



<b>WHAT'S INSIDE:</b>	<u>Page</u>
Calendar Details .....	2
<b><u>Information:</u></b>	
City of Charlotte Disparity Study .....	2
Inclement Weather Impact on SWS Services .....	2-3
Runnymede Lane Emergency Water Main and Street Repairs .....	
<b><u>Attachment:</u></b>	
Policy Calendar: July 2011 – September 2011 .....	3
May 26 Restructuring Government Committee Summary .....	3

**WEEK IN REVIEW:**

Mon (July 4)	Tues (July 5)	Wed (July 6)	Thurs (July 7)	Fri (July 8)
INDEPENDENCE DAY HOLIDAY				

## CALENDAR DETAILS:

### Monday, July 4

INDEPENDENCE DAY HOLIDAY

July calendar is attached. (see below, attached as part of this document)

## INFORMATION:

### City of Charlotte Disparity Study

Staff Resource: Nancy Rosado, N&BS, 704-336-2116, [nrosado@charlottenc.gov](mailto:nrosado@charlottenc.gov)

At the October 11, 2010 Council Meeting, Council members approved entering into a contract with MGT of America, Inc., in the amount of \$305,450 for the purpose of updating the City's Disparity Study. The updated Disparity Study will review data from July 1, 2005 through June 30, 2010 to determine whether there is significant evidence of past or present discrimination in the City's public contracting against racial and ethnic minorities and women. Based on the study's findings, MGT's final report will determine if a legally justified need exists for implementation of an M/WBE program, as well as provide recommendations regarding suggested modifications to the City's current Small Business Opportunity Program.

MGT's original project timeline anticipated presentation of the final Updated Disparity Study Report to Council at the July 25, 2011 Council Dinner Briefing Meeting. In an effort to conduct the most accurate data analysis, the project timeline has been adjusted to allow for the review and analysis of additional subcontractor payment data. The decision to extend the timeline was a collective decision of both MGT and City staff. No other delays are anticipated.

The new project timeline now has MGT presenting the Updated Disparity Study Report to Council at the August 22, 2011 Council Dinner Briefing Meeting.

### Inclement Weather Impact on SWS Services

Staff Resource: Victoria O. Johnson, SWS, 704-336-3410, [vojohanson@charlottenc.gov](mailto:vojohanson@charlottenc.gov)

As a result of the recent storms, Solid Waste Services has seen an increase in the volume of requests for tree and litter debris clean-up in our Special Services Division. Staff has also reported a substantial boost in the amount of residential yard waste in its service areas. Solid Waste will continue to provide regularly scheduled service to the heavily impacted areas as well as the less affected neighborhoods. At this time, Solid Waste Services anticipates an elevated level of yard waste debris over the next few weeks but does not foresee any significant operational impacts on the scheduled work of the Special Services and Collections Divisions.

### Runnymede Lane Emergency Water Main and Street Repairs

*Staff Resources: Angela Berry, CDOT, 704-432-5259, [aberry@charlottenc.gov](mailto:aberry@charlottenc.gov)  
Barry Shearin, CMU, 704-391-5137, [bshearin@charlottenc.gov](mailto:bshearin@charlottenc.gov)*

Runnymede Lane, between Barclay Downs Drive and Michael Baker Place, will open two lanes to through traffic this evening. Roadway repair work continues and the road is scheduled to open all lanes on July 15. CDOT signal timing staff continues to monitor traffic flow.

**ATTACHMENTS: *see below, as part of this document:***

- Policy Calendar: July 2011 – September 2011
- May 26 Restructuring Government Committee Summary

# July

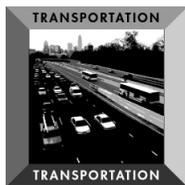
<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
					<b>1</b>	<b>2</b>
<b>3</b>	<b>4</b> HOLIDAY INDEPENDENCE DAY	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b> 3:30p mtg cancelled Economic Development Committee, Room 280	<b>15</b>	<b>16</b>
<b>17</b>	<b>18</b> 3:30p Economic Development Committee, Room 280 5:00p Zoning Meeting	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>
<b>24</b>	<b>25</b> 3:30p Transportation & Planning Committee, Room 280 5:00p Council Business Meeting 6:30p Citizens' Forum	<b>26</b>	<b>27</b> 5:30p MTC Meeting, Room 267	<b>28</b>	<b>29</b>	<b>30</b>
<b>31</b>						

# 2011

## July

## August

## September



<ul style="list-style-type: none"> <li>• PVH ordinance</li> </ul>		
<ul style="list-style-type: none"> <li>• Entrepreneurial strategy</li> <li>• Disparity study results</li> <li>• Mosaic Village mixed use project</li> </ul>	<ul style="list-style-type: none"> <li>• Ballantyne public/private partnership</li> <li>• Business Investment Grant program revisions</li> </ul>	<ul style="list-style-type: none"> <li>• Mobile food vendor ordinance review</li> </ul>
	<ul style="list-style-type: none"> <li>• Transportation Action Plan 5-year update</li> </ul>	<ul style="list-style-type: none"> <li>• Bike share program</li> <li>• 2020 Center City Vision Plan</li> <li>• Elizabeth Area Plan</li> <li>• Steele Creek Area Plan</li> </ul>

Items for which Council action will be requested in the month are in Green.  
Items that are for information (no action) for the month are Blue.

Subject to change  
7/1/2011

## **Community Safety Committee**

- Youth Protection ordinance
- PVH ordinance revisions

## **Housing and Neighborhood Development Committee**

- Inclusionary zoning density bonus
- Single room occupancy text amendment

## **Economic Development Committee**

- Business Investment Grant program review

## **Environment Committee**

- Alternative energy strategy
- Citizens Advisory Committee on the Environment

## **Transportation and Planning Committee**

- Transportation Action Plan 5-year update
- Transportation improvement program 2012-2018
- 2020 Vision Plan
- 2010 Census Data
- Bicycle Share Program
- Elizabeth Area Plan
- Steele Creek Area Plan
- CCOG Transportation Plan
- Long Range Transportation Plan

## **Restructuring Government Committee**

- Boards and Commissions with autonomous authority

## **Governmental Affairs Committee**

- Federal and State legislative packages



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Charlotte City Council  
**Restructuring Government  
Committee**

Meeting Summary for May 26, 2011

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## COMMITTEE AGENDA TOPICS

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- I. **Subject:** **Boards and Commissions with Autonomous Authority**  
Action: None
- II. **Subject:** **Reschedule June 23<sup>rd</sup> Meeting**  
Action: Changed meeting to June 30 at 1:00 p.m.

