

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, November 23, 2015 at 5:10 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Claire Fallon, David Howard, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

**ABSENT UNTIL NOTED:** Councilmember Ed Driggs

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

**Mayor Clodfelter** asked Council if they had any Consent Items to be pulled.

**Councilmember Kinsey** said Item Nos. 33 and 56 for a separate vote.

**Councilmember Barnes** said Item Nos. 28, 35 and 43. Item No. 28 is an issue regarding MWSBE Commitment of \$5,000 for catering which seems somewhat because I have never seen a prime contractor include catering as a part of SBE commitment. It is bizarre to me and I want an explanation regarding that SBE commitment and how it places in our policy. On Item No. 35 it is an \$800,000 costs to as I described it; we are paying \$800,000 to make sure we are paying people appropriately. I understood the whole DBE piece and federal deal but it would be helpful to understand, and I'm not articulating this very well Ms. Wall, but it would be helpful to understand whether we have always done it this way; whether it is really necessary. You either pay people right or you don't and we know whether or not we are paying our people correctly. The third item is Item No. 43; it is \$169,000 roughly to pay one person to work an additional 16-hours per week for two years to do some technical work at the Airport and the second part of that is \$344,000 to pay one person to work 8-hours on Saturdays, Sundays and holidays for two years which seems exorbitant to me and I'm wondering whether or not we are being fleeced quietly.

**Councilmember Lyles** said Mr. Mayor I don't know whether or not it is because this is Councilmember Barnes last official meeting on this kind of business item, but I actually do agree with him. On Item No. 28 on the MWBE I think it is just something you guys ought to talk about should it be there or not as what difference does it make. Then I also think on Item No. 43 the proprietary system for jobs and controls is an issue because it just appears to be whatever the pricing is sought. I looked up on the internet how much they pay starting technicians, doubled it and it is still double what they are charging. They care charging us double if they were charged double and I know there is an overhead associated with it, but I just think we need some negotiation around that.

Mayor Clodfelter said we will come back to you before we go into the Executive Session.

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## **ITEM NO. 2: NORTHEAST CORRIDOR INFRASTRUCTURE PROGRAM**

**Jim Keenan, Engineering and Property Management** said I serve as the Program Manager on the Northeast Corridor Infrastructure Program. That is a lot of syllables so we call it NECI for short. What I want to do tonight is give you just a little bit of context for the program and the big picture of the work that we do and then tell you some details about the program and then move on to some future Council actions.

The foundation of this program really begins with the Centers, Corridors and Wedges Growth Framework; importantly from that we pull out details like creating more connections in these transit station areas; complete streets, multi-modal streets that serve pedestrians, bicyclists, transit users, folks with disabilities and also a directive to coordinate these investments for a maximum impact. The kind of precedent for the work that we are doing in the northeast began in the south; if you've been down through the south corridor area you probably would recognize most of these photographs come from our south corridor infrastructure program. We implemented this between 2002 and 2008; it had the same programmatic goals and we looked

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stations between Newbern and Sharon Road West. Those were our most suburban stations and therefore the least walkable stations so we focused there, but we also took funding to some of the major streets like South Boulevard, rebuilt almost all of Old Pineville Road and also provided improvements to the rail access trail between Tremont Avenue and Clanton Road, a project that now is so successful that developers are actually adding onto to it and building more of it on the other side of the tracks. We kind of set the tone with the first stretch of trail so we consider it a fairly successful program.

As we look to the northeast a couple of things; we've got a number of investments that we're concentrating in this area and that kind of reaches back to that Centers and Corridors Plan that says let's coordinate these improvements. The kinds of improvements that we are doing are infrastructure improvements that we do all the time in all parts of the City, but the timing is kind of the key. We want to put these improvements in while the light rail is going in to get the maximum impacts, the maximum chance to achieve our land use goals. You can see these improvements tied in and coordinated with the two bridges over I-85; of course the Cross Charlotte Trail has a significant presence in the northeast corridor and we are even looking at how we touch or tie in to the Applied Innovation Corridor closer to town. As we look at the project distribution for the NECI Program, the light blue circles are the station areas; these are the nine station areas between downtown and University. The purple dots tell you the presence of project so we have at least one project at each of the major streets that serve these transit station areas and that goal is kind of the first priority. Most of the neighborhoods are fairly suburban in nature; there hasn't been a lot of investment with the exception of the University which is kind of built out maybe 30-years ago, a lot of this area some of these streets were plated well over 100-years ago close in and haven't had a lot of investment, so we've distributed these projects throughout.

We looked at each station area and we imagined what the perfect station area infrastructure concept looked like, what they need and we came up with well over \$300 million of improvements and so we prioritized of course, but to select projects for implementation we focused in on those projects that were deemed most important and the two criteria we used were improving that multi-modal accessibility as well as promoting economic development. The economic development might look like a new street connection but as well our business corridor program when we go into older business corridors, a road that works well that functions well and it has the right components we think serves a business community and then in turn we often see some reinvestment behind the right-of-way line which is a lot of our goal. In particular we really want to start using this as a level to get our land use goals realized. So the kind of work in both projects that you saw is going to involve pretty much all the components of street work; perhaps new streets and in many, many cases it is improved streets, intersections; when we go into an intersection we want to look at the crosswalks and make sure they are ADA compliant, safe and well lit. We want these streets to be attractive, but as well we sit down with our partners at Charlotte Water and Storm Water and talk to them about what do you have in your capital planning, is there a way to tie this together for maximum impact. I'm going to show you a picture of Arrowood Road that we did several years ago in the south corridor hand in hand with Charlotte Water; they did a water line rehab underneath our project so we only had to repair the top of the road once. We were able to combine funding, cost savings and less an impact to the public. This is that picture on the left side the new water line went from an eight to a 12 down the left side but this picture also shows you a lot of the features that we consider part of a complete street. You have bicycling facilities, you have comfortable walking facilities separated from the street, you have lighting, you have landscaping so it is an attractive area. It is kind of hard to see in the center of the picture but that is the intersection of Old Pineville Road and Arrowood Road, it is well marked, it has countdown signals at the crossings so it is all of those features that we think set the stage for a kind of rebirth and a new land use in the area.

More specific to the work we are doing in NECI right now; over the past year we've had engineering planning contracts and City staff has been working with those consultants and designers to go out to these neighborhoods and work with the community, identify the deficiencies both as we see them and as they see them, develop all the survey data, the environmental data necessary to position the project. The goal of that engineering planning study is to arrive at a preferred alternative that has been vetted with the community in the area. This is an alternative that helps connect those communities to transit stations and in doing so it

really provides a center street to those areas. When we arrive at that preferred alternative after looking at a lot of options that is the alternative we then go into a design contract to design. For example in front of you tonight, I believe it is Item No. 22 in the agenda is a design contract for the Sugar Creek Streetscape. The map here indicates in red the part of Sugar Creek Road that we are addressing with the NECI Program. Blue represents NC-DOT's grade separation project; they are taking Sugar Creek Road up and over the freight rails and the light rail and then back down. It is a two-year project and they just closed that road in the last couple of months so tonight you will be asked to approve a design contract that takes the alternative that we've developed which is consistent with the alternative the state is going to build. It takes those improvements out to the intersection of North Tryon and out to the intersection of The Plaza to better connect those surrounding neighborhoods to transit. We got started faster on this project and we've been able to move it a little faster. One of the things we are really trying to do and we happen to be lucky on this when we own a lot of the right-of-way or rather NC-DOT does. We are trying to get this project into construction soon enough to help overlap with NC-DOT's construction closure to minimize the impact to the surrounding neighborhoods because we know those closures are tough on folks.

**Councilmember Barnes** said so Sugar Creek Road is going to go over the tracks not under?

Mr. Keenan said that is correct.

Mr. Barnes said how will that impact the businesses on the western side of the tracks going towards Tryon Street, so that will be a bridge right in front of those businesses.

Mr. Keenan said yes, but the bridge picks up at about Raleigh Street and this map may not be exactly correct; the bridge may pick up right before Raleigh Street, but the access is restored by the loop around on Greensboro and Raleigh will be connected underneath so it will have a full connection. That project actually came about as part of CATS' negotiations with NC-DOT to put transit through so it is a separate project from what our work is doing but if we had left well enough alone those improvements would have stopped at these limits and folks coming from Hidden Valley and Asian Corners, there is no sidewalk on that frontage.

Mr. Barnes said right so that takes me to the second question which is for years we've been trying to find a way to partner with the people who own Asian Corners to rehab it, redevelop it so have we made any additional efforts to revisit what is possible because that is a premiere site as you as traveling north on Tryon Street and could be a catalyst for redevelopment all along that corridor. Have we been able to re-engage those people on anything that they want to do at that site?

Mr. Keenan said I would have get back to the project team to know in detail their discussions, but the general sense I got is first of all the Asian Corner folks; there is multiple ownership in there and they are hard to get to as you probably know already. We are addressing one on one with the businesses on Sugar Creek Road just because we understand that in the name of economic development we don't want to put people out of business. But the Asian Corner folks have proven elusive but between this and possible even Cross Charlotte Trail may have a crossing at Sugar Creek between the rail line and South Tryon and so between one or both of those we want to open that conversation and continue to do the best we can with that. Within the budget of this project it will provide a much improved street frontage so to me that is a big advantage in getting that done now.

**Councilmember Fallon** said will you have some covered bus shelters there and transit stations because I watch people in the summer in knee-high grass with snakes and everything else. What are you going to do about those?

Mr. Keenan said first of all we are going to get them out of the grass and have quality sidewalk, quality planting strips, but when we put together our project teams we've got representatives from all of the City Departments so we will be working with CATS to make sure they've got the bus shelters of a standard that fits the traffic. The project teams don't always make that decision, but we bring CATS into that discussion and try to collectively to point to where that need is the

greatest and CATS subject to their budget so sometimes we can work within the project and we can get that.

**Councilmember Howard** said to follow-up on the question from Mr. Barnes to get a little bit more clarity on Sugar Creek Road grade crossing change. They are in the train tracks or are you building a bridge over?

Mr. Keenan said the train tracks will stay where they currently are and the road is going to fly over them.

Mr. Howard said so you already have a similar thing happening at The Plaza; are we going up and down to do that?

Mr. Keenan said at The Plaza down at the corner the road actually goes over the tracks there as well.

Mr. Howard said yes, but it then goes back down; are we going to have just an elevated bridge between the two?

Mr. Keenan said actually at The Plaza the railroad is much lower than the roadway grade so the railroad is actually depressed when you get to The Plaza so this project won't affect that road grade except within these limits roughly between Raleigh Street; it is short of Atmore Street.

Mr. Howard said I think when that happens because what happens is just what Mr. Barnes talked about because you wind up with businesses kind of on the side of a hill which essentially puts them out of business and it is very disruptive to neighborhoods. The whole point in burying that is so you keep the consistency with the streets in the neighborhood. When you go up you have hills on four sides of this new bridge which doesn't feel right to me. I'm not trying to redo CATS project but that is the reason why you bury those things so you can keep some consistency for your neighborhood.

Mr. Keenan said I agree with you and that project was kind of a foregone conclusion coming to us because it is a project that NC-DOT had put together, but my assumption is it was not without forethought. I think a lot of those concepts have been thought of and there is a network of connecting roads that will be reconstructed as part of that project. I can get a copy of that plan for anyone that would like that.

Mr. Howard said if I think about this right, and Gregg you know this better than me, coming from North Tryon Street you go down and then you will be going back up and then back down again. It is a pretty important thoroughfare for Charlotte and it is probably too late to change it but that is not well thought out. I know why you do it because it cost a lot of dig out but it really going to divide those two areas.

Mr. Keenan said if you've seen the diagram it is a complex project and it is quite an expensive project, but if you see the diagram there was a big either/or with taking several rail lines, two or three freight rail lines plus some future lines, plus I think the Amtrak Line would come in on that stretch and taking all those over and I know there was a lot of consideration, it is not something I was involved in.

Mr. Howard said we are just going to wind up dividing that area and that is what happens when you have those bridges.

Mr. Keenan said I will say this our investment, the NECI Program is okay wherever we touch those and where can we come in and reweave these connections together so that the neighborhood comes back together.

Mr. Barnes said tell me if I'm wrong about this; years ago wasn't there some talk about taking Sugar Creek Road under the tracks? I remember that.

Mr. Keenan said that was kind of two of the options; one of them has to go over and one has to go under so yes, I expect there was some discussion of that.

Mr. Barnes said so we settled on the bridge which I didn't know that we had settled on that. Down at 36<sup>th</sup> Street and Davidson Street we are taking 36<sup>th</sup> Street under the tracks.

Mr. Keenan said that is correct.

Mr. Howard said it is like four tracks when you think about this you go over three tracks compared to one. I get it.

Mr. Barnes said do you want to take it under?

Mr. Keenan said there are a lot of considerations to go in there; of course freight rail tracks are much more robust structure than a motor vehicle structure. Drainage comes into plan and there are a lot of things that come into play.

**Councilmember Phipps** said this design phase that we are on is that part of the 2014 bond cycle money or is that going to be part of 2016?

Mr. Keenan said the slate of projects that I showed you that are on the map a couple of slides back, those projects are all programmed to be funded with the 2014 and the 2016 bond amount. We do have in the CIP (Community Investment Plan) as a 2018 and 2020 bonds, we probably would look to begin some planning. We have projects prioritized but we would probably look to re-vet those late next summer or fall and get some planning going so we would have some ideas and plans on the ground to approach with those coming bonds.

**Councilmember Driggs arrived at 5:32 p.m.**

Mr. Phipps said the 2016 bond amount is pretty much double what 2014 was, right?

Mr. Keenan said that is correct; it is about \$52 million plus or minus.

Mr. Barnes said are you saying the remain of the \$102 million is in the 2018 and 2020 bond cycles?

Mr. Keenan said that is correct so what I'm showing you today is the first half of the program if you will and part of what we want to do, we want to get some of these projects moving. We've seen a tremendous amount of development response close to town; 25<sup>th</sup> Street, Parkwood and 36<sup>th</sup> Street Station, developers are talking to us on every project about how we might work together. University has a lot of energy going and we think there is going to be a lot of changes with those bridges so while we have project prioritized we want to circle back and confirm those next summer and make sure we are doing the right projects.

What you will see in the coming spring is several more projects; those planning phases will wrap up and we will come back to you for a design contract approval. We will be continuing the public engagement where we are really trying to step up our game with respect to having a lot of communication with the public in all of these areas so that discourse will continue to proceed.

Mr. Barnes said one additional comment on lessons learned from the South Corridor. There are a number of features, fixtures of infrastructure that either have not worn very well or were easy to destroy or break. I hope you guys are monitoring that and using hardening materials etc. as you work with the extension. For example some of the fencing; I had this discussion with Mr. Phipps and some others about the quality of the fencing we might use to protect the public but also to make the line more aesthetically pleasing.

Mr. Keenan said we try to specify bullet proof as best we can but there are a lot of things we learned, the stamped asphalt crosswalks, they look very attractive for about three years and then wear out so we've moved on and we actually have a more visible and more affordable process today.

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Mr. Phipps said the success of these projects is going to be contingent on successful passage of the bonds, right? Does anyone have any idea when the campaign kicks-off to market these bonds to the public, when is that going to occur?

Mr. Keenan said that is not something we do in the Engineering Department; I would have to for a little bit of help. The coming bond campaign for this fall; any information yet?

**City Manager Ron Carlee** said it typically will be in the summer after you go through your budget review process. You will have to confirm what the size of the bonds are and what the questions are so that will be part of your capital budget review as we go through the spring and once you make your decisions then I'll campaign to a launch. You don't want to get people too far up stream and of course a lot of the material will be the same one we used in 2014 because this is really an extension of that same plan.

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### **ITEM NO. 3: SNOW AND ICE CONTROL PROGRAM**

**Transportation Director Danny Pleasant** said I serve as Director of your Department of Transportation and you may have noticed it was a little chilly outside this morning so it reminds us that winter is on its way; it is something that happens to us here in North Carolina just about every year. I want to talk to you a little bit about how we manage through snow and ice events as they come to Charlotte each year. We've provided this service for a very long time each and every year; we have very few winters where we don't have a little precipitation and sometimes we have a lot as we have had for the last two years. We know that snow and ice events present special challenges especially to motorists and to others as well so we work well ahead of time to communicate and identify those events as they come before us and we do a tremendous job I think in communicating and coordinating those snow and ice events with other agencies throughout the community and with other departments throughout the community and we elevate our communications with schools, fire, police, medic, CATS, the County and other municipalities and many others that pay attention to our work. With that I wanted to give you a quick introduction to Saleem Khattak who is our Street Superintendent or Division Manager of the Street Maintenance Department, a Division of C-DOT. He has been here about three years and came to us from Colorado where they actually have a little more snow than we do so he comes with a lot of expertise and has upped our game tremendously in the last three years and we are thankful for Saleem for doing what he does. I will turn the program over to Saleem and he is going to step you through some particulars of our program and like I said it is an annual program; we do this every year and our folks are trained, prepared and a ready to go when that first precipitation hits the ground.

