc. for construction testing services for the project, and;
- (C) Adopt a budget ordinance No. 5158-X appropriating \$37,536,980 from the Airport Discretionary Fund to the Aviation Capital Investment Plan.

Summary of Bids

Shelco, Inc.	\$37,212,000
China Construction	\$37,577,000
Edifice Construction	\$38,002,000
PCL Construction	\$39,764,640
Archer Western Construction	\$39,898,600

The ordinance is recorded in full in Ordinance Book 58, at Page 350.

Item No. 24: Airport Corporate Hangar Addition

Approve the low-bid contract of \$375,300 with Edison Foard Construction Services for renovations to a corporate hangar at the Airport.

Summary of Bids

Edison Foard Construction Services	\$375,300.
Encompass Building	\$382,500.
Randolph and Sons Builders	\$404,100.
The Bowers Group, LLC	\$412,900.

Item No. 25: Airport Parking Services Staffing Contract Extensions

- (A) Approve a one-year contract extension with Park, Inc. for the management of the valet parking operation at the Airport, and
- (B) Approve a nine-month contract extension with EJ Services, Inc./Customer Driven Staffing Services (formerly Balance Staffing) for providing parking cashiers and support personnel services at the airport.

Item No. 26: Airport Rental Car Facility Design Services

- (A) Approve a contract of \$234,563 for professional design services to Talbert, Bright & Ellington, Inc., and
- (B) Adopt Budget Ordinance No. 5159-X appropriating \$234,563 from the Contract Facility Charge Fund to the Aviation Capital Investment Plan.

The ordinance is recorded in full in Ordinance Book 58, at Page 351.

Item No. 27: Gold Rush Uptown Circulator Service

Approve a one-year agreement with Charlotte Center City Partners for contributions toward the Gold Rush Uptown Circulator Service's annual operating costs, in the amount of \$207,000.

Item No. 28: LYNX Blue Line Extension Project - Advanced Public Utility Relocations

Award the low-bid contract of \$1,717,748.12 to Sealand Contractors Corporation for the advanced public utility relocations associated with the LYNX Blue Line Extension project.

Summary of Bids

Sealand Contractors, Corporation	\$1,717,748.12
Zoladz Construction Company, Inc.	\$1,935,802.94
Blythe Development Company	\$1,949,200.00

Item No. 30: Wastewater and Water Treatment Chemicals

(A) Award a low-bid unit price contract for wastewater and water treatment chemicals, for a one-year term, to the following companies:

- CFS Enterprises, Inc.,
- General Chemical Performance Products, LLC,
- JCI Jones Chemicals, Inc.,
- Kemira Water Solutions, Inc.,
- Key Chemical, Inc.,
- Shannon Chemical Corporation, and

(B) Authorize the City Manager to renew the contracts for two additional, one-year terms, with possible price adjustments.

Item No. 32: Laboratory Equipment Support and Warranty Contracts

Award contracts to provide analytical laboratory equipment repair, preventative maintenance, and hardware replacement, for a one-year term, to the following companies:

- Agilent Technologies, Inc.
- Dionex Corporation
- HACH Company
- Horizon Technology, Inc.
- J2 Scientific
- Mettler Toledo, Inc.
- Perkin Elmer Health Science, Inc.
- Spectro Analytical Instruments
- Teledyne Tekmar
- Thermo Fisher Scientific

Item No. 33. Medium-Duty Utility Truck Beds

Approve a low-bid unit price contract with Adkins Truck Equipment for the purchase of utility truck beds for a two-year term.

Item No. 34: McAlpine Creek Wastewater Treatment Plant Digester Mixer Repair and Gas Scrubber Rehabilitation

Approve a low-bid contract for \$867,000 with Wharton Smith for digester mixer repairs and digester gas scrubber rehabilitation at the McAlpine Creek Wastewater Treatment Plant.

Summary of Bids

Wharton-Smith	\$ 867,000.00
Crowder Constsruction	\$ 883,900.00
Gilbert Engineering	\$1,172,500.00

Item No. 35: Donation of Surplus Computers and Related Equipment to Goodwill

Adopt a resolution approving the donation of surplus computers and related equipment to Goodwill Industries of the Southern Piedmont.

The resolution is recorded in full in Resolution Book 44, at Pages 533-534.

Item No. 36: Multi-function Machines, Print Devices, and Print Shop Services

(A) Approve the use of multi-function machines, print devices, and print shop services without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and

(B) Authorize the City Manager to amend the existing lease and service agreement with IKON Office Solutions, Inc. for the provision of multi-function machines, print devices, and print shop services for one additional year.

Item No. 37: Collection Agency Services

(A) Approve a contract with FirstPoint Collection Resources, Inc. for collection agency services for an initial three-year term, and

(B) Authorize the City Manager to approve up to three, one-year renewal options as authorized by the contract and contingent upon the company's satisfactory performance.

Item No. 38: Utility Bill Inserts Printing Services

- (A) Approve a contract with Loftin & Company for printing of utility bill inserts for an initial two-year term, and
- (B) Authorize the City Manager to approve up to three, one-year renewal options with possible price adjustments as authorized by the contract, and contingent upon the company's satisfactory performance.

Item No. 39: Refund of Property and Business Privilege License Taxes

- (A) Adopt a resolution to authorize the refund of property taxes assessed through clerical or assessor error in the amount of \$7,968.92, and
- (B) Adopt a resolution to authorize the refund of business privilege license payments made in the amount of \$521.33.

The resolutions are recorded in full in Resolution Book 44, at Pages 535-538.

Item No. 40: Legal Settlement

Approve a settlement in the case of Dauss v. Eudy and City of Charlotte (12-CVS-19517) in the amount of \$175,000.

Item No. 41: Meeting Minutes

Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:

- December 17, 2012 Special Meeting
- February 18, 2013 Zoning Meeting
- March 18, 2013 Zoning Meeting
- May 6, 2013 Budget Presentation
- May 15, 2013 Budget Adjustments

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ITEM NO. 42: PROPERTY TRANSACTIONS

Item No. 42-A: 219 North Cedar Street

Acquisition of 6,898 sq. ft. (.158 ac.) in Sanitary Sewer Easement, plus 6,999 sq. ft (.161 ac) in Temporary Construction Easement at 219 North Cedar Street from CP/DB Housing Partners XIII, L.P. for \$80,000 for 16" Replacement Sewer Main to Serve North Cedar Street, Parcel #2.

Item No. 42-B: 221 North Cedar Street

Acquisition of 1,914 sq. ft. (.044 ac.) in Sanitary Sewer Easement, plus 502 sq. ft. (.012 ac.) in Temporary Construction Easement at 221 North Cedar Street from Ronnie D. Frazier and wife, Vonda C. Frazier for \$66,625 for 16" Replacement Sewer main to Serve North Cedar Street, Parcel #5

Item No. 42-C: 11901 Albemarle Road

Acquisition of 46,207 square feet (1.061 ac.) in Sanitary Sewer Easement, plus 30,862 sq. ft. (.708 ac) in Temporary Construction Easement at 11901 Albemarle Road from JS Helms Family Properties, LLC for \$47,798 for 2011 Annexation, Parcel #1.1, #2, #3 and #4.

Item No. 42-D: 5040 Beatties Ford Road

Acquisition of 9,223 sq. ft. (.212 ac.) in Fee Simple, plus 10,279 sq. ft. (.236 ac.) in Temporary Construction Easement, plus 99 sq. ft. (.002 ac.) in Utility Easement from Sunset Southstar, LLC for \$247,283 for Beatties Ford Road Widening Phase 2, Parcel #54.

Item No. 42-E: 5500 North Tryon Street

Acquisition of 14,024 sq. ft. (.322 ac.) in Fee Simple, plus 21,164 sq. ft. (.486 ac.) in Temporary Construction Easement from Crossroads Charter High School for \$139,675 for Blue Line Extension, Parcel #1353.

Item No. 42-F: 5744 North Tryon Street

Acquisition of 1,044 sq. ft. (.024 ac.) in Fee Simple, plus 2,017 sq. ft. (.046 ac.) in Temporary Construction Easement at 5744 North Tryon Street from Vernelle F. Davis and Marilyn P. Faulk for \$235,781 for Blue Line Extension, Parcel #2117.

