

The City Council of the City of Charlotte, North Carolina, convened for a briefing Monday, February 10, 1997, at 5:30 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Patrick McCrory presiding. Councilmembers present were Charles Baker, Patrick Cannon, Malachi Greene, Michael Jackson, Don Reid, Al Rousso, Ella Scarborough, Tim Sellers, Sara Spencer and Lynn Wheeler.

**ABSENT UNTIL NOTED:** Councilmember Nasif Majeed

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## **DINNER BRIEFING SESSION**

### **MWBE ANNUAL REPORT**

**Mike High, MWBE** gave a presentation on the MWBE's Annual Report for 1996. The MWBE Program is a good faith capital program that requires prime bidders to solicit quotations from MWBE firms and utilize those firms if they are the lowest bidder. The MWBE Advisory Committee and City staff will put together some recommendations that will come to Council before the end of the year for Council's action.

Councilmember Jackson asked the year before how big was the pool?

Mr. High answered basically it was \$131 million versus \$180 million. This year we had \$180 million worth of total awards, and last year we had \$131 million. We increased our total awards by 10% and MWBE participation by 25 percent.

Councilmember Greene said it was a good report. The black business firms stuck at around 7 percent. Why is that?

Mr. High answered basically the program is designed to make sure we get the most opportunity given to all the community. If you look at the numbers that black businesses have now, they are up from last year and up from the year before that. So even though this year they are all around 7%, that is more than what they were previously for that specific ethnic group. So we are growing in that respect. We have some work to continue to build in that respect. We just have to continue to strive in that area.

Mr. Greene asked what was the percentage when you reported at your last annual report? What is the actual growth level?

Mr. High answered he does not have the exact percentage, but he will get that to Mr. Greene. It did increase, it was around five or six percent. It has increased, but not a whole lot.

Mr. Greene stated he would like to recognize the members of the Minority/Women's Business Development Program Advisory Committee. He had an opportunity to attend a couple of their meetings and these folks are working hard to try to improve the program and to do a service for the citizens.

Councilmember Reid said he was interested in the training component. What do you have in regards to how many companies have come to us for training?

Mr. High answered he does not have that information with him.

Mr. Reid asked how many came up for training and how many of those subsequently received or were successful in some of the bidding process? How long has this program been in effect?

Mr. High answered the three years will be up in December, 1997. When the program was initiated it was a six month start up phase and three years after that.

Mr. Reid asked are there any suggestions that we need to make as far as improving it? Is there anything that we shouldn't be doing?

Mr. High answered that should go through the process we have working with the advisory committee and staff so we can get a comprehensive recommendation. That is going to be the advisory committee's charge for the next couple of months. To get that ready for a Council subcommittee review. We haven't set an exact date. We were hoping to get that to the subcommittee in the latter part of the summer.

Mr. Jackson said that is one of the things we also said in the training as well as having opportunities to have minority business interact. What kind of reaction have you had as far as being able to get contractors to get to know the players? How successful has that been so there is more knowledge as to who the players are?

Mr. High answered we had several workshops along that line. Particularly when we have a major project, we will have an MWBE prime contractor reception. CMUD did that with the McAlpine Wastewater Treatment Plant which was well attended, and we have done that with a couple of other projects as well. They are putting the MWBE vendors in the newsletter and we will be sending the newsletter out to the prime contractors as well. He plans to start spotlighting some of them as well, some of their estimators.

Mr. Jackson asked over all, from your evaluation, has this been a success and is it working?

Mr. High answered yes. We need to continue with some more efforts that we can put with it, but yes, it has been a success. We've had a very good year.

Mr. Jackson asked when this three year period is over what would be our next step? How do you see that moving forward?

Mr. High answered basically the advisory committee and staff will come to Council with a recommendation. We have to look at what we expected to accomplish over the last three years and whether that was accomplished. We have to look at what legal foundation we have for continuation of the program. It would be premature for me to actually make a recommendation at this particular moment.

Mr. Jackson asked basically between the staff, yourself, and others, you will have recommendations for analyses of what our goals were, where we are, and how much longer should we continue it?

Mr. High answered yes.

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## **TRANSPORTATION PRIORITIES FOR MPO**

Mayor McCrory said this is extremely important because our MPO representative, Lynn Wheeler, has to vote based upon Council's direction. We have a weighted vote on the MPO and that is why this is an extremely important vote which could change some of our road priorities.

**Bill Finger, DOT** said Council received in their agenda a list of the proposed list of projects to be added to the State's Transportation Improvement Program. The first two projects, the projects that use to be in the State's program got dropped, but the MPO felt they should go back in first. He gave a map presentation of the five projects recommended by the TCC. At the MPO meeting they added four more projects, and he gave a map presentation on those projects. He stated they have safety projects proposed on South Boulevard, Weddington Road, Wilkinson Boulevard, and Billy Graham Parkway. Mr. Finger handed out a list of the next ten unfunded NCDOT projects.

**Councilmember Nasif Majeed arrived at 5:53 p.m.**

**Peter Pappas, NCDOT** said they have a meeting February 19, and they need to take action on the MPO's priority list. They have been working closely with Bill Finger and we are getting closer and closer to having a list that they all agree on in terms of priorities. Ms. Wheeler suggested they put together a list that would reflect the state's and city's next six road project priorities that will be voted on February 19th. He handed out a sheet that listed six projects, which with a few exceptions, is a priority list the TCC agreed upon. He gave a presentation on the six projects. This is a list the state would support and we ask that Council direct their MPO representative, Lynn Wheeler, to vote on this list at the February 19th meeting. It reflects both the City's needs and the regional needs. If we are going to support a regional concept we have to take a look at some of the smaller projects outside of Mecklenburg County. Also on the MPO agenda are the bike projects. There has been a lot of conversation about bicycle projects and the need to get more of those funded. We need a recommendation from the TCC on a few bike projects that the state can consider for funding.

Councilmember Spencer asked about funding for the railroad project.

Mr. Finger answered that would be funded from the transportation portion of the state's TIP. We would look to Mr. Pappas to push that through for us. That request would come out of public transportation funds and not road funds. That is along the Norfolk Southern from uptown to at least Scaleybark Road.

Mr. Pappas said the list he handed out deals only with the road projects. The bike projects and the rail projects would come out of the public transportation budget. We would be glad to work with you if that is the City's highest priority.

Councilmember Green said there is a need for bike ways inside the inner city. There are an enormous number of bicycle riders and somehow they are connecting some of the inner city greenways, the areas around cemeteries, Irwin Avenue School, and Frazier Park. There is a greenway proposed in Wesley Heights coming through the stadium. Understanding that Frazier Park is undergoing major renovations, is it possible to put some bike monies into that to complete that route and recreational transportation?

Mr. Pappas answered it is probably for projects in that \$50,000 to \$100,00 range to get some needed funding. It is ultimately up to City Council which projects you submit as your highest priority. We have only had the one university bike project on the MPO list. It has really been too large to fund and we haven't had the right-of-way to build that project, even if we had the funds. If that is a project that City Council would like to see funded, it is really up to City Council to submit that to us for our meeting on the 19th. They would be glad to consider it and will try to get those funds.

Mr. Greene asked what do we need to do?

Mr. Finger answered the Planning Commission staff has been looking at some bicycle connections in

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that area. There are several parks on both sides of I-77 and obviously it would be very attractive to connect those parks with some bicycle paths.

Mr. Greene said we have Irwin Creek that runs along I-77 and comes out at Westinghouse Boulevard.

A bicycle way would enhance the quality of life in the inner city. A Beatties Ford Road possibility would be to widen Capps Hill Mine, not just to Sunset, but perhaps even to Huntersville/Mt. Holly Road. We have a tremendous growth of new subdivisions in that area.

Mr. Finger said the other thing that is going on is the congestion on I-77 and widening is already funded in the state's program.

Mayor McCrory said we have delayed Independence Boulevard once based upon some decision made a couple of years. Is this going to delay Independence Boulevard even further by adding new things to this plan?

Mr. Pappas answered no. This really puts the next section of Independence at the top of the list. The number one project, NC73, is a partially funded project, and we really need to complete the funding of that project. It is a \$10 million project and \$2 million is already funded in the TIP. We would complete that and then the next project we would take on is Independence Boulevard.

Mayor McCrory asked through the process, if we approve this, could DOT move Independence Boulevard back behind other projects without us knowing about it later on?

Mr. Pappas answered they wouldn't do that unless we had cost overruns. We have experienced significant cost increases on this project at about 11 percent. That is what caused some of the slippage with timing, and forced us to delay some of these projects. We have tried to work with Lynn Wheeler in getting in sync with City staff and their priorities so we have one list that represents this region's priorities.

Mayor McCrory stated Lee Myers said if we approve new additions there is a chance that Independence Boulevard will be moved back even further.

Mr. Pappas said there are no new additions.

Councilmember Wheeler said an article in the *Charlotte Observer* made it look like we were going to delay Independence Boulevard and slow down the building process. That was not even discussed.

Mr. Pappas said the next new project we want would be Independence Boulevard. We would simply complete the funding of NC73 and then go on to the next session.

Councilmember Majeed said he has received a ton of calls about that extension. He understands it was to go down Highway 49 to Harris Boulevard. Is that what we will be voting on?

Mr. Finger answered no, sir. This project Mr. Majeed is talking about will come off of Newell Road and go to I-85. The decision was made to only do that part, and to only study that part. It started out to study the whole thing. Two corridors that they looked at went to the Newell community and the other comes up Highway 49, but that was suspended. They are not looking at that anymore, if we go ahead and select an alternative rather than having three different corridors.

Mr. Majeed asked is that forthcoming?

Mr. Finger answered we are looking to do that ourselves, within local government. The state is no longer studying it south of I-85.

Mr. Majeed said in Derita it is terrible. What are we going to do to help those people?

Mr. Finger answered we have made some improvements out there that have gone from two to three lanes. Most of Sugar Creek Road is in the railroad right-of-way. The railroad is right up against it on one side, and the building is on the other side. We do not see that section of Sugar Creek Road getting widened until there is overwhelming redevelopment in the area. There may be some more sections that can be made in to three lanes, but even that is tough to pull off. The state looked at some of those and said we can't squeeze it in. When this project is returned to the program, it will run parallel to Sugar Creek Road and takes you over to Mallard Creed Road. It will provide a lot of relief in that area. Right now Mr. Pappas doesn't have it on his list of six, but it is another project that we feel is important. If there is enough money to do everything that ought to be done, that one ought to be done too.

Mr. Jackson asked Mr. Finger to explain the two lists that were handed out.

Mr. Finger said the list he handed out shows the 11 projects the MPO is proposing to be road projects. The list Mr. Pappas handed out are the six projects that are among the 11 projects.

Mr. Pappas said our recommendation is for Council to adopt those six priorities. Those are priorities that we think can be funded in the next funding cycle. We will work with Mr. Finger and the MPO next year on the next set of priorities.

Mr. Jackson said it is fine that we want to take care of our friends and neighbors a little bit, but in a way voting for these six, aren't we really voting for a small list. Our needs from the state that are state roads that are the state's responsibility, and we are certainly getting more than we have gotten in the past. Part of that is that we are incredibly behind. Out of the top 45 priorities, 43 are state roads. Do we help ourselves by giving such a short list that says for next year we are only asking for \$23 million in Mecklenburg County from the state when our real need is \$430 million. Aren't we short changing ourselves? Our problems are really serious.

Mr. Pappas said the needs are much greater and there is no question that the state recognizes that. All we were simply trying to do was to take the 11 MPO candidate projects list and put them in some kind of priority order.

Mayor McCrory said the order is different on the draft as opposed to what was handed out.

Mr. Pappas said that is correct. They were responding to staff's recommendation to get that next section of Independence Boulevard higher on the list. To move Independence Boulevard up from number three to number two.

Mr. Finger said Mr. Pappas' list drops five of the projects off of the list. It is pretty much in the same order after that.

Mr. Pappas said that is based on how much funding they think will be available that fiscal year to fund road projects.

Mayor McCrory asked which five projects are we dropping?

Mr. Pappas answered they are not dropping any of the 11 projects. All 11 will remain on the list. All they are simply doing is prioritizing those 11 projects in a one through six priority based on how much funding is there. They would be the next group of projects to be funded when those funds are available. In response to getting the next section of Independence Boulevard done, we moved it from number three to number two which has been your highest priority.

Mr. Finger said we recommend that Council approves the MPO list. Out of that list Mr. Pappas thinks he can get six funded.

Mr. Rousso asked are sidewalks on Highway 51 imminent?

Mr. Finger answered there is a category funding that the state can use called enhancement funds and they can use that on sidewalks. That is their discretion as to whether they do that or not. On their projects they will fund half the cost of new sidewalks, but we have not had the state fund any construction of sidewalks along existing projects.

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## **OLD BUS GARAGE**

**Jim Schumacher, DOT** said the Transit System vacated the old bus garage at 11th Street and Brevard when they moved to their new facility on Davidson Street. Since that time cultural facilities, as well as

the Convention Center, have been using that property to park truck and school buses bringing children to cultural facilities during the day; Discovery Place, the Performing Arts Center, Children's theater, the library, and even the Carousel Parade. The property is in First Ward and is part of the First Ward redevelopment plan. It also fronts on the uptown rail corridor. So those two processes may bring us some information about how to best use this property. We have a plan to market the property once we have indications as to what direction that market is going to take. For the purposes of improving the aesthetics of the property now and getting ready to market the property, we would like to take the building down, but that brings a complication for zoning reasons. If we take the building down, that is a change in use of property. That would trigger the zoning compliance that puts in jeopardy the use by these other facilities. If we remove the building and leave the property vacant, that in itself requires some screening of the property. If we take the building down and continue the parking, that requires more extensive streetscape improvements, sidewalk work, and planting on the streets that the UMUD ordinance requires for Uptown parking lots. The memo he sent out outlines four basic options; do nothing, try to improve the appearance of the building and leave it, remove the building and just screen the property, or remove the building and somehow provide the parking.

Mr. Schumacher continued, the cost to remove the building and screen the property is \$145,000, and the cost to remove the building and use additional revenue screening is estimated at \$175,000. They suggest taking the building down at a cost of \$145,000 and that moves us in the position of marketing the property and would also include the space. They would also propose to allow the bus and truck parking to continue by installing streetscaping. The \$135,000 extra dollars it takes to do the streetscape would be recovered by leasing the lot to the Convention Center for five years.

Ms. Wheeler asked is this on our agenda tonight?

Mr. Schumacher answered it is not on the agenda tonight.

Ms. Wheeler asked is it coming to us for a recommendation?

Ms. Schumacher answered it does not need to be a specific agenda item other than through the budget process. We can incorporate the money through the CIP and have it available in July.