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## COMMITTEE INFORMATION

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Present: Warren Cooksey, Patsy Kinsey, Warren Turner  
Absent: Patrick Cannon and James Mitchell  
Time: 12:15 p.m. to 1:25 p.m.

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## ATTACHMENTS

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1. Agenda

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# Restructuring Government Committee

Meeting Summary for May 26, 2011

Page 2

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## **DISCUSSION HIGHLIGHTS**

Chairman Cooksey called the meeting to order and asked everyone in the room to introduce themselves.

### **I. Boards and Commissions with Autonomous Authority**

Chairman Cooksey said the item on our agenda today is a referral that sort of comes out with some of the issues we've had of late. He thanked City Clerk Stephanie Kelly for pulling out the information the Committee received (copy attached). This list contains those Boards and Commissions to which we make appointments and these Boards and Commissions have final decision making authority. Once we have appointed they are off on their own, they don't come back to us on anything.

Chairman Cooksey stated that the Zoning Committee does have final authority on appeals to staff ruling to the Subdivision Ordinance. It is a quasi-judicial procedure and we had the final say before Superior Court. He proposed they leave them out of this list. He stated that he proposes working through Committee, former Committee Chairs of these groups, and Human Resources to come up with a minimum standard job description for each Committee and then if Council agreed and adopted it, part of that would be delegating to the Clerk's Office the authority to basically screen out an applicant that didn't meet those minimum job requirements or position requirements. Whoever Council appoints is deemed to be fitting in that slot, but I don't want it to be so strict that only one or two people apply. He stated that since Council member Barnes is not a member of this Committee and because he has also expressed his concerns about CRVA in particular, he ran this quickly by him. Councilmember Barnes is interested in hearing more.

Kinsey: I think that is putting a little bit of a burden on the Clerk's staff. If somebody applies and they are deemed not appropriate we are going to hear it and it still may come to us. Particularly, if it is somebody we know or we've encouraged to apply. I do agree that we need to do something and I'm not sure what we can do, but it is really Committee wide.

Cooksey: I'm also thinking about what happened on the County side of the ABC Board. I don't know what procedures they had in place for their appointments to that Board, but clearly something went array with them.

Kinsey: All political.

Cooksey: The remedy that the Board of County Commissioners took for fixing the ABC Board after it became apparent how bad things were was to do personal interviews. Anyone applying to fill one of those new vacancies on the ABC Board, the Chair, the Vice Chair and other members of the Board interviewed them personally, which I think was good for what they had to do at the time, but it is not a practical practice for us. There are some other pitfalls and I think a good way of having this conversation is to think of other pitfalls. The fact that yes, we will hear from them eventually is one of them. My proposal is about Council appointees only, which

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# Restructuring Government Committee

Meeting Summary for May 26, 2011

Page 3

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raises the question about the Mayor's. I don't think it is practical to try to do that sort of thing for Mayoral appointees.

Kinsey: Or the Manager.

Cooksey: Good point, Manager or Mayoral appointees. I think two things, one of which we can hope for and one of which is a pressure release valve. I think you are correct, if we did set it up for screening we would see only the applicants that met the requirements. If someone was screened out, yes we would hear from them, but if we are not putting limitations on the Mayor's appointments then the Mayor can, in his discretion, say they are okay even if they don't meet the minimum qualifications. You still have the Mayor's ability with his appointments to be more flexible in that. How do you think that would fly?

Kinsey: The Mayor is going to appoint who he wants to.

Cooksey: We are not going to be able to restrict the Mayor's appointments. Can you see any statutory or legal Charter concerns with this idea of creating requirements and delegating to the Clerk's Office a screening?

Mujeeb Shah-Khan: It is going to depend, but off the top of my head I will say that you have for example the City Charter governs two of your Boards, the CRVA as well as the Civil Service Board. The Civil Service Board just merely describes the only requirement is that they have to be registered voters and the Council appoints four and the Mayor appoints three. Because that is the provision of the State law to create requirements, you may have to do a charter amendment and there is a process for that. However, for the ones that you create that are by your ordinance or by Council resolution, you have that ability to create your own requirement, the screening and if you wish to delegate that or defer that responsibility to screen to the Clerk's Office, I would defer to the City Clerk on that, but it is something that they actually do already which is look and see if they meet the requirements. But the question is how many additional requirements do you want to put in? The long answer is what I just said, but the short answer is yes, you can do it, there are going to be some Boards where there are a few issues and we will work through those on a Board by Board basis as you decide what the requirements should be.

Cooksey: The CRVA is statutory and charter as is the Civil Service Board. The Housing Authority?

Shan-Khan: The Housing Authority is a good question. I don't know how that one is handled, other than there is a state statute that says how you set that up. For example, the Housing Appeals Board, that is purely an ordinance creation so if you want to make changes in those requirements that is something you will need to do. With the Development Review Board, you set up by text amendment to the Zoning Ordinance. Passenger Vehicle for Hire, that is in your ordinance as well. The Planning Commission, because that is an Inter-local Agreement we would have to take a look at that a little bit more. We can decide on a case by case what changes you will need to make.

Cooksey: As we look at the list, the Passenger Vehicle for Hire Board, that is our creation but it

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# Restructuring Government Committee

Meeting Summary for May 26, 2011

Page 4

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already has some serious limitations to it. We don't even have an at-large type position.

Shan-Khan: That is correct. The Manager appoints three representatives who have no stake in the industry.

Cooksey: One of the things I was speculating on in terms of the CRVA is folks who have managed a budget of \$1 million or more and managed 25 employees or more, but we are talking about the CRVA, an entity with 250 employees and a \$45+ million budget. I think it would be good to have some folks with experience in managing those kinds of number, recognizing if I did that the fellow who I supported, I don't think he has managed a lot of people. I don't know about his money skills, but that is the kind of thing I would think of with CRVA. When you look for a CRVA Board member what are the kinds of things you are looking for now?

Kinsey: Basically, the people who are applying right now don't have those kinds of skills. I sort of look to see if they have worked for a bank, do they have any financial background. I look at what they've done.

Cooksey: Beyond the current crop, in terms of you have been doing this for years what sorts of things are you looking for?