Item No. 42-G: 6301 North Tryon Street

Acquisition of 11,062 sq. ft. (.254 ac.) in Fee Simple, plus 33 sq. ft. (.001 ac.) in Storm Drainage Easement, plus 532 sq. ft. (.012 ac.) in Access Easement and Utility Easement, plus 6,364 sq. ft. (.146 ac.) in Temporary Construction Easement, plus 2,624 sq. ft. (.06 ac.) in Utility Easement, plus 21 sq. ft. in Combined Utility and Waterline Easement, plus 17 sq. ft. in Combined Utility, Waterline and Access Easement at 6301 North Tryon Street from MTN of NC, LLC for \$221,050 for Blue Line Extension, Parcel #2117.

Item No. 42-H: 6315 North Tryon Street

Acquisition of 11,012 sq. ft. (.253 ac.) in Fee Simple, plus 2,213 sq. ft. (.051 ac.) in Storm Drainage Easement, plus 3,310 sq. ft. (.076 ac.) in Sanitary Sewer Easement, plus 1,689 sq. ft. (.039 ac.) in Temporary Construction Easement, plus 176 sq. ft. (.004 ac.) in Sanitary Sewer Easement and Storm Drainage Easement, plus 2,353 sq. ft. (.054 ac.) in Utility and Sanitary Sewer Easement, plus 124 sq. ft. (.003 ac.) in Utility, Sanitary Sewer and Storm Drainage Easement at 6315 North Tryon Street from Lloyd Neal Hood, Jr. And Janice Hood Johnson for \$126,000 for Blue Line Extension, Parcel #2171

Item No. 42-I: 6324 North Tryon Street

Acquisition of 1,528 sq. ft. (.035 ac.) in Fee Simple, plus 3,071 sq. ft. (.071 ac.) in Storm Drainage Easement, plus 7,586 sq. ft. (.174 ac.) in Temporary Construction Easement at 6324 North Tryon Street, from North Tryon Street-Owen Properties, LLC for \$62,220 for Blue Line Extension, Parcel #2173 and #2174.

Item No. 42-J: 6835 North Tryon Street

Acquisition of 520 sq. ft. (.012 ac.) in Fee Simple, plus 1,553 sq. ft. (.036 ac.) in Temporary Construction Easement, plus 38 sq. ft. (.001 ac.) in Utility Easement at 6835 North Tryon Street from Marvin D. Cope for \$74,975 for Blue Line Extension, Parcel #2231.

Item No. 42-K: North Tryon Street

Acquisition of 7,098 sq. ft. (.163 ac.) in Fee Simple, plus 1,519 sq. ft. (.035 ac.) in Storm Drainage Easement, plus 13,169 sq. ft. (.302 ac.) in Temporary Construction Easement at North Tryon Street from Kenneth Lockard for \$148,200 for Blue Line Extension, Parcel #2232.

Item No. 42-L: 6912 North Tryon Street

Acquisition of 1,984 sq. ft. (.046 ac.) in Fee Simple, plus 5,249 sq. ft. (.121 ac.) in Temporary Construction Easement, plus 16 sq. ft. (ac.) in Utility Easement at 6912 North Tryon Street from Ellas, Inc. for \$185,000 for Blue Line Extension, Parcel #2233.

Item No. 42-M: 6920 North Tryon Street

Acquisition of 1,037 sq. ft. (.024 ac.) in Fee Simple, plus 1,032 sq. ft. (.024 ac.) in Temporary Construction Easement, plus 2,131 sq. ft. (.049 ac.) in Utility Easement at 6920 North Tryon Street from Chris G. Copsis and wife, Christine K. Copsis for \$177,000 for Blue Line Extension, Parcel #2234.

Item No. 42-N: 859 Linda Lane

Acquisition of 1,747 sq. ft. (.04 ac.) in Storm Drainage Easement, plus 1,495 sq. ft. (.034 ac.) in Temporary Construction Easement at 859 Linda Lane from John Patrick Moore, Jr. and wife, Sandra Ann Moore for \$16,500 for Gaynor Storm Drainage Improvement Project, Parcel #18.

Item No. 42-O: North Sharon Amity Road

Acquisition of 6,331 sq. ft. (.145 ac.) in Storm Drainage Easement at North Sharon Amity Road from Thevaos Family Properties, LLC for \$20,488 for Gaynor Storm Drainage Improvement Project, Parcel #77.

Item No. 42-P: Heriot Avenue

Acquisition of 7,420 sq. ft. (.17 ac.) in Storm Drainage Easement, plus 3,233 sq. ft. (.074 ac.) in Temporary Construction Easement at Heriot Avenue from Dan F. Linder for \$13,775 for Peterson Drive Storm Drainage Improvement, Parcel #3.

Item No. 42-Q East 7th Street

Resolution of condemnation of 1,344 sq. ft. (.031 ac.) in Fee Simple, plus 6,727 sq. ft. (.154 ac.) in Storm Drainage Easement, plus 404 sq. ft. (.009 ac.) in Temporary Construction Easement at East 7th Street from Seventh Street Investors, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #1103.

The resolution is recorded in full in Resolution Book 44, at Page 539.

Item No. 42-R: 229 East 8th Street

Resolution of condemnation of 4,761 sq. ft. (.109 ac.) in Fee Simple, plus 7,848 sq. ft. (.18 ac.) in Storm Drainage Easement at 229 East 8th Street from Ninth Street Investors, LLC and any other parties of interest for \$717,550 for Blue Line Extension, Parcel #1107 and #1110.

The resolution is recorded in full in Resolution Book 44 at Page 540.

Item No. 42-S: 707 North Brevard Street

Resolution of condemnation of 4,492 sq. ft. (.103 ac.) in Temporary Construction Easement, plus 10,935 sq. ft. (.251 ac.) in Temporary Utility Easement at 707 North Brevard Street from Ninth Street Investors, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #1117.

The resolution is recorded in full in Resolution Book 44, at Page 541.

Item No. 42-V: North Tryon Street

Resolution of condemnation of 289 sq. ft. (.007 ac.) in Storm Drainage Easement, plus 5 sq. ft. in Temporary Construction Easement at North Tryon Street from Wayne A. Cline, Trustee of The Emily R. Cline Revocable Trust Agreement Dated November 14, 2000 and any other parties of interest for \$300 for Blue Line Extension, Parcel #2102.

The resolution is recorded in full in Resolution Book 44, at Page 542.

Item No. 42-W: 5745 North Tryon Street

Resolution of condemnation of 12,253 sq. ft. (.281 ac.) in Fee Simple, plus 2,523 sq. ft. (.058 ac.) in Temporary construction Easement, plus 2,181 sq. ft. (.05 ac.) in Utility Easement at 5745 North Tryon Street from Peter J. Couchell and wife, Dianna Faye P. Couchell and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2115.

The resolution is recorded in full in Resolution Book 44, at page 543.

Item No. 42-X: 5723 North Tryon Street

Resolution of condemnation of 5,475 sq. ft. (.126 ac.) in Fee Simple, plus 2,060 sq. ft. (.047 ac.) in Temporary Construction Easement, plus 707 sq. ft. (.016 ac.) in Utility Easement at 5753 North Tryon Street from Harvey W. Gouch and wife, Louise G. Gouch and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2121.

The resolution is recorded in full in Resolution Book 44, at page 544.

Item No. 42-Y: 5801 North Tryon Street

Resolution of condemnation of 11,062 sq. ft. (.254 ac.) in Fee Simple, plus 5,750 sq. ft. (.132 ac.) in temporary Construction Easement, plus 1,602 sq. ft. (.037 ac.) in Utility easement at 5801 North Tryon Street from Harvey W. Gouch and wife, Louise G. Gouch and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2123.

The resolution is recorded in full in Resolution Book 44, at Page 545.

Item No. 42-Z: 5701 Orr Road

Resolution of condemnation of 4,262 sq. ft. (.098 ac.) in Fee Simple, plus 270 sq. ft. (.006 ac.) in Temporary Construction Easement, plus 96 sq. ft. (.002 ac.) in Utility Easement at 5701 Orr Road from Vann Matthews and any other parties of interest for \$10,650 for Blue Line Extension, Parcel #2128.

The Resolution is recorded in full in Resolution Book 44, at Page 546.