Councilmember Baker asked if we go through with the recommended process, how long will the various organizations be able to park school buses there?

Mr. Schumacher answered it depends on the future of the property itself.

Mr. Baker asked until you sell it?

Mr. Schumacher answered yes. Whether that is three or five years or longer, if there is not any other use of the property.

Mr. Baker asked once it is sold, where would you park the school buses while the children go to those facilities?

Mr. Schumacher answered that is the ultimate question. This arrangement really gives us an interim arrangement. We need to immediately begin looking for a more permanent site. We think that is going to be a few years away, so we have those few years to look around and see what other sites are available.

Mr. Reid said you mentioned marketing the property. Why has that not been done? Is it because you

have been using it?

Mr. Schumacher answered no. We are waiting for the First Ward redevelopment plan which runs off of the rail corridor to provide guidance.

Mr. Reid asked what would be required of a private sector owner by the City under the same conditions? Would we have already required that the building be torn down and removed? What are our laws? A lot of people are concerned that we are operating under a different set of standards than we require from the private sector.

Mr. Schumacher answered that was a concern raised by Mr. Ascher who owns property adjacent to the old bus garage. His concerns were addressed at the upkeep of the property, as well as the building itself. We have addressed the concerns of weeds and trash, and have had several visits by our landscaping crews.

Mr. Reid asked is the answer that we would have required the private sector to take the building out?

Mr. Schumacher answered no. We do not have any regulations that require a building in the circumstances to be fenced in.

### **CITIZEN'S HEARING**

Council reconvened in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:35 p.m. for the Citizen's Hearing and Regular Meeting.

### **INVOCATION AND PLEDGE**

Councilmember Ella Scarborough gave the Invocation and Councilmember Nasif Majeed led Council in the Pledge of Allegiance to the Flag.

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### **NCAA SOCCER CHAMPIONSHIP**

Mayor McCrory announced that the soccer championship game will be played in Ericsson Stadium. He congratulated everyone who was involved in this recruiting effort.

### **MULTI-TOPICS**

**Michael H. Sainthill, 407 #12 Lambeth Drive**, said he has spoken to Council several times before. He is black republican and very proud of it and the intimidation of black folk in the City of Charlotte does not affect him because he feels very confident. He will not sit back and watch the racism and confusion that goes on in the City of Charlotte the Police Department and Mr. Cooper getting shot down in cold blood and nothing being done about it. He has dealt with the Charlotte Police Department several times and they really don't like him so he has his problems with them. He has explained it several times to Council. He just wants Council to know that he is still around, he is not going anywhere. He doesn't believe in racism and doesn't like racism and Charlotte is a real sick City for all the racism and all the racist actions that are going on here. Anytime Council would like for him to sit down and tell Council some of these things in detail, he would love to. Please get the drug dealers out of the City of Charlotte. Go to Southeast Charlotte, Carmel Baptist, Calvary Baptist and Hickory Grove Baptist and get those white drug dealers out of there and arrest them. He hasn't heard of a big drug arrest in the City of Charlotte in long time.

Please get those white drug dealers out of the City of Charlotte and he guarantees that Council will see some justice in the black community. He loves Council tremendously, he would like to see justice done.

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### **SUPPORT OF DON REID**

**Rusty Loudermilk, 5028, Apt. A, Hickory Grove Road**, said because of working the last time this issue came up he was unable to speak about this. Mr. Reid did not pay him to say this so forget all of that. He has had the privilege and honor of working with Don Reid at a cable company here in town as well as other places and has seen how Don Reid reacts to individuals whether they are black, white, purple, pink or polka dot and he takes personal exception to these people like Bob Davis and Ron Leeper who have come out of the box so to speak and called Don Reid a racist. Don Reid is not a racist, he is a man of honor and integrity and he thinks that the Council as a whole as well as the Mayor should stand up and support Don Reid against these charges in the past and any of those charges and false allegations that may come about in the future.

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### **DANGERS OF PARKWOOD AVENUE**

**Reverend Willie Bee Simpson, 830 Parkwood Avenue**, said he is a member of Parkwood Church on Parkwood Avenue. It seems as though there is a lack of cooperation in that area because of the street lighting and the number of people killed. Nothing has been done about it yet. People that are handicapped have been run over by cars and there is no light. That's why we are here tonight about. There are a number of other issues he would like to talk about but wouldn't have the time tonight.

**Jane Burts, 1515 Elizabeth Avenue**, said they are here on behalf of Parkwood Avenue traffic control. We really need your help. She is going to give her time to Ms. Millage and Ms. Moore because they live and work there. She drives down Parkwood at night a lot because she has to go to meetings. But it is too dark, and she is scared of hitting someone. She has known one person who was run over and killed there.

**Staretha Millage, 1515 Elizabeth Avenue**, said she came before Council to ask that they consider installing a traffic light at the Parkwood/Pegram Intersection. You will get a lot of data on the number of accidents that have occurred there but you won't on the near misses. Older people who use the bus service as their sole means of transportation cross the street and stand sometimes as much as an half an hour. She worked on that corner for almost 20 years and she can assure Council that a stop light is severely needed to help those people. You ask that they use the bus system and then they have to suffer and take the chance of getting hurt just to cross the street to catch the bus or once they've gotten off the bus to come back home. A month or two from now the swimming pool will open in that area and the children will be trying to cross. And with the speed that the cars and trucks travel up and down that street they won't stand a chance. It's a nightmare, so please consider monitoring the speed the traffic travels up and down Parkwood and putting a light there so people can cross the street safely.

**Barbara Moore, 919 Parkwood Avenue**, said she lives on Parkwood Avenue and over the last couple of years have witnessed individuals being hit. Her grandchild saw a friend of hers get killed. She had nightmares for several weeks after witnessing that. We witnessed a Cadillac running into a bus and

then they were trying to wave the traffic around the bus and another car came speeding up the street and pinned a young man in between the two cars and a bus. The excuse was that the lady couldn't see, so why would you speed into something that you can't see. It is a serious problem. Parkwood has been a problem for a number of years. And we talk about a time where race seems to be a big issue, don't let Parkwood end up being a racial issue. Because when the young lady was killed off Providence Road the next day something was done. But we have had this happen a number of years and had petitions signed and have gone through whole nine yards but yet it still seems to be a problem. We asked Mr. Majeed as the representative for our area to look at the data. She would like to extend an invitation to Council that anytime they want to come out to see the Parkwood nightmare feature one, two and three they are welcome to come sit on her porch because you can see for a couple of blocks how bad it is. It hurts her today and she extends this out to Lee Mac who was a boy friend of hers for a number of years who was killed on January 3. Her friend's husband was hit last year by a young lady coming down the street doing 75 miles per hour, and he has permanent brain damage. So that's the kind of fear we have in Parkwood. The police may have data as to the actual accidents that happened but we have the credentials of the actual almost by site. And we came to Council tonight to ask that they start looking at it, not as the engineering department has looked at it before but really looking at it and dealing with us fairly as you would in Myers Park and anywhere else.

Mayor McCrory said City staff is looking into this.

Councilmember Majeed said he had a meeting with Ms. Moore and Ms. Burts, and it was said they were going to put a speed trap in there but based on what the neighbors are telling him he doesn't know if it was for a few minutes or they didn't see it. He doesn't know what's happening.

Ms. Moore said nothing happened because it's sad to say this, but one of the biggest speeders through there is the police when they are getting off. You can be in your house and actually hear the wheels squealing as they're turning the corner heading down Segal Avenue.

Mr. Majeed said this is a very serious issue. He has requested CDOT to send him some statistics on incidents or deaths in the last three years. It is very dangerous out there and we need to get something done immediately. One paralyzed, brain damage and one death. And we don't know how many other incidents in the last two years.

Ms. Moore said not only that it's the fact there are two parks on the Villa Heights side and kids are having to cross Parkwood. There are no cross walks anywhere. With the majority of the accidents they are saying the people are jay walking, well, there is no jay to cross at in order for the people to get across so there are no cross walks; there is nothing. When we came to the meeting tonight she counted the number of signs from Pegasus down to Davidson posting 35 miles per hour. There was one on each side and then there is one that recommends that you do 20 miles per hour because you're going into a curve. So something is wrong with that.

Mr. Majeed said he asked the citizens to come because a lot of times this is the way we get things done. People are not aware sometimes a request goes in and they say we will put a speed trap out or whatever. And we want to send a message that we value life here just as much as in any other quadrant of this city, so he knows that Council has that concern; that's not the issue. But there was a stop light at Pegasus. Why did they take it out? So now people just speed up and down there and there is no break in the traffic. These are some questions that he is giving Council the chance to deal with but the people really deserve immediate action on this.

**Pam Syfert, City Manager**, said staff is working on it. We have Randy Jones here who can speak to some of the things that we're doing. We haven't solved the problem yet but she knows they are

working on it.

Councilmember Rousso said when we discussed this a bit at our briefing today he was appalled that this condition still exists. It existed when he was on Council before. And he really thinks that Council needs to get some sort of report. We hear your concerns and hear your voices and he for one and is sure the rest of the Council would like to see what can be done about it.

Councilmember Reid said this is really a part of a much bigger problem that he talked with the City Manager about today. This is just not on Parkwood, it's all over the City. We're the worse speeding town in North Carolina. Our insurance rates and our accident rates reflect it. And it's out of control. We're going to bring it to the Public Safety Committee and talk about it and see what we can do. We're putting Band-Aids out there with little stop signs and speed bumps, we need to come to grips with it. We're paying enough extra money in this City in insurance premiums alone to pave a lot of our streets and build sidewalks because of our high insurance rates. It is a big issue and we need to tackle it and we're going to do it.

Ms. Moore said she hears that and she thinks it's okay for him to say the problem is all over the City but right now what we're asking you to deal with is Parkwood. She is considering moving because she is just tired of going to sleep at night knowing that somebody else is waiting to be hit.

Councilmember Scarborough said to Ms. Syfert to ask the Chief of Police to go out there tonight and start doing something about speed.

Mayor McCrory said on the speeding situation we have a state legislative package which will get permission to put cameras in areas where we have excessive speeding or where people tend to run red lights in our city and it could be a major change and major deterrent. So we will see if the state legislature will allow us to do that.

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## **FALSE ALARM ORDINANCE**

**Doug Eberhart, 1501 Morningside Drive**, said first he wanted to say that Ms. Spencer has been extremely helpful in getting this issue resolved. As many of you know Council passed the City Alarm Ordinance for Fire/Security alarms. Recently he moved Mecklenburg County and had an alarm installed by Westinghouse Security and within the first 30 days or so he had a false alarm. After getting the false alarm he ended up getting a notice saying that he had a \$100 fine to pay for not having an actual permit from the Police Department. Once he got this letter he called Ms. Spencer because he was never informed from the salesman at Westinghouse about the need to have a permit. Once he received the false alarm and was told by the police officer that he needed to get a permit, he did send it off to Raleigh to the alarm tracking board. His issue is not so much whether we need a permit or don't need a permit, but really is where the onus falls on the individual or on the company to notify people who are getting security systems within the City of Charlotte. Currently the ordinance states that it's really the individual's responsibility and he would like the Council to at least look at or address the possibility of amending that ordinance to make it the responsibility of the companies who are selling their programs within the City of Charlotte and Mecklenburg County. In addition to that when he spoke to officer Gary Witt he was very helpful explaining certain things to him. One thing he did mention was that the City Council did not have the authority to pass any ordinance to regulate the alarm companies in the City of Charlotte; that it was a State Legislation issue and not a City issue. He was totally shocked by that. He would think with all the people we have coming into this City they may not be aware of this particular ordinance. He would like to see

what can be done if anything to have that regulated more from the company side rather than the individual side because in his situation the representative that sold him the system had moved on to another state. Westinghouse was somewhat generous in giving him three months of free coverage on their security system at \$26.95 a month, but it certainly didn't cover the \$100 fine. But nonetheless he agreed with officer Gary Witt to pay that fine but he would like to see if something can be done to some how change the direction of whose responsibility it is to know about that ordinance.

Mayor McCrory said Mr. Reid's committee, Public Safety, is going to be reviewing that ordinance very shortly to get a one year update on where the strengths and weakness are and he knows that he and others appreciate that feedback. We did get one good piece of good news; we had a 25% reduction in false alarms.

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### **INSTALLATION OF STREET LIGHTS AT CARMEL ESTATES EAST**

**Floyd Gibson, 5031 Parkview Drive**, said he was there as the lead petitioner on a street light petition for Carmel Estates East, which is off Rea Road. The Department of Transportation's procedures require a 75% majority of the residents in a particular neighborhood to approve a request for installation of street lights. Carmel Estates East submitted a petition that met the requirement. The Department of Transportation initially approved the petition and authorized Duke Power Company to install the street lights. Subsequently to that approval the Department of Transportation withdrew the approval stating that a resident in the neighborhood had withdrawn their approval which did not give us the 75% majority. The procedures specify that when a petition is filed with the City it can not be altered or voided except by a new counter petition approved by 75% of the people voting on the original petition. He is here tonight to ask this Council to either instruct the Department of Transportation to reinstate their original approval of this petition or in the alternative to grant our neighborhood a waiver of the requirement of a 75% majority on our petition. Either approach would be acceptable to us since our real issue and our real concern is to have our neighborhood lighted by street lights since we believe a lighted neighborhood is a safer neighborhood. We understand there are three or four individuals that have brought considerable pressure and coercion on individuals in this neighborhood to change their vote after the petition was originally circulated and approved. We believe the vote on the petition as originally circulated is that the neighborhood by a 3/4 majority is in favor in street lights and wants the street lights installed. He doesn't understand why the provisions of the procedures of the Department of Transportation were changed or over looked in this instance because they are clear that once you file the petition it can not be altered.

Mayor McCrory asked the City Manager if they could get some information on this.

Pam Syfert said Mr. Randy Jones is here if Council wants to take some time out to hear from Mr. Jones or we can simply send you a report.

**Randy Jones, Department of Transportation**, said one of DOT's jobs is to install street lights and we do a real good job of that. Last year we installed 2,000 lights so it is an objective of ours. Unfortunately in this case when the neighborhood submitted their petition they fell slightly short, they did not have the required percentage. We have been working with the neighborhood for about two years and there is a lot of disagreement and unfriendliness among the neighbors and it's been very difficult for the lead petitioner and very difficult for us. Although they do not have the required percentage, they are very close and we think had there not been the intimidation in the

neighborhood they probably would have been able to get the required percentage. If Council would give them the exemption we would have no problem with that.

Mayor McCrory asked Mr. Jackson how would he like to handle this, on a future agenda or would you want to get some more information on this and then decide?

Mr. Jackson said why don't we just put it on a future agenda where they can present Council the understanding of the issues.

Mayor McCrory asked Ms. Syfert to get a detailed report on this and if Mr. Jackson would like to put it on the agenda they could.