**Saleem Khattak, Transportation** said I appreciate you all allowing me some time to talk our snow plan this evening. I figured this year we start with just some weather prediction information with you, this is different sources, Weather Channel, NOAA, Farmer's Almanac, AccuWeather, everything is consistent wet and snowy conditions. Because of the El Nino effect there is some talk about some more icing for our region here.

Just a quick recap on last year's snow program we had four events total; one in January and three in February. We also had one event that didn't quite materialize in March so that gives us some information about costs. We basically over the course of the four events spent about \$223,000 in materials and \$43,000 in overtime; \$92,000 was reimbursed to us from NC-DOT. We also provide response on NC-DOT roads and for that they reimburse us. The total net expense for the City was about \$174,000. We also receive calls from police, fire, CATS; 215 calls were received primarily for those two big events that we had.

Program Objectives – what do we want to accomplish; of course our goal is to restore mobility as quickly as we can. During the events we stay focused on major thoroughfares, key employment areas, of course hospitals, first responder's facilities and schools. Those are high priority. We provide coverage for a little over 2,200 lane miles citywide which is fairly significant. We also within that 2,200 lane miles, 356 lane miles belong to NC-DOT; we provide response on those. Just to manage expectations some of the facilities we do not cover during an  
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event are driveways, sidewalks and of course NC-DOT facilities which are the interstate systems, I-77, I-85, Billy Graham and I-485. Parking lots; we also do not provide coverage on those but there are a couple of parking lots where we may respond on request basis.

Weather Information – we get our information from different sources, the National Weather Service is one of the key sources that we get our information from; local media, traffic cameras and we also have a contract with Schneider Electric DTN for specialized forecasting that they run for us, particularly for the City of Charlotte and we also have weather sensors at three locations within the City on Brookshire, Highway 16, South Boulevard and Albemarle. What is critical for us during winter is really not the ending temperatures, of course those are important, but not as important as bridge temperatures and road temperatures; those are very important. We look at that information, wind speeds are important also friction is important and that type of information is provided through those sensors and Schneider Electric Program. One of the things that you probably don't see here is because this was for last week; when we actually have an event they will be at the bottom of the screen and you will see the type of treatment, what the recommendation is from the Federal Highways for our region and that type of information is also available to us.

Resources – we have facilities in three different parts of the City; one is on Sweden Road right by South Boulevard; that is our southwest facility. Northeast is on Orr Road and northwest facility is of course our north barn facility. Resources are equally divided for all three areas. We have about 12 trucks that are equipped with blades, spreaders and included on those are electronic controls that basically give us fairly good information on how much salt was put down. We also have salt brine trucks and we use quite a bit of salt brine. Loaders and graders at all three facilities. The type of treatment that we provide and we want to be environmentally sensitive; we use a lot of salt brine which is 23% salt and the rest is just water. Of course 100% salt and then calcium chloride if the temperatures get to be a little colder they work better. Slag; we don't use a lot of that but when there are icy conditions and the temperatures are low salt doesn't work too well so we use slag for friction purposes and if you recall Highway 74 we did use some of that during that one incident a couple years ago. This year we also added another chemical to our stock yards and that is called Sodium Acetate; this chemical works at much lower temperatures and also for special uses especially around bridges where there is some rebar exposure and those types of things and special needs and for the trolley tracks we will have to provide for this year.

**Councilmember Barnes** said how much of my car will the Sodium Acetate eat up? It sounds like it is pretty bad.

Mr. Khattak said Sodium Acetate is one of the least corrosive of all the chemicals.

Mr. Barnes said did you say it gets ice off of rebar and railroad tracks?

Mr. Khattak said it is non-corrosive; there is no chloride in it; salt and salt brine all have chloride in it which are not good for steel so the Sodium Acetate is used on runways across the country and it is a very good produce and a very good environmental friendly product.

Mr. Barnes said at what temperature range would you start using Sodium Acetate?

Mr. Khattak said when the temperature drops below 18 degrees.

Mr. Barnes said that only happens here only every 10 to 20 years.

**Councilmember Howard** said it is 18 degrees and snow, not just 18 degrees right?

Mr. Barnes said snow and ice; anything that falls is going to be frozen at that point and we will be at home.

**Councilmember Phipps** said during snow events are all of these resources deployed like the 12 trucks for each area, are they out there?

Mr. Khattak said I will go over that; there is another slide in there and we will provide some additional information on this. Actually this is the snow plan and this is how we deploy resources. What we've done is we've divided our response into three separate categories what we call conditions. Condition A, B and C; A is what we call a light event, just limited to ... resources. Typically in those instances we will go out and treat all the bridge decks, elevated structure, problem areas and sometimes you might have noticed it is an isolated event, it impacts one part of the City, it is not a citywide impact so we do not use all resources. Condition B is what we call a moderate which has a citywide impact, not very significant snow, but still enough it is a citywide impact. That is when we deploy all the resources, 36 trucks are out there and we cover those 2,208 lane miles that we talked about earlier. All those routes are covered during that and that is basically a 24-hour response; we run two 12-hour shifts during that. Condition C is what we call a very sever event which is an extended event, more than an inch of icing and then we might have six inches of snow as you may recall one year we had almost 10-inches or 12-inches of snow. That is where we will deploy all those resources, but we will also resort to contracted resources. We have two contractors on call and they provide us with additional resources and as Danny alluded to earlier by the communication piece, we also work with Charlotte Water and Solid Waste Services and utilize some of their resources as well.

Mr. Phipps said when we clear the streets from a snow and ice event are the bikes lanes cleared also?

Mr. Khattak said if they happen to be on a primary routing system yes, but if they are not on a primary routing system, those 2,200 lane miles if they are within that system our goal is to do curb to curb clean-up on those. When we get into a severe system that is when our goal is to basically to get mobility going and we only clear one lane in each direction just to make sure emergency responders can have that ability to get folks to hospitals and back and forth.

Mr. Howard said I wanted to know if people get out and ride a bike in 18 degrees and snow ...

Mr. Phipps said I was just asking in anticipation of a question from a constituent. I noticed in the northwest we have three brine trucks but in the other areas we just have two. I was wondering if there were any plans to get extra trucks for those other two areas to be on equal footing.

Mr. Khattak said good catch. Basically all these trucks have a designated route so in the northwest if you see three trucks they cover a larger area so they cover more miles when they are actually treating roads so that is why we have three there. Our goal is to really add an extra brine truck to the other two districts as well primarily because we are also responding and trying to kind of respond to some CATS facilities, the bus garages here and Tryon etc. and in addition to that NC-DOT sometimes does not have the ability to handle some of the roads that are really under their jurisdiction and they have called us to provide some additional help. We are fortunate enough that we can do that; we have very good salt brine making capabilities within the City.

Lastly Communication and Coordination – of course the pre-storm coordination is really a pretty well designed program and I think credit goes to our City Management Team and some others as well. Ron personally gets involved in 2:00 a.m. and 5:00 a.m. conference calls with schools and CATS and emergency services and it has helped us a lot. We also during those conferences share weather data that they might have available to them and we have and then we talk about resources and support that is needed. During the event our focus is to get – and Corporate Communications does a very good job with getting media releases out in a very timely manner. That piece is so important because within the City and the County governments and the state we can cover a lot of territory. Unfortunately some employers will kind of wait until the last minute and our goal is to try to minimize, lower the traffic during rush hours so we can respond to those events. If you remember the issue on 74 there were three NC-DOT trucks which were just a few blocks away and they just couldn't get up the hill because traffic was backed up and we had some issues there so that is very important. Our course social media now and CharMeck and the 311 system those are very effective for us. We also do a following storm debriefing; basically we provide information and the media always ask how much did we spend on that event so we provide that type of information to the media. We also look at the reports and do a debriefing internally to see what are the things we do well and where we could improve upon so that has

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worked very well. All in all I think this program is really running fairly well; I think it is effective and I think it has served Charlotte well.

Mr. Barnes said I just want to tell you guys I track what you do when I am out and about during these storms and I think you all have done a phenomenal job over the last few years; the program has improved greatly. There were some issues several years ago before Manager Carlee got here where we were paralyzed and I have not seen that happen. The 74 thing by the way was on a state road but I haven't seen that happen on any City roads in a long time so thank you guys for what you do.

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#### **ITEM NO. 4: ANSWER TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

**Assistant City Manager Ann Wall** said the first question related to Item No. 28 talked about the SBE contract; this contract is professional services with a very limited sub-contracting opportunities. To maximize the MWSBE participation the City required HDR to look at all opportunities both direct and indirect opportunities. The catering was identified as an indirect opportunity to meet the MWSBE requirement. City staff will evaluate the appropriateness of using catering as an MWSBE requirement in the future and in this case we can pull that and use that as an allowance for this specific contract.

**Mayor Clodfelter** said I didn't understand the importance of the last sentence; does that mean you are going to modify the contract?

**Charlotte Water Deputy Director Barry Shearin** said it is set up sort of an allowance now so what would happen if we decided we were not going to spend that it would just be not paid out so it is sort of like having a contingency line item in the contract if you don't need it you don't use it, but the award would say the same.

**Councilmember Barnes** said so this is a \$3.3 million contract for procurement assistance and construction administration and they committed 2.82% or \$93,000 to MWSBE firms and again they are offering to spend \$5,000 of that money on catering. There is just something about that that seems; I don't know if disingenuous is the word but it almost seems like they are trying too hard, using our money to pay for food. And again I can appreciate this small business probably needs the business, but for this prime contractor to go about it that way just seems strange. I've never seen it before where they used MWSBE money for food.

**Councilmember Lyles** said I think that we do use catering companies for SBE all the time; my issue in this one I don't think it is necessarily something that sways the contract. My real issue with this contract is that if we are going to have a contract like this and there is not the opportunity or it is going to be negotiated do we have the criteria up front to say we want you to do some inclusiveness, we want you to look at minority contractors and what can you do and let them bring that forward without it just kind of being without any definition. I at some point would like for the Council to consider two things; and we do this a lot of time when we are doing business investment grants. If we have contracts coming forward and they are in these types of industries it would be great to have these companies participate in the Mayor's Youth Employment Program. It is one of those things that when you say we don't have any minority to work in engineering or in water and sewer contracting, what best way to introduce it by having that kind of participation and as well I think we voted last year to put apprenticeship programs in our focus areas. This is one of those opportunities where you have a \$3.3 million contract; there is not a lot of opportunities they say for minority participation under the rules that we have in place so perhaps it is time for us to look at some ways to get participation in a way that is working for the community programs that we are trying to do, keeping kids in schools, giving opportunities for people to get into fields of expertise for training. I'm struggling when we have these large contracts and lack of participation to get creative enough for them to participate in the things that we value in our community and doing business as, so that is my overall comment.

Ms. Wall said we would be happy to bring back to you and specifically Councilmember Lyles more information about what are other opportunities that we have to assist particularly as it

relates to some of the programs that we are doing including the Mayor's Youth Employment Program. We can bring back additional information on that.

Mayor Clodfelter said along those lines it is not pertinent to the contracting question but we have reached out to every company that has gotten a Business Incentive Grant from the City in the last three years and suggested that each of them needs to participate in the Youth Employment Program and take interns. Out of the list only two have done so, so we have stepped up the contact efforts for them?

Ms. Lyles said I'm not saying you are a stat but you at least are a corporation doing business in this community that should share in the opportunities in the economic world.

Mayor Clodfelter said what are your wishes on No. 28; do you want to keep it out for a separate vote on the floor or are you okay with letting it go back in the package.

Mr. Barnes said I'm fine with it.

Ms. Wall said Item No. 35 related to the CATS use of a contractor to monitor DBE/Davis Bacon requirements. That work is for contractors who do work on City projects; we are not verifying City rates we are verifying contractor rates and it is very labor intensive, very burdensome requirements, very onerous requirements for staff. We would have to monitor payrolls for over 200 contractors, we have to review them weekly over a two-year period and some of those weekly requirements include providing proper certification, the accuracy of all the data, they have to review all of the deductions that are included on those payrolls and they have to review the accuracy of the calculations, both overtime as well as base pay. In addition, particular for Davis-Bacon the contractor in this case would have to do site visits to the sites and he would have to do field interviews to insure that the work is performed by a contractor and that the contractor is paying the correct wage because some of those Davis-Bacon rates are specified in federal regulations; they would have to perform weekly audits of payroll, they would have to do site checks and they would have to investigate irregularities. The CATS staff tell me that these requirements we have been doing just like we are supposed to; we have been using contractors to do these on a piecemeal basis project by project and this contract brings them all under one contract.

Mr. Barnes said so in the last 15-years Ms. Wall how many times have we found a contractor in violation of the compliance?

Ms. Wall said I'm going to defer to CATS Director John Lewis.

**Transit Director John Lewis** said I don't know for sure; I can get the information how many times that contractors exactly over the last 15-years have been found, but that does happen where their paper work doesn't necessarily match with what is going on actually in the field. That is why we do these field audits, but we give them an opportunity to go back and change that. Because we are able to catch it immediately that protects CATS from potential non-compliance with Department of Labor and FTA regulations.

Mr. Barnes said that is helpful, I appreciate that; and if you could let me know before December 7<sup>th</sup>.

Mayor Clodfelter said do you want to keep that item open for the floor or are you okay with it?

Mr. Barnes said I'm okay.

Ms. Wall said Item No. 43 relates to some additional work to a contract amendment for Johnson Controls; the Airport has told me that the work that Johnson Controls employees, this is not entry level technician work; these employees would have 10 to 12-years' worth of experience and so they are highly trained employees that do this very sophisticated monitoring of these very sophisticated systems at the Airport. The costs of these positions including paying technicians consistent with the Johnson Control policies of paying time and a-half on Saturday and double time on Sundays and holidays.

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Mr. Barnes said what kind of equipment are they monitoring?

Ms. Wall said I will turn it over to Mr. Christine to answer your question.

**Deputy Aviation Director Jack Christine** said the systems that Johnsons Controls monitor for us and maintain for us are all of our building automation which is much more than thermostats. It is actually monitoring all of the systems in the building for lighting controls, HVAC is a big part of it and the bigger part of the whole complex is our security requirements. Our access control system is run by Johnson Controls; without it we would be in very bad shape. It would be a bad, bad day.

Mr. Barnes said I know there is some of that you can't talk about here and I understand that Mr. Christine. Just to break this down for a moment though; this first piece is \$169,000 for an additional 16 hours per week for one person. The second piece, and that is why it grabbed my attention, is eight hours on week-ends and holidays for one person at \$344,000 which not only seems high, but I wonder and this is the other piece of my question whether there actually are some technology substitutes. For example you can get a ... thermostat and run your HVAC and you can get these other automated systems to run your whole house and you take people out of there. If they are sitting around looking at the temperature around the Airport and making sure it is 72 degrees everywhere is that not a waste of time, but again I'm sure there are some things that you are going to tell me that will be one of these CIA type responses. It just seems strange to me that there is not a technological fix for this that would save us almost a half million dollars.

Mr. Christine said I understand your questions and there are certain things that I cannot talk about that are related to that about our system is like at NET system for your home on steroids only way, way bigger than that. The systems are much more complex and it has a lot more to do about not just maintaining temperature in a certain area of the building, but it is about balancing the load throughout the whole terminal facility. Our chiller systems as an example, they cool and heat the whole terminal facility, but each part of the facility can run at different temperatures based on different circumstances. E Concourse as an example; there are not jet bridges on all the gates on that concourse and most of the gates do not have jet bridges so nine times a day all the doors open up at the same time and it totally pulls down the system so we have to then balance that system from the other parts of the building to try and keep that at a temperature that doesn't have people shedding their clothes. It is a much more complex system than you would use from your home, but all those systems are continuously monitored and the reason we are doing this now is because the carriers and the tenants that are using the facility have asked us to provide more coverage so we have that balance, not just 9:00 to 5:00 on Monday through Friday, but we have that balance in the evenings on the week-end, during holidays because this system never shuts down. Our passenger loads are fairly consistent seven days a week, 365 days a year so we don't get to go home.

Mr. Barnes said so what extent are those systems monitored by computers? In other words you can set a computer if it gets cold to just turn the heat on.

Mr. Christine said we are transiting the system right now; some of it is on computerized systems and some of it is not. The older the building we have not upgraded parts of the system yet, but there have been some parts of the building in recent years where we have expanded the facilities like the East Terminal as an example. That is tied into a of the automation system which we are building the rest of the facility into. This contract amendment is based off of the contract that was approved by Council in 2010; it was a five-year contract with two one-year extensions. What we are asking City Council to do tonight is to approve both of those extensions at one time so that we can complete out this contract and then we will bid this process again two years from now and will put it out and see what we can do.

Mr. Barnes said are the controls here so proprietary that Johnson controls it automatically?

Mr. Christine said no, not automatically but that is something that will have to be dealt with by competitors because it is a proprietary system.

