

The City Council of the City of Charlotte, NC, reconvened on Monday, June 7, 2010, at 5:15 p.m. in Room 267 of the Charlotte Mecklenburg Government Center for the continuation of the Straw Votes from May 26, 2010, with Mayor Anthony Foxx presiding. Council members present were: Michael Barnes, Susan Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, James Mitchell, Edwin Peacock III, Warren Turner.

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**CONTINUATION OF STRAW VOTES  
and  
BUDGET ADOPTION**

Mayor Foxx said this is going to be a little bit of an unusual meeting for us. I understand that Councilmember Burgess is planning to join us tonight, and I would appreciate it if when she walks in we all stand up and give her a round of applause. I think that would be appropriate.

Welcome to Mayor Pro Tem Susan Burgess. Glad to have you. I am going straight to the straw votes. I passed out a memo to the Council – sent it out on Friday – that indicates a proposal relative to the libraries. I haven't heard a whole lot of feedback on what it stipulates, but just for the benefit of those who are not reading the proposal is to take \$1.4 million within our criminal justice technology allowance and fund one time, nonrecurring emergency support to the library system. The funds will be taken from the criminal justice technology fund, as I have said, and released by the City Manager only upon the following occurrences: 1) commitment of the Library Board of Trustees to the contingency plan adopted by the Mecklenburg County Commission; 2) that the funds be released on a staggered schedule outlined in the contingency plan adopted by the Mecklenburg County Commission and only upon satisfactory completion of the conditions set forth in that document; 3) that emergency support participation either financial or in-kind by at least four of the surrounding towns in Mecklenburg County; and 4) placement of \$1.4 million on the City-County ledge as value accruing to the City of Charlotte or such other equivalent value as may be negotiated between the City of Charlotte and Mecklenburg County. If these contingencies are not met, the funds will revert back to the criminal justice technology fund. Is there a motion?

Since this is a straw vote technically, we just need to raise our hands on this, so I would like to ask those who support this item to raise their hands.

Councilmember Burgess said may I speak to it?

Mayor Foxx said, please, Ms. Burgess.

Councilmember Burgess said, as you know, I was opposed to giving the library money just to give them money, but I have not been opposed to getting something in return, and this is something in return that allows me to support it, and I hope that you all will, too.

Councilmember Cooksey said I would like to offer a substitute of the use of \$1.4 million.

Mayor Foxx said we are in straw votes.

Councilmember Cooksey said is that within the straw vote prevue because we haven't –

Mayor Foxx said why don't we have a vote on this one, and then if you want to put up an alternative after we vote on this one we can do so.

Councilmember Mitchell said I would like to make a motion to recuse Councilmember Cannon from this vote.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Carter, and ]  
[ carried unanimously to recuse Councilmember Cannon. ]

Councilmember Dulin said I have been a vocal opponent of the one-time money. I have read in great detail the library's booklet that they gave out this weekend, and I haven't seen anything in here that changes the behavioral spending patterns that gives me comfort that things are going to be different. There are costs that they have incurred and will continue to incur in here of great amounts, for instance, \$428,000 a year to run the Myers Park branch. It's a tiny, little branch – 5,700 feet. It happens to be one that a lot of my friends and family use, but that's an enormous amount of money, and that's one example.

This is a map from last Tuesday's Charlotte Observer of the flooding occurrences, the major flooding occurrences in the City of Charlotte. Most of them, Ms. Carter, are in east Charlotte. I was up and out at 3:30 a.m. last Tuesday morning helping flooded people get things out of their garages in the middle of the night, and they live in fear. Taking care of people's flooded backyards and flooded homes and flooded garages is something we are supposed to be doing, and I would vote to fund storm water controls 30-1 over what we are talking about here tonight. I cannot in all consciousness support the library bailout tonight even one time because I don't think it changes the behavioral pattern. I think this might be good for them not to be funded so they can get their house in order, and it's a hard call, but I think they can do that, and my vote will be no.