Ms. Syfert said they could put it on the agenda for February 24. This has been going on for a while and the difference in the requirement of how many people have to approve a street lighting petition and what they actually have is fairly small.

Mr. Jackson said could we ask that the neighborhood players on both sides of the issue be informed it's there so that we could hear both sides prior to the decision?

Ms. Syfert said yes, we'll do that.

Mayor McCrory said there is no objection, we will get that on the agenda and staff will make sure we hear from all sides on this issue.

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## **DEFINITION OF MONEY**

**William Paul, 4096 Stallings Road**, said he was there to speak about the definition of money. What is lawful money? The reason he asked this question is that several months ago he went to the bank. He received a \$50 bill when he asked to withdraw some cash, and on this \$50 dollar bill it stated that this note is legal tender for all debts public and private, is redeemable and lawful money at the United States Treasury or at any Federal Reserve Bank. And that's what had him ask the question of what is lawful money. He referred to Black's Law dictionary. There was no definition at all regarding lawful money. So he did some research at the library and he looked into the United States code title 12 under banks and banking, the States information on Federal Reserve notes section 4:11. He read what it states, "these said notes," meaning Federal Reserve notes, "shall be obligations of the United States and shall be receivable by all national, member and Federal Reserve banks. And for all taxes, customs and other public dues, they shall be redeemed and lawful money on demand at the treasury department of the United States and the City of Washington, District of Columbia or any Federal Reserve Bank." So what he did today was pay a visit to the Federal Reserve Bank in downtown Charlotte and took the \$50 bill and asked them if they could redeem it in lawful money. What they stated was the bill is regarded as being a medium of exchange which means he could go use it for any merchandise, or buy off

a merchant. His question is, back 40 years ago this paper was redeemable in lawful money and silver coin, one troy ounce. Now it's just paper, fiat money, fiat meaning that it's not backed by gold or silver, it's not backed by anything. But what would happen if people should lose faith in the monetary system? There would be instant chaos, not to mention the fact that paper seems to accrue interest over time, whereas silver and gold seem to be standard. Would it not be more beneficial to make a trade?

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**PRIVATIZING COMMUNITY CENTERS**

**Darrell Bonapart, 4201 Strangford Avenue**, said he's been here about his issue one time before. One thing for sure, it is very hard to find someone that's actually a native of the City of Charlotte. It seems like everyone that's here now came from outside of the City of Charlotte so you can't really expect everyone to feel like someone who was born and raised here. The privatization of the community centers would be a very serious blow to a lot of the communities here. He is appalled that issue would actually be brought forward. We have already lost a lot through the communities as it is. What individuals going to do during the summer for their children. We have an issue with crime in the city. We just something positive for our children to have some place to go to keep them off the streets. If private owners come in and manage the community centers that means by their own will they can rule or regulate the centers as they wish to. If they are going to make it so that the family that uses those centers are going have to pay more money, taxpayers are going to have to pay more. There is no telling what the limit will be or what the amount of money they will have to pay to use those facilities. He finds that to be rather unfair. Once those centers are gone what is there left for the communities to have? He is really hoping that if this issue has not been settled that Council would take consideration and find a different avenue to handle the funding. Right now he is the only one that's speaking on this but he is going to make sure that this is the last day that he would be alone speaking on this, and the next time he comes he will bring positive individuals with him that will be able to speak on this matter.

Mayor McCrory said that whole issue is going to be in Ms. Scarborough's City Within A City Committee and they will be discussing that next week.

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**BUSINESS MEETING**

**APPROVAL OF CONSENT AGENDA**

Mayor McCrory said to remove 14E from the agenda at the request of the Fire Department.

[ Motion was made by Councilmember Rousso, seconded by Councilmember Wheeler, and ]  
[ carried unanimously, to approve the Consent Agenda with the exception of Item Nos. ]  
[ 14D and 22F. ]

The following items were approved:

**CONSENT I**

14. Various Bids

Residential Sound Insulation Contracts: (a) Award Contract A for \$235,090, Contract B for \$197,748 and Contract C for \$241,522 to Bass & Jones Construction of Winston Salem, the low bidder, for sound insulation of airport area homes as recommended by the Aviation Department.

**Summary of Bids**

Contract A, 19 properties	
Bass & Jones Construction	\$235,090
Moretti Construction	\$281,176
Rayco Construction	\$291,470

**Summary of Bids**

Contract B, 18 properties	
Bass & Jones Construction	\$197,748
Moretti Construction	\$240,298
Rayco Construction	\$243,142

**Summary of Bids**

Contract C, 20 properties	
Bass & Jones Construction	\$241,522
Moretti Construction	\$293,222
Rayco Construction	\$297,007

**CONSENT II**

15. Contract to Todd Landscaping of Charlotte, NC for the low bid of \$285,327.00 for a three year Grounds Maintenance Phase II Project for the following locations: Animal Control, Alexander Street, Amay James, Belmont, Greenville, TMOOC Centers, Fire Investigation Arson Task Force, Landscape Management, Oliver Street and Sirius Street Medians, Spratt Street Facility, Strawn Village Park, Sweden Road Fleet Management and Street Maintenance as recommended by City Engineering and Property Management.

**Summary of Bids**

Todd Landscaping	Charlotte, NC	\$285,327.00
Dixie Lawn Service	Gastonia, NC	\$363,386.10
Roundtree Lawn	Charlotte, NC	\$365,809.50
Busy Bee Lawn Care	Charlotte, NC	\$403,777.50
Green Touch Tree & Turf	Charlotte, NC	\$424,197.94
City of Charlotte	Charlotte, NC	\$427,897.89
Lan-Scape Services	Lancaster, SC	\$462,924.00
Merecom Corporation	Monroe, NC	\$489,106.80
Geoscapes	Newell, NC	\$517,179.35
D.B. Landscaping	Charlotte, NC (WITHDREW BID)	\$143,283.00

16. Ordinance No. 753 to lower the speed limit on Old Reid Road (Spring Valley) to Neighborhood 25 MPH Program.

The ordinance is recorded in full in Ordinance Book 47 at Page 766.

Ordinance No. 754 to lower the speed limit on Hickory Grove Road from 45 mph to 35 mph.

The ordinance is recorded in full in Ordinance Book 47 at Page 767.

17. Continue public hearing to close an unnamed street off Lansdowne Road.
18. Budget Ordinance No. 755-X appropriating (a) \$145,000 to fund the engineering design contract for a new airfield lighting vault; and (b) Award engineering design contract to Talbert & Bright, Inc. For \$115,000 for an additional airfield lighting vault.

The ordinance is recorded in full in Ordinance Book 47 at Page 768.

19. Approval of Storm Water Maintenance Change Order#2 for \$340,500 to the contract with Blythe Development Company for continued construction of FY96 Storm Water Maintenance Package C. The change order will increase the contract amount from \$860,105 to \$1,200,605.
20. Agreement with Huntersville Land Company, et al, for the expansion of the Charlotte-Mecklenburg Utility Department's (CMUD) sewer system on the eastern side of Huntersville.

21. Amendment #1 to the Cabarrus County Regional Wastewater Agreement to provide for construction of Clark Creek Outfall Phase I.
22. Property Transactions.
  - A. Acquisition of .383 acres at 8635 Todd Road from Mr. and Mrs. Arthur Donat, Jr. for \$97,000 for F.A.R. Part 150 Land Acquisition.
  - B. Acquisition of 2.37 acres at 7927 Tuckaseegee Road from Mr. James Albert Brown for \$60,000 F.A.R. Part 150 Land Acquisition.
  - C. Acquisition of 2.802 acres at 8000 Byrum Drive from Mr. James W. Gager and Mr. and Mrs. Randel B. Gager for \$145,000 for F.A.R. Part 150 Land Acquisition.
  - D. Acquisition of 1.729 acres at 3901 Harlee Avenue from Southern Spindle & Flyer Co. Inc. for \$121,950 for Airport Master Plan Land Acquisition.
  - E. Acquisition of 835 square feet (.019 ac.) of permanent easement, plus 2,851 square feet of temporary construction easement at 1130 E. Third Street from State Employees Credit Union, Inc. For \$25,500 for Fourth/Kings/Third Intersection Improvement, Parcel # 6.
  - G. Resolution of condemnation of 8,674 square feet (0.1991 ac.) at 6229 Phyliss Lane from Gordon E. Klocko and Wife, Kathleen A. Klocko and any other parties of interest for \$7,200 for 1995 Sewer Lines-Mint Hill, Parcel #7.

The resolution is recorded in full in Resolution Book 34 at Page.

23. Approval of minutes for January 6, 1997 council workshop, January 13, 1997 business meeting and January 14, 1997 legislative breakfast.

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**CONTRACT TO THE LOWEST BIDDERS, BLYTHE CONSTRUCTION, CROWDER CONSTRUCTION AND REA CONSTRUCTION COMPANIES IN THE AMOUNTS LISTED BELOW FOR PLANT MIX ASPHALT.**

**Summary of Bids**

**Section I: Northeast (Charcon Court & Owen Blvd.)**

Blythe Construction                 \$179,523.75  
Poplar Tent

Rea Construction                    \$242,773.70  
Mallard Creek

Crowder Construction \$202,465.50  
Reames Road

APAC                                    \$194,145.00  
Goodman Road

Blythe Construction                 \$193,291.25  
E. Westinghouse

**Section II: Southeast**

Crowder Construction \$386,232.00  
Sam Newell

Rea Construction                   \$436,867.20  
Sam Newell

Blythe Brothers                 \$378,840.00  
E. Westinghouse

Blythe Construction             \$356,105.75  
Old Nations Ford

APAC                                 \$365,904.00  
Old Nations Ford

**Section III: Southwest**

Blythe Construction             \$266,272.50  
Old Nations Ford

APAC                                 \$270,369.00  
Old Nations Ford

Blythe Brothers                 \$279,927.50  
E. Westinghouse

Rea Construction                 \$335,503.35  
Arrowood Plant

Crowder Construction \$285,389.50  
Sam Newell

**Section IV: West**

Blythe Construction             \$268,960.66  
Old Nations Ford

APAC                                 \$264,028.77  
Old Nations Ford

Blythe Brothers                 \$249,243.84  
E. Westinghouse

Rea Construction                 \$ 56,781.42  
South Plant

Crowder Construction \$313,369.27

**Section V: North**

Crowder Construction \$204,217.50  
Poplar Tent

Blythe Construction             \$181,077.50  
Poplar Tent

APAC                                 \$195,825.00  
Goodman Road

Blythe Construction             \$181,077.50  
Hwy. 16 North

Blythe Brothers	\$194,962.50
E. Westinghouse	
Rea Construction	\$245,620.50
South Plant	
<b>Cold Mix Asphalt</b>	
Rea Construction	\$ 95,500.00
Plant Not Specified	
Blythe Construction	\$140,000.00
Poplar Tent Road	
APAC-Carolina, Inc.	No Bid
Blythe Brothers	No Bid
Crowder Construction	No Bid

Councilmember Sellers said he had a conflict and needed to be excused.

[ Motion was made by Councilmember Wheeler, seconded by Councilmember Scarborough, and ]  
[ carried unanimously, to excuse Mr. Sellers. ]

[ Motion was made by Councilmember Scarborough, seconded by Councilmember Rousso, and ]  
[ carried unanimously, to approve the above contract. ]

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**RESOLUTION OF CONDEMNATION OF 25,734 SQUARE FEET (.59 AC.) OF PERMANENT EASEMENT PLUS 19,316 SQUARE FEET (.44 AC.) OF TEMPORARY CONSTRUCTION EASEMENT AT 6300 JIM KIDD ROAD FROM LARRY D. SHERMAN AND ANY OTHER PARTIES OF INTEREST FOR \$4,200 FOR DUKE POWER MCGUIRE SANITARY SEWER LINE, PARCEL #4.**

[ Motion was made by Councilmember Cannon, seconded by Councilmember Greene, and ]  
[ carried unanimously, to excuse Mayor McCrory and Ms. Scarborough due to conflict. ]

[ Motion was made by Councilmember Cannon, seconded by Councilmember Greene, and ]  
[ carried unanimously, to approve the above resolution. ]

The resolution is recorded in full in Resolution Book 34 at Page 574-575.

**POLICY AGENDA**

**CITY MANAGER’S REPORT ON THE PROCESS FOR REVIEW OF THE ARENA OPTIONS**

Mayor McCrory turned over the meeting to Mayor Pro Tem Al Rousso due to a conflict of interest.

**Pam Syfert, City Manager**, said in her report she wants to accomplish three things as it relates to the options and the process we’ve been going through on looking at the Coliseum and the request that came to us almost a year ago now on what to do with the issue of the Coliseum and the Hornets. Tonight she wants to give Council a report on the work of the Citizens committee which has been chaired by Cliff Cameron. She asked him to help her almost eight months ago and to work with her and the consultants, CSL, Inc. to evaluate Council’s four options and the criteria to evaluate those options against. Number two, what she would like to do tonight is receive Council’s approval of her process for moving forward with decision

making and with the public information plan. She hopes that Council will approve that process this evening or revise it or make changes as you see fit, but it is suggested for us to move ahead. Number three she would like to obtain the authority from Council to hold some discussions with the 24-UP proponents on ways to reduce the level of public funding for a new arena. That is one of the proposals for option four which has been discussed and brought before you but we have not done a lot of in depth discussion on that particular proposal. Before she turns this over to Craig Skeim, the consultant with CSL, she wants to make a few points. First of all you are not being asked this evening to make any decision on the four options. Those four options are still on the table. The process that she put before Council suggests that March 24 is a target day deciding for your decision on which of the four options you want to pursue. Number two, she is sharing with Council tonight the recommendations the Citizens Committee, have made to her. Their work on the four options is complete, and what you will be seeing tonight is a summary of the work that they've been doing for the past few months. They've listened to a number of presentations, looked at a lot of spread sheets, had a lot of discussions and she wants to thank this advisory committee especially for the work, time and effort they've given to helping her and helping the staff in looking at the options and looking at the criteria, and for the thoughtful discussions that they've held. And if we move forward in the process we will have the opportunity to share some of the in depth information with you as you request, but what you're getting tonight is an overview of the information that they've looked at and their recommendations to her. She is not making a recommendation to Council this evening. She is scheduling a recommendation to come from her if Council gives her the authority to do some further work on this sometime in March prior to your decision on the fourth option. Neither the committee nor she will make any decision on how to proceed with these options. Her job with their help and with the help of the consultant is to give Council the information that they need to move forward. So tonight what she sees them doing is beginning a process for your deliberations and decision making on the four options. And with that she would like to turn it over to Craig Skeim who is prepared to make a summary report. After the report she would like to go over the proposal, the decision making process and talk about the other items on the agenda.