**Interim Aviation Director Brett Cagle** said I also wanted to clarify one point; one of the things that is inherent in this contract, Johnson Controls does not provide staffing who sit in front of a computer monitor and say Whoop it is 71 degrees there, make it 72 or 74 here. What they are doing is providing the technical expertise and repairing all of the systems that do monitor including CCTV cameras, access control on the doors, the badge access that prevents entry or allows entry and also looking at that but remember this is on a 1.8 million square foot facility so there are systems that we all use in our homes that do these kinds of things for us and we use those systems to make smart decisions. What Johnson Controls is doing is not making those decisions about where the temperature set is; they are fixing the systems when the camera comes out of focus, if something hits it and move it from where it needs to be. They are fixing those cameras when those systems start to break. Our own internal building control staff are the ones who are utilizing the smart technology to save money. They are fixing the system that allows us to save money and maintain proper security in the building; it is just like a house that is 2,000 square feet; as Jack said this is on steroids this is 1.8 million square feet of usable area. That is the difference; they are not the monitors but they are the people making it possible for us to do that monitoring.

Mayor Clodfelter said do you want to keep this item out for a separate vote?

Mr. Barnes said yes, separate vote just for the sake of it; I know you all worked hard on it and I appreciate that.

**Councilmember Howard** said is this a common approach to handling this at other airports?

Mr. Christine said absolutely.

Mr. Howard said can I entertain these before we go out?

Mayor Clodfelter said do you want to do that downstairs for Mayor and Council Topics or do you want to do it here?

Mr. Howard said you have in front of you one topic is about local hiring policies; it is the whole idea that if we can figure out how to use more of our resources that we have between the City and actually talking companies into figuring how to hire local when it comes to company individuals we can deal with some of our unemployment issues right here in our own City by keeping the resources here and in turn keeping the property taxes and sales taxes here. I would love to refer this to the Economic Development Committee.

Mayor Clodfelter said any objection to the proposed committee referral? If not consider it done.

Mr. Howard said the other one in front of you is one you guys heard me talk about for the last couple of years and it is this whole idea of how to use global technology to separate Charlotte based on something I saw in Barcelona. I'm asking for this one to be referred to the Business Advisory Committee for all the points pointed out in this. A great way to vet to see if this is something the City of Charlotte could do so without objection I would love to send this to that Committee.

Mayor Clodfelter said I don't know that that needs a formal vote either Mr. Manager; I think we can just make the referral.

Mr. Howard said you and the Manager can.

Mayor Clodfelter said we will do so; consider it done.

Ms. Lyles said I just want us to remember when we had this discussion before we said let's try to write out what we are actually going to do. I read the papers and there are some recommendations that are involving a number of people that we need to make sure are included so let's just make sure that when we write it up and have a charge Mr. Manager it includes the people that are working with The Re-Think Charlotte.

Mr. Howard said before we leave tonight; some of you guys took that picture of Giving to Charlotte; I'm asking you guys right before we start our meeting if we could all gather in front of the dais to give Savannah a chance to take a picture of all of us when we go down stairs I would appreciate it.

Mayor Clodfelter said I think we have a speaker on that so if we can we will try to get the picture done before we start.

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#### **ITEM NO. 5: CLOSED SESSION**

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously to go into closed session pursuant to North Carolina General Statute 143-318.11(a)(4) to discuss matters relating to the location of an industry or business in the City of Charlotte including potential economic development incentives that may be offered in negotiations, and pursuant to North Carolina General Statute 143-318.11(a)(3) to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to an attorney concerning the handling or settlement of a claim or administrative procedure.

The meeting was recessed at 6:16 p.m. to move to Room 278 for a closed session. The closed session recessed at 6:35 p.m. to move to the Council Chamber for the regularly scheduled business meeting.

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#### **BUSINESS MEETING**

The City Council of the City of Charlotte, North Carolina reconvened for the Citizens' Forum and Business Meeting on Monday, November 23, 2015 at 6:44 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Ed Driggs, Claire Fallon, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Gregg Phipps and Kenny Smith.

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#### **INVOCATION AND PLEDGE**

Councilmember Smith gave the Invocation followed by the Pledge of Allegiance to the Flag.

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#### **CITIZENS' FORUM**

##### **Street Conditions**

**James Griffin, 8331 Starnes Randall Road** said I am sorry that I missed the last meeting and Mr. Autry missed the meeting the month before that but I would like to say to everybody here Happy Thanksgiving and Merry Christmas if I don't get to see you again. I have good news tonight and first of all the first time I came I was having some situations as you all know we had some monsoon rain a month or so back and my house didn't get washed away, thanks to the Spiegler Company which is putting the sewer line on Starnes Randall Road and the gentlemen were Don and Jason; they done an excellent job; they put a trench all the way down on the other side of my property and diverted all the water down into the woods. I wanted to thank you; Mr. Autry wasn't here but somebody with the City did take care of that and did an excellent job.

Ken Martin from Street Maintenance and some of you may know him and he came out and he has already discussed in detail; we hadn't had any work done on our street in 37 years so they are coming out next year. I worked in the Street Department for the City for 32 years so I know a little bit about asphalt so Mr. Martin came out and I don't know how he found out that I was

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going to speak but I didn't make it because I was in the hospital last month, but anyway he came out and gave me details of what you are going to do about Starnes Randall Road. I feel comfortable with what he has told me so I won't have anything pertaining to tearing up the street until 2016.

My last and foremost comment is directed to Mr. Carlee; you are losing a mighty good employee, Anna Ellis. She has helped a lot of retirees in situations like me that don't have 12-years or a college degree when we need it and our insurance changes every time the weather changes as you well know. I'm very pleased with it and I would like for you to give Anna Ellis a good well for me. Thank you for your time and I won't be back until 2016 to see how the work is done on the street.

### **Giving Tuesday Charlotte**

**Kelly Brooks, 233 South Sharon Amity Road** said I also have some good news; Mr. Mayor, ladies and gentlemen of the Council, thank you so much for having me. I am the founder of Share Charlotte; sharecharlotte.com is a website that brings together our local non-profits here to make it easier for people to get involved. This Tuesday, a week from tomorrow, December 1<sup>st</sup> is Giving Tuesday. It is the fourth annual Giving Tuesday; it is a global movement that was created in response to the commercialism of Black Friday and Ciber Monday. It is meant to kick off the giving season. You know that Black Friday and Ciber Monday are the days that we get good deals, giving Tuesday as the day that we actually can do good. Last year Share Charlotte created and let the collaborate of 64 non-profits that we call Giving Tuesday CLT. It was our local community wide giving campaign and together we raised over \$600,000 which was both financial donation as well as the value of volunteer time that was pledged. We knew we could do a lot more if we just had partners, which we basically had none last year to help us get the word out. So this year we sat a really big goal of raising \$2 million, which actually more than triples last year's results; with 108 non-profit partners this year we did \$50,000 in matching funds from five different foundation partners; Google Fiber is our presenting sponsor and multiple marketing partners we believe that this goal is very achievable. We would like to thank Mayor Clodfelter for proclaiming next Tuesday, December 1<sup>st</sup> as Giving Tuesday CLT day here in Charlotte, we are very excited.

Our marketing partners are both large and small from Duke Energy, Bank of America, Charlotte Center City Partners, the Charlotte Checkers all the way to OrthoCarolina, the Polka Dot Bake Shop and Heist Brewery. An example of the creative partnership that came together this year was with the Mayobird in Dilworth. They created a custom drink called Give a Latte and are donating all proceeds during this three week campaign to one of our partner non-profits the Behailu Academy. It is just a real creative example of the way some small businesses and even large businesses can get involved. As well the local T-shirt company said they will give Tuesday T-shirts so they are selling these to help raise money for all of these non-profits. It is great to have a really big financial goal, but most importantly and really the reason we are here tonight is to get as many Charlotteans engaged as possible. We want them giving in any way they can, but this is the most important thing to us is philanthropy is very personal, it is very subjective to someone's circumstances so big, small, money, time a lot or a little, it really doesn't matter to us, we just strongly believe that if you are participating on any level then you are more invested in our community and therefore will feel a stronger sense of belonging and ultimately care more.

### **Appreciation for being a Candidate for City Council**

**John Powell, 4100 Carmel Road** said I am here tonight to address you here in the Chamber. First I want to thank all of you for serving Charlotte; I want to thank you for your service and your dedication to our City. Most citizens don't understand what it takes to pursue this level of giving back of serving our community. Many times it appears to be a thankless job. Tonight I want to thank you; I want to thank you for caring. I can thank each one of you but I only have three minutes. I do want to thank Councilmember Kenny Smith because he is my District Representative in District 6. Kenny, your leadership is outstanding. I want to also thank the other Councilmembers whose town hall meetings I have been able to attend over the last couple of years and to the people like Sarah Stevenson who has welcomed me into her neighborhood and other neighborhoods throughout Charlotte. I also want to thank Councilmember Ed Driggs

for your weekly informative coffee meetings you hold every week. All of you have contributed to my education and expanded my knowledge of the City. Congratulations to those of you who were re-elected; we as citizens will continue to appreciate your service and hold you accountable for the decisions facing you during this upcoming term. Mayor Pro Tem Barnes and Councilmember Howard I appreciate your service and the willingness to pursue the office of Mayor. My hat is off to both you gentlemen; thank you for caring. Mayor Clodfelter, thank you Sir for your leadership and your service. Sir, you along with Council allowed Charlotte to push forward and show the state and the country that we are proud Charlotteans and we continue to strive to make our City great at all times; Sir, thank you for caring.

Over the last few years I've experienced an opportunity that is available to any resident or visitor. I've attended most of these chamber meetings, dinner briefings and committee meetings. This opportunity has been eye-opening, an eye-opening revelation understanding how the City operates. I will continue to be a part of this process and continue to learn because I want to continue to prepare. I want to say thank you to all the citizens who are here tonight because they care, they are a part of this process and they are all here so thank you for being.

Allow me to talk now about the City I love and this past election. Thank you for the 94,958 citizens who cared enough about our City of Charlotte who voted during this last municipal election. Thank you for the 17,947 who cast their ballots during early voting and the additional 826 who cast their absentee ballots by mail. Thank you for the 76,185 who voted on election day. The message I want to say is to the other 548,323 people who can vote, your vote matters; our City matters.

**Mayor Clodfelter** said we also want to thank you for being a first class citizen of this community; thank you.

### **Parkwood East Apartments**

**Maxine Ruff, 7104 Wallace Road, Apt. E** said my issue today is in my community we deserve to live in an environment that is safe and healthy, meaning no patched up or painting over water leaks or repairs that leads to mold. The issue is my family and I have been exposed to mold in our unit and we've all been sick from it. My grandson was discharged from the hospital yesterday where the Dr. discovered a spot on his lung being pre-pneumonia. We have documents from certified mold inspectors; Code Enforcement has come out and confirmed water damage back in September but there were no repairs made. My complex refused by rent because we called Code Enforcement but I appealed that and I'm paying the rent through the court. I've hired different air quality specialists to test the air quality in my home and I proceeded to ask them for a test and they finally initiated one on October 8<sup>th</sup> but wouldn't give me the results so I had so subpoena them. I finally receive the results October 30<sup>th</sup> and approximately on November 6<sup>th</sup> they put us in a hotel where we still are today waiting on remediation. However they are not following proper guidelines to make sure we are coming back to a safe home and they have us scheduled to come back tomorrow. This is not how I should be spending my Thanksgiving week. This property has several issues where people in my building are afraid to report so I'm being their voice today. We deserve the correct amount of maintenance help, filters to be replaced properly in our units and not outside of our doors. We deserve our lights in our breezeways to be on 24/7 and the proper lighting in our breezeways. We need some of the breezeways to be repaired. Pest control because there are excessive water bugs out there and the amount of children that are in the neighborhood, they have a right to be protected and safe. My complex also has a program called Cascade if any of you are familiar with that. A lot of the women are either pregnant or have small kids and one lives above me and she has the water leak that has caused the water damage in my unit. We are entitled to all of that and even more and as our City Manager, Ron Carlee stated, his ultimate goal in the City is to build a community where people can thrive meaning grow and develop vigorously. With all these conditions we are not able to. I'm here because your vision states the City of Charlotte will put your citizens first by proving quality and value in all areas of service and you will take initiative to identify and solve problems as well as to keep people safe in our City. Parkwood East is not a safe environment and they don't care about the resident's health. This has been a very stressful situation for me and my family and your help is greatly appreciated. Thank you.

Mayor Clodfelter said Ms. Ruff thank you. Mr. Manager I think from what Ms. Ruff said Code Enforcement has been out there so I think Council needs to get some follow-up report on Code Enforcements action.

**City Manager Ron Carlee** said we will be happy to provide that for you.

**Councilmember Fallon** said what authority is that; Housing Authority?

Mayor Clodfelter said I don't know whether they are privately owned.

Ms. Fallon said is it privately owned or is it the Housing Authority.

Ms. Ruff it is privately owned.

### **Parkwood Avenue and Plaza Modifications**

**Mark Lynch, 1209 Grace Street** said my wife and I have lived in Villa Heights and the surrounding neighborhoods for some years and I would like to begin my speech by reading from the petition that the North Charlotte residents and I have sent out to you our neighbors regarding Parkwood Avenue and The Plaza. On September 12, 2015 73-year old Al Gorman was struck and killed by a car while riding his bicycle on the sidewalk along Parkwood Avenue near Hawthorne Lane. A ghost bike memorial was placed at the site to memorialize Al and to remind drivers to watch for cyclists and pedestrians. Less than a month later another collision occurred at the same site destroying the same ghost bike memorial. The collision rate in this area on these roads is unacceptable for any residential neighborhood. Parkwood Avenue and The Plaza are neighborhood streets where speed limits are all too frequently ignored. Neighborhood residents and visitors deserve streets that are safe for all users, pedestrians, people on bikes, transit riders and motorists. People of all ages and abilities should be able to travel throughout these neighborhoods without fear of being struck and killed by a car. By adding my name to this petition I ask Charlotte City Council to make Parkwood Avenue and The Plaza safer through modifications of the streetscape also known by some as a road diet. Parkwood Avenue would be modified potentially to have one lane of vehicular traffic in each direction separate bike lanes possibly by plastic bollards and a center planting strip that could serve as a safe island for crossing pedestrians. The Plaza would be modified with one lane of vehicular traffic in each direction, traditional bike lanes and a center turn. I have provided the petition itself as well as the potential designs with your Clerk and you may look at them at your leisure.

A diet on Parkwood Avenue and The Plaza would provide many benefits to the City, offers a safe east-west bicycle connection in an area that has none; improves pedestrian safety and comfort by buffering up narrow backs of curb sidewalks, serves neighborhoods where an active cycling culture already exists, provide buffered lanes for user groups that are uncomfortable riding in streets of children and the elderly, calms traffic in an area with a history of safety challenges, ties directly into the Parkwood Blue Line Station and multi-use path; extends pedestrian and bicycle network created through the City's investment in the Cross Charlotte Trail and relatively few driveway conflicts exists here; and, it also demonstrates the City's commitment to complete streets by its existing policy. Thank you for your time and I hope you consider this.

**Jordan Moore, 916 Bromley Road** said as a long time Charlottean I've been riding my bicycle for transportation for over 10 years. I am also the Bicycle Program Director for a local non-profit organization called Sustain Charlotte whose mission is to inspire choices that lead to a healthier more vibrant community for generations to come. Tonight I'm asking you to change the world because as Jeanette Sadik-Khan Chairperson of the National Association of City Transportation Officials reminds us when you make your streets safer for walking, biking and transit you are not just changing the street, you are actually changing the world and it is true for when we make our streets safer for bicycling and walking we create connections in our community; connections to civic engagement, connections to economic and educational opportunities. When we provide safe protected routes for pedestrians and bicyclists we create networks for a healthier more vibrant future for our City. Please recommend this issue to the Transportation and Planning Committee tonight so they can work with C-DOT to make these

changes without delay. Parkwood Avenue is notorious for frequent and violent collisions. These are incidents, not accidents. These collisions occur in large part due to current road design. The frequency and severity of collisions could be reduced with better road design. When we lose a citizen like Al Gorman, a 73-year old man struggling to rebuild his life, a man using his own power for mobility daily and don't address the design of the street we lose our right to say that we are valuing all lives in Charlotte. Through better design we can help motorists avoid these fatal collisions. We must calm our roads for the safety of all who use them including motorists. This proposed road diet will provide a safe and efficient for cyclists and pedestrians to connect directly to the Parkwood Avenue Station that will be part of the Blue Line Extension. Since the Parkwood Avenue Blue Line Station will not have a parking area it is imperative that we provide those who want to board and un-board the train at this stop a safe way to access it by bike or on foot. This road diet will empower the City to provide this access. This road diet will also provide a safe route for cyclists and pedestrians to access the Cross Charlotte Trail which will cross Parkwood near Davidson Street. Once again given that this trail is being built specifically for pedestrians and cyclists it not only makes sense for us to fully leverage our investment by providing safe access to it by bike or on foot. In other words we must anticipate the needs for additional bike and pedestrian access of these two wonderful and much needed transportation projects for our City. Let's give the rest of the country no choice but to marvel at our leadership and let's prove to the world that Charlotte has what it takes to be a world class city to live, work, play and bicycle in. Let's change the world together.