Kinsey: I think we have to be careful with what we select because we might make it so restrictive that we don't have anybody. That is a balance and we may not know that until we try this if Council wants to do something.

Cooksey: We may get zero or only one qualified applicant and then what do you do? Historically, in some of these if we don't get enough we hold it open.

Kinsey: We usually don't have a problem with CRVA.

Cooksey: This is where I think if we want to go down this path, conferring with a former Chair or two would be useful. I wouldn't want to get into that with someone who is currently serving because you could run the risk of selective advice. Who was Chair of CRVA before?

Shan-Khan: Anthony Fox.

Cooksey: Luther Cochrane was actually the old Auditorium and Coliseum Convention Center Authority Board Chair when CRVA was created. For the CRVA, like Patsy says, you look for financial background. The Civil Service Board is a tougher one as far as that sort of thing. Being able to attend the hearings is always important.

Kinsey: I think we have a lot of retired Police Officers applying for that. I don't know if that's a good thing or not. I don't know how limited that Board membership is, I know it is small.

Cooksey: Another aspect of this is we could go in another direction and have a check list with a certain minimum number. You come up with 5 or 6 traits that you are looking for in a good Civil Service Board Member and the charge to the Clerk would be, forward to us any application

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# Restructuring Government Committee

Meeting Summary for May 26, 2011

Page 5

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that meets 3 or 4 of these 6 traits. I think you raise a good point about having former Public Safety employees on the Board and I think it's a good thing, but I wouldn't want them all to be that.

(Council member Turner entered the meeting and Chairman Cooksey briefly brought him up to speed on the discussion.)

Campbell: Are you all comfortable that this is the right group of Committees listed? Should some be added or taken off?

Cooksey: I don't think we should be talking about the Planning Commission at this stage.

Kinsey: We are only considering those that have final authority?

Cooksey: Yes. The Zoning Committee is only on there because they hear the appeals from interpretation of the Subdivision Ordinance and it is a quasi-judicial process that goes from there to the Superior Court if somebody doesn't like it. The 7 years I was on the Planning Commission, it happened twice and no one could remember how it happened.

Turner: The Zoning Board of Adjustments?

Cooksey: No, the Zoning Board of Adjustments is different. They do have final authority, they do make rulings that affect how people view the City, but because of the way they are set up that is a statutory one, right?

Shan-Kahn: I believe it is, but I will be happy to get back to you.

Cooksey: There is something statutory in Code Enforcement, but that is the Housing Appeals.

Shan-Khan: That is correct. In terms of the composition, there are some requirements from the State law, but you actually have a local act that helps, but in terms of how you set up, it still uses the communities within the community designation and others. Those are things that you can look at.

Cooksey: We do have to have a flag on that because of the statutory implications and whatever we talk about will have to go to the Attorney's Office for confirmation on what we can and can't do. What do you look for in a Zoning Board of Adjustment (ZBA) member? If you are looking to fill that spot, what kind of background, skills, knowledge, and assets do you look at?

Turner: I raised a question about this Board a couple years ago when we had the issue on Oaklawn Avenue where a person owned the house and she had spent a lot of money remodeling the house and wanted to use it as a Bed and Breakfast. The ZBA made a decision that affected her operations and it turned into a mess. We had absolutely no authority and they had the final say so. In the end, they changed their opinion because they were wrong and that is what made me get involved. The way I look at this, we are an elected body and we are supposed to represent the people. When we assign Boards that are selected by this Council, the County

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# Restructuring Government Committee

Meeting Summary for May 26, 2011

Page 6

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Commission, and the City Manager and give them the authority to have the final decision with no authority in an appeal process to come before this Council, to me is a scary thought. I don't think we should leave that final decision to any board. That is just my take on it. If you want to start talking about qualifications, I think some of the things are common sense. If we are going to look at Boards, my decision will always be based on what decision did they make that they probably should have had more knowledge so they could make a better decision? Before I start saying I'm willing to change things and give people certain qualifications to meet a certain criteria, I would like to know first of all, where the mistakes are if there have been any mistake. If we find some consistent validity where we find those mistakes are occurring, what are they based on? Are they based the lack of knowledge or lack of experience?

In my personal opinion, we should require that there be an appeal process to the full Council. We wouldn't be interested in looking at the entire process again, but simply to review the material that the argument has been made over. I understand that you are trying to establish requirements, but we have requirements. I think that is a good thought, but I think we have to look at where we believe the weakness is or where there is need for improvement. If we have an idea that we think we can improve that, you don't change the entire process, you go in and tweak it and in some places you might have to change it.

Cooksey: On the subject of appeals, part of the dilemma is there is going to be some of these that do have appeals set up in Superior Court. The way it typically gets presented is in the interest of fairness, if a question about a quasi-judicial process comes to us, we would need to examine it in a quasi-judicial fashion which creates a workload that not many people on Council seem to want to undertake. You can't really review it without hearing it. These are all final decision making Boards, but the character of the decision is kind of different as well. In the case of the ZBA and to some extent the Civil Service Board and the Housing Appeals Board, their final decision is supposed to be aligned with an established law already, if I'm understanding it correctly. Whereas if you look at CRVA and Housing Authority, as authorities, they have complete total action and if you talk about an appeals process, who would have the standing to appeal a CRVA decision or a Housing Authority decision and what would be the nature of looking at it? That is something to chew over while approaching the idea of having some sort of decision come back to Council. With the Passenger Vehicle for Hire (PVH) process, when we are talking about the Airport taxi cab issue, how involved is the PVH Board in that process? The questions I've been getting infer it has been the Airport Director and the Airport Director alone, under the authority delegated to him by the Ordinance.

Campbell: The role of the PVH is to listen to the appeals from the PVH Manager.

Shan-Khan: That is correct.

Cooksey: I think you've got to separate that particular issue out. A lot of different issues are motivating the interest in looking at it. For me, it is a combination of the questions about CRVA's judgment and right decision or wrong decision, the judgment seems to be out of whack sometimes. I don't know if my idea works for every decision making Board and that is part of the conversation. I think it worked well for an Authority type position where you are essentially appointing people to manage a business, but we talked about earlier, the PVH is already so

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# Restructuring Government Committee

Meeting Summary for May 26, 2011

Page 7

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segmented in terms of what slots are there is to fill out and I don't know how much you can add to that or if you even want to. I do hear from time to time some Civil Service Board concern about the attendance and whether someone is actually qualified or not. Council member Kinsey brought up a good point, sometimes we get applicants who are retired police and fire and it is probably good to have some on the Board, but do you want the entire Board to be that?