Item No. 42-AA: 5920 North Tryon Street

Resolution of condemnation of 4,107 sq. ft. (.094 ac.) in Temporary Construction Easement at 5920 North Tryon Street from Peter J. Couchell and wife, Dianna Faye P. Couchell and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2133.

The resolution is recorded in full in Resolution Book 44, at Page 547.

Item No. 42-AE: 6027 and 6125 North Tryon Street

Resolution of condemnation of 28,812 sq. ft. (.661 ac.) in Fee Simple, plus 701 sq. ft. (.016 ac.) in Storm Drainage Easement, plus 3,383 sq. ft. (.078 ac.) in Sanitary Sewer Easement, plus 14,767 sq. ft. (.339 ac.) in Temporary Construction Easement, plus 3,730 sq. ft. (.086 ac.) in Utility Easement, plus 3 sq. ft. in Storm Drainage Easement and Utility Easement, plus 3,057 sq. ft. (.07 ac.) in Miscellaneous Easement at 6027 and 6125 North Tryon Street from Ali Darwich and wife, Peggy Darwich and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2143 and #2155.

The resolution is recorded in full in Resolution Book 44, at Page 548.

Item No. 42-AF: 6004 and 6024 North Tryon Street

Resolution of condemnation of 2,148 sq. ft. (.049 ac.) in Fee Simple, plus 3,258 sq. ft. (.075 ac.) in Storm Drainage Easement, plus 1,460 sq. ft. (.034 ac.) in Sanitary Sewer Easement, plus 15,099 sq. ft. (.347 ac.) in Temporary Construction Easement, plus 39 sq. ft. (.001 ac.) in Utility Easement, plus 146 square feet in Sanitary Sewer and Storm Drainage Easement at 6004 and 6024 North Tryon Street from National Retail Properties, LP and any other parties of interest for \$28,250 for Blue Line Extension, Parcel #2145 and #2147.

The resolution is recorded in full in Resolution Book 44, at Page 549.

Item No. 42-AG: 6108 North Tryon Street

Resolution of condemnation of 779 sq. ft. (.018 ac.) in Fee Simple, plus 5,766 sq. ft. (.132 ac.) in Temporary Construction Easement at 6108 North Tryon Street from Lauren E. Black and Harold D. Black, Successor Trustees for the Dorothy D. Black Trust Agreement and any other parties of interest for \$40,212 for Blue Line Extension, Parcel #2149.

The resolution is recorded in full in Resolution Book 44, at Page 550.

Item No. 42-AH: 6116 North Tryon Street

Resolution of condemnation of 791 sq. ft. (.061 ac.) in Fee Simple, plus 2673 sq. ft. (.061 ac.) in Temporary Construction Easement at 6116 North Tryon Street from Marshall O. Lowery and wife, Cassandra J. Lowery and any other parties of interest for \$21,000 for Blue Line Extension, Parcel #2151.

The resolution is recorded in full in Resolution Book 44, at Page 551.

Item No. 42-AI: 6132 North Tryon Street

Resolution of condemnation of 1,381 sq. ft. (.032 ac.) in Fee Simple, plus 7,475 sq. ft. (.172 ac.) in Temporary Construction Easement at 6132 North Tryon Street from PLP Properties and any other parties of interest for \$32,050 for Blue Line Extension, Parcel #2153.

The resolution is recorded in full in Resolution Book 44, at Page 552.

Item No. 42-AJ: 200 and 210 East Arrowhead Drive

Resolution of condemnation of 356 sq. ft. (.008 ac.) in Fee Simple, plus 16 sq. ft. in Storm Drainage Easement, plus 2,231 sq. ft. (.051 ac.) in Temporary Construction Easement at 200 and 210 East Arrowhead Drive from PLP Properties, LLC and any other parties of interest for \$1,775 for Blue Line Extension, Parcel #2154.

The resolution is recorded in full in Resolution Book 44 at page 553.

Item No. 42-AK: West Arrowhead Drive

Resolution of condemnation of 309 sq. ft. (.007 ac.) in Fee Simple, plus 60 sq. ft. (.001 ac.) in Storm Drainage Easement, plus 583 sq. ft. (.013 ac.) in Temporary Construction Easement at West Arrowhead Drive from BWN Investments, LLC and any other parties of interest for \$2,875 for Blue Line Extension, Parcel #2158.

The resolution is recorded in full in Resolution Book 44, at Page 554.

Item No. 42-AL: East Arrowhead Drive

Resolution of condemnation of 738 sq. ft. (.017 ac.) in Fee Simple, plus 5,659 sq. ft. (.13 ac.) in Temporary Construction Easement, plus 455 sq. ft. (.01 ac.) in Utility Easement at East Arrowhead Drive from Couchell/Tsahakis Properties, LLC and any other parties of interest for \$22,600 for Blue Line Extension, Parcel #2159.

The resolution is recorded in full in Resolution Book 44, at Page 555.

Item No. 42-AM: 201 East Arrowhead Drive

Resolution of condemnation of 1,511 sq. ft (.035 ac.) in Temporary Construction Easement at 201 East Arrowhead Drive from Couchell/Tsahakis Properties, LLC and any other parties of interest for \$725 for Blue Line Extension, Parcel #2160.

The resolution is recorded in full in Resolution Book 44 at page 556.

Item No. 42-AN: 221 Heathway Drive

Resolution of condemnation of 11 sq. ft. in Fee Simple, plus 2,473 sq. ft. (.057 ac.) in Temporary Construction Easement, plus 109 sq. ft. (.003 ac.) in Utility Easement at 221 Heathway Drive from FSC DG Charlotte NC, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2168.

The resolution is recorded in full in Resolution Book 44 at Page 557.

Item No. 42-AO: 6300 North Tryon Street

Resolution of condemnation of 325 sq. ft. (.007 ac.) in Fee Simple, plus 1,708 sq. ft. (.039 ac.) in Temporary Construction Easement, plus 172 sq. ft. (.004 ac.) in Utility easement at 6300 North Tryon Street from Carolina Alliance Bank and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2169.

The resolution is recorded in full in Resolution Book 44, at Page 558.

Item No. 42-AP: 6351 North Tryon Street

Resolution of condemnation of 8,844 sq. ft. (.203 ac.) in Fee Simple, plus 1,092 sq. ft. (.025 ac.) in Sanitary Sewer Easement, plus 9 sq. ft. in Access Easement and Utility Easement, plus 2,322 sq. ft. (.053 ac.) in Temporary Construction Easement, plus 509 sq. ft. (.012 ac.) in Utility Easement, plus 692 sq. ft. (.016 ac.) in Unknown Easement at 6351 North Tryon Street from Mary Hunter Bostian and Robert Leonard Hunter, Jr. and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2175.

The resolution is recorded in full in Resolution Book 44, at Page 559.

Item No. 42-AQ: 6401 North Tryon Street

Resolution of condemnation of 7,419 sq. ft. (.17 ac.) in Fee Simple, plus 692 sq. ft. (.016 ac.) in Access Easement and Utility Easement, plus 1,483 sq. ft. (.034 ac.) in Temporary Construction Easement, plus 3,659 sq. ft. (.084 ac.) in Utility Easement at 6401 North Tryon Street from S & P Investment Properties, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2177.

The resolution is recorded in full in Resolution Book 44, at Page 560.

Item No. 42-AR: 6408 North Tryon Street

Resolution of condemnation of 1,496 sq. ft. (.034 ac.) in Fee Simple, plus 55 sq. ft. (.001 ac.) in Storm Drainage Easement, plus 5,364 sq. ft. (.123 ac.) in Temporary Construction Easement at 6408 North Tryon Street from Carolina Rent-A-Car, Inc. and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2179.

The resolution is recorded in full in Resolution Book 44, at Page 561.

Item No. 42-AS: 6411 North Tryon Street

Resolution of condemnation of 6,090 sq. ft. (.14 ac.) in Fee Simple, plus 517 sq. ft. (.012 ac.) in Access Easement and Utility Easement, plus 5,114 sq. ft. (.117 ac.) in Temporary Construction Easement, plus 3,145 sq. ft. (.072 ac.) in Utility Easement at 6411 North Tryon Street from DKVLVN, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2181.

The resolution is recorded in full in Resolution Book 44, at Page 562.