**Bob Jarzemsky, 815 East 20<sup>th</sup> Street** said thank you for allowing me to talk about my experience using Parkwood Avenue and The Plaza. My wife and I, both North Carolina natives, relocated to Charlotte from Chicago a year and a half ago, seeking better opportunities, warmer weather and closer proximity to family. With a baby on the way finding a home and laying down roots was a top priority; in the Belmont Neighborhood we found historic character and affordability and with its close proximity to uptown, the greenways and Blue Line Extension we are able to remain a one-car family as we'd grown accustomed to while living in a larger city. However, one of our biggest frustrations here has been Parkwood Avenue. While I used to cross it daily to walk my dog to Cordelia Park I now mostly avoid it because I'm tired of dodging speeding cars. After the tragic death of a cyclists while riding on the sidewalk my wife has forbidden me from jogging along Parkwood. Most striking was our first experience trying to cross the street to take our infant daughter to Progress Park in Villa Heights. As a healthy adult I had never given much thought to accessibility, but pushing a stroller really shed light onto its importance. The ramp on our side of the street didn't line up with either the pedestrian refuge in the median or the ramp on the opposite side. We literally had to zig zag our way across the street; moreover the refuge wasn't even wide enough to fit the stroller without someone hanging out in the traffic, and it didn't have a cut out to allow for a wheelchair, bike or stroller passage so we had to use precious seconds to pop a wheelie on to the median. Since then we have relied on our car to go to the park which is a shame since it is only a couple blocks away and we supposedly live in an urban walkable environment. However, I'm not only here to talk about only how Parkwood is failing pedestrians and cyclists, it is also failing motorists. The road which claims to be a major thoroughfare is also incredible dangerous for drivers. It is curvy, hilly and chaotic. Cars change lanes unpredictably and every left turn is a rear-ending or T-bone waiting to happen. The road serves neither the commuter nor the resident; it is a poor traffic mover, detracts from property values and contributes little to economic development. With your help we can improve this corridor for all users and make it an amenity to the neighborhoods instead of a hazard. I strongly encourage you to pursue safety and traffic improvements to Parkwood Avenue and The Plaza.

**Stephen Valder, 1621 Allen Street** said this is my first time speaking but this is an important topic for me. I grew up in Dilworth at a time when Charlotte was a much smaller place; I would ride my bike actually to Myers Park High School, riding down East Boulevard through Freedom Park, across Selwyn Avenue but since then those roads have been made safer for pedestrians and bikers. As a result those roads have experienced a decrease in injuries and incidents. I now live in Belmont Neighborhood, been there for eight years and as you've heard we have a road there that puts us at risks. As you have heard many of the residents are concerned about the safety there. That road was built and widened in a time when the goal was to move traffic through our neighborhoods; as a consequence it is not safe to walk, to bike or even to cross as you've heard. It is not really safe for cars and the stretch between North Davidson and Hawthorne Lane  
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averages more than 20 vehicular accidents per year. I'm not a biker, but I do walk frequently but I avoid Parkwood and if I visit someone in Villa Heights I drive. In addition to the safety concerns is the effect that Parkwood has had on the neighborhood. It divides the neighborhood there; it serves as a barrier. A roadway that enhances all of us using it will unite those neighborhoods and help them to develop. Especially the road needs to be safer for those that are most vulnerable in our community, the elderly, the children, the poor, the disabled. I have choices in transportation; I don't have to walk on Parkwood and I don't have to ride the train, not everyone has that choice in our neighborhood. These issues of safety community unity and protecting those at greatest risk are critical now that the light rail is going to open and as the greenway is being extended. Please help us to have a safe way to access those and unite our neighborhoods.

### **CMPD Arresting Citizens for Unpaid LYNX Fare**

**Sandra Pettiford, 2325 Juneberry Court** said this is from Wednesday morning; my niece was arrested this morning on a ticket she received for failure to pay fair on the LYNX back in 2012. She had evidentially forgotten about it and from the information I received she was housed with the male inmates due to space and when she expressed concern she was told she would get used to it. This is not the best use of CMPD when there was a murder on her street last week. She lives on Seigle Avenue. My sister paid \$75 to post a \$500 bond and if she didn't have the money which Charlotte had to pay to house a 22-year old female they don't space for over a three-year old \$50 ticket for failure to pay a fare on LYNX. The officer, thank God, allowed her to call my sister because she was just leaving her house with her third grader to take her to school. He said he would have had to call Child Protective Services if she was unable to reach anyone otherwise and this was due to his own good judgment, I don't know what procedure is. Again, is the best use of City Police in a high crime area where a murder was committed last week? I can't speak for the Officer, but I guarantee you he would rather have been out solving a murder than arresting someone on a warrant for failure to pay a fare on LYNX three years ago. I had to send this to City Council while the events were still fresh in my mind. I attached the arrest report because I couldn't actually believe it when she called to tell me what was going on and I just wanted to show my face and let you know how concerned I am with the use of either CMPD or the Sheriff's Office, I don't know the process of warrants and what they consider something they have to serve, but if something comes across your desk that is a 2012 failure to pay a LYNX ticket I don't think it is as important as a murder that happened on that person's street the same week.

Mayor Clodfelter said Mr. Manager I know that staff has done some research on this, can you have someone appropriate get in touch with Ms. Pettiford to share the resource that has been done on already on it.

City Manager Ron Carlee said yes sir and we do intend to work with her on expungement of her record.

Mayor Clodfelter said make sure you get in touch with hereabout that.

**Councilmember Howard** said it is worth saying that several of us got your e-mail and we actually asked the Manager's Office to get some more information about it as well. That is what the Mayor is talking about; it actually was a concern of a number of us to the point that it made it to the Manager and they are working on something that they will tell you about.

**Lorna Allen , 815 East 20<sup>th</sup> Street** said I live in the Belmont Community and I'm here also tonight to speak about Parkwood Avenue and The Plaza safety improvements. I also introduce you to Cashmere, my daughter; she is one of the youngest members of our community and I want to introduce you to the future. This is who we are really striving to make Parkwood safer for. Along with 588 signatures on the petition on line already, along with countless other petition signatures that we gained at neighborhood meetings as well as petitions that we posted around the neighborhood area. Our neighbors are asking for a safer Parkwood because we want to be able to go across the street and not fear that we are going to get struck by a car. I want to be able to take her to the neighborhoods within walking distance. We have three; two of them

which are not accessible currently in the current status of Parkwood. City Council please think of our future, think of Cashmere and help us make Parkwood safer.

Mayor Clodfelter said welcome to one of our newest citizens. That concludes the ten slots we have for the Citizens' Forum for this month, but let me ask the citizens who spoke to us about Parkwood and The Plaza I suspect Ms. Campbell or someone in C-DOT is going to want to follow-up and need to meet with the group. Who is the point of contact; who should City staff reach out to? Mr. Lynch, we have your contact information so you will probably be the one who is contacted about convening a meeting or getting a group together.

\* \* \* \* \*

## CONSENT AGENDA

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|--|
| Motion was made by Councilmember Barnes, seconded by Councilmember Austin, and carried unanimously to approve the Consent Agenda Items 19 through 70 as presented with the exception of Item Nos. 33, 43 and 56 which were pulled for a separate vote. |
|--|

The following items were approved:

**Item No. 19: Solid Waste Services Work and Asset Management Implementation Contract Amendment**

Approve contract amendment #4 to GHD, Inc. for implementation, systems integration and training services associated with the Work and Asset Management System.

**Item No. 20: Allen Street Residential, LLC Bond Issuance Approval**

Adopt a resolution granting the Charlotte Housing Authority's request to issue multifamily housing revenue bonds, in an amount not to exceed \$8,000,000 to finance the development of Allen Street Residential, LLC.

The resolution is recorded in full in Resolution Book 47, at Pages 110-111.

**Item No. 21: North Tryon Street Business Corridor Improvement Project Contract Amendment**

Approve contract amendment #3 for \$148,158 with Kimley-Horn and Associates, Inc. for additional construction administration services for the North Tryon Business Corridor Project.

**Item No. 22: Sugar Creek Streetscape Design Services**

Approve a contract in the amount of \$496,000 with Mulkey, Inc. dba Mulkey Engineers & Consultants for engineering design services for the Sugar Creek Streetscape Improvements.

**Item No. 23: Utility Coordination Services**

Approve contracts with the following companies for utility coordination services for a term of three years: ESP Associates, P.A. and Hinde Engineering, Inc.

**Item No. 24: Electric Vehicle Charging Station Lease**

Approve a lease agreement with Brightfields Transportation Solutions for use of a City-owned parking lot on Thomas Avenue (parcel identification number 081-176-43) for operation of an electric vehicle charging station.

**Item No. 25: Charlotte Water Rate model Financial Consulting Services**

Approve a contract amendment #1 for \$120,000 to Arcadis G&M of North Carolina, Inc. for analytical and financial support for Charlotte Water's rate model.

**Item No. 26: Professional Services for the Pipeline Rehabilitation Program**

(A) Approve a contract with US Infrastructure of Carolina, Inc. for an initial term of two years, and (B) Authorize the City Manager to renew the contract for us to one additional, two-year term with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

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**Item No. 27: Biologically-Enhanced Sewer Line Cleaning Contract Renewal**

Approve contract renewal #1 with NRP Group Inc. for the purchase of biologically-enhanced sewer line cleaning products and services for the term of two years.

**Item No. 28: Sugar Creek Wastewater Treatment Plan Reliability Improvements**

Approve a contract in the amount of \$3,301,659 with HDR Engineering Inc. of the Carolinas for the final design, procurement assistance, and construction administration services associated with the Sugar Creek Wastewater Treatment Plan reliability Improvements Projects.

**Item No. 29: Upper Little Sugar Creek Replacement Sewer – Phase 1**

Approve a contract in the amount of \$151,382 with Frazier Engineering, P.A. for design bidding, and construction administration services associated with the Upper little Sugar Creek Sewer Replacement Phase 1.

**Item No. 30: Water and Sewer Extensions and Replacements (FY2016-Contract1)**

Award a contract to the lowest responsive bidder, Dallas 1 Construction LLC in the amount of \$2,330,289.80 for the extension and replacement of water and sewer mains throughout the Charlotte Water service area.

**Summary of Bids**

|                                 |                |
|---------------------------------|----------------|
| Dallas 1, LLC                   | \$2,330,289.80 |
| RH Price, Inc.                  | \$2,454,865.80 |
| State Utility Contractors, Inc. | \$2,649,918.00 |
| Propst Construction Company     | \$3,994,379.49 |

**Item No. 31: Ayrley Gravity Sewer Replacement- Phase 1**

Award a contract to the lowest responsive bidder, Fuller Co. Construction, LLC in the amount of \$499,998.48 for the Ayrley Gravity Sewer Replacement Project.

**Summary of Bids**

|                              |              |
|------------------------------|--------------|
| Fuller & Company             | \$499,998.48 |
| RH Price                     | \$615,716.00 |
| Davis Grading                | \$731,437.60 |
| State Utility Contractors    | \$767,443.00 |
| Sanders Utility Construction | \$790,879.00 |
| Zoldaz Construction          | \$827,000.00 |
| Propst Construction          | \$978,146.00 |

**Item No. 32: Special Inspection and Construction Material Testing and Environmental Engineering Services for CATS Projects**

(A) Authorize the City Manager to negotiate and execute agreements with Amec Foster Wheeler Environmental & Infrastructure, Inc.; S&ME, Inc.; and Terracon Consultants, Inc. for special inspections and construction materials testing and environmental engineering and testing services for a three-year term with each contract in an amount up to \$250,000 (\$750,000 total), (B) Authorize the City Manager to negotiate and execute an agreement with Hart & Hickman PC for environment engineering services for a three-year term in an amount up to \$250,000, and (C) Authorize the City Manager to renew the contracts for up to two additional, one-year terms and to amend the contracts consistent with the City's business needs and the purpose for which the contracts were approved.

**Item No. 34: Federal Transit Administration Enhanced Mobility of Seniors and Individuals with Disabilities Grants and Contracts**

(A) Authorize the City Manager to negotiate and execute contracts with the following organizations as sub-recipients for Federal Transit Administration Section 5310 grant projects: (1) Iredell County for a project not to exceed \$38,673, (S) Metrolina Association for the Blind for a project not to exceed \$123,255, and (3) Union County for a project not to exceed \$43,644. (B) Appropriate \$205,572 from the CATS Community Investment Plan to be used in accordance with Federal Transit Administration guidelines for the three grant projects to be managed by Iredell County, Metrolina Association for the Blind, and Union County, and (C) Appropriate

\$488,689 from the CATS Community Investment Plan to be used in accordance with Federal Transit Administration guidelines for two projects to be managed by CATS.

**Item No. 35: DBE/Davis-Bacon Compliance Support Services for CATS Projects**

Authorize the City Manager to negotiate and execute a unit price contract with Armand Resources Group, Inc. for DBE/Davis-Bacon compliance support services for the term of two years, and (B) Authorize the City Manager to renew the contract for up to three additional one-year terms and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 36: CATS Bus Fleet Diesel Exhaust Fluid Dispensing Equipment**

Award a contract to the lowest responsive bidder, Spatco Energy Solutions in the amount of \$140,000 for the purchase and installation of diesel exhaust fluid storage and dispensing equipment to service CATS bus fleet.

**Summary of Bids**

|                         |              |
|-------------------------|--------------|
| Spatco Energy Solutions | \$134,455.44 |
| Jones & Frank           | \$194,990.00 |

\* The amount approved by City Council was the final negotiated price of the contract.

**Item No. 37: LYNX Blue Line – Vehicle Maintenance Facility Equipment**

Award contracts in the total amount of \$991,711.55 to the following lowest responsive bidders for the purchase of light rail vehicle maintenance and repair equipment: Diagnosys (\$690,721.55) Hipotronics (\$300,990).

\* The complete summary of bids is available in the City Clerk's Office.

**Item No. 38: CATS Exterior Bus Wash System Upgrade**

Award a contract to the lowest responsive bidder, Loyal Systems, Inc., in the amount of \$194,200 for the purchase and installation of upgraded components for the exterior bus wash system at the North Davidson Bus Facility.

**Summary of Bids**

|                          |              |
|--------------------------|--------------|
| Loyal Systems, Inc.      | \$188,549.56 |
| Johnson Wash Systems LLC | \$343,770.75 |
| EST Companies LLC        | \$144,225.00 |

\* The complete summary of bids is available in the City Clerk's Office.

**Item No. 39: CATS Market Research Contract**

(A) Authorize the City Manager to negotiate and execute a contract for up to \$250,000 with Southeastern Institute of Research, Inc. to conduct customer satisfaction surveys on CATS services, and (B) Authorize the City Manager to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 40: LYNX Blue Line Extension Project – Raleigh and Greensboro Street Drainage Change Order**

Approve change order in the amount of \$600,000 with Blythe Development Company for the LYNX Blue Line Extension - Raleigh and Greensboro Streets Drainage construction.

**Item No. 41: LYNX Blue Line Extension Pedestrian Bridge Agreements**

(A) Authorize the City Manager to negotiate and execute a Pedestrian Bridge Agreement with the University of North Carolina at Charlotte, and (B) Authorize the City Manager to negotiate and execute a Pedestrian Bridge Agreement with Carolinas Healthcare System.

**Item No. 42: Blue Line Capacity Expansion Construction Management Contract Amendment**

Approve contract amendment #2 for an amount up to \$950,000 with STV Engineers, Inc. to extend Construction Management Services for the Blue Line Capacity Expansion project.

**Item No. 44: Airport Chiller Maintenance Services**

(A) Award a unit price contract to the lowest responsive bidder Johnson Controls, Inc. for maintenance and repair services on the Airport's centrifugal chillers for a term of three years, and (B) Authorize the City Manager to renew the contract for up to two additional one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Summary of Bids**

|                                       |              |
|---------------------------------------|--------------|
| Carolina Air Solutions (withdrew bid) | \$119,250.00 |
| Johnson Controls                      | \$175,294.00 |
| Airtight FaciliTech                   | \$255,726.00 |
| Carrier                               | \$202,370.00 |
| Brady Services                        | \$224,990.00 |
| Hoffman Mechanical Solutions          | \$183,161.00 |
| McKenney's Inc.                       | \$182,474.00 |

**Item No. 45: Airport Deicing Truck**

(A) Approve the purchase of a Tyler Ice AD 4000 mounted on Western Star 4900 chassis from a cooperative purchase contract as authorized by G.S. 143-129(e)(3), (B) Approve a unit price contract with Wausau Everest Equipment, Inc. for the purchase of truck mounted deicer, Tyler Ice AD 4000 mounted on Western Star 4900 chassis for a one time purchase under National Joint Powers Alliance (contract number 080114-WAS), and (C) Adopt Budget Ordinance No. 6096-X appropriating \$292,029 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 59, at Page 632.