Turner: Back to appealing to us, I know we will only hear a few cases and they may be time consuming, but it's our responsibility. I think if you look at something like that you would most definitely have to put in there that we would only hear "x" amount of cases per year. I think the question would become, do you run that on a calendar year or what we define as a fiscal year, but that is something that can be controlled. Again, I think they have to meet a certain element there in order for it to get to us and if it does then we will only do so many per year, whether it be two, four or whatever. It really bothers me and I know it bothers some of my citizens that I represent, but we never think about these issues until we are affected by them. There are eight Boards on this sheet and I will assure you that the first thing I think about in terms of importance would be which one has the most impact on people's lives directly, that we leave up to a public Committee that may be influenced for many other reasons or have some conflict of interest. I'll tell you right now, just from a money standpoint the CRVA jumps way ahead of the list in responsibility. I think with the Civil Service Board, you are talking about people's livelihood. You are talking about someone who believes that they either did or did not do something wrong that is worthy of their job being taken from them. With the Housing Appeals Board, we are talking about someone being put out of their home or being relocated. The PVH is about employment, about money and providing for your family, but is it less impacting than the Civil Service Board? Does it have a less impact than the Housing Appeals Board or the Charlotte Housing Authority? That is the kind of thought I was looking at. What we may find is that our top three may be the Boards that we would want to have an appeal process for. The rest of them we may want to structure, based on what you just indicated, that all of the Committees be more structured around having more qualified individuals make those final decisions and they won't come before us and we won't have that same ability.

Cooksey: You raised an interesting question on ones that we could perhaps hand over to the Attorney's office to chew on regarding what would be the implications of trying by ordinance or by State Statue to insert Council in between the decision making process of ZBA and Superior Court or Civil Service. Actually, we talked about in the Transportation and Planning Committee on the Development Review Board and one of the options was appeal to Council, but following the ZBA model, what we recommended to Council and what Council adopted was appeal of a Development Review Board decision goes to Superior Court so we are sort of cracking that open again. Maybe for the next meeting we can find out what would the implications be if sticking Council in between Civil Service Board, Development Review Board, Housing Appeals, Zoning Board of Adjustment and Superior Court.

Shan-Khan: I just want to make sure which Boards you want us to look at.

Cooksey: Let's start with any Board to whom the appeal currently goes to Superior Court. Neither of the authorities I think fit into that.

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# Restructuring Government Committee

Meeting Summary for May 26, 2011

Page 8

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Shan-Khan: I would say that you are looking primarily at Civil Service, Housing Appeals, PVH, ZBA and maybe the Zoning Committee to a degree.

Cooksey: Is it okay if we take the Planning Commission and Zoning Committee off this list for consideration?

Turner: Why?

Cooksey: The final decision making authority the Zoning Committee has is on one hand is very narrow. It happened twice in 7 years that I was on the Committee. It is to hear appeals of staff ruling on the Subdivision Ordinance. On the one hand, it is very rare that when we are talking about the entire 14-member Planning Commission, I'm not sure we want to push that, although one of your points kind of muddy the water just thinking about that. The other element was I think there are some issues about the make-up and functioning of the Planning Commission in general that at some point when we have the stomach for it, Council and the Board of County Commission needs to sit down and talk about the inter-local agreement. With the County out of the zoning business, I don't know why the County still gets half of the appointments on the Planning Commission.

Kinsey: I agree.

Cooksey: That is where I was going with this. I think the Planning Commission on its own is a big enough topic that when we have the capacity for it, we should have a conversation about it regionally and just isolating this one action of the Zoning Committee. I talked myself out of it. In light of the suggestion about interposing Council in between a decision making body and the Superior Court, let's go ahead and keep the Zoning Committee. It is the other piece with the direction on tell us what the implication would be, so we are looking at what happens if you try to put Council in between Civil Service Board, Development Review Board, Housing Appeals, Zoning Committee and Zoning Board of Adjustments and Superior Court.

Turner: The Charlotte Housing Authority we will stay out of?

Cooksey: Is there any decision that CHA does that goes to us?

Shan-Khan: I'm not aware of any and your role is really appointing.

Kinsey: That fits in the category that I wanted to look at and making sure we spend more time on the appointments.

Turner: That is where we need to make sure we have qualified folks on there.

Cooksey: I appreciate the conversation coming to this because I think what we are seeing here is that under the narrow concept of Boards with final authority, we've got them divided into two categories. Those that are appealable to Superior Court, we are talking about Boards that render some kind of decision, guided by existing law so I don't know if it is the qualification of the individual serving is as important as the fact that they are guided through the legal process that

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# Restructuring Government Committee

Meeting Summary for May 26, 2011

Page 9

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they need. The more I think about it, what are you looking for in a person to be appointed to the Zoning Board of Adjustment? On the two authorities these are folks managing organizations with multi-million dollar budgets, hundreds of employees affecting thousands of people's lives in this community. They earn the additional attention of Council on the appointment process whereas I guess subject to what we hear from the Attorney's Office about the process, these others we are not so much concerned about the input as the occasional output.

Turner: Just for clarification on those two boards, the Development Review Board and the Charlotte Housing Authority, the Charlotte Housing Authority requires at least a tenant that lives there and utilizes that?

Cooksey: There is one slot for that.

Turner: What about the Development Review Board?

Cooksey: That is slotted all to pieces as well. We've got an architect, Planning Commissioner, someone in the public health sector, an attorney, someone from the real estate and development industry, a civil engineer, landscape architect, and a bicycle advocate.

Turner: If we went in the direction of an appeals board, would we use that process for a closed session until we are ready to go the public with a decision?

Shan-Khan: It depends. There are several things you can use for a closed session, some of the things, for example if you were reviewing Civil Service Board, you would be in closed session. The Housing Appeals doesn't fit that in the closed session law.

Turner: Civil Service is the one to me that seems most sensitive anyway and that is the one I was thinking about.

Shan-Khan: Of course if you want to consult with the City Attorney or the City Attorney's representative who would be advising you, you could always do that at a closed session.

Kinsey: Is there someone from the City Attorney's Office at the ZBA meetings?

Shan-Khan: Yes. In fact all of these Boards have a representative. I represent the Civil Service Board, Thomas Powers the PVH Boards and then we also have an attorney representing staff. For example sometimes you will actually have two attorneys from our office represented so we have lawyers there all the time to insure that the proper procedures are followed, that the law is followed and any decision they make can stand up later on.