Item No. 42-AT: 6426 North Tryon Street

Resolution of condemnation of 719 square feet in Fee Simple, plus 2,818 square feet in Storm Drainage Easement, plus 12,459 square feet in Temporary construction Easement, plus 49 square feet in Utility Easement at 6426 North Tryon Street from Roshan Dhana, Inc. and any other parties of interest for an amount to be determined for the Blue Line Extension, Parcel #3183.

The resolution is recorded in Resolution book 44, at Page 563.

Item No. 42-AU: 6538 North Tryon Street

Resolution of condemnation of 3,124 square feet in Temporary Construction Easement at 6438 North Tryon Street from Kevin Parris Carter and David E. Carter and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2207.

The resolution is recorded in full in Resolution book 44, at Page 564.

Item No. 42-AV: 6600 North Tryon Street

Resolution of condemnation of 3,426 sq. ft. (.079 ac.) in Temporary Construction Easement at 6600 North Tryon Street from Sinkoe Brothers, General Partnership and any other parties of interest for \$119,400 for Blue Line Extension, Parcel #2209.

The resolution is recorded in full in Resolution Book 44, at Page 565.

Item No. 42-AW: 5420 North Tryon Street

Resolution of condemnation of 14,864 sq. ft. (.341 ac) in Fee Simple, plus 30,012 sq. ft. (.689 ac.) in Fee Simple within Existing Right-of-Way, plus 3,068 sq. ft. (.07 ac.) in Storm Drainage Easement, plus 10,831 sq. ft. (.249 ac.) in Temporary Construction Easement, plus 3,866 sq. ft. (.089 ac.) in Utility Easement from NRG-Hampshire Hills LLC and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #1349.

The Resolution is recorded in full in Resolution Book 44 at Page 566.

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PUBLIC HEARINGS

ITEM NO. 6: (A) HOLD PUBLIC HEARINGS FOR VOLUNTARY ANNEXATIONS 1-17: (1) PRIVATELY-OWNED CHARLOTTE PREMIUM OUTLET SITE, (2) CITY-OWNED WILKINSON BLVD./I-485 I; (3) CITY-OWNED WILKINSON BLVD./I-485 II; (4) CITY-OWNED WILKINSON BLVD./I-485 III (5) CITY-OWNED WEST BLVD./I-485 I (6) CITY-OWNED WEST BLVD./I-485 II (7) CITY-OWNED WEST BLVD./I-485 III (8) CITY-OWNED WEST BLVD./I-485 IV (9) CITY-OWNED WEST BLVD./BEREWICK I (10) CITY-OWNED WEST BLVD./BEREWICK II; (11) CITY-OWNED SHOPTON RD./COFFEY CREEK GREENWAY I; (12) CITY-OWNED SHOPTON RD./COFFEY CREEK GREENWAY II; (13) CITY-OWNED DIXIE RIVER ROAD RIGHT-OF-WAY (14) CITY-OWNED BRANTLEY OAKS/I-485 I; (15) CITY-OWNED BRANTLEY OAKS/I-485 II; (16) CITY-OWNED BRANTLEY OAKS/I-485 III; (17) CITY-OWNED BRANTLEY OAKS/I-485 IV, AND; (B) ADOPT ORDINANCE NOS. 5140-X, 5141-X, 5142-X, 5143-X, 5144-X, 5145-X, 5146-X, 5147-X, 5148-X, 5149-X, 5150-X, 5151-X, 5152-X, 5253-X, 5154-X, 5155-X AND 5156-X WITH AN EFFECTIVE DATE OF JUNE 30, 2013, FOR THE PRIVATELY-OWNED PROPERTIES AND THE CITY-OWNED PROPERTIES TO EXTEND THE CORPORATE LIMITS TO INCLUDE THESE PROPERTIES AND ASSIGN EACH TO THE ADJACENT COUNCIL DISTRICTS.

The scheduled public hearing was held on the subject matter.

Motion was made by Councilmember Barnes, seconded by Councilmember Dulin, and carried unanimously, to close the public hearing and adopt the subject ordinances for the subject annexation.

Ordinances 5140-X to 5156-X are recorded in full in Ordinance Book 58, at Pages 237 to 348.

POLICY

ITEM NO. 7: CITY MANAGER'S REPORT

Ron Carlee, City Manager said no report this evening.

ITEM NO. 8: REVISED ASSISTED MULTI-FAMILY HOUSING AT TRANSIT STATION AREAS POLICY

Councilmember Kinsey said I'm going to ask that this be re-referred to committee to come back in July. There had been some discussion—things came up that we thought we should discuss one more time and bring it back to council in July. I would ask that it be referred back to the Housing and Neighborhood Development Committee.

Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes to re-der this matter back to the HAND committee until July.

Mr. Cannon asked around what issues?

Ms. Kinsey said probably the biggest issue would be the one building with 100% subsidized and we want to look at whether this would extend to other lines other than the Blue Line Extension so I think just a little more discussion needs to be had by the committee and then bring it back.

Mr. Cannon said okay I'm interested in that subject matter. I'd like to attend the meeting.

Ms. Kinsey said you are always welcome.

kmj

Mayor Foxx said let's take it to a vote. I'm going to make a couple of comments on this action. As a general matter I think we are sending some mixed signals about housing in this community and in looking over the agenda, I was very concerned about this item from a number of perspectives. The first respective, just contextually, is that a few years ago, we found out that needed 17,000 units of affordable housing in this community and that was actually a number, as I recall, that was developed before the recession. Next week, on Monday, July 1st, for 70,000 people across this state, unemployment insurance ends and I'm told that there are 10s of thousands of additional people for whom insurance will end shortly after July 1st. So from the standpoint of context the issue of housing is becoming a harder issue for us to catch up with on the one hand and on the other hand the types of policies that the one we were going to be talking about tonight, I believe will make it harder for us to address this issue in the future. I will also say that the council has done some very important things this year, an inclusionary zoning policy. Council has also worked on a capital budget that includes affordable housing and actually a more diversified approach to how we address that issue and so those are very good things but I'm worried that this is going to take another couple of arrows of the quiver. And let me just talk specifically about the things that I found troubling about this.

In 2001 when the policy was first adopted, one of the principles established in 2001 was that the city would encourage a minimum of 5% and up to a maximum of 25% of any development with assisted units. Another policy was that at least 30% of the assisted multi-family units at a particular site would be reserved for housing households earning 30% or less than the area median income. Just like the first gentleman that spoke at our citizen's forum tonight, who talked about having been homeless, in effect we're saying that homeless people don't belong on transit corridors. I'm worried about where we are headed because as I said, the problem is growing. We are taking away opportunities to address the issue. I will say this. I've said it privately and I've said it publically that I believe a lot of the concern is coming from the fact that we have certain zip codes in the city that are packed with affordable housing and certain zip codes where the market isn't capturing that particular segment of our community and that is part of the reason why we did the capital budget as we did. It's part of the reason why we did the rental subsidy program. It's part of the reason why we did the inclusionary zoning ordinance. So we have things in place that are proactively trying to address that issue and I would readily concede that even if we kept the 2001 policy, it wouldn't address the entire need that we have for housing in this community. But I think this council has got to get beyond taking things off the table. I think it's a matter of putting more options on the table and putting more of a pro-active stamp on the issues. So as you send this back to committee, I would tell you that if this came up for a vote tonight, I would veto this action. There is no question about it. So I think you are wise to take some time. But I do think that you should consider these issues as you move along. Additionally, definitionally, I think there are some other questions that I had about the proposed revisions which are, this policy applies only to rapid transit corridors and what does that mean? Does that mean rail or are you talking about something else. An adopted transit station is not defined and I just think this cap of 20%, even though it may be hard to get the 25%, I don't see why we wouldn't do it. The last point I would make is that I'm not even sure that the 2001 policy, if we went back and looked at the South Corridor; I have no idea whether the targets have been met in the south corridor, which is also a problem. So I would like to ask staff to give us some information back on the 2001 policy and how well it's been tracked on the south corridor.

I just want to say that I understand what's going on. I think what's going on is a desire to see more upscale development in parts of the City that are getting the next line and I think that's going to happen regardless. I think the question is in a city that is becoming more diverse and frankly more challenged in some ways at the bottom of the economic rung, why are we taking options off the table. And if there were any council that I would that would find its ways to figuring that out, I would have hoped it would be this one.