Mr. Reid said is Mr. Skeim going to make the report for the advisory committee?

Ms. Syfert said yes sir. He was asked by the committee to make the report. Cliff Cameron could not be here this evening and he has been working with Craig and with his firm to do a lot of the evaluation and the analysis.

Mr. Reid said he has a lot of confidence in Mr. Skeim and he's heard his reports but he does think there is something a little peculiar about the fact that we had an advisory committee and we have a consultant that we're paying. And he thought the advisory committee was an independent study group that would also use our consultant and now the consultant is making the report for the advisory committee and he finds that objectionable.

Ms. Syfert said we could have done it a different way but we actually asked Mr. Skeim to do that because Cliff Cameron could not be here this evening and he has worked with the committee and with her.

Mr. Reid said he understands that and maybe he is being a little nit picky here, he is not sure but there is something that seems a little amiss when our own consultant is making a report for the committee that we asked, and he knows they worked hard so this is not criticism to the committee or the fact that the Chairman couldn't be here, but it seems to him that the committee should be making their recommendation to Council and then Council should use the consultant to analyze that recommendation so we could know where we're going. For Mr. Skeim to make the report for the committee seems to him would put him in a position like Mr. McCrory and Ms. Scarborough are in tonight and that is a conflict of interest.

Ms. Syfert said she wanted to talk a little bit about the process that they used on doing that and keep in mind the committee is making a report to her and she asked Mr. Skeim to help on some of the evaluation. For example, one of the questions that was asked early on was have we done any kind of economic impact. One of the tasks that the committee had was to review a report by Price Waterhouse on the economic impact and they also asked Mr. Skeim to help them evaluate that report. So they had been using Mr. Skeim to help them in their work as she had been. In the process Mr. Skeim came back and at her request put before the committee what he understood their recommendations were based on lots of spread sheets.

The committee then reviewed that and approved the way Mr. Skeim summarized the report. So that's the process we used. She didn't anticipate that might be objectionable to Council because we had asked Mr. Skeim to work with the committee and help them evaluate all the information that they have been looking at.

Mr. Reid said Ms. Syfert described exactly his objection to it.

Councilmember Wheeler said the difference is that the Advisory Committee City Manager's Committee. So it's not as if it's our committee that we appointed and we're requesting them to report to us. She sees Mr. Reid's concern but she doesn't see that in the same playing field.

Ms. Syfert said she could have done this a little bit differently, and had a written report. But she wanted the committee to share with Council the things that they were telling me and the summary of all the meetings and the work that they've done over the past few months. So you are absolutely right, Ms. Wheeler, this is a report that they are making to her and Mr. Skeim is helping with that. That's why it is under the City Manager's report item because she is reporting to Council on what the committee has told her and the recommendations they're making to her.

**Craig Skeim, CSL International**, presented the Committee's report to the City Manager with a slide presentation.

Mr. Rousso said the assumptions that were made on options 1, 2, 3 & 4, were they done by your organization or some other organization?

Mr. Skeim said the evaluation of the options 1, 2, 3 & 4 and their financial models were largely performed by our company, CSL International.

Ms. Wheeler said she would like to recommend that Council go ahead and finish with Ms. Syfert's total report and then hear from the speakers so they won't be disjointed.

Mr. Reid asked Mr. Skeim if he had analyzed the economic impact study done by Price Waterhouse and if he agrees with the numbers that they have forecasted in terms of jobs, etc.

Mr. Skeim said yes. We looked at the direct and indirect impacts. It is our estimate that the direct impacts were probably higher than we would estimate as it relates to direct spending. However the total economic impact was generally in line with what we've seen elsewhere and the types of analysis that we've performed before.

Mr. Reid said would you be willing to quantify for me?

Ms. Wheeler said can you do that for all of us?

Mr. Skeim said yes.

Councilmember Sellers said he is listening to this report but he gathers this report was not really to him, it was to the City Manager. So maybe he is out of line asking this but he had anticipated that when the committee came back based on the questions and concerns that were raised in November, that a lot of these questions that still remain open would be addressed before that would be completed. We seem to be at the end of the process with the main concerns still in an open state. Is there a reason for that? He would ask the committee but Mr. Skeim is here for them so you get the question.

Mr. Skeim said we would like to review where we've been and where we're going. He knows the committee has done a significant amount of work, but the level of information generated in terms of finding out where we really are with option four has been somewhat limited and with that maybe he could turn to the City Manager with more discussion.

Mr. Sellers what you've said tonight on the committee's recommendation is that at any price it is your

opinion that option four is better than at least two of the others?

Mr. Skeim said no, if it's better than others is a more relative question. We do not know what the final price of option four will be. It is the committee's opinion that further work will need to be done to come up with that price and then ultimately it can be compared to other options. He thinks it is the committee's belief, however, that option one and option three do not meet the criteria as a stand alone evaluation. Option two does provide potential for providing additional revenues but appears to be a short term solution. It appears option four has the potential to be a long term solution. However, as stated, the committee does not believe they can make any final recommendations as to whether that's the best option until further research is done to find out what the price is, what the terms are, and various elements of the agreement.

Ms. Syfert said one of the things that the committee spent a lot of time on was looking at some spread sheets that did projections. In terms of quantifying what is a long term benefit, the committee simply didn't look at what long term meant in a subjective way but we looked at a series of economic analysis that looked at revenues projecting this out, how long is this a good option for the City and for the franchise which means there was a better chance that they would be staying here. So we could analyze on a quantifiable basis some of those criteria but the committee found out and came back and said to us that when it looked at the criteria of maximizing a financial position that's still open.

Councilmember Baker said he has a number of questions about this whole process as he suspect many of the Councilmembers have. Some of these questions were already existing and some were triggered by the consultant's report tonight. When are we going to have an opportunity to submit those questions to you and have a discussion about them?

Ms. Syfert said that was the next thing she wanted to discuss because what she laid out is a process and a series of dates, some of which involves workshops and some involve updates as we move forward on this. And she would need the Council's approvals for those dates. In answer to your question, if you approve a date of February 17, that would be the time we would want to hear your issues. You have also raised some questions in the past that we have kept track of and have answered. So whenever you set that first workshop would be the time to start raising those questions. She would suggest that February 17, before your Zoning Meeting might be a good chance from 3:00 p.m. to 5:00 p.m. to have a workshop. So we would have a workshop within the next week or two to start going into more details on some of your issues, then on February 24, which is the next business meeting, she would give Council an update on some of the issues that get raised at that workshop. In mid March that we would have a fairly long workshop of some of the issues. On March 17, she is suggesting that you have a workshop prior to your zoning meeting which would again be the time where we would continue some of the discussion of the unresolved issues on these options and then looking toward March 24, for making a decision on which option you want to pursue. She wants to make a point about this. There seems to be a feeling that there is some point in time when there is a magic date that all the questions will be answered and everything is finalized. She is not sure that is going to happen but what we're doing is building information so at some point the Council can say this is the option that we think best serves the community and let's pursue this option. That doesn't necessarily mean that we won't come back and say later on here are some problems that we've run into pursuing this option. So what we're looking at on March 24 is Council saying this is the way we want to proceed, this is what we think the best option is. There are lots of details on any of those options that then will have to be addressed. She would like to do some of that between now and March 24, on cleaning up some of these questions. And as you can see that is one of the items that she was asking Council to give her some authority to have and begin some more detailed discussions on two of those options.

Mayor Pro Tem Rousso said so this is your suggested time table presented here?

Ms. Syfert said yes. The other part of it is we would also have a public information process as part of that which uses our existing communication vehicles to inform the community about the options and keep people informed as we go through this process.

Ms. Wheeler said first of all she wanted to compliment Ms. Syfert on her communication process. Because she thinks it is very important that the public has input into this process as well as become educated on all

four options, are you going to be addressing all four options in this communication process, not just one?

Ms. Syfert said we are addressing all four. To a certain extent we are going to be talking in more detail about what you've heard tonight for the evaluation process for all of these options as it leads up to Council making a decision on one of the four options.

Ms. Wheeler said she has three questions. In this attachment to the process time table you have under communication strategy for the Mayor and Council, to hold public hearings. And then you have under the communication process for citizens, community meetings. Can you elaborate on that somewhat and tell us when those dates would be. If we authorize you to further negotiate with the 24UP group on the public piece on option number four, when do we have enough information to give to the public to respond to that particular option?

Ms. Syfert said she would hope, and she is just making some estimates, that they would be able if Council said yes tonight to come back the first part of March with perhaps a different frame work for the level of public participation in funding on the 24UP proposal. So that would be something that we would incorporate into this schedule of meeting and decision making.

Ms. Wheeler said this is not exactly related to the process, but it is in a way. If we empower you to negotiate on the fourth option, what is the time table that you see for that?

Ms. Syfert said that is why she is being very careful not to use the word negotiate because she thinks only until Council makes a decision on an option can she really go off and negotiate. But she would like to have the ability to sit down and have some future discussions with the help of our consultant and with the continuing help of some members of the citizens committee and see if we could have a better deal on the 24UP for the level of public funding. That will help us answer the question on this option as to whether it would have an impact on capital priorities or a property tax increase. Right now we don't have that information to give to you but her goal is to have it by early March.

Ms. Wheeler said she feels like this is something we can't get our hands around right now.

Ms. Syfert said what you're seeing is what she laid out here, we would be coming and reporting back to the Council in public session. So these would be work sessions in which we would be talking about some of these issues as we're talking about it now. But she hopefully would have some more information. So she would say that either by February 24, or by mid March at a workshop that you have yet to set is where we would be talking about how you would evaluate those two blank spaces in option four and how you might evaluate those two blank spaces on the renovation options.

Ms. Wheeler said she thinks it is very important to keep all four options on the table as you are suggesting. That when we have public input and public education we have enough on every option so that we can get the kind of input from the citizenry that we all want and need.

Ms. Syfert said that is the purpose she is trying to achieve with this. In answer to your first question on community meetings we talked about a speakers bureau about the public hearing. One of the first things we wanted to talk to you about at this next workshop is some more specific dates for when we would hold those particular items. We didn't put those in yet but we would say that the first item on the agenda for the workshop would be to refine further some of those dates on the public process.

Mr. Greene said are you asking us to give you as wide a latitude as possible to try and fix something that we can get our hands around. So then we can take it to a public process or get the input from the citizens that allows the citizens to understand exactly what it is we're doing. He is of the opinion that what you're asking for is really the best way for us to proceed. Because you are not asking us to close any doors, the fact is that it's still an open session. There has been some concern expressed about this process proceeding in private. He suspects that Council has been accused of doing everything we can to make sure the public doesn't know what we're doing. And that has been his perception. How can we be sure that the information that is necessary to be kept confidential is going to remain confidential and yet balance that with

the public need to understand what we're doing and their input into this very public process. How can we balance those two things.

Ms. Syfert said the way she has tried to do it is with the help of Mac McCarley, the City Attorney, to advise and he has been advising the committee and he has advised the Council in the past on pieces of information that we think would probably best be discussed in private for some period of time before making them public. There probably are some issues that if we get to the point of negotiating that we would again want to talk about privately. But she thinks for what she's talking about right now, the level of public funding, most of that can be done with the context of the open session. Upon the advice of Mr. McCarley she may recommend to Council that there are some things that she would want to talk about privately, but for the most part most of what we're talking about now can be done openly.

Mr. Greene said is this March date firm or is it going to be fluid?

Ms. Syfert said to a certain extent that's up to the Council. She set the March date because it gives us six weeks to close some of the information gaps we have and it also gets the Council at least to make a decision as to which is the best option to pursue. There is still going to be a lot of work to do on any of those options except number one motion in saying this is the best option. The reason March 24 is chosen is that it is prior to your heavier work getting into the two year budget. You're doing your budget retreat, April is going to be a very heavy month for budget work as is May. So one of the reasons for choosing late March, it seems like we could accomplish that goal in time and that it also gets the Council to that decision point prior to getting into some of the heavier work on your budget.

Mr. Greene said you have set this March 24 date?

Ms. Syfert said that's one, if the Council gets into it and says we can't do it by now, that's your call.

Mr. Greene said the purpose for you setting this is for us to have enough time to consider this decision in light of the other decisions that we have to make relative to our budgetary position?

Ms. Syfert said yes, sir.

Mr. Jackson said getting back to the type of information we may need to make a decision on, you mentioned option one. It would be easy to say do nothing so it doesn't require nothing. For example, he noticed in the presentation and it said it would have no property tax increase or adverse impact on the City's capital priorities. And he is not sure that's really true. You could end up having an operating loss out of the building and it could end up impacting us financially. It could require a property tax increase to pay for the loss. If a statement like that is going to be made he would like to have it supported. And that's true of all the other things that were here.

Ms. Syfert said that's an excellent point Mr. Jackson and part of the discussion that we have to have on these options is that the committee in looking at it had to make some decisions as to what's a time frame to say that this or that won't happen. So she thinks the time frame was that if we do nothing that means that there is no need for a property tax increase within two or three years and we can back that up. But you're making a good point, you don't know what's going to happen in the future and there could be a five to ten year impact on property taxes just depending on what happens. But the committee was trying to take a conservative approach to that.

Mr. Jackson said we said our standard was long term. So he wants them to be consistent, we don't want to be two years here and thirty years here. To make sure that we would understand the longer term impact. That's our criteria and that option jumped out. We need to make sure we don't make statements that are easy because it appears easy when it may not be that easy. And that's true on some of the other comments that were made like the renovation. For \$7 million do we really get the renovation or is that the estimate. He thinks they need more information. How do you support whatever statement you recommend to us and he can understand why you would make that recommendation.

Mr. Majeed said have these committee meetings been open to the public?

Ms. Syfert said with the committee meetings some parts have been open and some parts the committee has chosen to go into private session.

Mr. Majeed said now that you've done quite a bit of analysis is it more appropriate those meetings be more so open. And at a time that's more convenient for citizens that they can come in the evening as opposed to a work day?

Ms. Syfert said she wants to make the distinction that what the committee has been doing and what the staff and herself have been doing with the consultant has really been in the form of analysis and evaluation. Now what we're talking about is the decision making process, so what we're trying to do is have the decision making process as open as possible. But she makes a distinction between the work of doing staff analysis of being able to talk about things that may be completely out of the question. But doing the analysis part and the committee has felt the need to do some of that in private but we're now in the decision making mode because the committee nor she can not make the decision on this. All we can do is get the information to help you make the decision.

Mr. Majeed said when you're talking about citizens being informed, do you have a more concrete plan, groups of people that will have enough knowledge to take to people and to get the input and inform them in a better way as to what this is all about.