Campbell: PVH has two attorneys as well, one from the Police Attorney's Office representing the PVH Manager and one from our office representing the Board.

Kinsey: This is the problem I have, back to the ZBA. Does the staff attorney advise the staff person who is there? The problem I have is the staff person who is there.

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# Restructuring Government Committee

Meeting Summary for May 26, 2011

Page 10

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Shan-Khan: The attorney representing the staff works with the staff so they will assist them, work with them, but they are always free to say whatever they feel is appropriate. The staff attorney is there to make sure that they are following the procedure and make sure that the presentation is within legal bounds. We can advise them, but we cannot make them say certain things.

Kinsey: If the staff person makes a bad decision can the attorney consult with the staff person?

Shan-Khan: It is the role of those from our office that represent staff as well as the Boards, to make sure that if there is an issue we do everything we can to help resolve it. If there is something said that is inappropriate we can talk about if there is a way to correct that. We are there to make sure it doesn't run off the rails in a lot of ways, but with the City Council, the City Attorney is there to help and advise, but it is always a limited role in that regard. If there is something of a major concern the City Attorney will interject himself. Board members and staff are always free to say what they believe is appropriate.

Cooksey: I appreciate the conversation and I think the direction we've got to go forward with this idea is we now have divided the Boards with final authority into two categories; one is the actual authorities: CRVA and Housing Authority. If the Committee is still interested, I suggest we do some work between now and our next meeting to perhaps reach out to some former Chairs, talk with Human Resources and the Attorney's Office about what kind of problems we could encounter or easily it could be done to put some kind of additional qualifications on who we appoint to those, leaving aside for now the final decision on how we would apply that. There are a couple of different ways we could go about applying that, and meanwhile for the Attorney's Office to hear back at the next meeting on what would be involved in inserting City Council in between these other six decision making Boards and the appeal process that currently exists in Superior Court.

Campbell: You talked about former Committee Chairs, I was just curious would it be the Committee's desire to hear from them directly?

Cooksey: If you are formulating a kind of a minimum job description, I think you would want to get input from someone who has served on it, not someone who is currently serving. Former Chairs of the Charlotte Regional Visitors Authority are Anthony Fox and Luther Cochrane. I don't know past Chairs of the Housing Authority. This would just be for feedback and sometimes we get letters from Chairs saying we need such and such type person on our Board so we are recommending this particular outfit. Sometimes Council follows that and sometimes we don't. In terms of looking for what would make up a good Board member, ask the former Chairman for feedback and ultimately it is our decision.

Turner: Why wouldn't you want to hear from the CEO? To me it is two-fold. Personally, I would be more interested in hearing what the CEO of that organization thinks the skills that he or she looks for or needs. Who was before Tim Newman?

Cooksey: Mike Crum was the Managing Director of the Auditorium, Coliseum and Convention Center and Melvin Tenant was CEO of the CRVA.

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# Restructuring Government Committee

Meeting Summary for May 26, 2011

Page 11

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Turner: Before I go to a Board, I think I would want to hear what those three individuals would submit to us. I think that is important and I think they are the ones that would say and really tell us what we should be looking for because they are the ones who have had to manage and run it.

Cooksey: I appreciate the point of view you are bringing, but to me that is like asking the City Manager who should be on City Council.

Turner: I see what you are saying and I knew you were going to go there, but still how do you get a true sense?

Kinsey: If we want to go in that direction I think the questions have to be pointed. We are not asking them to tell us who they want. I think we need to ask past Chairs or some combination.

Cooksey: Cheryl Brown can probably help us out from a HR perspective because they are the ones with the expertise in job descriptions. We are not looking for something as detailed as the job description for an Enterprise Manager or something like that, but they've got that expertise and can guide how you go about it, conferring with a CEO or two.

Turner: With all due respect this is where I would like to get the opinion of someone from outside of our HR person. She reports to the City Manager who is her boss. If you are really trying to do it right I think you've got to find a way to find some independence from this body.

Cooksey: I'm just looking for who writes the draft that we work under. Someone has to sit down and write the draft.

Kinsey: We are going to tell them what to say.

Cooksey: We are going to tell them and the direction comes from us and the final product comes from us, but somebody has to do the physical work and that department has been writing job descriptions for this City for a long time. I think they would need a heads up from a workload capacity. Okay, thanks for everyone's conversation on this topic; it's been great.

## **II. Reschedule June 23 Meeting**

The Committee discussed and decided to change the June 23 meeting to June 30 at 1:00 p.m. pending the outcome of the Housing and Neighborhood Development Committee moving its meeting up to 11:30 a.m. of the same day.

The meeting was adjourned at 1:25 p.m.

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# Restructuring Government Committee

Meeting Summary for May 26, 2011

Page 12

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**Restructuring Government Committee**  
Thursday, May 26, 2011  
12:00 – 1:30 p.m.  
Charlotte-Mecklenburg Government Center  
Room 280

**Committee Members:** Warren Cooksey, Chair  
Patrick Cannon, Vice Chair  
Patsy Kinsey  
James Mitchell  
Warren Turner

**Staff Resource:** Eric D. Campbell

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**AGENDA**

**I. Boards and Commissions with Autonomous Authority**

*Staff Resource: Stephanie Kelly*

At the April 25, 2011 City Council meeting, a referral was approved for the Committee to review Boards and Commissions appointed by City Council with autonomous authority to act. Staff will provide the Committee with a list of Boards and Commissions who currently have autonomous authority. No decisions are requested at this meeting.

Attachment: 1. Boards with Final Authority.pdf

**II. Reschedule June 23 Meeting**

*Staff Resource: Eric Campbell*

Staff requests the Committee reschedule the June 23 Committee meeting due to a conflict with the Chamber Inter-City Visit.