Ms. Kinsey said I think the idea is pretty much what you said, to try to make it a little bit easier—look at it again. On the other hand because part of the Blue Line Extension goes through District 1, it goes through the most distressed area of District 1. So I think you are right we tend to put subsidized housing where, its affordable for the providers to purchase the land. So it's a tough question. We all understand the need, but where this line is going; it goes right close to Lockwood and Graham Heights towards Hidden Valley. So it's an area that we do have to be careful with. So there just isn't an easy answer, but we think maybe if we look at it again, we can tweak it to make it a little better.

Mayor Foxx said the motion is on the table. Thank you very much Ms. Kinsey and I do appreciate the work of the committee. I think some additional time would be helpful.

The vote was taken on the motion to re-der back to the Committee and recorded as unanimous.

Mr. Howard said I noticed that a friend and young lady that I grew up with Sharie Morris was here and I was wondering why they were here and I went over and asked and it turns out that they had some dates about the Do the Right Thing award and because they came down here and they sat here as long as they did, I didn't want them to just leave out. Leah Morris, her daughter, is actually going to be recognized next month for one of two awards school system wide and we will learn more about it next month but because they sat here, I wanted you guys to know that this young lady did something on her school campus that, I'm not sure many young ladies would have done. Just know who she is and I'm going to ask the Mayor to indulge me that should could come over here and get a picture real quick and then we will do it again next month.

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BUSINESS

ITEM NO. 9: WIRELESS BROADBAND NETWORK RELATED SERVICES.

Mr. Barnes asked, am I to read this correct Mr. Manager that it's about \$150 thousand per person per year?

Mr. Carlee said yes sir it's the contract.

Mr. Barnes asked, is that what the first contract was?

Mr. Carlee said I'm not sure what the first contract was. It is all federal money and is an apparently complicated pilot project on broadband deployment and a limited number of cities. I'd be happy to give you a supplement on that.

Motion was made by Councilmember Mitchell, seconded by Councilmember Kinsey to approve the extension of a consultant agreement with Tech USA LLC in an amount not to exceed \$325,000 for a Program Manager to oversee deployment of the Public Safety Long Term Evolution Network for an additional 26-month term. The vote was recorded as follows:

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

NAYS: Councilmembers Cooksey and Dulin.

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ITEM NO. 20: SOLID WASTE SERVICES MECHANICAL RENOVATIONS

That was in reference to the award of the contract of Edison Foard particularly when they did not meet the goal and Assistant City Manager, Julie Burch provided for us at dinner some additional information based on projects 2011 and 2012. I think the additional information was waiting on Nancy Rosado to supply to us the second bidder and the question was did the second bidder hit the SBE goals.

Nancy Rosado SBO Program Manager for N&BS Small Bus Development said the second low bidder came in at 12.56% SBE.

Mr. Mitchell said so they did surpass the 10%?

Ms. Rosado said, yes they did?

kmj

Mr. Mitchell said and what was the cost of the bid?

Ms. Rosado said \$1,292, 552.

Mr. Mitchell said so roughly \$80,000 more?

Ms. Rosado said yes sir.

Councilmember Autry said do we understand how one contractor could not meet the goal but yet another contractor could? How is that qualified?

Ms. Rosado said in trying to meet a goal, it depends on number one the company and how their structured. So some companies may have their core competencies may be greater than others where they may be required to sub-out more than other companies. So it really depends on the circumstances surrounding each particular company. But our policy as it is currently written for the SBO program, it's really that it speaks to either you meet the goal or you earn the good faith efforts. In this particular case, there are sometimes companies that are trying to be low bid and so they are really scrutinizing the bids that are coming in from the sub=contractors as well. So that may have an impact on the dollar value.

Councilmember Cannon said the issue here Nancy is that I asked at dinner if the city staff was comfortable with the idea that the entity that is potentially being awarded this, made the best concerted effort that it could. The response was "yes", but I question that unless the answer is that maybe within their spear or depth of what they have in the way of whose out there in terms of SBEs to be able to make that happen and that's all that they could come up with. If that's the case, they ought to be talking to some other companies who are able to exceed it abundantly. Maybe there is some room for partnering because we would like to be able to see these goals increase. You heard me make mention also, that there are some people out there that are probably missing. I think that's what Councilman Mitchell has begun to delve into a little bit deeper based on this conversation, but I just have to wonder and question one's ability to have less reach but even more so, what does the City have relative to knowing whose out there where so that these goals can be either met or exceeded. It would have been nice, and I hear you. I know they can meet one or the other, but it is great if they could meet both and in this case I think that could have happened.

Ms. Mayfield said Nancy, thinking about now that you are able to present us the information on the second bidder, do we ever take into consideration where we have a company that is up for multiple bids within the City some of those bids they meet or exceed the SBE goals, others that are not able to, but that second bidder very well can, If we are really trying to push our whole DBE process, really trying to encourage small businesses to grow and give them the opportunity to grow, why wouldn't we look at that second bidder, since we do have opportunities where we reject the lowest bid because of different reasons or concerns, especially if it's a company that's up for multiple bids throughout different departments of the City.

Ms. Rosado said I think statute is really clear on that aspect that on a construction project you have to take the lowest responsive responsible bid. In this particular case, we found Edison Foard to be the lowest responsive responsible bid because they adhered to the policy that we have established of meeting the goal or earning the good faith efforts required. One way that we are addressing in the new policy is we've changed our good faith efforts to be more subjective and so that's going to give us more flexibility in our due diligence of reviewing those good faith efforts.

Mr. Mitchell thanked staffed for pulling the information together. I don't want enough of us to have to go to jail, because none of us look good in pinstripe so Bob I heard you loud and clear, but council I think it is very serious to our program and that is why we spend a lot of time in disparity study. The ED Committee spend a lot of time with a new program. So I would like to make this motion, if we can defer this because I am hearing that it is time sensitive but I would like to defer this to our next scheduled council meeting. I think then we are sending a strong message and hope Edison then will work hard, identify those companies that can come in and help meet the goal.

Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, to defer this to the next Council meeting.

Jeb Blackwell, City Engineer said that the concern we have is that we have the Solid Waste employees in that space we are moving into the hot summer months and we need to make this repair to keep them in a quality space. We are not in a position to make a requirement of the contractor; certainly it is one that can be deferred. I just want to make sure that you are aware that there is some negative consequence here. We have not moved those employees out of that space. We are moving to a temporary space and we can stop, and I have checked to see if there would be an impact to stopping, but we are getting into a fairly hot season right now so we do need to go ahead and move them to the temporary space and get this improvement made so there is an employee comfort issue that I would suggest that exists there.

Mr. Mitchell said I totally understand Mr. Blackwell, but I'm confident that we are going to have another meeting between now and July 24th.

Ron Carlee, City Manager said I think it is important to look at this contract in context as staff was raising terms of the nature of the contract and the ability to achieve different levels depending on how contracts are structured. I think a good example of this is actually with this bidder who has actually two projects before us tonight and I think it's reflective of the different structures. While on this one, the established SBE goal is 10% and they only achieved 3.5%, the other contract had a 10% goal and they achieved 19.3%. Again, reflecting a different kind of contractual structure and the opportunity to do subcontracting. I'm going to be looking more broadly at what we are achieving in our goals over time and trying to provide you more up-to-date on what we are achieving. I did ask staff to analyze just the contracts that are before you tonight and in fact, they had established SBE goals of 8.8% or \$3.6 million with a set of contracts before you tonight, they will actually achieve almost 14.5% SBE at \$5.9 million. Given that this contractor did comply with our policy, we would recommend that we go ahead and proceed with the approval of this contract tonight.

Mr. Blackwell said if I might add one of the things remaining, to that perhaps is we also would contact our contract officer and she off the top of her head could remember a couple of instances she named where in the past years they have exceeded the goal also. To Nancy's point that we feel this contractor does go with this not to hit a number but to get the maximum they can as a good faith effort. I would certainly agree with Mr. Carlee has said.

Councilmember Beth Pickering said Mr. Blackwell how soon can we relocate the staff?

Mr. Blackwell said Kathleen is the project manager on this project. She can speak more specifically to that relocation.

Kathleen Santimaw Senior Engineering Project Manager, Engineering & Property Mgmt. Said we have gone ahead and made all of the accommodations to go ahead and relocate them immediately once we've received council award tonight.