Ms. Syfert said Julie Hill, who is head of Corporate Communications, Bill Guerrant and our video staff, have already been working on the process to talk about the options, that are on the table. And looking at all of the different ways of using radio spots, our video capabilities, the TV shows that we do and making a source of those shows for discussing this decision making process on the arena. We do have a concrete plan but as she said there are some things they want to talk with Council about a little bit further at that first workshop.

Mayor Pro Tem Rousso said he is delighted to see that part of the committee strategy is public involvement, community meetings and so forth. At the present time there are three options on the table. Let's say for the sake of discussion there is a public outcry from those meetings and those hearings and so forth that the public begins demanding a fifth option and are we hearing it out so we can put it on the table. That this arena be funded through a designated bond issue whatever dollars we decide on. Would that muddy the waters on the fifth option for Council to consider?

Ms. Syfert said the way she looks at the question is that one of the options is build a new arena. That one of the questions that still is unresolved is number one, the level of public funding and number two, how we would fund that. So that's part of the public process. For funding how much would it be and what are the ways to get it. So she thinks it is a little premature right now to start thinking about how you would move forward.

**Mike Manning, 3613 New Church Circle**, said he would like to thank the members of Council for serving our City, but he also would like to focus on the core issue on this. What is the right location for the long term for an arena? And where does it enhance the potential increase of property value and tax revenue in the future? Should we renovate the Tyvola Road Coliseum for \$7 to \$9 million dollars? The Tyvola Road Coliseum has not created any additional economic growth in that area of the City. The growth has been caused by the extension of Tyvola Road and its closeness to the airport. Now is the right time to create interest in the 156 acres for new office development in that area. Charlotte has always been a progressive city with their eyes on the future not on the past. As the City continues to expand and the Outer Belt is complete, we must assure that the City core is healthy and vibrant. We must secure and leverage off of the City's investments already made uptown. The Convention Center needs additional activities for visitors out of town and it needs a convention hotel. The road infrastructure in the uptown area is already in place, the tie in with the bus station to name only a few of the City investments in the uptown area. But we have to dream and see the vision of the 21st Century. Additional developments include hotels, entertainment, rapid mass transit, train station with high speed connections to Atlanta and Raleigh. The

possibilities are endless. It is difficult to understand the business of the NBA. It is not normal when your competition opens a new facility and your company's costs are increased. For example, when United Center opened in Chicago every other team salary cap went up \$500,000. It's hard to comprehend how the NBA salary cap in the near future will be \$33 million dollars and how that will be split up among only 12 basketball players. He doesn't agree with all the dynamics of the NBA, but he does know that this team put Charlotte in the map. We will not have the national recognition where we have been able to recruit some of the companies that have relocated here, or have the Panthers if it was not for the Hornets and the organizations that are backing this uptown arena proposal. He agrees the City should negotiate the best deal possible. But we should also consider there aren't many owners offering to assist in the financing of a new arena and allow a public entity to own that facility. Are we sure the public is aware that private industry is contributing \$109 million dollars to build a public facility. Don't put this to a vote or referendum or base it on all the polls. He voted for people he has entrusted to make the right decisions for the long term viability of our City. When this uptown arena is built Charlotte again will be the talk of this Country. The place where it happens, the can do attitude, public and private partnerships. And when he tells people he is from Charlotte they love to tell him how great it is and wish they can live here too. Thank you all for your time and commitment to Charlotte.

**Daniel Levine, 8514 McAlpine Park Road**, said he is speaking to Council this evening from a perspective that is somewhat rare in our growing community. That of a native Charlottean. There is a perspective he believes that allows him to see with clarity the opportunities for us tonight. His love for this city began when he was a teenager, as an eight grader he had fond memories of taking the City bus to the square and transferring as he made his way to school each day. After school he would walk the streets with amazement of the hustle bustle of what we now proudly call uptown. And the time since then he's seen this city grow and prosper like few others in this country. And he's been inspired and encouraged by the synergy and cooperation that's made such growth possible. Our City's history shows the positive benefits of business and government working together for quality. Leaders and every day people spending their precious time to make Charlotte a better place. Tonight you are considering opening another chapter in this history of this great city and for that he applauds them. From his perspective one who has seen so much good come from people working together, he encourages you to view this issue not as one that might divide our ideas and tap our resources, but one that will unite our citizens and enrich our community. When he was growing up the center of this city was its heart, its life blood, identity. A place where people of all interests and backgrounds came together as Charlotteans. Today Charlotteans come from all over the world and all of us are proud of what our city has become. We look to the future with great anticipation. The diversity of who we are needs to be expressed in a vibrant exciting urban environment that only uptown Charlotte can provide. Through your guidance and the hard work and vision of many in the business and private sectors, uptown Charlotte is once again the hub of our cultural and corporate identities. And now we have the chance to again make it the center of our collective human experience. He is concerned that somewhere along the line the folks who write the headlines and take opinion polls have gotten the idea that this issue is about the Charlotte Hornets getting what has been called a government handout. He does not believe this. This discussion should be about how fortunate all of us in Charlotte are to have great organizations like Nations Bank, First Union, Charlotte Hornets, Carolina Panthers and all the others that have helped this community grow with a relentless commitment to quality and integrity. He was struck how far we come as he watched our All Star Glenn Rice accept the NBA's most valuable player award as the camera centered on Charlotte last night. Yes, the Hornets have brought much to this City. Don't let this team success shine so brightly that you were blinded to its contributions. The Charlotte Hornets like our NFL team embodied the spirit and character that makes this city great. And they belong here in the center of our city in Charlotte. Not for their sake, but for ours. Along with the dozens of restaurants, shops, apartments, condos and other businesses that will fill in and help bring a rich texture to our center city. Most importantly, our people belong uptown and tonight you have an opportunity to consider a bold partnership that will bring them back. Those who oppose this initiative out of misunderstanding or fear will encourage you to delay acting, to say no to the progress, to accept the status quo. But as one who has seen this city transform itself into one of the marquee communities in the entire world he knows that leaving well enough alone is no solution. He knows that we still have work to do, that good enough may be good enough for some, but it's not good enough for Charlotte. Please remember quality does not occur by accident. It is the result of perceptive planning, effort, direction and implementation. It reflects the wisest choice of ones options. Let's take the next logical step in making this great city even greater.

**Chuck Duncan, 6000 Monroe Road**, said at this point there is no single development issue that is more important in this community than the arena project for three reasons. Number one, the economic benefit and the level of people activity that an exciting mixed use development project will bring to our city. Secondly, the arena will serve as a reinforcement and heighten the return on our investment and facilities such as the Convention Center. And third, keeping the Hornets and a NBA franchise in Charlotte. It is not a question of how much the team has made in the past but what it needs in order for it to remain viable for the future. In cities such as St. Louis, Baltimore and Cleveland because they were unwilling to commit to what was in the best interest of their respective communities, it was not until after their teams were gone that they realized the loss to the city. And then they committed huge multiples of what it would have cost to keep their teams originally. In most cases all three of those cities spent between \$250 to \$300 million dollars to return a professional sports team to their city. The company that he is associated with, Norman Marketing, specializes in helping cities keep their teams and in many cases helping communities attract new teams. When Charlotte's public investment of \$50 million in the arena project is compared to what we have seen in every other city believe it or not, that is truly a bargain. The reality is that we're in danger of losing our franchise, there are other people out there willing to knock on the door and relocate the Hornets to their city. We have to do everything in our power to maintain the Hornets in Charlotte.

**Garland Denny, 7207 Woodstock Drive**, said he would like to thank the Council for all the hard work that they do for our city. And he would also like to ask the Mayor and Ms. Scarborough if they would reconsider their position and ask them to reverse it. He thinks they're honorable people and will do what's right for the city. With that he would like to read a statement. He would like for them to remember back when his great president Bill Clinton had his deficient reduction bill. All of the conservatives were against it. These are the same ones that are against the arena complex uptown. He asks Council to vote for option four. Another thing he would like to say and he hopes he doesn't embarrass Ms. Scarborough, but he heard the City Council meeting when Ms. Scarborough was raked over the coals for giving the key to Ms. Elders. He would like to publicly thank her for giving that key to Ms. Elders. And Ms. Scarborough as you know there are a lot of people here in this room that would object to you giving the key to Jesus Christ. Thank you and vote for option four.

**Cecily Durrett, 2110 Executive Drive**, said she came to Charlotte 17 years ago as a reporter to cover City/County government. She sees that this body still struggles amiably with the notion of involving the community in its decisions and she commends them for that and thanks them for the opportunity to talk to them tonight. Most of those 17 years here in Charlotte she worked uptown and had the honor and privilege of also working on many volunteer projects in uptown Charlotte. The first, the original SpringFest back in the early 80's. It was so thrilling to see the baby strollers coming from Southeast Charlotte and the folks from the region who had perhaps never been in uptown Charlotte discovering what we already knew about the excitement of being in the center city. The final four is go without mentioning but she also had the pleasure of working on those two events. Specifically the street of dreams where we probably created the illusion of activity in uptown Charlotte for a brief moment for those of us who were there and for those people who came from not only around the country but from around the world to share that excitement with us. And that's her main point this evening, in all of those events we did create an illusion. We manufactured the activity that was going on then very successfully. But she thinks Council has the collective capability to put the last piece of that puzzle that's been missing in Uptown Charlotte in place by voting to bring the Hornets home to Uptown Charlotte so we no longer have to create the illusion of constant activity but so that those folks who visit us from around the world could go home knowing that last piece of the puzzle is in place and again she thanks Council for the opportunity to be a part of that process.

**Bobby Drakeford, 1535 Running Brook Road**, said he would like to thank the Council, Mayor and staff for having this opportunity to express his opinion. He is a strong supporter of the public/private partnership to bring the Hornets uptown. His support, however, is not unconditional. First, it is based on the assumption that City Council determines that public participation is essential which he believes it is. Secondly, he assumes that our very capable and able leadership will structure a deal that benefits both the private and public sector. He believes that our city is on the verge of greatness. We have a history of public private partnerships that have benefited all, including transit center and most notably the Carolina Panthers Stadium. It seems as though we've all forgotten that there is public money in the Carolina Panthers

Stadium. The money came from the City, State and South Carolina also. He doesn't think there is anyone in this room who would say that has not been a good investment for us. He is certain that most people realize that the benefits from the Panthers being here include added hotel nights, restaurant sales and increased tax base in various aspects of the City. In addition to being a sound investment it is the catalyst for uptown and the area surrounding it. In closing he asks that the Council participate with 24UP to create a partnership that brings the arena to uptown Charlotte and provides the maximum benefits to all parties involved.

**John Sullivan, 2521 Richardson Drive**, thanked the Council for allowing him to appear. He asked the Council to try and set what he views as what's really happening here because they've had so much information flying about, and of course we are nowhere near a conclusion now but we're moving in that direction. First of all, he would like to say that he wants everybody to know that we want an uptown arena. There is going to be an uptown arena because Hugh McColl has decreed that there is going to be an uptown arena. What we're trying to determine is who is going to pay for the uptown arena. Now it has been proven concretely that three quarters of the citizens of Charlotte in a recent poll spoke to this issue and they said that they did not want their tax money going into a basketball franchise. We have problems of education, public safety, we have a lot of issues that we have to use public funds for. And to put them into an arena for an NBA franchise should be way down on the list. Not the less the 24UP, the people who are centered in uptown Charlotte have said this is what we want. The 24UP group is driving this, nobody doubts this, it is their presentation. Now Ms. Syfert, our City Manager, who is the number one government employee, the number one bureaucrat in our city, is also interested in a coliseum, a bigger government, more city government, this is her area. So we have hired a consultant to come down to tell us what we need. Also Ms. Syfert appointed a citizens advisory committee to advise the City Council and Ms. Syfert on what should be done. Now on the Citizens Advisory Committee she appointed as Chairman, Mr. Cliff Cameron, who is the former Chairman of First Union Bank. Now we all know that the chief spokesman for the 24UP group is Mac Everett, the current Chairman of First Union Bank. So we have the usual situation of a Citizens Advisory Committee and the current chairman of the bank, Mac Everett pitching the past chairman of First Union Bank, pretty good Ms. Syfert. It doesn't stop there. We all know that Mr. McColl wants this arena so we can't leave him out. Who is the Vice Chairman of the Citizens Advisory Committee? Mr. Jim Thompson, the Vice Chairman of Nations Bank. So now we have the Chairman of First Union pitching the former Chairman, the Chairman of Nations Bank pitching the Vice Chairman, what do you think their recommendation will be? He thinks he knows it's ridiculous. On top of that she puts Mr. Erskine Boyles on the Committee. He has since withdrawn but everybody knows that last year he brought tens and tens of millions of dollars from Nations Bank for his new Merchant Bank and from First Union Bank because he is a very successful and talented business man. And he assumes everybody knows that at the time his wife was on the board of Duke Power. Well, you've got everybody covered so far Ms. Syfert, who have we left off. What a forest, a Citizens Advisory Committee. Nobody is here speaking for the taxpayers, for the homeowners. Well, let him do that, or let him just express to you what you all know what they have said. We have seen a very concrete poll conducted by the Charlotte Observer and NBC 6 in which 75% of the citizens said they do not want to put money into the new arena. Is anybody doubting that and yet we get all of this conversation, should we do it. Do citizens have no vote, are they not to be listened to. One speaker said whatever you do don't let the taxpayers vote, don't ask the taxpayers, they'll reject this thing. So what do we have, we have Ms. Wheeler who, if he is not mistaken read that you think that maybe we should get 2% ownership in the franchise. 2%, why not 6%, 10%, 1%, how did you arrive at 2%? Are you an expert in Pro Sports Franchise financing, he would like to know how you arrived at 2%. He wanted to point out one thing, nobody is going to know what Mr. Shinn makes, in all of this display up here, the one thing we have not seen is what do the Hornets produce? How much money do they make? Mr. Shinn will tell you, I want your money but don't look at my books this is my team. Don't you dare ask me how much I'm making, all you have to do is put up the money. When is this nonsense going to stop? This arena will be built. The question is, are the taxpayers going to pay for it or are the people that reap the economic benefits going to pay for it? That's the issue. Let's let those people that own the franchise build the arena.