**Next Meeting:** TBD

## Boards With Final Authority

BOARD/COMMITTEE	# ON BOARD	# APPOINTED BY MAYOR	# APPOINTED BY COUNCIL	# APPOINTED BY CITY MGR OR BOCC	TERM LENGTH	TERMS EXPIRE	ANNUAL REPORT
CRVA	13	4	9	-	3 Years	June 30	Sept 30
CIVIL SERVICE BOARD	7	3	4	-	3 Years	May 15	May 15
DEVELOPMENT REVIEW BOARD	9	3 and 1 Alternate	6 and 1 Alternate	-	3 Years*	June 30	TBD
HOUSING APPEALS	5	2	3	-	3 Years	Dec 31	Dec 31
CHARLOTTE HOUSING AUTHORITY	7	2	5	-	3 Years	Dec 17	Dec 17
PASSENGER VEHICLE FOR HIRE	11	3	5	3 - City Mgr	3 Years	July 1	July 1
PLANNING COMM: ZONING COMMITTEE	14	2	6	6- BOCC	3 Years	June 30	June 30
ZONING BOARD OF ADJUSTMENT	5	1 and 1 Alternate	3 and 2 Alternates	1- BOCC	3 Years	Jan 30	Jan 30

\* The Development Review Board is a new board with staggered initial terms.

**CHARLOTTE REGIONAL VISITORS AUTHORITY**  
 (13 Members)

**Membership** - On February 28, 2004, Charlotte City Council approved the merger of Visit Charlotte and the Auditorium-Coliseum-Convention Center Authority to form the Charlotte Regional Visitors Authority. The required approval from the State Legislature in the 2004 Short Session was approved June 17, 2004. Initial terms will be staggered with all future terms being for three years. No member may serve more than two consecutive full terms. The Mayor will appoint three at-large members, and one limited service hotel representative. City Council will appoint five at-large members, one small town representative, one convention hotel representative, one restaurant representative, and one member from the general travel category. Background checks will be conducted on citizens nominated to the committee.

**Responsibilities** - Promote Charlotte as a major convention center, fully capable of providing the physical facilities, exhibit spaces, meeting rooms, hotel rooms, and other suitable amenities. Develop a comprehensive program that will promote and establish Charlotte as a tourist destination.

Member Name	Appt. Legend	Dist.	Appt. Date	Reappt. Date	Term	Expir. Date
* Chairman	By					
<b><u>At-Large</u></b>						
Derick Close	W/M	M	6	11/02/2005	08/11/2010	3 yrs 06/30/2013
Geoffrey D. Durboraw	W/M	M		01/09/2007	07/20/2009	3 yrs 06/30/2012
Raichelle H. Glover	B/F	C	7	06/12/2006	04/13/2009	3 yrs 06/30/2012
Lawrence Huelsman, Jr.	W/M	C	7	04/26/2010		3 yrs 06/30/2013
T. Anthony Lindsey	B/M	C		05/12/2008		3 yrs 06/30/2011
Viola A. Lyles	B/F	C	6	04/25/2005	05/12/2008	3 yrs 06/30/2011
J. Michael McGuire	W/M	C	1	04/27/2009		3 yrs 06/30/2012
Caldwell R. Rose	W/M	M	6	06/27/2005	10/01/2008	3 yrs 06/30/2011
<b><u>General Travel</u></b>						
Joe Hallow	W/M	C	6	11/22/2004	04/12/2010	3 yrs 06/30/2013
<b><u>Hotel Representative</u></b>						
Vinay Patel	A/M	M	7	12/04/2009	08/11/2010	3 yrs 06/30/2013
<b><u>Hotel/Convention</u></b>						
Tom Manno	W/M	C	2	07/27/2009	04/11/2011	3 yrs 06/30/2014
<b><u>Restaurant</u></b>						
Thomas H. Sasser	W/M	C	Y	07/25/2005	04/13/2009	3 yrs 06/30/2012
<b><u>Town Representative</u></b>						
Paul Jamison, Sr.	W/M	C	Y	06/28/2010	04/11/2011	3 yrs 06/30/2014

3 appointed by Mayor (M)  
 4 Appointed by City Council (C)

B/O

**CIVIL SERVICE BOARD**  
 (7 Members)

**Membership** - Appointments are for three-year terms and appointees must be electors of Mecklenburg County. Per Council's policy, effective Feb. 10, 1997, a background check will be conducted on all nominees to this committee. On July 18, 2006, following a request from City Council, the City Charter was amended by Senate Bill 1841, General Assembly Session 2005. The amendment deleted the alternate member designation while preserving a quorum as three members.

**Responsibilities**- Principal functions are to establish requirements for applicants for positions in the Police and Fire Departments; to give competitive examinations to such applicants, subject to reasonable limitations as to physical qualifications and moral character to maintain a register of applicants passing such examinations, to hold hearings of an employee against whom charges have been brought by the Police or Fire Chief, and to pass on all promotions and demotions within the departments.

Member Name	Appt. Legend	Dist.	Appt. Date	Reappt. Date	Term	Expir. Date
<b>* Chairman</b>						
<b>Council</b>						
Norris Anderson B/M	C	3	04/24/2006	04/13/2009	3 yrs	05/15/2012
Karen Burke B/F	C	4	02/28/2011		Unexp	05/15/2013
Brenda C. Johnson W/F	C	6	04/25/2005	04/13/2009	3 yrs	05/15/2012
Jason McGrath W/M	C	6	04/25/2011		3 yrs	05/15/2014
<b>Mayor</b>						
German DeCastro H/M	M	6	06/18/2010		3 yrs	05/15/2013
Henderson Hill B/M	M	4	05/10/2011		3 yrs	05/15/2014
Faison S. Kuester, Jr. W/M	M	6	07/12/2004	10/23/2009	3 yrs	05/15/2012

4 Appointed by Mayor (3 regular/1 alternate)  
 8 Appointed by City Council (6 regular/2 alternate)

**DEVELOPMENT REVIEW BOARD**  
 (9 Members)

**Membership** – City Council established this board by Petition # 2010 -074(SUB) on December 20, 2010. Initial terms to the Board will be staggered and subsequent terms will be for three years. Members will serve no more than two consecutive full terms with the initial terms counting as a full term. The terms of one-third of the Board shall expire each year.

Mayor shall appoint a civil engineer, a landscape architect and a bicycle advocate; Mayor will also appoint an architect as an alternate. City Council shall appoint an architect, a public health professional, a real estate attorney, a real estate development industry representative, a transportation or urban planner, and a member of the Planning Commission. In addition, City Council will appoint a civil engineer and a landscape architect as alternates. Alternates will serve when a regular member is absent or has a conflict of interest. Alternates have full voting and membership powers.

**Responsibilities** – The Development Review Board (DRB) will hold hearings on any application which comes before it in accordance with the rules to be adopted by the board for such purpose. The board shall hear requests for *Alternative Compliance for street design*, which means the process to approve street designs that differ from the design standards prescribed by the Chapter 20 of the City Code.