**Item No. 46: Airport Dump Truck and Chassis**

(A) Approve the purchase of 2017 Mack GU713 Cab/Chassis from state contract as authorized by G. S. 143-129(e)(9). (B) Approve a contract with TransSource, Inc. for the purchased of 2017 Mack GU713 Cab/Chassis, (C) Authorize the City Manager to extend the contract for additional one-year terms as long as the state contract is in effect, at prices and terms that are the same or more favorable than those offered under the state contract, and (D) Adopt Budget Ordinance No. 6097-X appropriating \$108,856.60 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 59, at Page 633.

**Item No. 47: Electronic Auction for Disposal of Federally-Seized Vehicles**

(A) Adopt a resolution declaring specific vehicles as surplus, and (B) Authorize said items for sale by electronic auction beginning on or around January 4, 2016, and ending on or around January 29, 2016.

The resolution is recorded in full in Resolution Book 47 at Pages 112-113.

**Item No. 48: Information Technology Manager Security Services**

(A) Authorize the City Manager to negotiate and approve a contract with Mosaic451, LLC for Managed Security Services for an initial term of three years, and (B) Authorize the City manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 49: Information Technology Contract Professional Services**

Authorize the City Manager to award unit price contracts for information technology contract professional services for up to two years, with the following service providers: Ciber, Inc.; Digital Intelligence Systems, LLC d/b/a DISYS, and Skybridge Global.

**Item No. 50: Utility Management System Maintenance and Support**

(A) Approve the purchase of Cognos Reporting Engine maintenance and support services from a federal contract as authorized by G. S. 143-129(e)(9a), (B) Approve a contract with International  
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Business Machines Corporation for the purchase of Cognos Reporting Engine maintenance and support services under the General Services Administration IT Schedule, effective October 1, 2007, GS-35F-4984H, (C) Authorize the City Manager to extend the contract for additional one-year terms as long as the federal contract is in effect, at prices and terms that are the same or more favorable than those offered under the federal contract, (D) Authorize the continued use of maintenance and support under the existing Utility Management System contracts, as follows: Banner Software maintenance and support contract with Hansen Technologies Company; ABB Service Suite maintenance and support contract with ABB Enterprise; and Atomic Scheduling Engine contract with Atomic, Inc., (E) Authorize the City Manager to purchase maintenance and support under the City's existing Utility Management System contracts, as detailed above, for as long as the City uses the system, and (F) Authorize the City manager to purchase additional software licenses, services, and hardware as needed from time to time to optimize the City's use of the system, and to approve other amendments consistent with the City's business needs and the purpose for which the contracts were approved, including price adjustments.

**Item No. 51: Vehicle Cleaning and Decontamination Services**

(A) Approve contracts with the following companies for vehicle cleaning and decontamination for an initial term of three years: Autobell Car Wash, Inc. (Offsite Vehicle Cleaning); Coastal Mobile Detailing (Onsite Vehicle Cleaning); Dr. Detail of Matthews (Onsite vehicle Decontamination); and G&E Investments, Inc. TA Diamond Finish Car Wash (Offsite Vehicle Cleaning); and (B) Authorize the City manager to renew the contracts for us to two additional, one-year terms with possible price adjustments and to amend the contracts consistent with the City's business needs and the purpose for which the contracts were approved.

**Item No. 52: Refund of Property Taxes**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$47,546.59.

The resolution is recorded in full in Resolution Book 47, at Pages 114-116.

**Item No. 53: Meeting Minutes**

Approve the titles, motions, and vote reflected in the Clerk's record as the minutes of October 19, 2015 Zoning Meeting and October 26, 2015 Business Meeting/Citizens' Forum.

**PROPERTY TRANSACTIONS**

**Item No. 54: Airport Cargo Warehouse Lease Amendment**

Approve a seven month lease extension with DHL Express (USA), Inc. for its current cargo building located at 4200 Yorkmont Road.

**Item No. 55 Telecommunications Ground Lease Extension for New Cingular Wireless LLC Amendment**

Approve an amendment to New Cingular Wireless PCS, LLC's ground lease at 7621 North Tryon Street (Parcel Identification number 047-221-22), extending the lease term for five additional five-year terms through August 17, 2045.

**Item No. 57: Property Transactions – McKee Road and Providence Road Intersection Improvements, Parcel #23**

Acquisition of 68 square feet in Fee Simple Easement, 151 square feet in Temporary Construction Easement, plus 3,436 square feet in Utility Easement at 10515 Providence Road from Mable H. Carpenter for \$19,500 for McKee Road and Providence Road Intersection Improvements, Parcel #23.

**Item No. 58: Property Transactions – Nevin/Gibbon Road Sidewalk, Parcel #27**

Resolution of Condemnation of 2,950 square feet in Fee Simple Easement, plus 406 square feet in Sidewalk and Utility Easement, plus 367 square feet in Temporary Construction Easement at 2715 West Sugar Creek Road from Ralph E. Harris, Kevin Harris, Phil P. Harris and Firehouse Productions LLC for \$25,250.00 for Nevin/Gibbon Road Sidewalk, Parcel #27.

The resolution is recorded in full in Resolution Book 47, at Page 117.

**Item No. 59: Property Transactions – McKee Road and Providence Road Intersection Improvements, Parcel #1**

Resolution of Condemnation of 5,024 square feet in Fee Simple, 3,588 square feet in Temporary Construction easement, plus 14,579 square feet in Utility Easement at 10710 Providence Road from Promenade Shopping Center, LLC for \$61,900 for McKee Road and Providence Road Intersection Improvements, Parcel #1.

The resolution is recorded in full in Resolution Book 47, at Page 118.

**Item No. 60: Property Transactions – McKee Road and Providence Road Intersection Improvements, Parcel #3**

Resolution of Condemnation of 9,713 square feet in Fee Simple, plus 7,007 square feet in Fee Simple within Existing Right-of-Way, 29,961 square feet in Temporary Construction Easement, plus 4,835 square feet in Utility easement at 10800 Sikes Place from Marsh Bissell Patrick II, LLC for \$244,050 for McKee Road and Providence Road Intersection Improvements, Parcel #3.

The resolution is recorded in full in Resolution Book 47, at Page 119.

**Item No. 61: Property Transactions – McKee Road and Providence Road Intersection Improvements, Parcel #8**

Resolution of Condemnation on 42 square feet in Temporary Construction Easement at 5130 Ballantyne Commons Parkway from Car Providence Commons Two, LLC for \$150 for McKee Road and Providence Road Intersection improvements, Parcel #8.

The resolution is recorded in full in Resolution Book 47, at Page 120.

**Item No. 62: Property Transactions – McKee Road and Providence Road Intersection Improvements, Parcel #9**

Resolution of Condemnation of 1,193 square feet in Temporary Construction Easement, plus 36 square feet in Utility Easement at Ballantyne Commons Parkway from Car Providence Commons Two LLC for \$1,775 for McKee Road and Providence Road Intersection Improvements, Parcel #9.

The resolution is recorded in full in Resolution Book 47, at Page 121.

**Item No. 63: Property Transactions – McKee Road and Providence Road Intersection Improvements, Parcel #11**

Resolution of Condemnation of 17,659 square feet in Fee Simple, plus 7,128 square feet in Fee Simple within Existing Right-of-way, 2,646 square feet in Temporary Construction Easement, plus 4,729 square feet in Utility Easement at 4800 Alexander Valley Drive from Providence Park Apartments I, LLC for \$112,475 for McKee Road and Providence Road Intersection Improvements, Parcel #11.

The resolution is recorded in full in Resolution Book No. 47, at Page 122.

**Item No. 64: Property Transactions – McKee Road and Providence Road Intersection Improvements, Parcel #12**

Resolution of Condemnation of 151 square feet in Temporary Construction Easement, plus 2,258 square feet in Utility Easement at 4908 Alexander Valley Drive from Providence Park Apartments I, LLC for \$3,350 for McKee Road and Providence Road Intersection Improvements, Parcel #12.

The resolution is recorded in full in Resolution Book 47, at Page 123.

**Item No. 65: Property Transactions – South Tryon Street Sidewalk Improvements, Parcel #22**

Resolution of Condemnation of 571 square feet in Storm Drainage Easement, plus 1,727 square feet in Sidewalk and Utility Easement, plus 1,312 square feet in Slope Easement, plus 4,843 square feet in Temporary Construction Easement at 5061 South Tryon Street from Donna B.

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Dayton, Phillip Bryan, Virginia Bryan Gibson, Bobby L. Bryan and David L. Bryant for \$10,550 for South Tryon Street Sidewalk Improvements, Parcel #22.

The resolution is recorded in full in Resolution Book 47, at Page 124.

**Item No. 66: Property Transactions – Taggart Creek Outfall Phase 2, Parcels #2, 3 and 21**

Resolution of Condemnation of 28,115 square feet in Sanitary Sewer Easement, plus 49,253 square feet in Temporary Construction Easement at Cascade Pointe Boulevard from CK Lakepointe Corporate Center Associates, LLC for \$49,375 for Taggart Creek Outfall Phase 2, Parcel #2, 3 and 21.

The resolution is recorded in full in Resolution Book 47, at Page 125.

**Item No. 67: Property Transactions – Taggart Creek Outfall Phase 2, Parcel #5**

Resolution of Condemnation of 2,089 square feet in Sanitary Sewer Easement, plus 1,289 square feet in Temporary Construction Easement at Cascade Pointe Boulevard from Lakepointe Corporate Center Associates, LLC for \$8,150 for Taggart Creek Outfall Phase 2, Parcel #5.

The resolution is recorded in full in Resolution Book 47, at Page 126.

**Item No. 68: Property Transactions – Taggart Creek Outfall Phase 2, Parcel #6**

Resolution of Condemnation of 1,057 square feet in Sanitary Sewer Easement, plus 635 square feet in Temporary Construction Easement at Cascade Pointe Boulevard from Lakepointe Corporate Center Associates, LLC for \$1,325 for Taggart Creek Outfall Phase 2, Parcel #6.

The resolution is recorded in full in Resolution Book 47, at Page 127.

**Item No. 69: Property Transactions – Taggart Creek Outfall Phase 2, Parcel #8**

Resolution of Condemnation of 24,465 square feet in Sanitary Sewer Easement, plus 19,607 square feet in Temporary Construction Easement at Glen Lake Drive from Lakepointe Corporate Center Associates, LLC for \$14,725 for Taggart Creek Outfall Phase 2, Parcel #8.

The resolution is recorded in full in Resolution Book 47, at Page 128.

**Item No. 70: Property Transactions – South Tryon Street Sidewalk Improvements, Parcel #5.**

Acquisition off 211 square feet in Fee Simple and 4,236 square feet in Temporary Construction Easement at 633 Knight Court from Tina Macon and George Macon for \$16,450 for South Tryon Street Sidewalk improvements, Parcel #5.

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**ITEM NO. 33: LYNDBURST AVENUE STORM DRAINAGE REPAIR**

Councilmember Kinsey said this is awarding a contract in the amount of \$405,196.67 to the lowest responsive bidder D. E. Walker Construction Company for the Lyndhurst Avenue Storm Drainage Repair project and I cannot support this. Mr. Walker or the Walker Construction Company had a project in District 1, in the Shamrock area, and did not perform as he should have, was not responsive, was not on time and it was not until several months beyond the time he was supposed to finish that the neighbors were able to get any satisfaction by calling me and getting me out there with some of the other staff from the City. I in good conscious cannot vote to award a contract to someone or a company who really did not perform well recently; this has been a recent event, just this past summer. Right now I think it is completed but I don't know for sure so I am a no on this particular item.

Mayor Clodfelter said Mr. Manager do you want to go forward with this item or do you want to defer it and have some discussion about it?

City Manager Ron Carlee said let me consult with staff about it.

**Councilmember Barnes** said I very much appreciate you raising this issue Ms. Kinsey. The question I have for perhaps the City Attorney is where there are liquidated damages in these contracts so that if things like what Ms. Kinsey mentioned arise again there would be some penalty perhaps on a daily basis for failure to perform, failure to provide satisfactory results in executing a contract.

Mr. Carlee is staff is prepared to respond.

**Councilmember Lyles** said I just wanted to inquire of the staff's response to Ms. Kinsey's remarks and some data around it, what happened and why it continues to be someone that you approve if that experience has occurred.

**Jennifer Smith, Storm Water Services** said we have several meetings with D. E. Walker to evaluate their staffing levels; do they have the resources to do the work they bid on. I think it was actually called Finchley/Purcer or Purser/Finchley and it is in the Shamrock area that they completed the work. They did submit a responsive bid and legally we don't have a means to deem them non-responsible so that is kind of where we are. We agree that they didn't do the greatest job in Purcer/Finchley and wrapping that project up, but they are being held under the contract terms with some liquidated damages to that project.

**City Engineer Jeb Blackwell** said if I could add; this is a small contractor who has done some other work for us successfully. This contract came as he had some other work and we believe that he got over extended on that work. Absolutely Ms. Kinsey the work in that neighborhood was of very poor quality and it was not a good situation, but we believe this contractor has done good work before and can again. This is a smaller piece of work and we think it is within his ability; he does not have that many other projects and so we like to work with small businesses as much as we can and we feel like this guy is a guy who could do the work.

Mayor Clodfelter said has the Finchley/Purcer work now been completed and were any damages collected?

Ms. Smith said I think the project is completed; I don't know what the final liquidated damage number was.

Mr. Barnes said I asked the liquidated damage question because I recognize that you can't decline a contract before of past incompetence but the question is how much are liquidated damages on a daily basis?

Ms. Smith said I don't know the specifics on the previous project.

Mr. Barnes said how much are they on this case?

Ms. Smith said in this case there is probably \$750 or \$1,000 per day; I don't know the specifics.

Mr. Barnes said is there some statutory cap on liquidated damages?

Mr. Blackwell said they cannot be in excess of your actual damages or they are considered punitive and so they have to be numbers that we can relate to our actual impact.

Mr. Barnes said we recognize that this isn't your fault but if there are ways to guarantee a quality outcome, which is what the Council is seeking I hope you all will help either by way of liquidated damages or some provision to make sure it happens.

Mr. Blackwell said we have worked really closely with this guy; this was bid in August and my first reaction was the same which is no way; the same as Ms. Kinsey's reaction but he has worked his way out of the problems we had out there and we have looked very closely at how he is going to staff it and this work is not going to have as much impact on private property as it fits in the street more so we believe that this one we are more comfortable recommending and we will be watching this guy very closely on his work.

Ms. Lyles said is there a two strikes you're out policy or legal option or is it every time we have to work within a low responsive bid because there is a difference of \$11,000 between this bidder and the next bidder. If it is \$1,000 per day 11 days is pretty quick in this kind of project so I just want to make sure that we are not allowing it to kind of just occur again. I understand as Mr. Barnes has said, what is going on, but how do we deal with something like this and work on this project so we don't end up in this situation?

Ms. Smith said I think watching the contractor; this is about a 60-day contract period so we will be watching them very carefully, documenting when they aren't working, when they aren't meeting the needs and making sure we have that documentation for the future.

Ms. Lyles said and consequences?

Ms. Smith said yes; if they don't complete it within 60-days again there would be liquidated damages charged and I think at that point in time there would be the documentation to not award a contract in the future.

**Councilmember Fallon** said why don't we have a venue that we can refuse and how do we cure it now that we know about it?

Mr. Blackwell said if a contractor is completely non-functional and gets outside the contract all together we can declare them non-responsible and in those instances, which we have done, we would not accept their bid even if they were the low bidder. This contractor, because of the remedies he did after, and he should have done it sooner, but he did remedy it we believe to the best of his ability and we don't think it is sufficiently egregious but if we have an additional problem with him we will evaluate him. We looked at him very carefully how he is staffing this individual job and all I can say is we don't believe at this point we would declare him non-responsible. The bid was responsive and that it addressed the contract requirements. It is a small contract; if he gets in trouble we can get a maintenance contractor in to recover this. We would like the opportunity to let him do this work and see if he can become a successful contractor with the City.

Ms. Fallon said how much time do you give him?

Ms. Smith said this project is a 60-day contract time period.

Ms. Fallon said if he delays it by 30-days does that you a chance to just vacate the contract?

Ms. Smith said that would be something we would evaluate; there are a couple factors in determining delays. If the weather is an issue and he can't complete the work in 60-days because of weather we would give him additional days so I think it would all depend on – if he is not out there working for 30-days and he had plenty of days to work then yes that would definitely be a means of getting him off the job.

Ms. Fallon I think maybe we ought to have some kind of a guide or set standards instead of just playing it by ear.

Mr. Blackwell said there are a lot of variables to consider but our contractors generally finish work and we try to be very diligent about that. I certainly would agree that in this instance we didn't protect the neighborhood from this contract in this instance, but believe that we can deliver this successfully.

**Councilmember Smith** said this is the second incident involving neighborhoods and storm water that I'm aware of in a short period so hopefully we can put some protocols in place just to make sure from the responsiveness to the constituents that we are doing everything on our end. I know that we are going to have some issues from a legal standpoint what qualifies as a low bidder and there is another one that you and I are working on right now and just hopefully as we move forward we can tighten up this process. It is disruptive to the neighbors to have this as necessary work but the City may have to step in and do a little bit better job.