**Richard Alexander, 1510 Kensington Drive**, said he thinks it is ironic that in doing its best not to involve the citizens of Mecklenburg in the decision making process as regards to indebteding them to the tune of some \$58 million on a new Hornets sports arena entertainment complex, the City Council and City Manager have done just that by holding a closed meeting in violation of closed meeting laws. This just won't wash. What

we have here is a failure to communicate. Not on the part of the citizens, they have stated overwhelmingly both nationally and locally that they do not want any tax money spent on privately held sports franchises or funding sports entertainment. It is not within and should not be within the purview of government. We need more police on the streets, we need video cameras on their cars. We need more court personnel more jail space, more public transportation, better transportation, new school facilities, water and sewer extensions. These are the legitimate provinces of government, not art, not entertainment. But it is not only that the City and City Council are misappropriating the public tax funds, they are doing it in collusion and behind closed doors with a so called citizens committee. Nations Bank vice chairman, First Union, Duke Power, of course they're going to say they want it, the deck is stacked, they've hired a consulting firm. No doubt it is going to tell them what they want to hear. If he goes to a doctor he will get a pill and bill, if he goes to a psychiatrist he will tell me I need help, if he goes to a lawyer he will need a psychiatrist and he will still get a bill. If he hires a consulting firm to tell him that George Shinn will leave because he can't make it without a new arena then that's what they'll say, so be it. Why should Mr. and Ms. Charlotte citizen both working running in place, afraid of violent crime, paying for a home and cars and trying to keep their children clothed and fed be saddled with a debt because George Shinn can't afford to pay the exorbitant salaries of the players. There is the homeowner, can't go anywhere, got a 30 year mortgage, let's sock it to the homeowner. We're like Bre'r Rabbit and the tar baby. We stuck one paw in when George Shinn said howdy out there on Tyvola Road. Then we stuck another one in with the Panthers, and now we're getting ready to stick both feet in and you won't be able to tell the difference between the tar baby and the government. And the fact of the matter is to show you how good you are at this you lost money taking people to the Panther games. A taxi cab driver could do better than that.

**Deborah Ryan, 12712 Weatherburn Lane**, said she faxed each Councilmember a letter a week or two ago wearing her hat as a Landscape Architect and Professor of Architecture at UNC Charlotte, outlining her support for the arena and the entertainment complex from her professional perspective. But tonight she wants to talk to Council with a different hat on, about her support for the arena from the perspective of being a single parent because she is also that. To illustrate her point she would like to share with Council a very short anecdote. Several years ago as a faculty member at UNCC she had the opportunity to teach in the UNCC, program in Spain. It was during a summer break so she took her six year old son along with her to Bcelona. Wherever she went with the students he accompanied us, on field trips, to dinners out and to bars afterwards. Now this may sound totally inappropriate that she would take a six year old son into a bar, but when Addison and she would enter a bar the bartender would come around the bar and escort her child over to cases full of ice cream. And with incredible patience after showing him at least 15 different selections, present Addison with his choice. Now every bar we went into had a cappuccino machine, full of ice cream. And of course every bar had shelves full of liquor. But the most amazing thing was that every bar was full, not just with people, but full of families. And those families seemed to flow out into the streets. The streets were full, not just of business people but of children, teenagers, elderly, lovers and friends together as families. Uptown Charlotte could be like that, but it isn't. The street could be full of families, but they are not. We need to support initiatives that help us be together as families. Proposal for the uptown arena complex is just such an initiative. Now she is not a big sports fan, she probably only goes to half a dozen sporting events each year but she takes her son out to dinner and to movies or to play with him several times a week. Now he is a student enrolled at Irwin and when she picks him up in the afternoon they always go for a snack after school. Right now the gas station on Graham Street gets all their business. She prefers something a little nicer than that. Now she heard you argue the public money ought not be spent to support public enterprise. She doesn't care if the Hornets make more money if her quality of life has also improved, and it will be, and for thousands of people like her and her son because they'll feel as if we're part of a larger community. Please don't obscure the argument by dwelling on how George Shinn benefits from your support of an uptown arena. But rather on how Addison and I and people like us will benefit.

Mr. Reid suggesting given the opponents more time to speak since the proponents had more time.

Mr. Sullivan said everybody wants the stadium, we're going to have the stadium. It's a question of who is going to pay for it. Are the people that benefit economically going to pay for it? That's what we have to decide, who is going to pay for it, that's all. When our consultant comes down and tells us that the Tyvola Coliseum is operating at a profit, sir you are getting bad information. They might have operated, they might

have told you, but what they didn't tell you is the taxpayers are picking up a bond issue that's paying for all of this. If you had a home and said if somebody will pay my mortgage, I'll pay for the electricity. Believe him they are not operating at a profit, the taxpayers are subsidizing this thing every single year with millions of dollars. There is not operating profit. But aside from that, the fact is four years ago Mr. Shinn gave the biggest contract in NBA history, \$84 million for one of his players, Mr. Johnson. And now he comes to us and says my gosh, the NBA salaries are going up, I need your help. He's the one that's driving them up. We're looking to our Mayor for leadership and he says I can't get involved I work for Duke Power, don't put me in there. When are we going to have some body stand up and say the polls showed that Charlotteans do not want this? He knows the proponents of the uptown arena have said don't let the taxpayers vote. He mentioned that before, listen to the taxpayers please, listen to the voters, look at the polls, that's all we're asking.

Ms. Syfert said what she needs from Council is some direction both on the process and the issue.

Councilmember Cannon said the gentleman that just spoke addressed something to the consultant and he wanted to ask the consultant if he wanted to respond to what Mr. Sullivan indicated.

Ms. Syfert said it was about the operating revenue the Hornets brought to the Coliseum and Mr. Sullivan said there is not a profit because they're not paying the debt on that.

Mr. Skeim said in clarification of that issue he wants to explain We gave a number of different numbers as a part of the presentation, we clearly looked at the situation at the Coliseum as well as the debt related issues.

As it relates to the Hornets the Hornets created \$56 million of revenue which is gross revenue at the Coliseum. The Coliseum has netted, according to the authority, \$12 million of net operating income. The Coliseum today generates approximately \$108 million operating income. There is the GEO Bond unrelated to the operation of the Coliseum related to its construction but not operations. So in that sense there is also the GEO Bond debt.

Councilmember Spencer said she would move that we adopt the schedule that the manager has offered us.

Mr. Reid said much of what he was going to say covered some of the folks who are against this. He did want to make three points that outline his concerns about it. One, right or wrong the people of Charlotte, too many of them, believe that this process was a done deal from the beginning. Some of the secretive nature of it and that's been discussed on TV and other places. The apparent conflict of interest of the advisory group which he thinks is a very legitimate concern. It has nothing to do with the character or the quality of the people because they're all fine Charlotteans and he certainly doesn't want to make it personal, that's not his intent at all. But it is the same reason that Mayor McCrory is not participating tonight because he works for Duke Power and many of these folks, have connections to the uptown or the 24UP partners and there is a built in conflict of interest. The other thing is Ms. Syfert said she was going to make a recommendation to Council, is that right? He hesitates always to speak to her but how could you possibly recommend anything other than what your own advisory committee has asked you to do. Surely you're not going to recommend do not, renovate, or sell when your on hand appointed advisory committee has told you to do option four. So the only question about your recommendation in his mind is just how much we've spent. And he thinks that would be a fair assessment. At least that would be logical from his stand point and reflects pretty much what many people in the City are saying. In fact the polls show 75% of the people who call him or send him letters are representatives of the City and he would say 90% of the citizens are against spending money on the uptown arena. It has nothing to do with whether the arena should be uptown. In fact most everybody in this city agrees it should have been built up there to begin with. And he thinks it is rather ironic that the same folks who were the driving force behind putting it on Tyvola are saying it ought to go uptown. And that's what scares him about this visionary thing that some people talk about. The second area is that the people that call him objections are varied and one is, whether government should be finance business. Especially sports teams that the whole episode is driven by the salary cap. The salary cap is the driving force here behind the need for public money. And we have people in this city that can hardly afford to buy their own cap period, much less be concerned about big tall guys who run up and down the court in short pants and make \$10 million a year. There is something that is really bad and wrong with that and they see that. The economic impact, he has study after study, in fact you sent me a whole package of material much of which debunks the idea of economic impact as stated by the Price Water

House Group and others. In fact he has read many reports. Here is one of the most renowned reports from Robert A. Baaed Body of Lake Forest College who talks about the economic impact and concludes that the primary beneficiaries of these subsidies are the owners and players, not the taxpaying public. Not only these other folks but every study that he has read from outside consultants who are paid to come in and tell cities that they ought to do what we want to do, can you imagine a sports consultant coming into Charlotte and telling us that we don't want to build the new arena, it would be the last consultant job they ever got in the country. It would be ridiculous, so for someone to come down like they did tonight, one of the big sports consultants and make a case for the arena uptown, it's predictable and a huge conflict of interest.

Ms. Syfert said she needs to correct one thing before he goes too much further. On the option four she did not interpret the recommendation of the committee the same way you did. Which was they were recommending option four unequal. What she is asking for is before you can make a decision or before they could make a final decision on option four that we need to explore further with the 24UP partnership some of the ramifications and the involvement of the City in that decision. So she is not necessarily interpreting the committee's recommendation the same way. She had some help from the committee but she has to make a decision based on all the information at the time she makes a recommendation.

Mr. Reid said he knows she does and with her committee he does interpret that they are recommending that option four is the best possible of the four options, that is the one that we should consider, that is the one they're recommending. They didn't say how much money or how it ought to be structured but they did say option four was the best option for the City.

Ms. Syfert said testing option four against the criteria that Council has set it has the most potential.

Mr. Reid said he said they're recommending option four based on all the other stuff. Another objection that many of the people that call him have is that the City is going to own the arena and the land, therefore, no property taxes would be paid on it. The same thing if we build it the entertainment center, no taxes paid there. That's a huge objection by many people but the most significant thing was mentioned by one speaker and that's the fact that so many people in this city don't want their money spent on an uptown arena. Now the promoters have an answer to that. They say we ask the wrong question or we need time to educate. That to him is somewhat of an insult to the people of Charlotte. They're pretty well acquainted with what's going on here. This whole issue is really indeed about people but it's about the people as the one lady mentioned she goes to the gas station. It's about the guy who pumps her gas, it's about those kind of people who have a difficult time every week with a pay check with both husband and wife working or single parent buying the food, sending their children to school, paying their taxes. That's what this is really all about. Are we going to require them to use their money. They're never see a Hornets game, they'll never be able to afford a ticket. The whole thing boils down in his mind to exactly that. And the last thing he would like to mention is the supporting information. We have listed here, it looks like the greatest media campaign since, well he doesn't remember one like it. We have City report, video package, slide presentation, speaker bureau, media briefings, radio talk shows, state of the City, Charlotte Behind the Scenes and it goes on. Now his question is who is going to represent his view point on all those things? When the State of the City is shown who is going to make the decision as to what we tell the people of Charlotte? That's what he wants to know because he has a feeling that this would be an attempt to educate the folks. And educate in this sense means to condition them to the great need for this arena. The other thing is the next page has this entire chart and it shows the stake holder, the role of the state holders, the issues and the strategy. So what gets him is this. When it says an issue is a sentiment towards Shinn. Now that to him is an insult to George Shinn. He doesn't think he's the bad guy here, after all we just said and he did some arithmetic, the Hornets have contributed in operating profit, not enough to offset the debt for sure about \$21 million over seven years. And here we are inferring that because of George Shinn there may be tremendous, sentiment against this arena. He is finding more sentiment against the 24UP group than he is against George Shinn. And he thinks that needs to be addressed. After all George Shinn two or three years ago offered to buy the Coliseum. Members of this Council will have nothing to do with that and now he knows why because the same group had their vision and a few of these folks on the Council knew about it. And some who have left know about it. If we had sold it to George Shinn as he offered we wouldn't even be discussing it tonight. He would have up fitted it, he would have been in there paying his bills and we

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would have made a nice \$30 to \$40 million profit. The other two things that are interesting is the Coliseum Auditorium Authority has no role period, they have a blank space there. Now who else knows better than they about the financial impact of either tearing down that arena or keeping it or whatever we choose to do with it than the Coliseum Authority, he does not understand that. Another is you have the stakeholders, the CUDC, that's a for group, the Chamber certainly is for it, so it looks like you left out those who are against it and only put those folks who are for it. Then he sees on the second page you made the citizens, they are part of this stakeholders but you made the City employees a separate category. Now he thinks the City employees have the same stake in this that he does but he doesn't understand why they would be given a special category over just the general citizens of Charlotte. Then of course the one big group that is left out is the hospitality industry. They would be probably affected as much as anybody in the city but, they don't even have a role in this. So what he is saying is the sentiment out there is this has been a structured done deal from the beginning and we have done very little to give the citizens belief that it isn't so. And he thinks that's sad, because no matter how this thing turns out if we do it, it will be bad for the City, it will increase the skepticism that citizens have about government. And if we don't listen to the 80% of the people who are talking, why have this community relations summit, we talked about let's listen to the people. If we're not going to listen now why do you think we'll listen then?

Mr. Baker said what was the first meeting date?

Ms. Syfert said the first meeting date would be February 17, at 3:00 p.m. which is before your Zoning Meeting at 5:00 p.m. that evening.

Mr. Greene said he takes an opposite view about this process that we're about to ordain. He doesn't think they are adding to the skepticism by opening up the process or by conducting a campaign from the City's standpoint relative to the issues. If the City's PR people put a certain spin on it, then he thinks you would know it, I would know it and everybody sitting around this dias would know it. But he suspects that this staff is smart enough to understand that they're not going to do that because this Council has not arrived at any kind of conclusion of what the City policy ought to be. So for them to go out and to put forth a public relations program with a certain spin would be to endanger themselves and he thinks the City Manager and staff are smart enough not to do that. The other thing is he thinks that the process that they have outlined a process that allows the public's education in a stricter sense of that word, about what we're trying to do, as such we will have an informed citizenry when the time comes to make a decision. And he thinks that engenders citizens confidence in government and enhances integrity of this government. So he tends to disagree and maybe that's an opposite view but he thinks it is one that needed to be stated.

Mr. Sellers said he needs to clarify a couple of things. We received a summary presentation tonight and he assumes you have a written report or something with the details of the committee's findings or are these the details?

Ms. Syfert said the report we sent out to Council is really the report. But what we do have is all of the backup material that's been part of the analysis, like spread sheets and data sheets, Price Waterhouse report. A number of things that went in to coming up with the summary of recommendations. The report was put together to be a report that could be summarize.

Mr. Sellers said when and how will that backup data will be available to us?

Ms. Syfert said that is one of the things she want to talk about in the workshop in terms of how much of the information you want briefed on and how much of the data you want.

Mr. Sellers said he would like it all, whatever there is. If that's boxes you can show him where it is but he would like access to all of it. And he appreciates the material you sent out. He would also wants to clarify that the consultant in the response to Mr. Reid's question did say that you're going to get back to us on your analysis that you signed off on, on the economic impact question. Did he understand that correctly?

Mr. Skeim said he will get back to all of you on our evaluation of Price Waterhouse report.

kjw

Mr. Sellers said finally, as he goes back and looks at this timetable and these issues began coming up in the Spring of last year where we first discussed the four criteria we were asked to write down questions or areas of concern that would be a part of the discussion in development. He thinks he did that and handed it to Del on that night. You may have already given him what was done with those questions or how they were answered but he is not clear that he's gotten an answer that he knows was an answer to those questions. When we met in November of 1996 and we had the 24UP partner proposal we each voiced concerns around this dias that he had thought were going to be a part of the process and he believes Ms. Syfert indicated that she was writing them down at that time and he would like to be given the material or see the answers to those specific questions which were identified as concerns and which frankly continues to be his concerns. The sooner we can have those, assuming they are looked at, the better.