A hearing will be scheduled within 30 days from receipt of a complete application as described in Section 20-24(4) of the ordinance. The hearing shall be conducted with at least five voting members of the Board present.

After reviewing the evidence and hearing testimony from the witnesses, the Board shall issue findings of fact and conclusions of law and grant approval for or deny the application for alternative compliance.

Member Name	Legend	Appointed By	Appt. Date	Term	Expiration Date
<b>Council</b>					
Joseph Woolen	Architect	Council	04/25/2011	1 yr	06/30/2012
Margaret Nealon	Planning Com	Council	04/25/2011	1 yr	06/30/2012
Michael Popejoy	Pub Health	Council	04/25/2011	3 yrs	06/30/2014
Karen Clark	Attorney	Council	04/25/2011	3 yrs	06/30/2014
Sheraine Spivey	RE Dev Industry	Council	05/09/2011	2 yrs	06/30/2013
<b>Transportation or Urban Planner</b>		Council		2 yrs	06/30/2013
Robert Latta	Civil Eng Alt	Council	05/09/2011	3 yrs	06/30/2014
<b>Landscape Architect – Alternate</b>		Council		3 yrs	06/30/2014
<b>Mayor</b>					
Civil Engineer		Mayor		1 yr	06/30/2012
Landscape Architect		Mayor		1 yr	06/30/2012
Bicycle Advocate		Mayor		3 yrs	06/30/2014
Architect – Alternate		Mayor		2 yrs	06/30/2013

2 Appointed by Mayor (M)  
 3 Appointed by City Council (C)

B/O

**HOUSING APPEALS BOARD**  
 (5 Members)

**Membership** - One member shall be a tenant from a City Within a City Neighborhood, One shall be a homeowner from A City Within A City Neighborhood, One shall represent the Housing Industry, and Two shall be at large members. The Mayor shall appoint the City Within a City homeowner and one at large member. Council shall appoint the City Within a City tenant, the Housing Industry representative and one at large member. Initial terms will be staggered and subsequent terms will be for three years. Per Council's policy, effective Feb. 10, 1997, a background check will be conducted on all nominees to this committee.

**Responsibilities** - To hear appeals from housing code enforcement decisions or orders of the Community Development Department as provided by the City Code.

**Legend:**

TN City Within a City Tenant  
 HO City Within a City Homeowner  
 HI Housing Industry Representative

Member Name		Appt. Legend	Dist.	Appt. Date	Reappt. Date	Term	Expir. Date
* Chairman		By					
<b>Council</b>							
Charles Lewis Assenco	B/M	C	2	02/09/2009		Unexp	12/31/2011
Shannon Boling	W/M	C	7	05/12/2009	10/11/2010	3 yrs	12/31/2013
James Guntrum	W/M	C	3	06/22/2009		3 yrs	12/31/2012
<b>Mayor</b>							
Christopher Dennis	B/M	M	1	11/10/2010		Unexp	12/31/2012
Katina M. Stavrakas	W/F	M	7	02/17/2006	10/26/2009	3 yrs	12/31/2010

**HOUSING AUTHORITY**  
 (7 Members)

**Membership** - Appointed for three-year terms (changed by General Assembly from five to three-years terms effective July 3, 1990, Senate Bill No. 1346). Per Council's policy, effective Feb. 10, 1997, a background check will be conducted on all nominees to this committee.

**Responsibilities** - The Charlotte Housing Authority serves those Charlotte families from diverse social and economic backgrounds with housing needs requiring the services provided by the Authority. Its mission is to support and assist these families to enhance their quality of life while requiring those who are capable or who can develop capability to transition from dependency to self sufficiency and economic independence.

**Legend:**

HR Must be low income housing resident

Member Name	Appt. By	Legend	Dist.	Appt. Date	Reappt. Date	Term	Expir. Date
<b>Council</b>							
*Joel Ford B/M	C		2	10/27/2008	12/17/2008	3 yrs	12/17/2011
Pamela Gordon B/F	C		4	02/14/2011		Unexp	12/17/2012
David H. Jones W/M	C		1	05/09/2005	10/12/2009	3 yrs	12/17/2012
William M. Miller W/M	C		6	01/22/2007	10/11/2010	3 Yrs	12/17/2013
Lucille Puckett B/F	C	HR	1	01/26/2009	10/12/2009	3 yrs	12/17/2012
<b>Mayor</b>							
Benjamin Hill, Jr. W/M	M		1	10/16/2009		Unexp	12/17/2011
Geraldine Sumter B/F	M			01/11/2010		3 yrs	12/17/2012

5 Appointed by City Council (C)  
 3 Appointed by City Manager (CM)  
 3 Appointed by Mayor (M)

B/O

**PASSENGER VEHICLE FOR HIRE BOARD**  
 (11 Members)

**Membership** - This committee was approved by City Council on May 8, 2000. Initial terms will be staggered with all future terms being for three years.

The Mayor's appointments shall be as follows: **Category #1** - one (1) taxicab, limousine or other vehicle for hire company owner; **Category #2** - one (1) shall be a driver or chauffeur; **Category #3** - one (1) representative of the Hospitality & Tourism Industry. The Mayor shall designate one of the 11 members as chairman.

The City Council's appointments shall be as follows: **Category #1** - one (1) taxicab, limousine or other vehicle for hire company owner; **Category #2** - one (1) is the vehicle owner of a passenger vehicle for hire or limousine; **Category #3** - one (1) representative of the Hospitality & Tourism Industry; **Category #4** - one (1) a user of passenger vehicles for hire; **Category #5** - one (1) person with a disability or a representative from an organization that represents persons with disabilities.

The three (3) members appointed by the City Manager shall be citizens with no financial interest or business affiliation with either the passenger vehicle for hire, limousine or hospitality/tourism industries.

All members are required to live in Mecklenburg County and a local background check will be conducted on all nominations.

**Responsibilities** - Ensure to preserve the safety, welfare and proper of the visitors, and citizens of Charlotte using passenger vehicles for hire and limousines through the enforcement and regulations of the policies and provisions within the Passenger Vehicle for Hire Ordinance.

The duties include: 1) hearing and ruling on appeals as submitted to the board from company owners, drivers and others as outlined within the ordinance; 2) review, establish, and monitor taxicab rates (through industry information and public hearings); 3) review and monitor the numbers of company, vehicle, and driver permits to ensure proper servicing of the public by the passenger vehicles for hire industry (results of which would be recommendations to City Council).