**Councilmember Driggs** said I was just interested to know; you had seven bids it says here, who is the second lowest and how far apart were they in price and what kind of performance would we have expected from them?

Ms. Smith said the second low bidder is Zoladz Construction Company and their bid was \$416,300; they are currently working on another project off of Wilkinson Boulevard in the Brentwood, Camp Green, Highland Street area right now.

Mr. Driggs said we do have some latitude to go not to the absolutely lowest dollar bidder if we have concerns about performance, is that right or do we just have to go with the low bid if it is responsive?

Mayor Clodfelter said let's get some help from Mr. Hagemann on this one.

**City Attorney Bob Hagemann** said the statutory requirement is that you award to the lowest responsible bidder and the statute addresses the term responsible as take into consideration quality performance and the time specified in the proposal for the performance of the contract. So relatively subjective, but certainly we reject a low bidder on the grounds that we believe that the bidder is not responsible. They can legally challenge that so we would want to have good evidence, a sound record of the reasons that we are declaring them to be not responsible and I believe that is what Mr. Blackwell is discussing that staff may not feel that they have sufficient evidence in hand at this point, but if they continue to not perform we will accumulate that evidence and develop a record.

Mr. Blackwell said we reviewed this at some length with ...James in the Attorney's Office and we both agreed that there are certain performance concerns we felt ... of declaring him not responsible.

Mr. Driggs said if we vote no tonight do we then go to the second responsive bidder or what happens?

Mayor Clodfelter said if you vote no tonight, based on the dialogue that just occurred you will probably get sued and lose because the staff has just stood there and publicly told you this is a responsible bidder and so you will have made Mr. Hagemann's job almost ...

Mr. Blackwell said I would suggest that the options you have would be to award to the low responsive bidder or reject all bids. This the second bid on this and you can reject all bids and that would delay the project while we re-advertise it.

Mr. Driggs said legally we could say no only on the basis of our perception that this was not a responsible bid.

Mr. Hagemann said ultimately you are the decision maker and you are not bound by staff's recommendation, but I would encourage you to take staff's recommendation into account.

**Councilmember Mayfield** said I also had a chance to join Councilmember Kinsey in her District back in June of this year specifically on this project because of some challenges that happened and I also spoke with the CEO of the company as well staff regarding the history. When we have a charge regarding our minority participation and we have a limited number of minority contractors in certain businesses, we also have to keep that in mind at the forefront of this conversation so it is easy to have this conversation now to say okay what is our penalty and all of that, but if we know historically we have used any particular minority business and they have been relatively successful but they come across a project and we have much bigger companies with much larger dollar amounts in contracts that we have had a lot of problems out of regarding the impact on the community when we are looking at millions of dollars in a contract that I don't think I've heard us put as much energy in that conversation as what I'm hearing tonight. I just want us to keep in mind that as we are continuing to try to grow minority businesses in certain fields, recognizing that any business there is going to be some challenges. The second responsive bidder is working in my neighborhood right now and I'm constantly getting calls from the community as far as when is this going to be completed and we are no  
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longer going to have the road here and the pot holes here. We are going to see it throughout but I want us to caution how we have these discussions and how we move forward because for the due diligence that happens staff has already stated that as far as the rules and regulations in which we have to govern by and make these decisions there were some concerns the company identified. Yes they were delayed; they were also penalized for those delays and I'm looking for that shaking of heads to confirm all the information I was provided and now we are looking at a new bid that actually is going to be more attainable because the other one probably was a little more than what they thought it was and they were trying to do something and just didn't have the capability at that time. I want us to be careful for how we make a suggestion to staff because suggestions that we make all of a sudden become ordinance, law and legislation. With thinking on how we move forward with that conversation I just want us to be mindful that we are sending a mixed message. We want to encourage and grow minority small businesses but we don't want to give you the leeway if there is a challenge or a mistake, especially if you correct the mistake. If you don't correct that is a different story. To my understanding you all are comfortable with moving forward and presenting this company to us tonight for this particular bid based on the most recent and previous interaction that we have had with them on other projects.

Ms. Smith said that is correct.

Motion was made by Councilmember Mayfield and seconded by Councilmember Lyles, to award a contract in the amount of \$405,196.67 to the lowest responsive bidder D.E. Walker Construction Co. for the Lyndhurst Avenue Storm Drainage Repair Project.

**Summary of Bids**

|                                   |              |
|-----------------------------------|--------------|
| D. E. Walker Construction Company | \$405,196.67 |
| Zoladz Construction Company, Inc. | \$416,300.00 |
| Onsite Development, LLC           | \$421,967.20 |
| Blythe Development Company        | \$431,250.23 |
| United Construction, Inc.         | \$449,130.20 |
| Fuller and Company Construction   | \$488,741.40 |
| Carolina Cajun Concrete, Inc.     | \$496,874.75 |

**Councilmember Phipps** said I just wanted to make sure that I understood that prior experience with this particular contractor has been satisfactory.

Ms. Smith said we have another contract with them that they are doing some of our storm drainage maintenance and repair projects and they have completed several of those projects successfully.

Mr. Phipps said I would hope that we wouldn't set a precedent by having a zero tolerance or any delays or obstructions to contract terms. I would hate to see that happen but I recognize that staff is going to be keeping a watchful eye over performance issues with this contractor in the future so I would support Ms. Mayfield's motion to approve this particular contract.

Mr. Barnes said I wanted to speak to this issue of race and minority contractors; I have no idea who this contractor is. I don't know who they are and I don't care; the issue is they are spending public money and apparently have done so in an incompetent way. The MWSBE Program is set up to allow minority businesses and women businesses an opportunity to do business with the City but that requires them to do that work competently, efficiently and within the budgets that we set. It does not provide a cover for people who can't get the work done in the way that we tell them to get it done so based upon what Ms. Kinsey said it seems to me there were some issues with that first project that were very valid and I think warrants some consideration by the Council. If there are issues regarding whether a particular contractor can or cannot compete and get the work done then it would be up that individual and that company to either seek assistance from a prime contractor or go back to square one and get things together, but I don't think it is our job to necessarily provide cover for that type of incident. I'm going to vote against it because I think what she said is a valid consideration and I have a feeling there may be problems coming with this contract. Again hoping that you all will put into place some incentives or whatever ... to make sure the work gets done right. Ultimately the people who live on Lyndhurst Avenue are

going to be expecting it to be done regardless of what I think they are going to want the project done so the construction is off the street and they can move up and down the street without conflict.

Ms. Kinsey said I never once mentioned minority; I only mentioned the name of the company so that had nothing to do with this issue I brought up was based solely on what I felt was not a good project. I never mentioned minority or race.

**Councilmember Howard** said so the company that you had issues with is the low bidder?

Ms. Kinsey said yes.

Mr. Howard said that means what Mr. Hagemann told us plays into this conversation as well.

Mayor Clodfelter said that is correct.

Ms. Fallon said we are going to have to vote on this; is it possible for you to set up some protocols so that the next time we don't have this problem. Some kind of a standard that you set up.

Mr. Blackwell said we do the very best we can to set a fair and reasonable standard; the difficult thing is there are such unique circumstances in each case; in this case it was a much larger contract than he had had before and he had other work going on. It is very difficult sometimes for small businesses to move from where you are really overseeing the work yourself to where you are working in a different way. There are a number of firms that have difficulty with that transition and many have made it, some have not.

Ms. Fallon said how is this going to guarantee us that we are going to have this come back to us again with another person with another company?

Mr. Blackwell said there is no guarantee but we believe that we would not be here right now if we did not believe – again this was bid in August and we have met with him more than I have ever met with any contractor pre-bid in 30-years. We have spent a long time talking to this buy about how are you going to resource it and are you sure you can do it. We went back to the previous job and said have you paid all the suppliers and subs because we've had contractors who got in trouble on one and then they used this job to pay off those people and they were in trouble here. We have checked everything we can and we believe he can do this work or we would not be here right now. I can't guarantee it but that is my belief and that is the basis for our recommendation.

Mr. Barnes said one more clarifying comment; I'm sorry to belabor this but I'm playing Gregg and LaWana tonight. This is my last meeting so come on; so I do recall Councilmember Mayfield we actually caught a prime contractor that created its own SBE so we've taken action on other minority companies before and also with the original leg of the Blue Line, Patsy you remember this, there were several issues that we caught that were pricy issue on that original stretch of the Blue Line. This is not, at least from my perspective; I don't care how it is, it is not a selective approach to addressing this particular deal, it is just the way people are interacting with the City and the taxpayer that concerns me.

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

YEAS: Councilmembers Austin, Autry, Driggs, Fallon, Howard, Lyles, Mayfield, and Phipps.

NAYS: Councilmembers Barnes, Kinsey and Smith.

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**ITEM NO. 43: AIRPORT BUILDING AUTOMATION CONTRACT AMENDMENT**

**Councilmember Barnes** said this concerns a contract at the Airport and I believe we got from Mr. Christine a fairly robust and comprehensive response to it, for the benefit of the public, it is a contract for automation systems at the Airport and this piece is close to a half million dollars. I appreciated Mr. Christine's explanation at dinner and I won't belabor it unless anyone else wants to talk about it I would move with reservations to approve it.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously to approve contract amendment #3 with Johnson Controls, Inc. for additional service coverage of Airport building automation systems, for a term of two years.

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**ITEM NO. 56: TELECOMMUNICATIONS GROUND LEASE EXTENSION FOR STC TWO, LLC AMENDMENT**

**Councilmember Kinsey** said I pull this because I'm going to vote against it and I'm voting against it because I hate these ugly cell towers and I know that we already have one. This is a City Cemetery and the last place I think we should have those towers is in a place like a City Cemetery which is supposed to be peaceful and green and places that people may want to visit. I just pull it because I don't like them and I'm voting no.

**Councilmember Phipps** said it is a 76-acre parcel so are they leasing the whole thing or just a portion that the tower is on?

**Mayor Clodfelter** said I suspect it would be just where the tower location is; do we have staff who can answer that?

Mr. Phipps said I wasn't clear on it; it didn't delineate the area just for the tower if my reading is correct.

**Tony Korolos, Engineering and Property Management** said the ground lease is just for the area where the tower is on.

Mr. Phipps said how much is that little area?

Mr. Korolos said I don't have the specific acreage but it is just for the tower.

**Councilmember Austin** said how tall is this?

Mr. Korolos said 143 feet.

Ms. Kinsey said I want to issue a challenge to the architects out in our City; I know there are people out there who can do these towers and make them look nice so I issue that challenge.

Motion was made by Councilmember Austin, seconded by Councilmember Barnes, to approve an amendment to STC Two, LLC's ground lease at 4426 Central Avenue (parcel identification number 131-071-01), extending the term of the lease for five additional, five-year terms through June 22, 2048.

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

YEAS: Councilmembers Austin, Autry, Barnes, Driggs, Fallon, Howard, Lyles, and Phipps.

NAYS: Councilmembers Kinsey, Mayfield and Smith.

**Councilmember Fallon** said what happened with all those people that came to talk to us that had those big holes in their back yards that are eating up their houses; what is being done, they were back seven years needing the City to do something?

**City Manager Ron Carlee** said we will be happy to put together a report for you; I obviously don't have that at the dais with me. We will go back and look at the specific ones you are asking about and confirm those with you and let you know where they stand.

Ms. Fallon said I haven't heard anything about it and they should be taken care of.

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**ITEM NO. 7: PUBLIC HEARINGS ON PROPOSED ANNEXATION AGREEMENTS WITH MIDLAND, CONCORD, AND HARRISBURG**

**Mayor Clodfelter** declared the public hearing open.

There being no speakers, either for or against, a motion was made by Councilmember Howard, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing and adopt Ordinance Nos. 6098-X, 6099-X and 7000-X approving the proposed Annexation Agreements.

The ordinances are recorded in full in Ordinance Book 59, at Pages 634-655.

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

**Mayor Clodfelter** declared the public hearing open.

There being no speakers, either for or against, a motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing and adopt the resolution to close a portion of Oak Street.

The resolution is recorded in full in Resolution Book 47, at Pages 87-90.

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**ITEM NO. 9: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF NORTH DAVIDSON STREET**

**Mayor Clodfelter** declared the public hearing open.

There being no speakers, either for or against, a motion was made by Councilmember Howard, seconded by Councilmember Driggs, and carried unanimously to close the public hearing and adopt the resolution to close a portion of North Davidson Street.

**Councilmember Phipps** said I always get confused on how we could close an unopened alleyway.

**City Attorney Bob Hagemann** said it does sound kind of intuitive but the action of Council is to extinguish the right-of-way so the property interests that the City would have are extinguished and go back to the property owner.

The resolution is recorded in full in Resolution Book 47, at Pages 91-93.

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**ITEM NO. 10: PUBLIC HEARING ON RESOLUTION TO CLOSE A PORTION OF GREENWOOD CLIFF**

**Mayor Clodfelter** declared the public hearing open and said staff advises me that we will not be asked to adopt the ordinance closing a portion of Greenwood Cliff tonight. We do not have that before us to night so we will now just conduct the public hearing.

**James Henderson, 1201 Harding Place** said I am here in support of the abandonment of a portion of Greenwood Cliff. Twenty-years ago or about 1996 my wife and I converted a small 1,500 square foot house on Harding Place which is adjacent to Greenwood Cliff, into my law office. It was the first commercial use of the house since it was built in the early 20's. This is an area where they were basically starter homes for Dilworth and it was referred I think to nickname Honeymoon Lane. Now there are approximately 25 former residences on this street and all but two are used commercially. In trying to quantify the importance of Greenwood Cliff to the neighborhood I tried to think of how many times I actually left my office in the last 20-years, roughly twice a day, five days a week and I've done that for 50-weeks for 20-years. That is about 10,000 times and I can count on one hand how many times I've used Greenwood Cliff to get onto Kenilworth Avenue. The reason why it is simply a dangerous intersection; it's serpentine, it is virtually blind to the left and right, cars going 35 to 55 miles per hour, I think the five times that I did use Greenwood Cliff probably two of them when I was litigating with Mr. Clodfelter and didn't have much of a reason to live. The issue under the North Carolina statutes is whether or not closing the street would be detrimental to the public interest or the property rights of any individuals. I think the closure of Greenwood Cliff and the routing of traffic to a new Pearl Park Way which is going to be a signalized intersection is in the public interest and would enhance ingress and egress to all of the people who work on Greenwood Cliff and Harding Place. Furthermore I think that the closure of Greenwood as part of the anticipated Pappas Properties development, and I know Mr. Pappas to be a conscientious developer; I think that is going to enhance everybody's property rights and values in the neighborhood and these are the reasons I support the adoption of the resolution.

Mayor Clodfelter said the case turned out alright Jim.

**Jim Schumacher, 4777 Sharon Road** said I am assisting the petitioner on this abandonment, Pappas Properties which redevelopment of the property which is currently owned by the Charlotte Region Realtors Association. The Realtors Association is a longtime owner in the neighborhood and they intent to remain in the neighborhood as the property is redeveloped so they have been very supportive of our development team Pappas Properties, taking a really comprehensive look at the neighborhood and the infrastructure and how the neighborhood can be enhanced. One of the first things that we did when we started looking at the project was to go to the area plan, the Midtown/Morehead/Cherry Area Plan and look at what information was there related to this part of the neighborhood. That area plan calls for some new streets immediately around the Realtors property, the extension of Pearl Park Way through the park connecting to Baxter Street and a section of Berkley Avenue as well as general improvements to infrastructure in the neighborhood which would include pretty much to the park. We recognize that these new streets call for in the area plan would provide the neighborhood a connection to the signalized intersection at Kenilworth as you just heard described and in turn allow abandoning a portion of Greenwood Cliff to consolidate into the overall development.

I'll show you this board here very briefly to look at the existing conditions and how the infrastructure would affect that; you can see here the areas on each side of Greenwood Cliff, Pearl Street Park is here, the area of Harding Place and Greenwood Cliff to the rear and Harding Place comes in and connects to Greenwood Cliff so this is an area in addition to the Realtors property, all those would benefit connecting to the signal on Kenilworth. The Pearl Park Extension which would come along the edge of the park and connect to Baxter Street provides a through connection to McDowell Street and provides another way to ... to Kenilworth Avenue. This will improve the connectivity and provide that opportunity; they also set the stage for Mecklenburg County to make improvements to the park. We've had a lot of interaction with Mecklenburg County and great cooperation from them and working through how to make these street improvements through the park and still be able to maintain a good size park with all the amenities that the County wants to have there.

The abandonment which you have in your materials is contingent on those new streets being put in place so it won't actually occur until the development is built, dedicated and the City accepts the new streets.