Mr. Cannon said Mr. Manager I hear you, but I think around this dais we want to be sure that it is understood that this is very serious to us and inasmuch as we can help in the way of structure and assisting those folks we ought to be doing that yesterday as best we can. Although in hearing from Mr. Blackwell that it could offset a few things, I didn't hear him say that it kills it—but could it?

Mr. Blackwell said that the difficulty is that the mechanical system there cannot meet the full summer cooling loads that are required and so there is potential for—depending on what the weather and the delay—then either we could go ahead and move them into the temporary quarters; we will have to look at that, or consider how effectively we can keep that space comfortable while they are there.

Mr. Cannon asked so what is the wiggle room because I know you had a forward nod and hers was left to right. So I would like to hear your response please.

Ms. Santimaw said we've gone ahead and made the accommodations, as I said previously, that's not stating that they need to move in tomorrow.

Mr. Cannon said Nancy I want to make sure that we can get the ball rolling on this piece structure wise, I just need to know and understand why would there not be a databank that we would have to maybe support them in this process, which could simply mean that we don't know what's out there, capacity wise in terms of being able to assist and aid some bidders to be able to meet the goals, but it would seem to me that if one potential bidder could meet it, all of our questions happens to be "why can't someone else?"

Ms. Rosado said the City does have a database where we stall all of our SBEs that are certified and that is the database that we instruct all bidders to use in identifying subcontractors for meeting the SBE goal and that also in their solicitation documents, they are also provided a list of all of the SBE certified companies broken up by scope. That they must do outreach for in order to show that they are actually going ahead and meeting the good faith efforts.

Mr. Cannon asked are you able to define how the structure was different between the two entities that we are talking about.

Ms. Rosado said it really depends on the company. I'll give you an example. We have seen in the past where there is a construction company that will subcontract out 50% of the work because maybe they don't have the capacity to do some of the scopes in-house and then there are other construction companies that are larger, have more capacity and therefore they may be able to do more of the work themselves so they may only sub-out 10% of the work. So each situation is very unique. Each project is very unique which is why we really take the time to work with our departments to identify the subcontracting opportunities for each project because they vary and their different.

Mr. Cannon said Mr. Manager I was going to raise that same point you raise in terms of the other projects where they are up and thank you for doing that to the bidder that's out there. We appreciate that, but in as much as you can continue to make that same concerted effort even in this case, I think we would encourage you to do that, so I'm not going to remove my second. If it dies it dies, but I won't remove it.

Ms. Mayfield said, Nancy just for a little more clarification, because I hear some concern regarding us postponing this for us to identify and do a little more research. The concern that I have is that it seems that we waited to the last minute with the expectation that once this was presented to us, then we were just going to move forward with it without leaving any room in case there were any questions or concerns. So I have a concern about us receiving this information at what seems or what's given in appearance of this being such dire straits that we need to do this now or its going to trigger other problems but I would hope moving forward in the future that if there is' a request for funding, it makes its way to whatever council is going to be receiving that information prior to the ninth minute, saying that something needs to be done just in case we have conversations, but also Mr. Manager, as you are looking at this, I would really like to encourage that overall you identify that there is a good percentage that's going to multiple businesses but if we just break each individual contract out, separately and only look at the merits of this application, there is still a concern that one bidder said, well we tried but we can only hit less than 4% and another bidder identified more than 12. If the other bidder had identified maybe five or even six, then I would have said okay, but there is a considerable difference between this 3.51 and the more than 12%, so there seems to be a major gap and it seems like that would have triggered before even getting to the decision making process tonight, it should have triggered staff to say, okay well if you are able to identify 12 who are these businesses and why aren't you looking at some of these opportunities or we're going the help you identify some of these opportunities since you're saying you only have four. Not necessarily saying I'm going to direct you but there is a disconnect if one is identifying less than 4% and another is identifying 12% or more than 10%. So there seems like there's an ability for staff to work a little more closely when working with our vendors as well as working with our businesses to really create the type relationships that we said we are trying create within the City.

Mr. Carlee said I understand the point you are making and understand there's a lot of history behind the policy. What I would be happy to do in follow-up to the discussion this evening is look more closely myself at the good faith aspect of your policy, consult with the City Attorney to understand what level of flexibility we may have and also looking at a process for doing comparative analysis between a low bid that is based on good faith effort and subsequent bids and provide you a more detailed analysis on any future bids that would come forward to you that are complying based on the good faith effort as opposed to actually the full set aside that we are aiming for.

A substitute motion was made by Councilmember Kinsey, seconded by Councilmember Cooksey to approve this tonight and award the low bid contract in the amount of \$1,219,900 to Edison Foard for Solid Waste Services Mechanical Renovation Project.

Ms. Kinsey said I'd like to make a comment, as Mr. Mitchell knows; I had to deal with this when I was working full-time for Pease and Associates and I was the one that had to do the good faith efforts and pull the teams together. It isn't easy and I made many many calls for my good faith efforts when they would laugh at me and say, you're not going to use me, I'm not interested. So it's not really easy and it does depend on the project. I do know Edison Foard Company; I know the owners. They are a reputable firm and they're somebody good to work with and I don't think they are doing this out of any kind of meanness or anything. They understand the program. I just think we need to move on, but I don't disagree with what's been said tonight, but it's sometimes a little more difficult to get those subcontractors than what you think. It's frustrating but I think we need to go ahead move on with this tonight and look at it very carefully in the future.

Mr. Barnes said a question I had, because I'm approaching this from a legal and practical perspective I think and what I'm wondering is what would change between now and the end of July if we defer it because based upon what I've been hearing from staff, they don't anticipate that much would change with the package and also I'm worried from a legal perspective, that if we appear to be putting negative pressure on them to do something beyond what they've already done to qualify to win the contract, that we would be breaking the law. That's what concerns me. I don't know if Mr. Hagemann wants to speak to that issue. If there is a looming legal issue in your mind Mr. Hagemann, I see just a potential for things to bubble up and people to accuse us of things that we are not really doing and creating a lot additional cost and delay.

Bob Hagemann, Senior City Attorney said well certainly I see no legal problem. I'll leave it to the Manager and staff to talk about the practical problem, but no legal problem in simply deferring so that staff can take a closer look at the situation and provide information to counsel.

Mr. Barnes said if we defer it by a month and the company feels as if there is some pressure being put upon them by us to change their package, and I'm not assuming what the pressure would be or what the change would even be. I think I've answered my own question. Let me say this to the Manager's point in Item No. 20, they failed to meet the good faith efforts. In Item No. 24, they actually exceeded it—they almost doubled it. So I see why you want a delay and defer but on one they exceeded and on the other they didn't quite meet and throughout their history, I think you said they've exceeded on a number of occasions, so I actually think we should move on and vote tonight because we've been tweaking this program for eight years, since I've been around.

Mr. Autry said if understand, Nancy, how you've explained the disparity about how one company could come back with a 3.51% of the goal met and the other company coming and exceeding it on this particular project, the same two companies coming before us on a different project, the situation of the SBE goal could just as easily be reversed and the other company would be the under 4%. Am I correct?

Mr. Blackwell said yes that is absolutely correct.

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

YEAS: Councilmembers Autry, Barnes, Cooksey, Dulin, Fallon, Kinsey

NAYS: Councilmembers Mayfield, Mitchell, Howard, Pickering and Cannon.

Summary of Bids

Edison Foard	\$1,219,900.00
Southside Constructors, Inc.	\$1,292,552.80
G. W. Liles Construction Co.	\$1,313,400.00

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ITEM NO. 11: NOMINATIONS TO BOARDS AND COMMISSIONS

11-A: Airport Advisory Committee – One appointment for an at-large representative for a three-year term beginning August 1, 2013, and ending July 31, 2016; one appointment for an aviation representative for a three-year term beginning August 21, 2013 and ending July 31, 2016.

Motion was made by Councilmember Mayfield and seconded by councilmember Barnes to defer for one month the appointment for the Appointment for the Airport Advisory Commission for nominations.

Councilmember Cooksey said I would like to know why delaying the nominations. Are there other candidates we need to find?

Ms. Mayfield said that at this point, I think it would be more beneficial for us to give the opportunity for us to figure out what's actually going to happen because I would hate for us to go through the process of nominating someone and then them not having an opportunity to fulfill their duties and responsibilities. I don't think it would be in the best interests of that citizen that is really interested in being on the Advisory Committee so if we postpone this for one month then we have an opportunity, not to mention one of the applicants has already fulfilled their duties as far as the time commitment and the time allotment of two terms of service. So it gives an opportunity to let other members of the community share their interests.