Ms. Syfert said they were looked at, some of those are things we have addressed, some have fallen out during the course of the process. Some of them the committee addressed but we have kept track of all of those. Mr. Borgsdorf still has your list and we are prepared to deal with that. In fact that's what some of these workshops are for now with the Council. To say okay, I didn't hear the answer to this question, this is the one I raised, for us to share us to share with you as we do at the budget workshops. Not all of those answers had been addressed by the Citizens Committee. Some of them were during part of our analysis.

Mr. Sellers said he is getting the feeling that there is a growing momentum and his questions are going to be the same that he's had for months. So he looks for those to be addressed or to be told if his questions have been thrown by the wayside and they haven't for him so he would like to see something on that as soon as possible.

Ms. Syfert said for example his question on the economic impact was one of the things that generated the commissioning of the Price Waterhouse report.

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

**YEAS:** Councilmembers Baker, Cannon, Greene, Jackson, Majeed, Scarborough, Sellers, Spencer and Wheeler.

**NAYS:** Councilmember Reid.

Mr. Reid said he like to move that in the event that this Council in its infinite wisdom votes to use taxpayer money to build an arena uptown that we find a way to go to a referendum to ask the people of Charlotte if they want us to do it.

[ Motion was made by Councilmember Reid, seconded by Councilmember Rouso, that if ]  
[ approval is given to use taxpayers money, we will do a referendum and put it to the voters. ]

Mr. Majeed said he doesn't object to what he's saying but he thinks that maybe that could be included as one of the options that might be something we consider. But he doesn't think they have to do that, he thinks that could possibly be included.

Mr. Baker said he would like to ask Mr. Reid if the Hornets build a facility and own it and the only thing the City of Charlotte does put in water, sewer, sidewalks, curb and gutter, if that would still apply? It would still be taxpayers money.

Mr. Reid said absolutely not, infrastructure is the normal role expected from government. He is talking about if we use the money to help build an arena down town either by furnishing the land, come up with taxes or whatever. It's very simple, folks, don't complicate it.

Mr. Baker said he would like to suggest with that being the case then we should wait until after we get the City Manager's report and we have our meetings to decide an issue like this, he might very well support that. But he thinks it's premature to vote on that today.

The vote was taken on the Mr. Reid's motion and failed.

**YEAS:** Councilmembers Reid, Rousso and Scarborough.

**NAYS:** Councilmembers Baker, Cannon, Greene, Jackson, Majeed, Sellers, Spencer and Wheeler.

Mr. Baker said he voted to oppose this, not because he doesn't want the people to vote on it but because he thinks it's premature to do this tonight. He may very well vote to approve it later.

**Council Recessed at 9:20 p.m. and reconvened at 9:30 p.m.**

\* \* \* \* \*

**RESOLUTION TO APPROVE THE CHANGES IN THE FORM USED TO APPLY FOR POSITIONS ON A COUNCIL BOARD OR COMMISSION; AND ADOPT A RESOLUTION REVISING THE PROCEDURES AND ADMINISTRATION OF THE BOARDS AND COMMISSIONS PROCESS.**

Mr. Rousso said the Council Manager Relations Committee met four times to consider these changes. And we recommended the following changes and he is sure that most of them have read the underlined parts. There were very few changes made and he wanted to point them to Council. Mr. Rousso then proceeded to point out the changes in the attachments.

Mayor McCrory said he would like commend the time that the Councilmembers spent on this. He knows that Ms. Spencer has been working on these kinds of things for three years.

Ms. Wheeler said she wanted ask a question where it states that an individual may not serve on more than two boards or commission at a time. Are you all recommending that be part of the application as to what board they are currently serving on?

Mr. Rousso said yes, they put that on the application.

Ms. Wheeler said secondly why did you not require all our appointments to be residents of Charlotte? She would prefer that we represent the City of Charlotte rather than Mecklenburg County except for the Airport.

Mr. Sellers said we had some discussion on that particular issue because that was some concern of his. And it was pointed out and he thinks correctly so we need to have some jurisdictional limit but there are a number of people who live actually continually domiciled in Mecklenburg but have businesses, they work here and have this deep interest in the City so when we were trying to come up with a geographical limit it was enlarged a little larger than the City to allow for some of those folks. And of course they would be judged on a case by case basis as to who's the most appropriate. We didn't want to exclude by limitation those who might live outside the City, but still have a deep interest in what goes on.

Ms. Wheeler said excludes anyone who lives in South Carolina as we have had an occasion on the Auditorium Authority.

Mr. Baker said in reference to terms of office, after rotating off a board any member must be off that board one full term. He thought it was customary that people appointed to boards were given an opportunity for a second term. Now do you mean to exclude that second term or are you talking about a member must be off after rotating off a board after their second term?

Mr. Rousso said after their second term.

Mr. Baker said so it would still be the practice to allow a board member to have a second term. Then he or she would have to be off a board?

Mr. Rousso said right.

Mr. Baker said that needs to be clarified because that's not the way it reads.

Mr. Rousso said we can clarify that because it is a little unclear.

Mr. Greene said he wanted to make a statement that more than simply the Council/Manager Relations Committee worked on this. There were other Councilmembers that submitted information and worked with us on this, so he thinks this was more of a full Council thing rather than just this committee. We were privileged to do the work but lots of people put input in this thing.

Ms. Scarborough said she, too, wants to thank this committee because there have been many times she has asked about a lot of these things that have been clarified. So she is excited about what you've done. She served this committee for about two years and she is real excited that its come to fruition. She has some questions on the public notifications of nominations. You mentioned putting some of the information in the water bill? What kind of additional cost that might be to put it in the water bill?

**Brenda Freeze, City Clerk**, said she talked with Bill Guerrant in Corporate Communications and he indicated the total cost per year for all inserts in water bills is a little under \$42,000. That's already budgeted; sometimes Solid Waste and Police use it. We would only be using it four times a year for your quarterly process.

[ Motion was made by Councilmember Reid, seconded by Councilmember Scarborough to ]  
[ approve the above resolution. ]

Ms. Scarborough said the other question she has is relating to your reports, are you asking for written reports or are you asking for oral reports to the Council?

Mr. Sellers said we did discuss requesting requiring a written report to be distributed to all Councilmembers and then to the extent further discussion or elimination was needed, the Council will simply request that body appear on an as needed basis.

Ms. Scarborough said she wanted to thank the committee because they have done an excellent job.

Mayor McCrory wanted a rationale for separate applications for each board a person is interested in.

Mr. Sellers said you will remember that we also added an explanation of why you want to serve on this committee. There are a number of applications that he has seen in the past that will have eight or nine different committees jammed into that block. And we were desirous of seeing the particular interest of the applicant in one committee and give them the space to explain that to us and that would require separate applications.

Mr. Greene said he thinks a point needs to be made and conveyed to the citizens of the community that we take this very seriously. And we are looking and actively searching for people who have not only the necessary qualifications intelligence and special skills, but we're looking for folks who are committed to this community. As such he thinks this process that we have put together makes sure that we're not going to have a repeat on the kinds of things this community has recently gone through. Nothing is perfect of course, nothing can forestall dishonesty but he thinks that the citizens can be certain at this point that they do in fact have a process for us to consider decent, honest safe folks on our boards and commissions recommending policies to us.

Mr. Reid said did the committee give any consideration to separating the committees according to some kind of requirements that a person should meet before they're qualified? In other words some of these committees, for instance the Zoning Board of Adjustment, has called and said that we've put people on there who didn't have a clue to how that committee performed or what they were doing. And he knows some of the committees it wouldn't matter very little. There are some committees where we do need specific people with specific backgrounds and he wondered if any consideration was given to that?

Mr. Cannon said we addressed that in the committee meeting and decided we would come back and revisit that because there was some great concern about that. One is we want to be careful not to eliminate certain people who may not have the prerequisite that one would be looking for to get on some of these boards and commissions. You want to have a fair and open process to any and everybody who would like to be a part of these boards and commissions so we do plan to go back and revisit that.

Mr. Reid said it seems to him on some of these committees the number one concern should be qualifications, not party or anything else, it should be someone who's qualified. And if we can't figure out a way to do some of that he thinks Council has failed in our appointment process.

The vote was taken on the motion and carried unanimously.  
The resolution is recorded in full in Resolution Book 34 at Page 578-582

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**TRANSPORTATION PRIORITIES FOR THE METROPOLITAN PLANNING ORGANIZATION. DIRECT THE CITY'S MPO REPRESENTATIVE'S VOTE REGARDING THE ADOPTION OF THE TRANSPORTATION PROJECT PRIORITY LIST.**

[ Motion was made by Councilmember Scarborough, seconded by Councilmember Rousso to ]  
[ approve the project priority list. ]

Mr. Greene said he would like to add a bicycle project along Irwin Creek and Uptown Charlotte that will also coincide with the proposed green way through Wesley Heights.

Ms. Scarborough said we have not had a study on that and she would be reluctant to add that to the motion.

Mr. Greene said there has been lots of activity. First of all, the County is spending \$750,000 to upgrade, the School Board has put a \$21 million school over there. And to make up Irwin Avenue School, Frazier Park, there has already been a dedication of \$40,000 for the Greenway Park Project along the railroad corridor in Wesley Heights. So there has already been plenty of studies about this.

Ms. Scarborough said whereas she thinks that's an excellent idea she would hope they would first vote on this motion and then ask the staff would they give us a study and recommendation back on that. That's what she would like to do at this time.

[ Substitute motion made by Councilmember Greene, seconded by Councilmember Jackson to ]  
[ approve the Priority List and add bikeway along Irwin Creek. ]

Ms. Spencer said she is short on information on this. What is the source of that money? The reason she asked that is that earlier tonight were they not saying that there is very limited State money for bicycle paths and that what we were asking for would be about a quarter of that. She doesn't remember all the details of that conversation but the question in her mind is how do we go about getting this in the process so that we could start working on it. She doesn't necessarily want to vote against the motion but she doesn't want to upset things that are in ongoing process, either.

**Joe Lesch, Secretary of the MPO**, said the question that you asked is where the money would come from for that project. It's basically the bicycle program for the state. It does not compete against some of the other categories on that list.

Ms. Spencer said but how much money is in that fund and how competitive is it? Is it competing against other bicycle projects that we already have underway?

Mr. Lesch said it would compete against any new bicycle projects we would suggest. He thinks Mr. Papas

pointed out at the meeting that the state gives something like \$2 million a year in that program state wide. He was looking for projects in the range of \$50,000 to \$75,000 for bicycle projects he thought he could get funded and that's when he suggested that this project might be added to the list.

Mr. Reid said does this violate the surprise category that we have so often used when something comes to the table that is somewhat unrelated and we have not had the chance to think about it?

**Mac McCarley, City Attorney**, said no sir, it is simply an additional project to a long list of transportation improvements projects.

Ms. Scarborough asked Mr. Lesch if he said that this project is small enough that you could add it and that it could be funded?

Mr. Lesch said some portions of that project depending on the whole scope, but there are some pieces that could be done at that level.

Ms. Scarborough said the staff has looked at this project and you are familiar with what he is asking to be done?

Mr. Lesch said not the details, no. We're familiar with the idea of doing some bikeways along Irwin Creek and it's been talked about for some time. The details stage will be part of the process that the state will go through when they fund it. Exactly what link would be built and exactly how it would be accomplished.

Mayor McCrory said he would like a response from City staff. It sounds like a good idea and appealing but he has no idea if it's legitimately feasible and things of this nature. He knows there is a walking path already along portions of that creek from Freedom Park to Carolina Med. Center and he just want to make sure we're not asking for something that is legitimately impossible.

**Bill Finger, Department of Transportation**, said this not something that we have talked about before this night. There are different ways you can approach a project like this. One would be to decide all the things you would like to do and explore it and find out what it cost. Another way to approach it is to say there is an amount of money that you have to work with and what can you do to facilitate bicycle traveling in this particular corridor. We do think we can do that later, we can come up with the concept that targets the amount of money that's available and would facilitate bicycle travel in this corridor next of town. The general idea has been discussed several times after all the parks were left over when I-77 was built and tying them together with bicycle facilities.

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

**YEAS:** Councilmembers Baker, Cannon, Greene, Jackson, Majeed, Rousso, Scarborough, Spencer and Wheeler.

**NAYS:** Councilmembers Reid and Sellers.

Mr. Reid said he would like to ask the City Attorney, since he has no way of knowing anything about a bike path. How you can possibly tell him this isn't a surprise? We have not discussed it at all either before the dinner meeting or tonight. There is no way for anyone to even tell us what it would cost or even if it can be done. And if that doesn't fit the surprise mode he would like to know the logic behind it?

Mr. McCarley said he agrees they were surprised but it is the same type of issue as the same others on the list.

Mr. Reid said he has known the City Attorney to disqualify a motion because of the surprise element, he has known him to use that as the only criteria from doing it and he is asking him to tell him why this is different from anything else? He is in favor of bike trails, it's not that. It's simply a matter that we don't know whether this is the right bike trail, whether we can do it with the money we're asking for, if it could be engineered or anything and we're voting on it tonight. That is absolutely a bad decision to make.

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### CITIZENS HEARING PROCESS

Mr. Greene said this agenda item and the next agenda item are linked because they involve Council's Rules and Procedures. He would like to link these two together with a motion to consider Council's Procedures and Council's public hearings in an Ad Hoc Committee of the City Council. And he would move that the Council establish an Ad Hoc Committee to consider these two items. And that committee be composed of Mr. Jackson, Mr. Reid, Mr. Cannon, Mr. Majeed and Mr. Sellers. And that this Committee will meet and report back to Council on the business meeting scheduled for March 10.

[ Motion was made by Councilmember Greene, seconded by Councilmember Wheeler to put ]  
[ into an Ad Hoc Committee and report back to Council by March 10. ]

Ms. Spencer said are you aware that's an all men's committee?

[ Substitute motion was made by Councilmember Spencer, seconded by Councilmember ]  
[ Scarborough to put in Council/Manager Relations Committee. ]

Mr. Baker said if we combined these and send it to a committee does that mean we have to vote on them together when they come back or may we vote on them separately.

Mayor McCrory said no, he thinks they are two different issues, there could be many different votes on this.