**Maren Brisson-Kuester, 1201 Greenwood Cliff** said I'm here to speak in support of this motion and I am representing the Charlotte Regional Realtor Association and our 10,000 plus members strong community here in Charlotte. We began really compiling this property about 30-years ago when we took up residence on this property and we had the forward thinking vision to know as an organization that does real estate for a living that we knew mixed use was coming down the road so when we completed the parcel about 5.2 acres approximately that was our vision. We just knew we needed the correct time and the correct partner and we believe now that we have found that. We are in the right time for this redevelopment for ourselves and we want to remain local on that site; we believe we've found the right partner, it is time to move forward with Pappas on this project. We are excited about it; we stand in support of the abandonment of Greenwood Cliff for a number of reasons primarily because we believe in our area and we know that we need greater connectivity and safer roads. Like ... down the street commented; I pull out of there a couple times a day and fear for my life sometimes coming off of Greenwood Cliff and I know it is dangerous and so we are going to gain more connectivity while maintaining our highly visible location towards the City business leaders and civic leaders as well. It is going to be better for our residents and all of our businesses and the road network that is going to be connected to our site is key for growing that portion of our City. We want walkability, we want people to be connected and it is going to grant us better access to Pearl Park Way and to Baxter Street. It is an imperative to grow that corridor of our town the way we saw so long ago as an organization and our City Planners. Our proposed development will increase the connectivity and provide access to a more improved Pearl Park which as realtors who build and sustain communities we stand in support of that as well. Really with the full support of my Board behind us endorsing this plan and our partners we also ask you to consider endorsing this at this time as well.

**Bill Seymour, Greenwood Cliff Area** said my wife and I own two pieces of commercial property on Greenwood Cliff and Berkeley Loop and I feel very much the same way as the previous speakers; getting off of Greenwood Cliff is very dangerous. If you watch the traffic out there at lunchtime or any other times you will notice that people already cut through the border of Realtors property to come out at the Pearl Street light as a matter of safe egress, so clearly it will be better from an egress standpoint. The project that is being facilitated by this road change also I think adds greatly to the connectivity of the area. I think it enhances the beauty of the Kenilworth area. Midtown project is very attractive on one side of Kenilworth and the other side is not so attractive, a hum drum park that could be made to look a lot nicer. Certainly the buildings going into the project will add to the tax base of the City, not to mention traditional pay back for the Little Sugar Creek Project for the City. The Greenwood Cliff and Berkeley area, the last thing I would say it is it is just an island of small older houses, mostly business now that could well use some redevelopment.

**Chester Helt, 1136 Greenwood Cliff** said I am an architect and I practice architecture at 1136 Greenwood Cliff so I am directly involved right on the property line of the Board of Realtors. I've been there for 28 ½ years and now the property which is being considered for a mixed use of housing, office, retail and hotel ... closing of Greenwood Cliff. I agree that the Greenwood Cliff/Kenilworth is a dangerous intersection that has gotten its ... My problem is when you stop Greenwood Cliff one block in right at my driveway and then it goes up to Harding Place so from Kenilworth to Morehead from the Park Way that is being built there is no identification of how you get to Greenwood Cliff. Without a map and directions our clients and patients of my neighbors who are doctors will have a rough time. It is a rough time now finding Greenwood Cliff because it goes north and south. On July 1<sup>st</sup> I received a letter with the subject of this right-of-way abandonment for a portion of Greenwood Cliff and sent with this form an intersection of Kenilworth Avenue and my property and I responded to this inquiry stating that I have reservations with this petition to abandon the subject project because the property abandonment of this section of Greenwood Cliff cannot be supported because it cuts off direct access to Greenwood Cliff from Kenilworth Avenue without ... off of Berkeley, Harding or the extension of Pearl Park Way and no signage and directions from the other streets will bring you to  
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Greenwood Cliff. Since then I've met with Jim Schumacher and my neighbors who are doctors and we've gone over the schematic design first and then three or four weeks later Jim came back with a more refined design which is more than this to learn as much as possible. The scope and layout for Pappas and the property development looks like how it would look and handle some of our concerns which are (1) remaining Greenwood Cliff completely cut off from connectivity with visual road signs. My recommendation is we change the name Greenwood Cliff that is left to Harding coming around so there is connectivity from Kenilworth and from the other streets.

**Scott Geyer, 1132 Greenwood Cliff** said thank you for the opportunity to come before you tonight and speak about my concerns. I am Mr. Helt's next door neighbor; we have a psychological practice there with five psychologists and one physician and it is a busy place. We like it there and we've been there 18 years. I guess it is an esthetic value whether you want apartments, a hotel, an office building or businesses in what used to be homes. That is what Greenwood Cliff really is now; just so you will know and maybe you do already but it is a good visual, Greenwood Cliff is the bottom part of a loop and the top part is Harding Place and it is bisected down the middle by Kenilworth so there will be a Greenwood Cliff on one side of Kenilworth; there will not be a Greenwood Cliff on the other side where we are. You will not see a sign for Greenwood Cliff anywhere, not from Pearl Street Park Way either because that is going to be marked Berkeley and you have to take Berkeley to come to Greenwood Cliff so we are orphaned. We are orphaned there; we are about maybe 15 houses before you go around the circle at the top and become Harding Place. I think that will confuse our clients; I think it would confuse Google Maps which is how most people are going to want to get to us and we are literally not going to have an entrance anywhere. I would go along with Mr. Helt's suggestion that we look at the possibility or renaming that street Harding; that little remnant of Greenwood Cliff, rename it Harding and that way we will have an entrance off of Kenilworth and when Berkeley comes into Harding you will also be on a street that you could find an address; whereas, Greenwood Cliff no longer will understand how to get down to our little remnant to find the address. So I would like to ask you how to do the signage so that we are not orphaned, these few businesses.

Mayor Clodfelter said since no action is going to be taken tonight I think it is time to explore the suggestions that were made about the remnant. That was the last speaker.

**Councilmember Howard** said I won't be here when that decision is made about this kind of whole redo, but I do want you all to know that I spend six or seven years of my life in this building to work for the Housing Partnership and this whole loop as has been described does not work really well. It worked better after the made some improvements to Kenilworth but getting out of there has always been like putting your life in your own hands. This whole idea of redoing this area, I won't be here to tell you this, but maybe I'll come back as a citizen, I'm supportive of. This area has great potential and I would hope this Council works through this small issue and other ones to bring back a real nice development of this property.

**Councilmember Autry** said isn't the closing of a street counter to our connectivity policy; is this the time to bring this up or what?

Mayor Clodfelter said it is certainly the time to plant the question and then you will debate that matter when you have the decision before you on whether to close or not close, but certainly an appropriate time to raise the question.

Mr. Autry said we hear from citizens all the time that want streets closed or access routes closed because of the way the traffic can potentially build up in those areas and we always push back on that because of the connectivity that is lost so I'm just concerned about this.

Mayor Clodfelter said as I understand it the reason for no action tonight is that you don't really want Council to act until they've had a chance to look at the Pearl Park Redevelopment Plan and that will probably be an opportunity for you to address the whole network of the streets in this area and how they are going to function. Mr. Manager, am I correct on that, this won't come back until the Pearl Park Redevelopment Plan is also presented to Council? It is an observation probably you will want to debate at that time.

**Councilmember Smith** said could we get information on how streets are renamed as part of the follow-up? I've had property listed on Greenwood Cliff and I frequent that area a fair amount and it is one continuous road and there may be an easy fix for the folks that are there simply to re-identify the road as Harding. I want to plant a seed with Mr. Autry; it is going to come down on the zoning side and the connectivity through that process that we keep in mind some of the good uses that are going in the Park with the rec leagues and the sports and just make sure we are going to have; if we lose Greenwood Cliff that we have some comprehensive viewing as we push the connectivity back up to Baxter and McDowell and again this is just planting a seed for when we have the rezoning petition but I did want to get it on the record.

**Councilmember Kinsey** said I agree with my colleague here; it sounds counter to what we have been working towards over the years and that is connectivity and he also reminded me that there is another street in District 1 that has asked for safety reasons that feeds onto Independence Boulevard that has begged to have that street closed, and we have consistently said no we need the connectivity and this just seems counter-intuitive to my way of thinking. We also demand that developers put in stub streets leading nowhere and we've gotten complaints about that and I understand why. Now we've got a perfectly good street that I understand that people say they take their lives into their hands but I go down that street too, so I understand that. Somehow closing a street and by the way this isn't the first time I've argued against closing a street because I argued against closing 8<sup>th</sup> Street when the park was being considered so this isn't something new for me, but I'm having a little bit of a problem with closing Greenwood Cliff.

**Councilmember Driggs** said I was just interested if we are going to get any sort of indication of what kind of activity there is in the street and how the traffic flows there right now and including the people who actually live on this street; it looks to me like it doesn't really connect, it just loops around and comes back almost to where you started. I don't know that the usual connectivity criteria applies here but it would be interesting to know what kind of use the streets get right now.

**Councilmember Barnes** said with these abandonments I'm always curious about what the minority of folks think and there is a fellow name James Keenon who had some concerns about the proposed project design. Mr. Manager, do we have any idea what he was concerned about specifically?

**City Manager Ron Carlee** said I don't know; if staff does more research we can make sure you have this when it comes back to you. I'm sure from the discussion tonight and coverage there will be additional people that identify themselves. As was stated this abandonment needs to be taken into consideration of this overall rezoning and development project. Connectivity should not deteriorate based on this project; you should end up with better connectivity at the end of the day and if you don't that is a concern of the rezoning and that is why we are not asking for action. You need to see it context and if we don't get the kind of connectivity that we want to have with the kind of development that is proposed then that is the issue that would be in front of you.

Mr. Howard said I think the thing to point out is again, I think this is part of process; what you do get out of this potential development for instance is another step; eyes on the park. Right now you have Pearl Street Park that is pretty isolated in the back yard so everybody that it exists for, even on the side of Kenilworth and by putting this street straight through what you wind up with is actually now a street that gives you better access to the park. I think the whole idea is to line up with that stub that was put in place to line up with the one that has the bridge that goes over Kings Drive so you actually connect to that bridge I think. You wind up with a new grid is what you wind up with, but I think it is one that will work.

**Peter Pappas, Pappas Properties** said I just felt compelled to make a couple of points; we are not petitioning the property for a rezoning. The property is already zoned for mixed use development through the PED Overlay District so the realtors will not be petitioning for a rezoning. They have asked for some clarifications and amendments to the Text Amendment that are part of the PED Overlay but are not planning on a rezoning nor is our company planning on a rezoning since we've been selected as the developer. The second thing I want to point out is the safety issue has been well spoken to but I think what hasn't been is the fact that this proposed

change to the street network also includes providing another connection through the extension of Pearl Park Way to existing Baxter Street which currently is a cul-de-sac so if I can just quickly refer to this map, as you see Pearl Park Way which is right now is just a dead-end stub street. Baxter is a cul-de-sac so there is no connection from any of the Greenwood Cliff property to Baxter Street which already connects to McDowell and provides another access point to downtown Charlotte. I think the whole road network plan is really a broader topic and is a little more involved than simply the abandonment here. This connection of Greenwood to Kenilworth is a very difficult intersection to pull in and out of. With this property already zoned for mixed use development most of our efforts have centered around how to get a complete transportation network in place that will provide a second access to Baxter Street, McDowell and downtown and also provide two other connections into this area from Pearl Street Park Way so I look forward to us being able to spend more time with Council on this matter because there really has been a lot of thought to how to complete the transportation network in this area and have it work well with the realtors and our plan for redevelopment of the site.

Mayor Clodfelter said I think the difficulty is that we are hearing this piecemeal and that is why you are getting so many questions tonight.

**Councilmember Lyles** said I think the Mayor just said my introduction is that we are getting this piecemeal and we don't know what the overall project connectivity plan is at the time and we are doing a public hearing. I would like to suggest that until people see what the plan is it is difficult for everyone to comment, even the public, so as Mr. Barnes said if someone objects or isn't here they don't know what they are proposing or not proposing so I would like to make a motion that we continue the public hearing and that allows people to come down and we are not taking any action; that allows people to see the plan, comment on it and actually know what the results are in addition to not just the Council, I think the public deserves that opportunity. I would say that we continue the hearing on the closing of Greenwood Cliff so that we can at least know what we are dealing with because right now I feel like we are being asked to have a public hearing to close something to build something that we are not sure what we build even if it is not a rezoning, we don't know what it looks like and I don't know how that works; who approves the plan and how that works and how it just integrates.

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| Motion was made by Councilmember Lyles and seconded by Councilmember Austin, to continue the public hearing until City Council has had the opportunity to review the plan. |
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Ms. Lyles said if that is an appropriate way to deal with something like this because I just don't know what the public is actually getting instead of Greenwood Cliff.

**City Attorney Bob Hagemann** said if Council wishes to keep the public hearing open we need to specify the meeting at which the hearing will be continued and I think staff is recommending the December 14<sup>th</sup> meeting.

Mayor Clodfelter said that should be the same meeting at which the Council gets the presentation on the redevelopment plan so you won't have this piecemeal situation. Is that December 14<sup>th</sup>?

Mr. Carlee said that is correct.

Mayor Clodfelter said Ms. Lyles' motion is to keep the public hearing open and continue the public hearing until December 14<sup>th</sup>.

Mr. Carlee said I just wanted to stand corrected on the rezoning; it is a Text Amendment and what I will do from follow-up on this meeting is give the Council an actual set of specific actions that will be in front of you for this project so you can see what will be coming to you as a whole.

**Councilmember Autry** said I appreciate those comments and having the context around this is going to help things a lot more and making this decision in a vacuum when it has the impact that I think it is going to have doesn't do the Council any justice of certainly the public any justice so I look forward to hearing the full aspect of the plan and what you intend to do.

Mr. Driggs said it looks like we are going to have two actions that are actually interdependent because we will be looking at the tax proposal of the whole thing and this doesn't make any sense without that because that probably requires this so somehow we are going to have to manage those decisions in concert. Can we do that by doing it at the same meeting?

Mr. Carlee said I think the deferral to the December meeting; if it doesn't work it provides you the appropriate placeholder and it could be continued forward if everything is not ready in December. My understanding is that it should be but again whether or not the Council actually decides to act at the December meeting is ultimately your discretion. Again what I will do follow-up on this meeting is have all of the items that will be coming before you on this project pulled together in a single memo so you can see what they are, how they would come to you and what would be asked of the Council and the implications of that.

Mr. Smith said closing the hearing would not impact our ability to get additional information on the 14<sup>th</sup>, correct?

Mayor Clodfelter said it would prevent other speakers who may not have seen all of this or the pieces and may have something to say about this issue if they saw anything else. They may want to support it and they may want to oppose it and may have a different idea.

Mr. Smith said would they have the ability to speak during the text amendment process?

Mayor Clodfelter said they would on the text amendment, but continuing this hearing would allow them to also speak on the closure.

Mr. Howard said let me ask that another way; if we went on to public hearing and closed it and we didn't go through with actually adopting like we have on everything else, that motion still has to happen in the future as well.

Mayor Clodfelter said it would have to happen in the future, but it can happen at a time when you are ready to decide the closure as you've done with the prior two items tonight.

Mr. Howard said the difference is the public wouldn't be able to speak to be "B" in the future.

Mayor Clodfelter said if you close the hearing tonight the public would not be able to speak on the action item in the future and Ms. Lyles has suggested that you keep the public comment period open so that everybody can talk about the closure at such time as they have seen all the other moving parts.

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

YEAS: Councilmember Austin, Autry, Barnes, Driggs, Fallon, Kinsey, Lyles, Mayfield and Phipps.

NAYS: Councilmembers Howard and Smith.

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

**City Manager Ron Carlee** said as you will recall a memorial at Old City Hall was defaced earlier this year and I had the memorial removed for cleaning and assessment. We've now been approached by the group that sponsored the memorial asking us to allow them to place the monument with similar memorials at Elmwood Cemetery. This action would require approval by the Historical Landmarks Commission. Unless otherwise directed by City Council we will work with the group as described.

**Mayor Clodfelter** said so unless you hear from Council otherwise you are going to move to work with the group.

Mr. Carlee said yes sir.

Mayor Clodfelter said you don't have to express yourself tonight but the Manager has put you on notice and if you want to talk to him about it you need to get to him quickly.

\* \* \* \* \*

**ITEM NO. 12: HABITAT FOR HUMANITY CHARLOTTE FUNDING ALLOCATION**

Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes, and carried unanimously to approve the Housing & Neighborhood Development Committee recommendation to approve a Community Development Block Grant allocation to Habitat for Humanity of Charlotte for single family rehabilitation in the amount of \$375,000.

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**ITEM NO. 13: PROPOSED 21016 FEDERAL LEGISLATIVE AGENDA**

**Councilmember Driggs** said we did have that presentation on November 9<sup>th</sup>; at that time no issues were raised by a member of Council therefore I would move that we approve.

Motion was made by Councilmember Driggs, seconded by Councilmember Austin, and carried unanimously to approve the Intergovernmental Relations Committee recommendation to adopt the Proposed 2016 Federal Legislative Agenda.