Mr. Cooksey said in that case I'm going to vote against the motion because the way I view it is we shouldn't be doing anything out of the ordinary with what we do with the efficient and effective operation of the airport based on some other entity's unilateral actions. The vacancies are here. In fact, we've got a couple of other vacancies that are unfilled at the moment to the best of my recollection because there are 11 seats and I think there are only nine people serving currently. These two terms expire and then we will be down to seven people serving. I want to go on with the normal operation of airport activities including the Airport Advisory Committee to demonstrate that we are no deviating from what our responsibilities are.

City Manager, Ron Carlee said the other thing that is going on right now and I apologize; normally you won't find me commenting on your commission appointments at all. That is purely the prerogative of the council and not the role of staff. I am in the process of implementing the directives that you gave me in the resolution with regard to the airport and we are working with the Airport Advisory Committee on implementing those directives and I think a little bit of continued time with our current Airport Advisory team would actually be helpful in that process.

Mr. Barnes said I actually agree with Ms. Mayfield. In fact, I think we should hold both of these appointments open because to a point you're making Cooksey, we are in a fairly unusual time right now and we are dealing with some fairly unusual circumstances and I believe we need an opportunity to essentially provide a reset to determine we can't control what happens in Raleigh, but it would be wise for us to wait a month and learn what they are going to do before we appoint someone to a seat they may or may not hold and I understand what the manager is saying. I'm sure out of the remaining people you can find one or two people to work with.

Mr. Carlee said they're already engaged with this very actively.

Mr. Barnes said hopefully neither one of these people is one of those people and if he is, then it should not have happened because his appointments ran anyway as of this action. In other words, this man was entitled to two terms of service. He has fulfilled those and according to the information we have per our rules, he is not eligible for reappointment.

Mr. Kinsey said council has in the past extended people's tenure on a board or a commission for a specific reason so I don't think this is anything we haven't done in the past. We don't do it often, but I think extending Mr. Riolo's term for a short period of time is reasonable and we have done that in the past and I think since he is a very valuable member of that advisory board, and involved, I think we are not stepping outside of our policy.

Mayor Pro Tem Cannon said I'm hearing something legal and feeling something legal. Mr. attorney would you engage and share some perspective please.

City Attorney, Bob Hagemann said yes just to elaborate on councilmember Kinsey's point. Technically what happens when somebody's term expires is their eligible to continue to serve until you make an appointment for the replacement. So it doesn't take an act to extend the term and that is so the Board can continue to function if for whatever reason you are not ready to make your appointments. If you defer it, those whose terms expired, even if they had run out of their two year, six year limit, they continue to serve until you make an appointment.

Ms. Kinsey said that is what I meant to say, but didn't do it very well.

Mr. Cooksey said just to make sure I understand, these terms don't end until July 31st and the new terms would begin on August 1st. If I heard the attorney correctly, if no appointment is made by August 1st, then the people serving carry on. So the actual Council decision on this is that the appointment vote next month anyway, which is why I raised the question about deferring at this point if there are other folks that didn't respond to the posting that the opportunities were available and did apply to be appointed, who the people on this council think ought to be appointed, that's one thing. But if it's just about selecting when somebody serves, we make that decision July 22nd for a term beginning August 1st. If we go forward with the nominations tonight, we have that talent pool to choose from or to defer as necessary July 22nd. That's all I was getting at with suggesting not deferring the nominations.

Ms. Kinsey said that if we nominate tonight then I have to have my sheet back because I did not put anyone's name down.

Mayor Pro Tem Cannon said I did anyway just in case we got to place where we opted to do something beyond the deferral, but we are still open and we are having some discussion with regard to it.

Ms. Mayfield said I stand by the motion which is to defer because we are just looking at the nominations and I don't see how it would be a great impact to defer the nominations to our next meeting with the considerations that we have in front of us. We also as you noted, Councilmember Cooksey had a number of other appointments that had no applications that seem to be submitted to go along with some of the committees so I still think it would be a good decision and I have no concerns with us deferring just this nomination process for these two seats that we have option to tonight but I do respect your opinion as far as moving forward tonight, but I will still ask for us to be able to defer this.

Mr. Howard said I think the thing that's important to recognize is that the motives on this is nothing sinister about this. This is really just saying we are not sure. I think we will know a lot more next month. We know is that the folks that have been working with the Manager have been doing it in good faith. The cleanest way to say leave it alone for now is just to not to do anything with the position. Considering what could happen in a month, maybe we want to do something different with nominations, but you want the picture to be a lot clearer before you move forward with doing anything so that's the reason why I think it makes sense but lets be clear, the motives are not sinister in any way.

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

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

NAYS: Councilmembers Cooksey and Dulin

ITEM 11-B: Charlotte Housing Authority: The following nominations were made for one appointment for an unexpired term beginning immediate and ending December 17th, 2013.

Author Griffin Jr. nominated by Councilmembers Autry, Barnes, Cannon, Fallon, Howard, Mayfield, Mitchell, Pickering
Faheem Rathore nominated by Councilmember Kinsey
Frank Spencer nominated by Councilmember Dulin
Alex Vuchnizhe nominated by Councilmember Cooksey

ITEM 11-B2: Charlotte Housing Authority – The following nominations were made for one appointment for a low incoming housing resident for an unexpired term beginning immediately and ending December 17, 2015.

Lucy Brown was nominated by Councilmembers Autry and Fallon
Teresa Hughes nominated by Councilmembers Kinsey
Linda Morant nominated by Council member Mitchell
James Rogers nominated by councilmember Cooksey
Tawanna Wilson nominated by Councilmembers Barnes and Mayfield
Toi Parks nominated by Councilmembers Howard and Pickering

ITEM 11-C: Charlotte Mecklenburg Planning Commission: The following nominations were made for a one appointment for a three year term being July 1, 2013 and ending June 30, 2016.

Randall Fink was nominated by Councilmembers Autry, Barnes, Cooksey, Dulin, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering.
Margaret Nealon was nominated by Councilmember Cannon.

Motion made by Councilmember Barnes and seconded by Councilmember Howard to appoint Mr. Randall Fink to the Charlotte Mecklenburg Planning Commission by acclamation.

Mr. Howard said I voted for Mr. Fink as well. I just wanted to point out that there was a little issue that happened here. Because the rules kind of changed, I wanted to make sure that we pointed out that Margaret Nealon is actually the incumbent and normally what you do is the incumbent gets reappointed. I want to make sure for the record that everybody knows that she did not have an attendance issue. There was none of that. There was some miscommunication with the school board on how their process worked. Normally, it was just kind of an automatic that you are reappointed as an incumbent and I talked to the school board at length about this. They really want to stick with their person because they have a new system in place, but I would hope the next time we have an appointment, we try to Ms. Nealon back involved. She has been involved with a lot of the leadership and was probably on her way to being vice-chair, if not chair soon so I just want to make sure this is no reflection on Ms. Nealon and her leadership and I would hope to get her back involved some other way.

Councilmember Cooksey said ordinarily if it is not an incumbent I don't support voting the same night as nominations regardless of how many nominations were received, but this is a delegated appointment from the School Board and so to me it is a different circumstance.

The vote was taken on the vote to appoint Mr. Fink by acclamation and was recorded as unanimous.

ITEM 11-D: Charlotte Regional Visitors Authority: The following nominations were made for one appointment for a representative of a hotel/convention for an unexpired term beginning immediately and ending June 30, 2014.

Jaelyn Blair was nominated by Councilmembers Autry, Mayfield and Pickering
William DeLoache was nominated by Councilmembers Barnes, Cannon and Howard
Adam Zemruski was nominated by Councilmember Cooksey
John Collett was nominated by Councilmember Dulin
Nina Lipton was nominated by Councilmember Fallon

Jacqueline Yelverton was nominated by Councilmember Mitchell
Deborah Edwards was nominated by Councilmember Kinsey

ITEM 11-E: Domestic Violence Advisory Board: The following nominations were made for two appointments for three year terms being September 22, 2013 and ending September 21, 2016.