Councilmember Cooksey said my no vote on the \$1.4 million to the libraries is based essentially on three things. One, the system is not shutting down. This is not 1939. We have all read the history where in 1939 libraries closed their doors. There will still be eight buildings open from Freedom Regional to North Regional to University City to Independence, South Regional. The system doesn't shut down. Secondly, this is still a low priority for the Board of County Commissioners. When they had their chance at their straw vote to adjust their spending, they added funds by creating revenue rather than readjusting their spending, so it just does not seem to me to be the right use for our dollars.

Councilmember Turner said my concerns, and I have had an opportunity to share that with County Commissioner Cogdell and I think it would be appropriate at the time that we would hear from him. I have a concern because the information has not been brought forward in regards to what libraries will be closing. I have two in my district, one being Steele Creek and one being West Boulevard, and they both have great impact on the communities, and I find the value of those two libraries, and the citizens have a great concern about those two libraries closing. There has been no presentation to tell us which libraries will close and which ones will remain open even if we provide this funding. I just think it's appropriate since this has been pretty much pushed through in a very short period of time that we get a more definitive response if that's possible from our County Commission leaders and elected officials, and if at all possible from my County Manager because I'm just really concerned about giving money and the results still turn out to be a negative impact in my district and it doesn't change the provocation of what we may be facing.

Councilmember Peacock said as you all know my focus in the budget process, which began in February, has been really to look for efficiencies, determine areas where we could improve, and better prepare ourselves for the conclusion of this recession. In the last month as the Manager's recommended budget began to take shape, I focused my attention on opposing the recommended pay increase that is before us. As indicated before, I believe it sends the wrong signal to the community. There are simply too many people in our community who are just looking for a paycheck, and here we are giving ourselves a pay increase. Furthermore, I believe we should hold the money in a contingency fund to be used for unforeseen needs for our own and for others and possibly the libraries. So, as you know, I have advocated to this body to recognize that libraries are not our core function, but it is something that citizens want and expect from their government.

I also asked that our body consider sending this to the Budget Committee for closer examination. As you all know, my motion failed and didn't even receive a second; however, since that time, many of us have rethought this, and I thank the Mayor for his thoughtful proposal that he put out on Friday afternoon. But, if anything, this has been an atypical way to request money and for a need that our community places a very high value on. So, while I have been considering this extensively just like Mr. Dulin has mentioned, and I want to thank Rob Branstrom as well as Bob

Sink for answering a number of questions I have put out before them. They have been very diligent in responding to me.

But after pouring through these materials, I have simply come to the conclusion that I definitely put my emotions before the facts here, and I simply cannot move forward in supporting this action at this time, but what I do want this board to consider is certainly to keep the door open that after they put this plan in place and after they have taken the actions that I believe the County Commission has put in place and after the actions, Mr. Mayor, that you have suggested in our contingency fund, at that point, I truly feel that we should then, if they need our assistance, we are going to feel much more comfortable as a body if we can study it and evaluate it and we are going to be much more comfortable to be able to fund something that has been done, not what they are going to do. Thank you, Mr. Mayor, for your time, and I will be voting no on this.

Councilmember Barnes said I will be brief. I recognize and appreciate the value of libraries to our community. My concerns about this effort have to do with the internal operations of the library system and whether in fact they have or will take corrective actions to prevent this sort of problem in the future. At this point, I'm not convinced that they have or will, so I can't support it.

Mayor Foxx said I appreciate all the comments. The money would not be paid out all up front. It would be paid out on a staggered basis and only as certain milestones are met.

Councilmember Howard said I just want to go back to Councilmember Turner for a second. I think what I heard him say is that in order for him to get a little more comfortable he wanted to hear something from Mr. Cogdell, and if Mr. Cogdell is not the appropriate person, can we entertain that if that will get Mr. Turner comfortable?

Mayor Foxx said we really don't have a lot of time. Very briefly.

Councilmember Howard said, Mr. Cogdell, can you come up real quick.

**Commissioner Harold Cogdell, Mecklenburg County Board of Commissioners**, said I frankly did not want to be put on the spot like that, but I appreciate his concerns. It's an extremely important issue. Frankly, my chairperson is here. She could also speak, but I will be happy to represent in a straw vote, which is not a final vote of our adopted budget, that the Board of County Commission did appropriate \$3.5 million and did agree to give credit towards the City on its real estate books for any amount up to \$2 million that the City would appropriate for the libraries in addition to a number of other conditions regarding cost savings and consolidation opportunities.