Member Name	Appt. Legend	Dist.	Appt. Date	Reappt. Date	Term	Expir. Date
* Chairman	By					
<b>Category #1</b>						
Bhanu Contractor	A/M	C	07/24/2006	06/22/2009	3 yrs	07/01/2012
Mayur Khandelwal	O/M	M	12/04/2009		Unexp	07/01/2010
<b>Category #2</b>						
Abdirahman Duale	/	M	08/11/2010		3 yrs	07/01/2013
Andrew P. Thompson	W/M	C	11/10/2008	06/22/2009	3 yrs	07/01/2012
<b>Category #3</b>						
Bruce Hensley	W/M	M	02/05/2008		Unexp	07/01/2010
Susan Schwint	W/F	C	07/24/2006	06/22/2009	3 yrs	07/01/2012
<b>Category #4</b>						

Member Name	Appt. Legend	Dist.	Appt. Date	Reappt. Date	Term	Expir. Date
<b>* Chairman</b>						
Carolyn M. Carr B/F	C	2	10/09/2006	06/22/2009	3 yrs	07/01/2012
<b>Category #5</b>						
Melanie Wolfe W/F	C	3	10/11/2010		Unexp	07/01/2012
<b>City Manager</b>						
Ed Ferris W/M	CM	7	12/17/2008	05/05/2011	3 yrs	07/01/2014
*Jonathan Fine W/M	CM	7	11/06/2008	05/05/2011	3 yrs	07/01/2014
Evelyn Newman W/F	CM	3	11/06/2008	05/05/2011	3 yrs	07/01/2014

2 Appointed by Mayor (M)  
 4 Appointed by City Council (C)  
 6 Appointed by County (Y)  
 2 Nominated by School Board (SB)

0

**PLANNING COMMISSION**

(14 Members)

**Membership** - The commission operates under a December 19, 1988 Interlocal Cooperation Agreement between the City of Charlotte and the County of Mecklenburg. Members must be residents of Mecklenburg County.

**Responsibilities** - To guide growth and development for the City of Charlotte and the unincorporated areas of Mecklenburg County through short and long term planning. The Zoning Committee makes recommendations concerning rezoning, special use permits, subdivision approval and site plan review. The Planning Committee makes recommendations concerning land use, transportation plan approval and implementation and ordinance text amendments.

**Legend:**

PC Planning Committee  
 ZC Zoning Committee

Member Name	Appt. Legend	Dist.	Appt. Date	Reappt. Date	Term	Expir. Date
* Chairman	By					
<b>Council</b>						
Tracy Finch Dodson W/F	C ZC	6	09/22/2008	04/12/2010	3 yrs	06/30/2013
Zaundra Yolanda Johnson B/F	C PC	1	11/06/2006	04/12/2010	3 yrs	06/30/2013
Karen Labovitz W/F	C	6	04/25/2011		3 yrs	06/30/2014
Gregory A. Phipps B/M	C ZC	4	01/26/2009	06/30/2009	3 yrs	06/30/2012
Joel Randolph W/M	C PC	7	04/25/2005	04/28/2008	3 yrs	06/30/2011
<b>County</b>						
Emma Allen B/F	Y PC	1	09/05/2007		3 yrs	06/30/2010
Claire Fallon W/F	Y ZC	4	06/02/2009		3 yrs	06/30/2012
Steven W. Firestone W/M	Y ZC	7	07/01/2008		3 yrs	06/30/2011
Lucia Z. Griffith H/F	Y PC	1	06/05/2007		3 yrs	06/30/2010
Nina Lipton W/F	Y ZC	1	01/04/2006	07/01/2008	3 yrs	06/30/2011
Andrew G. Zoutewelle W/M	Y PC	1	06/02/2009		3 yrs	06/30/2012
<b>Mayor</b>						
Tony Lathrop W/M	M	6	05/10/2011		3 yrs	06/30/2014
Eric J. Locher W/M	M PC	6	03/05/2007	06/10/2008	3 Yrs	06/30/2011
*Stephen Rosenburgh /M	M ZC	6	06/22/2006	05/27/2009	3 yrs	06/30/2012
<b>School Board</b>						
Margaret Nealon W/F	C PC	1	05/24/2010		3 yrs	06/30/2013
Dwayne Walker /M	Y ZC	Y		06/02/2009	3 yrs	06/30/2012

2 Appointed by Mayor (M)  
 5 Appointed by City Council (C)  
 1 Appointed by County (Y)

B/O

**ZONING BOARD OF ADJUSTMENT**  
 (5 Regular Members; 3 Alternates)

**Membership** - Members are appointed for a term of three years, and until their respective successors have been appointed and qualified. No members shall serve more than two full consecutive terms. Alternate members serve on the Board in the absence of any regular members and are appointed in the same manner and for the same term as regular members. No knowledge or experience in a certain field is necessary for membership. Per Council's policy, effective Feb. 10, 1997, a background check will be conducted on all nominees to this committee. On November 22, 1999 City Council approved Ordinance No. 1417-X. As of this date the Mayor will give up one of his appointments on this committee to the County. The County will make one(1) appointment to this committee for a three year term. This appointee will be required to live outside the city limits of Charlotte, but within one mile of the city limits.

**Responsibilities** - Established under Section 1400 et seq of the City Code to hear appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administration of the Charlotte-Mecklenburg Building Standards Department.

Member Name	Appt. Legend	Dist.	Appt. Date	Reappt. Date	Term	Expir. Date
* Chairman	By					
<b>Council</b>						
C. Jennifer Coble B/F	C	A	1	01/26/2009	3 yrs	01/30/2012
Jeffrey A. Davis W/M	C		Y	01/23/2006	01/26/2009	3 yrs 01/30/2012
Randall Dean Fink W/M	C		5	07/28/2008	01/11/2010	3 yrs 01/30/2013
David Hoffman W/M	C		6	03/08/2010	01/24/2011	3 yrs 01/30/2014
Mark C. Loflin W/M	C	A	7	01/26/2009		3 yrs 01/30/2012
<b>County</b>						
Michael Knotts W/M	Y		Y	09/18/2007	3 yrs	09/30/2010
<b>Mayor</b>						
Resigned/Jason E. Murphy W/M M	M	A	Y	09/28/2007	Unexp	01/30/2009
Lynn Wheeler W/F	M			05/04/2010	3 yrs	01/30/2013