Limia Bowen was nominated by councilmembers Autry, Barnes, Cannon, Cooksey, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Jacqueline Dienemann) was nominated by Councilmembers, Autry, Barnes, Cannon, Cooksey, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering

Motion made by Councilmember Barnes and seconded by Councilmember Mitchell and carried unanimously, to appoint Limia Bowen and Jacqueline Dienemann to the Domestic Violence Advisory Board by acclamation.

ITEM 11-F: Keep Charlotte Beautiful: The following nominations were made for three appointments for unexpired terms: Two beginning immediately and ending June 30, 2015 and the other beginning immediately and ending June 30, 2014; and one appointment for a three year term beginning July 1, 2013 and ending June 30, 2016

Russell Adams was nominated by Councilmembers Barnes, Fallon, Kinsey and Pickering
Joshua Arnold was nominated by Councilmember Dulin
Jacklyn Blair was nominated by Councilmember Barnes
Hung Chau was nominated by Councilmembers Autry, Cannon, Mayfield, and Pickering
Camille Cunningham was nominated by Councilmembers Autry, Barnes, Cannon, and Mayfield
Jacob Eddy was nominated by Councilmembers Cooksey and Dulin
Joseph Franco was nominated by Councilmember Kinsey
Charles Jewett was nominated by Councilmembers Dulin, Fallon and Pickering
Deborah Lee was nominated by Councilmembers Cannon and Kinsey
Stephen Marcus was nominated by Councilmember Fallon
Samantha Pendergrass was nominated by Councilmembers Cannon, Cooksey, Fallon and Kinsey
James Rhodes was nominated by Councilmembers Cooksey and Dulin
Chandler Woods was nominated by Councilmember Barnes and Pickering
Michael Zytow was nominated by Councilmembers Autry, Cooksey and Mayfield

Ms. Kinsey asked to go back to Regional Visitors Authority . I recorded about six people getting votes yet there are not that many under the hotel conventions.

Ms. Kelly said they were not considered to be in the category but their applications were received and they received nominations.

Ms. Kinsey said, if that's the case, I would have nominated someone else. So if that's our practice in the future, let me know now because if they don't fit into the category, why do we have a category.

Mayor Pro Tem Cannon said your point is why put them in if they should be there.

Ms. Kinsey said I'm not saying they are not good people, don't misunderstand, it's just that they are not falling into Convention/hotel category, we have them separated in our book, so why?

Mayor Pro Tem Cannon said if there is a prerequisite for them to meet then there is no reason why they should be there and because it becomes confusing and now you have people that are being nominated.

Ms. Kinsey said I don't know who I voted for but just subtract one and put down Edwards.

Ms. Mayfield said mine is actually in line with Councilmember Kinsey because I was under a clearer understanding that we were only looking at appointment people that filled a specific need

so I looked at the listing of names as basically that lower half shouldn't even be considered in tonight's nominations because they didn't qualify even though I did have a concern as to why the names were even listed if we are looking specific skill set, why would we have applications on there that didn't qualify. When we have other opportunities where those skill sets may not be needed and you just have an opportunity for a community person to be appointed, so I think there may be some confusion with that whole category for this evening when looking who was nominated in comparison because there may be others around the dais that may have identified someone else in the community but I do know, for me personally, I only looked at the positions that fell into the requests of filling that specific need of someone with those skills and background.

City Attorney, Bob Hagemann said, this may be what the City Clerk was about to say. Some years ago, the practice used to be that the Clerk's office would actually screen people out and make their own judgment of who was eligible and the decision was made that sometimes the categories are somewhat subjective and that rather than the Clerk's office take the heat and the responsibility for making that hard decision, the names of all the applicants were forwarded to you and your rule is if you as a body judge somebody to fit category, they do. It's not subject to second guessing or challenge. So it is really incumbent upon you to satisfy yourself when a category is slotted that the people you put forward and vote for in your mind fairly fit that category. But that's ultimately your decision.

Mayor Pro Tem Cannon said I hear that and understand it, but if the area is calling for someone who has hotel experience and yet they drive a truck, which is okay, then it just doesn't fit and I think what you have are some people in these other categories that have some different professions per se, that are nowhere close to what a category is asking for and that's where there is some kind of divide, because the CRVA Board is looking for a certain kind of expertise to be represented on the Board. So, to deviate away from that is not doing our Board any good, meaning the CRVA Board. So you are going to come back to us about the Keep Charlotte Beautiful, please.

Mrs. Kelly said yes sir.

ITEM 11-G: Mint Museum Board of Trustees: The following nominations were made for one appointment for a three year term being August 1, 2013 and ending June 31, 2016.

Ina Jones was nominated by Councilmembers Autry and Mitchell

Morris McAdoo was nominated by Councilmember Fallon

Sonja Nicholas was nominated by Councilmembers Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield and Pickering

ITEM NO. 11-H: Storm Water Advisory Committee: The following nominations were made for a general contractor representative for a three year term beginning July 1, 2013 and ending June 30, 2016.

Tyron Harman was nominated by Councilmembers Howard and Mitchell

ITEM NO. 11-I: Waste Management Advisory Board: The following two recommendations were considered for appointments by the Board of County Commissioners for three year terms: One beginning October 1, 2013 and ending September 30, 2016 and the other beginning on July 14, 2013 and ending July 13, 2016. As well as an appointment by the Board of County Commissioners for an unexpired term beginning immediately and ending February 1, 2014.

Patrick Darrow was nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Motion made by Councilmember Barnes and seconded by Councilmember Kinsey and carried unanimously, to appoint Mr. Patrick Darrow to the Waste Management Advisory Board by acclamation.
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Councilmember Kinsey said I'm sorry if I missed the second appointment. It says two recommendations for appointments.

City Clerk, Stephanie Kelly said I only received just the one and there were no write-ins.

ITEM NO. 11-J: Zoning Board of Adjustment: The following nominations were made for one alternate member for an unexpired term beginning immediately and ending January 30, 2015.

Tyler Conner was nominated by Councilmembers Autry and Dulin
Russell Hughes was nominated by Councilmember Cooksey
Jason Mathis was nominated by Councilmembers Cannon Mayfield and Pickering
Cardiff Shea was nominated by Councilmembers Barnes, Howard, Kinsey and Mitchell

Mr. Dulin said on the Board of Adjustment nominations just to remind the council, Tyler Conner, is the young man that came before us that wanted to re-do the house and we sent him through the ringer trying to get a zoning changed on that and that's a great example of a young kid who is going to get married and move into this house with his new bride and wants to get involved in our community and because of his experience with zoning, I commend him for wanting to get involved. So, I'm looking forward to voting for him in a month.

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ITEM NO. 12: MAYOR AND COUNCIL TOPICS

Mr. Mitchell said I just want to say thank you to you and all the councilmembers for supporting the rezoning 2013-018 that was Ralph Wood. Thank you Councilman Dulin. I know you went out there and you looked at it in my absence so thank you for passing that rezoning.

Ms. Mayfield said I actually want to put a request to the City Manager's office and to staff regarding some concerns that I received last Thursday evening at a neighborhood meeting regarding one of the businesses in District 3, Vulcan, and wanting to have a conversation. Thanks to Mr. Kimble, we are already coordinating a meeting, but I really want to look at what, if anything, does the City have in place regarding glassing, regarding noise and impact of homes because some of the residents have noted that there has been an impact to the foundation or they have actually had trembles or rumblings with inside their home based on some of the blasting that is happening, so I want to find out what exactly, if any, process that we have in place through our ordinance with looking at the protection of the homeowners when there is close proximity to certain types of businesses.

Mayor Pro Tem Cannon said it was the subject of discussion in 1993, 94, 95. You can pull some records we have on that to answer that question, legally and otherwise.

Mr. Autry said I just wanted to express my appreciation to the Affordable Housing Group and Charlotte staff. We cut the ribbon on a new affordable housing for people with special needs in District 5 on Craig Avenue, Friday morning. It is 10 units. These are high quality housing units that are meeting a need that have in this community for special needs residents and I just wanted to thank everyone who was involved with that project in bringing it to light and making it a fine asset to the community.

ADJOURNMENT

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey and carried unanimously to adjourn the meeting.

The meeting was adjourned at 8:41 p.m.



Stephanie C. Kelly, City Clerk

Length of Meeting: 3 Hours and 9 minutes
Minutes Completed: August 20, 2013

kmj