Mayor Foxx said all of which are attached to the memo you got on Friday. Let's have a vote on this. All in favor of this proposal please raise your hand.

**AYES:** Councilmembers Burgess, Carter, Kinsey, Howard, Mitchell, Turner

**NAYS:** Barnes, Cooksey, Dulin, Peacock

Councilmember Cooksey said, Mayor, I would like to offer that instead of to the library system that the \$1.4 million identified out of the criminal justice technology fund be allocated to the Housing Trust Fund.

Mayor Foxx said he's made a proposal.

Councilmember Cooksey said I offer it as a matter of priority. This Council has talked about funding the Housing Trust Fund for the ten-year plan to end and prevent homelessness, and this is a priority this Council has adopted, so I thought we would stick with our priorities rather than a low priority from the Board of County Commissioners.

Councilmember Howard said when the appropriate time is during the budget because we just got a vote to put it in the budget considerations. That motion should come up when we deal with whatever the other issues are at that point.

Councilmember Cooksey said the guidance I got from the Mayor was it was appropriate after the vote on the libraries.

Mayor Foxx said we'll entertain it. All in favor of that raise your hand.

**AYES:** Councilmembers Cooksey, Dulin, Peacock

**NAYS:** Councilmembers Barnes, Burgess, Carter, Cannon, Howard, Kinsey, Mitchell, Turner

Mayor Foxx said that does not pass. That concludes the straw votes. We are moving now to the budget adoption process, and that one change we just made will be incorporated into the final budget proposal.

Councilmember Carter said I would like to move that we remove Section C from the pull vote to have a discussion on that, and what I propose is that we eliminate the pay increase for the Council and the Mayor.

Mayor Foxx said you are pulling C. You are saying approve everything but C.

Councilmember Carter said, yes, sir.

Councilmember Barnes said I offer a second, and also, Mayor, I believe there are at least two others that people had expressed an interest in pulling, which would be I and L.

Mayor Foxx said let's have a motion on everything except C, I, and L.

Councilmember Mitchell said I make a motion that we adopt all the items except for C, I, and L for the budget.

Councilmember Barnes said point of clarification. Was the library funding under L?

Councilmember Mitchell said yes.

Councilmember Cannon said and K, yes, sir, please, with no discussion.

Mayor Foxx said you want to pull K?

Councilmember Cannon said, yes, just for a vote.

Mayor Foxx said so it's C, I, L, and K would be pulled out, and we would have a vote on everything else. Is there a motion on everything except –

[ Motion was made by Councilmember Barnes and seconded by Councilmember Carter to ]  
[ adopt all budget items except for Items C, I, K, and L. ]

**AYES:** Councilmembers Barnes, Burgess, Carter, Cannon, Howard, Kinsey, Mitchell, Turner

**NAYS:** Councilmembers Cooksey, Dulin, Peacock

Mayor Foxx said to Item C.

Councilmember Carter said if I might speak to that, please. In a gesture of solidarity with our citizens, I think it very appropriate that Council and Mayor forego the pay increases that are indicated by the 2% increase for our employees because I think our employees are heavily impacted by the increase in health insurance, the increase in the amount they have to pay the physicians as they visit, and the decrease in the 401k.

Councilmember Peacock said speak to that comment and to offer just also an amendment as well, too. If we are going to make amendments on our pay itself, I think we should also look at the highly comped, which would include people over \$150,000.

bvj

Mayor Foxx said is that a motion?

Councilmember Peacock said that is a motion.

Mayor Foxx said you want to look at it, or you want to do something with it?

Councilmember Peacock said I think Ms. Carter's motion is to remove ourselves at our current pay and not to receive an increase. I'm saying that we remove it from those that are the most highly comped. So now that we are picking who the winners and losers are, I think we need to look at the top of the scale. We are getting down a slippery slope is what I'm saying.

Mayor Foxx said I haven't heard a second to Ms. Carter's motion. Is there a second to that?

[ Motion was made by Councilmember Carter and seconded by Councilmember Cannon to ]  
[ delete the 2% pay adjustment for the Mayor and City Council. ]

Mayor Foxx said Mr. Peacock has offered a substitute. Is there a second to that?