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**ITEM ON. 14: TOWING AND BOOTING BUSINESSES ORDINANCE AMENDMENT**

**Councilmember Fallon** said the reason that we had to do this was Chapel Hill was told by a State Judge that they could not have a towing cap anymore or set any standards so it came to us because we did one a couple of years ago and we decided that we have to comply with the law and we put in some things that we felt would pass the law and be able to be used and that is what we have here. You have it in your book but if you wish I will read it. It removes the caps for services and this is what we put on: Require that notices and signs be posted on private parking lots; the maximum amount of fees charged; a statement that debit and credit cards may be used for payment which they were not allowed to be used before; the amount of percent of additional fees and charged added to the use of the credit card or debit card. We want them to define what a booting service is and require employee identification and motor vehicles marked for booting services; increase the maximum amount of fine if they do not comply and if they are convicted criminally for a violation of the ordinance it would be a maximum of \$500 fee; exempt driveways lawns or yards or property owned or leased as a family residence from the definition of a private parking lot and require that wheel locks also be manufactured and designed to immobilize a motor vehicle. We asked staff to research the feasibility of additional notice signage and vehicle photo requirements which we haven't gotten yet. We need to do something because right now it is a free for all; they can charge whatever they want, they can tow, they can do anything they wish with the car, we have no standards set anymore because the courts said we couldn't.

**Mayor Clodfelter** said we had a staff presentation on this at the Dinner Briefing so unless Council wants a further staff presentation I will go to our speaker.

**Tim Harden, 2325 Newberry Street** said I am the owner of United Towing and I've been here before and spoke and I've been following your rules since day one since I started my business eight years ago. I only have your ordinance to go by; I've spoken at a lot of these meetings and my concern and my safety as well as my employees. I've brought up concerns but every time I come to these meetings it is like you pick out what is going to be done and everything I have ever brought to the table has never been on the agenda. I went to the meetings in September

when they first did it; they said they were going to have a Dinner Meeting. Since that time now we are on the agenda. I heard about this about 5:00 this evening that you were voting on this and I know I brought up a lot of concerns back in September but nothing was ever done. We release cars within an hour's time; there is a way a lot of stuff of what you just said Ms. Fallon. Everything has been done as far as when the call the police as far as the towing goes; there are procedures that we have to abide by and that is what I've been doing since day one. There are a lot of things that I brought to the table and it is all you all listening right now, but it is just out the window. I'm a small business minority; on the week-end I cannot do anything with my family because 15 minutes I have to answer a phone; 45 minutes I have to be available so if someone who is in here right now got their car towed right now but they don't call us until 2:00 a.m. we've got to be available, but once we get there that person is not the owner of the vehicle. Now I'm going to sit out here 30 to 40 minutes or we've got to call the police to ask them leave because they have a key to a car. There are a lot of procedures that goes on; now you've got them out here whether they are drunk, mad or whatever they are looking at us. You want us to wear a name tag; I have people who call me 30 to 40 times back to back; you want them to know my name. They can get all that through my business and now they threaten my family and all this. There is a lot to this. I don't necessarily care that this is the job I've got to do but I can't go out here and get a job because all these other big companies have already got these good jobs. The City is growing tremendously, parking is an issue regardless if I speed I'm going to get a ticket. If you park wrong your car gets booted or towed; anyone who has ever been booted or towed, your attitude is not the same as it is right now as you approach us when you come to pick up your car. Safety matters, even right now the Police Department shuts down at a certain time tonight and for us to call this car in we have to wait. They are supposed to bring stuff in and show it to you all, but you all get pieces and bits but you won't have a meeting where we can just let you know what is going on.

Mayor Clodfelter said Mr. Harden you've got a lot of issues there you covered.

**Councilmember Barnes** said Mr. Harden I recall at one of the Public Safety Committee meetings we had I asked the CMPD staff and the Attorney to meet with your and your colleagues to address some of the issues that you were concerned about too because what we are trying to do is protect the interest of the public but also respect the interest of the businesses that are involved in this industry and what you are saying to us tonight is none of those meetings ever happened. Has there ever been a meeting held where people catalogued the concerns you have described to us tonight in anyway? I'm seeing some head shaking.

Mr. Harden said I left my information and I don't know why my e-mail can't be reached. I'm a small business, I don't have somebody sitting in the office eight hours per day.

Mr. Barnes said Mr. Mayor if I might ask our Attorney –

**City Manager Ron Carlee** said Rusty ... with the Police Attorney's Office.

**Assistant City Attorney Richard Perlungher** said we did have a meeting with Mr. Harden and his employees on September 30<sup>th</sup> at the West Service Center and the specific concerns with regards to the proposed changes to the ordinance we did drop the last name requirement from the photo identification card out of safety concerns for employees booting services. We didn't address but we did catalog the general concerns with the changes that were made in 2011 to the ordinance in a memo I believe was provided to Council through the City Manager's memo or report that I addressed with the Committee. All the concerns that were raised by the industry both towing and booting as well as some parking service employees or businesses that were there were cataloged and addressed on specific safety concerns in the ordinance.

Mr. Barnes said thank you Mr. Perlungher; what I was trying to make sure of was there has been some opportunity for Mr. Harden and his colleagues to talk with you guys whether you all agree or not because again we are trying to figure out how to pass an ordinance that will help the public and make sure that people are getting fair treatment. Also respecting you as a business and your employees too.

**Dan Cardoza, 8726 Wilkison Blvd, 28037** said I am one of the owners of Specialized Towing and Recovery here in Charlotte and today was the first time we've heard anything about this. We've been in business close to a year now; we have rules and regulations that we do have to follow so just like Mr. Harden was saying when somebody calls us we've got 45 minutes to respond to release that vehicle to them. When we get to our lots to release that vehicle we may sit there for an hour or an hour and a half before somebody shows up. They show up and they don't have the money to pay or a credit card so they leave. We get no fee for the time that we've wasted whether it would be an employee or the owner being down there. We need a tow liaison, somebody that we can go to and discuss these problems. This is the first time I've been to one of these meetings and like I said we just found out about this about 5:00 also that this was going on. We saw it on the news so we came down here. As far as the regulating of the price of the tow I think everybody in the towing industry right now is all right around the ballpark figure where we need to be as far as what we are charging. They say there is no cap; I think everybody is being pretty fair on what everybody is charging these people to redeem their vehicles. That is where I come from; we don't do any booting with our company so I don't know the rules and regulations towards the booting or what the fees are. One of the things that you all put in the regulation is that if we are hooked to a car and the people come out, we are on the property we have to drop it with no drop fee. Well if I were to put a boot on the car and they would come out I would get a fee to release that boot, but once that vehicle is hooked to my truck that vehicle should be the same as if it was being booted. If it was hooked to my truck and I wasn't off the property I'm supposed to put it down according to rules I'm supposed to put it down without charging them anything. What would be the difference between me booting that vehicle and having that vehicle hooked to my tow truck. There is really no line there because a boot is enabling the vehicle; my truck is not hooked to it that is enabling the vehicle I should be able to be compensated for at least half of my tow fee just like they are charging whatever it is for a boot fee whether it be \$75 or \$80 they are charging for a boot fee I should be able to charge the \$75 or \$80 as a drop fee because they have caught me on the property as if I was to boot the vehicle. That is where I want to go with that; I don't know where the rules, I've never seen this gentlemen here so we've never had any type of talking or meetings or anything on the rules.

Mayor Clodfelter said I'm I wrong or would the proposed ordinance tonight would allow Mr. Cardoza to actually charge the fee once the vehicle was hooked to his truck?

Mr. Perlungher said the proposed changes do that.

Mayor Clodfelter said the proposed changes would allow him to do that.

Mr. Perlungher said it would just require that the fee they would charge for the vehicle hooked up be posted on the sign.

Mayor Clodfelter said it just has to be posted so the customer knows what the fee is but he could charge it.

Mr. Perlungher said yes sir.

**Councilmember Austin** said I just wanted to back to this particular item that we are reviewing tonight; we are responding particularly to a court case as it relates to the caps on this and some amendments that we wanted to do. I recall during our Council briefing discussion many Councilmembers expressing desires may be dove a little bit deeper into this conversation around towing and booting and so maybe we need to refer back and have some conversation in Public Safety so we can maybe look back at this ordinance and how we can better balance the needs so the actual service providers and the community because it does sound like we've still got some work to do in that arena.

Mayor Clodfelter said this may not be; you are suggesting the last work it may be just the next work. The court requires us to do this but there is need for further work on the policy.

Mr. Austin said absolutely.

Mayor Clodfelter said Ms. Fallon you are the Committee Chair and you would need to think whether you want to keep the issue alive in Committee but at least one Councilmember has so suggested.

**Councilmember Howard** said I won't try to repeat what Mr. Barnes said; I think balance is important but I will tell you when we had this at the Dinner Meeting I expressed the fact that I feel like it is balanced too much and not in the public's interest. A lot of times it gets you guys in a dangerous situation and I do feel you for that. I do know there a lot of people in the public that feel like they are being taken advantage of at times too so I can tell you tonight I hear about the court and it is my last meeting so until you deal with something that actually protects the citizens which is the pictures and some of those things I suggested at the last meeting I can't support this. If you want to send it back that is one thing but you've got to do more to protect the public in this situation as well and I don't hear that any of the suggestions that would document for them evidence that there is something wrong and they did something wrong. I can't support it for that reason.

**Councilmember Driggs** said I was just trying to clarify the issues that are being raised and I think this is consistent with Mr. Austin was saying; our omissions like things that are missing from this or there are things in here, it feels to me like this would be a good step to just address an issue and if we have other issues then we are not precluded from taking them up subsequently. I think we need to make this fix so I would support this.

Mayor Clodfelter said the court has told you you've got to remove the limits on fees so you've got to do what the court says you've got to do but again you are suggesting as Mr. Austin did that this may not be the end of the topic.

Ms. Fallon said that is what we said that there could be addendums that could come later and we can refine but we've got to do something to meet the court and also the public. The public now is at risk because they can charge whatever they want; they can take your car, they can do whatever they want. There is no law in place.

Mr. Howard said actually just to clarify because we have an ordinance they would just have to sue us over it, right?

Ms. Fallon said no the court has said your ordinance doesn't count.

Mr. Howard said they said Chapel Hill's ordinance wasn't –

**City Attorney Bob Hagemann** said the Chapel Hill decision was from the State Supreme Court so it is binding on all municipalities in North Carolina.

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| Motion was made by Councilmember Barnes and seconded by Councilmember Austin, to approve the Community Safety Committee recommendation to adopt Ordinance No. 6095 amending Chapter 6 of the Charlotte Code entitled "Towing and Booting Businesses." |
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Mayor Clodfelter said I'm going to suggest that hearing no opposition that the issue of policies and procedures and practices stays alive in the Public Safety Committee regardless of what action you take tonight on this motion.

**Councilmember Smith** said we've spent the better half of the last six or seven months on this issue; we had staff come in and the Committee sent them back to the drawing board and subsequently they came back with another iteration. This isn't to say there may not be additional issues that should remain in Committee but I think this ordinance has been vetted at Committee level in a strong manner and then with the Dinner Briefing. I think we've done everything we need to do to adhere to the State Supreme Court's decision and I support the motion.

Ms. Fallon said there were also members of the towing community at the meeting and aware of what was going on and they felt there should be some kind of an ordinance that they were up in the air now.

Mr. Howard said I'm sure it will pass but that is just out of respect for the public; I think there needs to be more protection for the public.

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

YEAS: Councilmembers Austin, Autry, Barnes, Driggs, Fallon, Kinsey, Lyles, Mayfield, Phipps and Smith.

NAYS: Councilmember Howard.

Mayor Clodfelter said the motion passes; the ordinance is adopted and ladies and gentlemen who spoke to us this is not the last, the Committee is going to continue to work on issues that you addressed that didn't get dealt with by this piece of action.

The ordinance is recorded in full in Ordinance Book 59, at Pages 627-631.

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**ITEM NO. 15: CODE OF ETHICS FOR BOARDS, COMMITTEE AND COMMISSIONS**

Mayor Clodfelter said this is follow-up on the action you took on October 26<sup>th</sup>.

Councilmember Howard said Mr. Barnes actually pointed out last time that he thought we should add two Committees the Civil Service Board and the Citizens Review Board. After talking about it we recommended it today and we are recommending it to Council tonight.

Motion was made by Councilmember Howard, seconded by Councilmember Mayfield, and carried unanimously to consider adding the Citizens Review Board and the Civil Service Board to the list of Boards, Committees and Commission subject the Gift Policy and Disclosure Requirements of the Code of Ethics.

The resolution is recorded in full in Resolution Book 47, at Pages 94-107.

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**ITEM NO. 16: RESOLUTION FOR A NATIONAL FLOOD INSURANCE PROGRAM**

Motion was made by Councilmember Barnes, seconded by Councilmember Driggs, and carried unanimously to adopt a resolution to submit a Watershed Management Plan to the National Flood Insurance Program.

The resolution is recorded in full in Resolution Book 47, at Page108-109.

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**ITEM NO. 17: APPOINTMENT TO THE HOUSING ADVISORY BOARD OF CHARLOTTE-MECKLENBURG**

The following nominees were considered for one appointment for a Community representative for a three-year term ending June 30, 2018:

- Delores Reid-Smith, nominated by Councilmembers Barnes, Fallon and Mayfield.
- Teresa Sandman, nominated by Councilmembers Driggs, Phipps and Smith.
- Carrie Cook, nominated by Councilmembers Austin, Autry, Howard and Lyles.

Results of the ballot were recorded as follows:

Teresa Sandman, 4 votes, Councilmembers Driggs, Fallon, Phipps and Smith

Carrie Cook, 7 votes, Councilmembers Austin, Autry, Barnes, Howard, Kinsey, Lyles and Mayfield,

Ms. Cook was appointed.

**Councilmember Howard** said Mr. Mayor, Ms. Sandman has been diligent and I don't know if you have an appointment in the future but I hope you guys would consider her.

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#### **ITEM NO. 18: APPOINTMENT TO THE NEIGHBORHOOD MATCHING GRANTS FUND REVIEW TEAM**

The following nominees were considered for one appointment for a Neighborhood representative for an unexpired term beginning immediately and ending April 15, 2016:

Ryan Deal, nominated by Councilmembers Autry, Driggs, Howard and Smith.

Lucille Frierson, nominated by Councilmembers Barnes and Phipps.

William Hughes, nominated by Councilmembers Austin and Lyles.

Frank Kretschmer, nominated by Councilmember Fallon.

Sharron McKnight, nominated by Councilmember Mayfield.

Results of the ballot were recorded as follows:

Ryan Deal, 2 votes – Councilmembers Autry and Kinsey

Lucille Frierson, 3 votes – Councilmembers Barnes, Driggs and Phipps

William Hughes, 6 votes – Councilmembers Austin, Fallon, Howard, Lyles, Mayfield and Smith.

Mr. Hughes was appointed.

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#### **MAYOR AND COUNCIL TOPICS**

**Councilmember Smith** said I want to congratulate District 6 constituent Jeff Gordon on his retirement and valued effort yesterday, although my son was pulling for the M & M's car. Jeff Gordon has done a lot of our community and done a lot for the sport of NASCAR and lives in my district so I did want to give him a public recognition and thanks for all he has done, and he is Michael Barnes' guy.

**Councilmember Howard** said I just want to let the Council know that I have one last Town Hall meeting; if you guys remember back in February I tried to have a small business forum that I had the Council and just determined to keep my word to the public that we reschedule it, I am having it the very last week that I'm part of you guys about the future of government opportunities. I am actually going to have the Regional Administrator for the SBA, Cascious Butts, the Regional Administrator for GSA, Torrie Jessup along with Representatives from the US Department of Transportation, the City of Charlotte and the Small Business Technology Center to come explain to small businesses that it is not only how they can do business with the government now or get access to capital to help their companies, but what they need to do to get ready for the future of technology and how they will have to find those opportunities in the future. That is Tuesday, December 1<sup>st</sup> at 8:00 to 12:00. There will be tables set up after the public to interact with the agencies and I would invite all of my Council colleagues to come as well.

**Councilmember Lyles** said I would like to wish everyone in our community a Happy Thanksgiving; we have so much to be grateful for in this county, in this state and in our City, so Happy Thanksgiving to everyone.

**Councilmember Barnes** said just a wish of Happy Thanksgiving Mr. Mayor.

**Councilmember Driggs** said I just have to say "Go Panthers".

**Councilmember Autry** said I would just remind our citizens again this week that we have designated speed limits on our streets and roads in the City and they are marked accordingly because that is the way the streets were designed and the speed it would be appropriate to travel on. Please observe the speed limits; please across our streets in our City just like your children were playing on that street. I would also remind folks and discourage them from jay-walking. We had an incident on Albemarle Road within the last month where a young man was struck by a car through the practice of jay-walking so I would absolutely discourage that, but there than that have a safe and healthful thanksgiving.

**Councilmember Austin** said Happy Thanksgiving to everyone and hopefully we will see a couple of you at the Parade. I think a couple Councilmembers are going to be leading the Parade so we will see you there.

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#### **CLOSED SESSION**

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

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#### **ADJOURNMENT**

The meeting was recessed at 8:54 p.m. to go to CH-14 for a closed session. The meeting was adjourned at the conclusion of the closed session at 9:20 p.m. return to closed session.



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Stephanie C. Kelly, City Clerk MMC NCCMC

Length of Meeting: 4 Hours, 10 Minutes  
Minutes Completed: December 7, 2015