Mr. Jackson said he wanted to make Council aware of a couple of things he put in front of them. One was the Orlando Council agenda which he got off the Internet. They actually use Robert's Rules of Order. They have a very formal agenda and that is true for Fairfax as well. We also have a letter from Commissioner Bush, Commissioner James and Commissioner Martin is here to speak on this issue and maybe we should hear from him as well before we get too deep into this. He also sat down with the City Attorney and took the City Attorney's suggestions and issues and amended his paper that he gave Council earlier in the week and you can look over those. A lot of us would like to change the public hearings to once a month but how you conduct the public hearing is certainly a procedural question that should be resolved in one fell swoop as far as how we deal with procedure. It is his understanding that Ms. Wheeler wasn't interested in being on this committee.

Ms. Wheeler said she was asked and she declined.

Ms. Spencer said she doesn't want to be on it either.

Ms. Wheeler said the Council/Manager Relations Committee was originally an Ad Hoc Committee and when Mr. McCrory became Mayor it became a standing committee.

Ms. Scarborough said she would like to be on this committee.

Mr. Reid said he would take himself off and let Ms. Scarborough be on the committee.

Mr. Reid asked Ms. Spencer if she would consider withdrawing since he has try to meet whatever objection there was?

Ms. Scarborough said the older she gets the more she realizes that God watches us and He knows our every need and our hearts. And she has to say this, the people who have been nominated for this committee, whether they would admit to this audience or not, understand that they have already made their minds up of how they want this stuff to go. And whether you acknowledge it to the citizens of this City, God knows your heart. She would hope that they would be a little more less self incriminating than that. Everybody she sees on this committee are the people she saw scrambling around at the retreat trying to

change the rules at the retreat. And to say that you've not done that she knows they know better than that. So she would say that this committee is not fair, it is not set up correctly and she would hope that they would at least be honest with themselves.

Mayor McCrory said he just got notification that the March 10 meeting would not be held because of the NLC, so it would be March 24.

Ms. Scarborough said she wanted to clarify something Mr. Sellers was not a part of that group that was scrambling around.

Ms. Wheeler said the substitute motion is to send it to Council/Manager Relations Committee. If that fails the main motion is to send it to the Ad Hoc Committee.

Mayor McCrory asked Ms. Spencer if she withdrew her motion?

Ms. Spencer said no, she hasn't withdrawn her motion. She would be happy if they could find a middle ground that satisfies us if someone could suggest another committee or whatever to substitute on her motion or to withdraw it.

Mr. Sellers said Mr. Greene effectively wrapped the next two items into one nice ball and he doesn't necessarily object to that process. What he senses is our retreat is on the public hearing issues as far as the mechanics of it. There seems to be a large number of Councilmembers who felt like we could more effectively deal with public hearing issues by going ahead and restructuring our workshops dedicating from 7:00 p.m. on from that evening to hear as many folks that want to come and then devoting the second and fourth Mondays to formal business meetings and hear from the citizens who have signed up on agenda issues. That may not address some of the procedural matters at those public hearings as far as how the Council interacts with those who appear. He would hope that we might consider by going ahead and approving the rescheduling of the public hearings and workshops and leaving the procedural issues as to interactions with citizens at those hearings for whatever committee we want to refer it to. But go ahead and get us on the right track as far as scheduling it and dedicating our attention to citizen concerns for as long as it takes on those nights.

Ms. Spencer said she is not sure she suggested the right committee here at all. One committee that we have going is the budget committee which is the chairs of all committees and she is sitting here looking over a list of all the committees we have and restructuring government might be an obvious one but Ms. Scarborough is not there and she said she would be interested in being on the committee. She is looking for a way to put a balanced group to debate these issues on the committee. She is not wedded to her substitute motion if they could find something better.

Ms. Scarborough said one thing she wanted to respond to is Mr. Seller's recommendation that we go on and vote on the citizens hearing process. The problem that she has with this particular item is there are citizens who do not have time or have the opportunity to come once a month like some of us might think they do, and therefore they can make the choice or have the choice to come whether they come on a second or a fourth Monday night and the choices are there and they can be heard by their Council. Should we vote on this to have it during our workshop once a month that means there will be people that will never have the opportunity other than once a month or maybe not even then because they will have to come when their schedules allow them. The process that we have right now works and works very well. The reason why it hasn't worked in the last couple of months and we've argued about this, is that we as Councilmembers have in fact been a part of the public hearing versus listening to the citizens and actually sending it to the staff or to a committee. And she thinks if we should send items to the staff or to a committee the process will be 30 minutes and we wouldn't have to worry about going into a special public hearing once a month and therefore leaving some citizens out who will not have the choice. So she would hope they would not vote on this tonight, she would hope they would understand there are citizens who can't come once a month to a first Monday night meeting, and she thanks the Council for allowing her to share that.

Mr. Greene said one of the reasons why we want to do it this way is to place this in a committee where it

can be debated. If it's stacked then it's no more stacked here than something you favor that you would do. He doesn't think that anybody has made up their mind. You notice that he didn't include himself in this committee and he was certainly one of the ones agitating for a rules change. And here we are not trying to find some way of doing this thing so that the voices are heard. So he suspects that consigning us to the junk heap like you have done, those of us who would do something like this is not exactly fair.

Ms. Spencer said she would amend it to the Budget Committee because that is a much more balanced committee.

Mayor McCrory said you're saying that not as the Budget Committee but the representatives on the Budget Committee.

Ms. Spencer said the people who constitute the Budget Committee.

Mayor McCrory said the substitute motion would still be the same with that amendment. The vote was taken on the substitute motion and failed.

**YEAS:** Councilmembers Baker, Rousso, Scarborough, Sellers and Spencer.

**NAYS:** Councilmembers Cannon, Greene, Jackson, Majeed, Reid and Wheeler.

Mayor McCrory said the other motion was a committee composed of Mr. Jackson, Ms. Scarborough, Mr. Sellers, Mr. Cannon and Mr. Majeed to discuss these issues. He thinks it's good they're going to committee to discuss this. Although he would prefer to go on and make a decision on the public hearing process, but he would like to say just for the record that the committee is stacked and it was planned well before we got here tonight. So he hopes when they make the final vote after the recommendation of the committee that is well noted except for Mr. Sellers.

Mr. Cannon said he wanted to clarify that he never knew of the stack until just now. And if he need to come off for the sake of you and others so be it.

Mr. Majeed said he would like for Ms. Spencer to serve on that committee.

Mayor McCrory said would you like for her to take your place?

Mr. Majeed said yes.

Mr. Sellers said the past couple of minutes of discussion has made him think again that perhaps it would be best to put this in the hands of the folks who are already ably guiding the committees that we have to oversee that procedure.

[ Motion was made by Councilmember Sellers, seconded by Councilmember Scarborough to ]  
[ reconsider the prior motion. ]

Mr. Greene said does the motion to reconsider require a 2/3's vote?

Mr. McCarley said not under the Charlotte rules.

The vote was taken on the motion to reconsider and failed.

**YEAS:** Councilmembers Baker, Rousso, Scarborough, Sellers and Spencer.

**NAYS:** Councilmembers Cannon, Greene, Jackson, Majeed, Reid and Wheeler.

The vote was taken on the original motion to put into Ad Hoc Committee made up as follows: Cannon, Jackson, Scarborough, Sellers and Spencer.

**YEAS:** Councilmembers Baker, Cannon, Greene, Jackson, Majeed, Reid, Rousso, Sellers and

Wheeler.

**NAYS:** Councilmembers Scarborough and Spencer.

Mayor McCrory said this would come back March 24. He Mr. Cannon wrote him a note that he is going to decline his nomination to this board and he never knew that he was being approved to be put on this board. So if we would retract any statements that Mr. Cannon knew of an efforts to do this.

**Hoyle Martin, County Commissioner,** said a few weeks ago when Council was deliberating on a discussion about racism and other things in this Chamber and he read a two and half page article in the Leader newspaper about that meeting, that article they consistently implied that at least some of you on this august body were being rather critical of the board of County Commissioners. And he personally takes a little objection to that. There were no direct quotes but when they fish around and make statements like they made somebody has been saying something. But more importantly, we need to be working together as boards for the needs of this community and this city. His real concern and he was grieving as he watched that Council meeting because he sat up there with most of you for six years and he knows the agony you go through when you try to make some of these decisions. When he listened tonight he heard more things along the same lines that disturbed him. Two things, the idea of reducing the amount of time when citizens can speak to you and reducing the amount of time when you speak to each other. And he thinks this goes against the democratic process. There are times when you need to be flexible. On the night when Mr. Reid responded, and he thinks he had a right to respond because he was the one being heavily criticized, you had an opportunity to really let a lot of citizens those here and those on television, really get a feeling for what that issue was all about. It was an opportunity at the moment that you lost and you lost it because you were playing around with some petty rules. At times you have to be flexible enough to let the rules go. And all this other talk about a summit might be great, but the opportunity that was lost that night is gone forever. Many citizens who were listening to that meeting or who were here would have heard things and heard thoughts and got understandings about the race questions in this community that they'll never get again. And he wants to ask that they be very careful when talking about reducing the time that citizens can come to speak to you to one evening a month. If anybody needs to be inconvenienced for this community it needs to be you and the same thing for those of us on the Commission because you are the servants of citizens of this city, so we need to be accommodating when they come to us. It was tragic enough, the article in the Leader said for example the County Commission had done some things in the last term and this term that made us a laughable group. Well the epitome of that and the height of that occurred that night when a Councilman asked for permission to stand where I'm standing to speak to his own colleagues. Ladies and gentlemen that was uncalled for. The most serene, easy going Councilman in this dias was angry and frustrating enough to damage a piece of public property. So he just wanted to implore you to be more sensitive to each other, listen more carefully to each other, let these folks on the Council speak and don't reduce the time. You only have 30 minutes on your agenda anyway for citizens hearing and that's a joke, 30 minutes is never enough time, you know and I know it. Be more concerned about these issues, this is a democratic process, this is what makes it work. And then when you deal with such things as down town arenas you won't have to have some of the concerns and frustration you've had here this evening.

Mr. Jackson said that Mr. Martin has dealt under two different systems, one that has the procedures where the majority of the Council has to approve an agenda item versus the one you're operating on now where you as an individual can place something on the agenda. Tell me your reactions to those two differences and what you think.

Mr. Martin said he didn't even know that the City Manager had the right to reject something that a Councilmember might want on the agenda and he thinks that's wrong, the manager works for you. You don't work for the manager. In response to Mr. Jackson's question he likes the system they have under the County Commission. According to this newspaper article it was said that some ridiculous things were brought up by certain members of the County Commission. He would rather have seen each of you as individual bring up a ridiculous thing every now and then, but get all the issues on the table and allow people to hear about it. He thinks people elected them and they have enough intelligence, each of you, to be able to decide you want an item on the agenda. And if the rest of you don't like, it you can vote it down just like that.

Mayor McCrory said we appreciate Mr. Martin's feedback this evening and we look forward to continuing a good relationship with County Commission.

Mr. Cannon said he recommends Mr. Greene to serve instead.

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**RESOLUTION ENDORSING A REQUEST FOR FEDERAL FUNDS FOR A TRANSIT WAY IN THE SOUTH CORRIDOR OF CHARLOTTE'S CENTERS AND CORRIDORS PLAN.**

[ Motion was made by Councilmember Scarborough, seconded by Councilmember Spencer and ]  
[ carried unanimously, to approve the above resolution. ]

The resolution is recorded in full in Resolution Book 34, at Page 583-584.

\* \* \* \* \*

**RESOLUTION SUPPORTING DAY OF UNITY.**

[ Motion was made by Councilmember Scarborough, seconded by Councilmember Wheeler, to ]  
[ approve the above resolution. ]

Mr. Reid said how much City money is involved here other than \$1,000 for Police?

**Vi Alexander-Lyles, Manager's Office**, said what we've done is an estimate, for a 2 hour event for traffic control. The event has not been scheduled, the hours have not been set, but we wanted to give you an estimate for the approximate time and cost, so they're going to be working on planning the event but we would be obligated if Council passes this resolution for the traffic control. We assume it is approximately \$1,000 for a 2 hour event.

Ms. Scarborough will add to her motion that it does not exceed \$1,000 unless it comes back to Council for approval. And she would like to ask Ms. Gregory to come down and talk about the date and time since she is the sponsor of this.

**Ms. Gregory, Chair, Day of Unity**, said that date will be April 13, at Memorial Stadium from 3:00 p.m to 5:00 p.m. She would also like to add that she appreciates the City along with the traffic officers, however if we need additional help she has definitely secured the United House of Prayer security to help with that so that we will not have a lot of cost. What we're hoping for that day is prayer at any cost.

Mr. Jackson said this was in our packages and this is again a little bit of a surprise thing. We get it on a Friday to consider it, our rules say if a Councilmember objects then it requires the majority to be on the agenda. How would we have known this under our current procedures? He thinks that is what they are going to have to address is that this is as much of a surprise as anything else and we heard others. How could he have objected and asked to have six votes on this?

Mayor McCrory said Ms. Scarborough asked him to put it on the agenda. He agrees and he had some question about it. The main reason he did it was the County Commission had just passed a resolution and it was his understanding that it was an immediate need from the organization to do the planning. So that was the decision making process.

The vote was taken on the motion and carried unanimously.

The resolution was recorded in full in Resolution Book 34, at Page 585.

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**LETTER FROM PORTRAIT HOMES**

Mr. Reid said this is to read into the record something that the Mayor did a couple of weeks ago at the request of the Rossmore neighborhood. He wrote a letter to Portrait Homes asking about the turn in at the Rossmore community. And the Mayor received a letter back from the regional manager of Portrait Homes. He read the letter and is not sure he understands what is going to happen as a result of the letter.

Ms. Syfert said she will find out and get back to you on that.

Mr. Reid said the letter was written to Mayor McCrory on January 30.

Mayor McCrory said he remembers reading that but doesn't remember if he referred it to staff or not.

Ms. Syfert said we will put that on our assignment sheet.

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### CLOSED SESSION

[ Motion was made by Councilmember Baker, seconded by Councilmember Sellers, and carried ]  
[ unanimously, to go in to closed session to consult with attorneys employed or retained by ]  
[ the City Council to discuss matters covered by the attorney/client privilege, specifically ]  
[ including North Carolina Railroad v. City of Charlotte; and to establish, or to instruct the ]  
[ staff or negotiating agents concerning the position to be taken by or on behalf of the ]  
[ negotiating the price and other material terms of a contract or proposed contract for the ]  
[ acquisition of real property by purchase, option, exchange, or lease. ]

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### ADJOURNMENT

[ Motion was made by Councilmember Scarborough, seconded by Councilmember Wheeler, and ]  
[ carried unanimously, to adjourn the meeting at 10:40 p.m. ]

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Brenda R. Freeze, City Clerk

Length of Meeting: 4 Hours and 5 Minutes  
Minutes Completed: March 14, 1997