[ Substitute motion was made by Councilmember Peacock and seconded by Councilmember ]  
[ Dulin to delete the 2% pay adjustment for employees earning greater than \$150,000. ]

Mayor Foxx said we are going to vote on Mr. Peacock's substitute. If that fails, we'll go to Ms. Carter's first motion.

Councilmember Kinsey said just want it noted that the increase for Mayor and Council is only \$3,750, so it's not a significant amount – total.

Councilmember Barnes said I'm sorry. It's \$3,750 for all of us for the increase for Mayor and Council. I also saw in our materials, Mr. Manager, a note regarding the value we pay the people who make over \$100,000. Did you give us a number? There aren't many people who make over 150.

**Curt Walton, City Manager**, said that hasn't come up until just now – the 150.

Councilmember Peacock said I would be willing to entertain 100.

Councilmember Barnes said were you entertaining 100?

Councilmember Barnes said we got some feedback from staff regarding the value of compensation we provide people over 100. What's the amount?

Mayor Foxx said it's \$171,000 total. Is that a friendly amendment to yours?

Councilmember Peacock said that's a friendly amendment to yours absolutely.

Mayor Foxx said we have Mr. Peacock's substitute at \$100,000 and above employees added to the City Council pay increase.

**AYES:** Councilmembers Cooksey, Dulin, Peacock

**NAYS:** Councilmembers Barnes, Burgess, Carter, Cannon, Howard, Kinsey, Mitchell, Turner

Mayor Foxx said that does not pass. We are down to Ms. Carter's motion (delete 2% for Mayor and Council)

**AYES:** Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Mitchell, Peacock

**NAYS:** Councilmembers Kinsey, Turner

Mayor Foxx said that passes. We are down to Item I.

Councilmember Cooksey said we still have got to vote on C.

Mayor Foxx said that was an amendment to C.

Councilmember Cannon said have we voted on C at this point?

Mayor Foxx said I thought that was. All in favor of Item C now amended raise your hand.

**AYES:** Councilmembers Barnes, Burgess, Carter, Cannon, Howard, Kinsey, Mitchell

**NAYS:** Councilmembers Cooksey, Dulin, Peacock, Turner

Mayor Foxx said that passes. Down to I.

Councilmember Cooksey said we need to make sure the Clerk has recorded how we voted.

Mayor Foxx said I said for the nays to raise their hands. Down to the I portion.

Councilmember Barnes said, Mr. Mayor, I need to make a motion to recuse Councilmember Howard on I.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and ]  
[ carried unanimously to recuse Councilmember Howard from Item I. ]

Councilmember Mitchell said I would like to make a motion to accept the contract for Charlotte-Mecklenburg Housing Partnership.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Carter, and ]  
[ carried unanimously to accept the contract for Charlotte-Mecklenburg Housing Partnership. ]

**AYES:** Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Kinsey, Mitchell, Peacock, Turner

Mayor Foxx said down to K.

Councilmember Cannon said, Mr. Mayor, I pulled that one, and I believe, if I'm not mistaken, this is an item that would actually increase storm water fees; is that correct? If that is the case, I struggle a little bit with the idea of moving forward to increase fees on the taxpayers understanding we still have a system that is broken that needs fixing. I just have some uneasiness about it, and that said I would like to be in opposition to it.

Councilmember Cooksey said against my better judgment I'm going to join in voting yes on this in large part because the City itself, in fact, this Council has already voted to reduce the City's contribution to storm water, and I find it ridiculous to assert that the City as a whole will reduce its contribution to dealing with storm water to address the impervious surfaces for which we are responsible and yet still raise the fees on the citizens of Charlotte to deal with storm water. So if we are going to scale back, I can't bring myself to raise the fees on the people either even though it means that Andy will have to be out watching constituents drown.

Mayor Foxx said is there a second on this?

[ Motion was made by Councilmember Cannon and seconded by Councilmember Cooksey not ]  
[ to increase storm water fees. ]

**AYES:** Councilmembers Cannon, Cooksey, Dulin, Peacock

**NAYS:** Councilmembers Barnes, Burgess, Carter, Howard, Kinsey, Mitchell, Turner

Mayor Foxx said that does not pass. We are back down to Item K. Is there a motion for Item K?

bvj

[ Motion was made by Councilmember Mitchell and seconded by Councilmember Carter to ]  
[ approve Item K, Storm Water Interlocal Agreement. ]

**AYES:** Councilmembers Burgess, Carter, Howard, Kinsey, Mitchell, Turner

**NAYS:** Councilmembers Cannon, Cooksey, Dulin, Peacock

Mayor Foxx said that passes. Item L, is there a motion?

[ Motion was made by Councilmember Howard and seconded by Councilmember Mitchell to ]  
[ approve Item L, establishment of a Library contingency fund of \$1.4 million with conditions. ]

**AYES:** Councilmembers Burgess, Carter, Cannon, Howard, Kinsey, Mitchell, Turner

**NAYS:** Councilmembers Barnes, Cooksey, Dulin, Peacock

Mayor Foxx said that concludes our budget adoption for FY2011.

Budget Ordinance No. 4450-X is recorded in Ordinance Book 56 at Pages 647-658.  
The resolution for the Capital Investment Plan is recorded in Resolution Book 42 at Page 618.  
The resolution adopting changes to the City Pay Plans is recorded in Resolution Book 42 at Page 619.

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Mayor Foxx said our Mayor Pro Tem has asked for some time this evening to deliver special remarks, and at this time, we will have those remarks.

Mayor Pro Tem Burgess said I want to take this opportunity to read you two letters, and my first one is very, very difficult for me, but it's important. "Dear colleagues and the people of Charlotte: With a great deal of personal sadness, I must resign my seat on the Charlotte City Council effective immediately. I am unable to fulfill the commitments of a City Council member because I can no longer attend meetings or perform other requirements of the job, and the people of Charlotte deserve an effective representative in this at-large position. I love my city and its people, and it has been an honor for me to represent them. I treasure the support and encouragement that I have received from so many of the people of Charlotte. To the colleagues on the Council and the staff and employees of the City, it has been a pleasure serving with you. God bless all of you, and God bless the City of Charlotte. Sincerely, Susan Burgess."

My second letter is to the City Council. "Dear colleagues: As I must resign my position on the City Council, I urge you to give strong consideration for my replacement to my son, Jason Burgess. He shares my values and ideals completely, and I am confident that he will be able to serve in my place and be faithful to the principles that I have worked so hard to represent in my time in office. By way of background, Jason moved to Charlotte with our family in 1982 and attended Alexander Graham Junior High School and graduated from Myers Park Senior High School, where he was a student leader and an outstanding soccer and basketball player. In his senior year at the University of North Carolina at Chapel Hill as a pre-med major, he worked tirelessly to earn a spot as a walk-on for Dean Smith's varsity basketball team. After graduating from UNC-Chapel Hill School of Medicine and completing a surgery residency at New Hanover Regional Medical Center in Wilmington, NC, he completed a vascular surgery fellowship at Rush Presbyterian St. Lukes Medical Center in Chicago. With the beginning of his vascular surgery career, he returned with his family to Charlotte. Jason embodies the qualities that I have worked for as a public servant. He is a bridge-builder. Soon after he returned to Charlotte, he was elected chief of surgery at Mercy Hospital, and since then he has been instrumental in merging two separate surgical practices into the largest independent surgical group in the region. He is a natural leader and was recently named by the *Charlotte Business Journal* as one of the "40 under 40" emerging leaders. In 2009, he was named by *Charlotte Magazine* as one of Charlotte's "Top Docs" because of his commitment to cutting edge medicine and his dedication to his patients. As his resume demonstrates, he is an extremely hard worker and has amazing

drive. Jason lives with his wife, Elizabeth, and family in the Dilworth neighborhood. He has the full support of his family and is confident that he can balance his professional, personal, and civic life. It is important to have my at-large seat filled as soon as possible with crucial decisions coming up. I'm certain that Jason is the best person to serve out my unexpired term on the Council and to continue to stand for the values and ideals that the people of Charlotte elected me to represent at the begging. Thank you very much for your consideration of Jason Burgess. Sincerely, Susan Burgess." Thank you, Mayor.

Mayor Foxx said thank you, Susan. I was going to wait for this, but I'm going to do it now. I don't know if I can get through it. I can't.

Councilmember Peacock said this is the Mayor's Award in honor of Richard Vinroot, City Council member from '83 to '91, Mayor from '91 to '95, to honor the citizens that have demonstrated unselfish leadership for the community – Susan Burgess 2010 recipient.

Mayor Foxx said, Chancellor Dubois, won't you come up here. I know you have something to say.

**Chancellor Phil Dubois, UNC-Charlotte**, said, Mr. Mayor, members of the Council. I am really here on behalf of the many, many admirers and friends of Susan Burgess. It is impossible to describe her impact as a public servant to this community, and I won't attempt to do so here tonight. You all know what she has done. You know what Susan has stood for, and you know the many people she has reached out to in our very diverse community to make it what it is today. We want more Susan Burgesses in the world, so I'm pleased to tell you tonight that her many friends and admirers have collectively endowed the "Susan M. Burgess Fellowship in Public Administration" at UNC-Charlotte. This is a growing graduate program at the university, one that tries to train leaders in public service in the spirit of Susan Burgess, and we thank you for allowing us to put your name on it, Susan. We hope we'll see many good students in perpetuity be able to carry on her tradition of public service, and we love you.

Mayor Foxx said, Susan, I just want to say that you have amazed all of us the whole time. Thank you, and God bless you.

Councilmember Howard said, Mayor, I had the opportunity yesterday afternoon to spend some time with Susan, and I think we would be remiss not to represent the family that has supported her. I want to, if we could, give some appreciation to the family as well, so thank you for letting us have Susan.

Councilmember Barnes said, Mayor Pro Tem, Susan, you have been a tremendous leader in this community and a tremendous friend, and I appreciate you. I love you, and God bless you and your family as well, so thank you for being you.

Councilmember Carter said, Susan, I haven't figured out yet why people interchange us. I just wish I were like you. I'm so grateful for your friendship for 28 years of friendship, and you got me into this, and for whatever it means to this city, I thank you for it myself, and God bless. You are one of the best of all of us. Vive les femmes – long live women. You are our best representative.

Mayor Pro Tem Burgess said if I could conclude. I want to introduce my family, who are here with me: my son Jeff, is here from London; and, of course, my husband, Pat; my son, Collin; my daughter-in-law, Elizabeth; my son, Jason; and my daughter, Jillian; and my sister, Ann, who I often get confused with. They have been tremendous support and love as have the people of Charlotte and the state and people outside the state that I don't even know. But it's been so uplifting and supportive, and I also want you to know that I am completely at peace thanks to the grace of God, and I'm happy. I'm happy for all the blessings that I have received and just don't think there could be a more blessed person on the face of the earth, so I want to thank you all for your support and your expressions of love during this time. Thank you, and I'm going to let you have the whole rest of the meeting.

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Mayor Foxx said, Council, what I'm going to recommend – we have got a lot of items on the agenda tonight, but I talked to the City Manager about this, and I would suggest that we suspend the balance of the meeting and take these items back up in the order they can get worked back into our schedule. There is obviously some work that has to be done in light of our Mayor Pro Tem's resignation, and what I would suggest is that we ask the City Manager to develop a process to move through that with the goal of helping us get to a point where next week we can make some determinations. If there are any concerns about that, please let me know now.

Councilmember Kinsey said I don't have concern about that, but I had been asked by a constituent to put a zoning hearing on the July agenda, and I had hoped to wait until next week, but Planning wanted me to go ahead and do it to get the ball rolling. It is the rezoning on East Boulevard, and I don't mind asking that it be put on the agenda. I think that they request that it be decided the same evening. I cannot support that. The neighbors have not been involved in this, and I think giving them a month probably would not be sufficient, so while I would support putting it on the agenda and asking you to do so, I would ask that we not vote on it in July but delay it until the September meeting to get the neighbors involved.

Mayor Foxx said any objection. Hearing none, is there a motion to adjourn?

### **ADJOURNMENT**

The meeting was adjourned at 6:05 p.m.

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Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 50 Minutes  
Minutes Completed: July 1, 2010