

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, November 11, 2013 at 5:18 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Patsy Kinsey presiding.

Councilmembers present were John Autry, Michael Barnes, Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, Billy Maddalon, LaWana Mayfield and Beth Pickering.

Absent Until Noted: Councilmember Patrick Cannon

Absent: Councilmember James Mitchell

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Dulin said no items from me Ms. Mayor.

Councilmember Fallon said I have a question about Item #13.

Mayor Kinsey said that's the business agenda. Ms. Campbell did anybody contact you ahead of time

Debra Campbell, Interim Assistant City Manager said I did. I had a question from Mr. Autry. We responded. He had two questions and I am assuming they were adequate.

Councilmember Autry said yes.

Ron Carlee, City Manager said Madam Mayor if I may acknowledge Debra Campbell our renowned Planning Director who on the interim basis has come up into the manager's office to service as Interim Assistant City Manager and Planning Director. She is not giving up any of her hats, she is just adding hats. With the departure of Ruffin Hall on his way to Raleigh she is going to fill in while we do recruitment. We have a full competitive national recruitment out. We will be looking at candidates inside and outside for both his position and Julie's position as she retires in December. We are really grateful for Ms. Campbell coming into our office to help provide assistance during this interim period. Most of the projects that Ruffin was working on are the same issues that Ms. Campbell has worked on and so we should have a seamless transition during this period.

Mayor Kinsey said Ms. Campbell, in honor of that we are not going to pull any items tonight. The next time you're up, you better watch it and welcome—glad to have you on 15.

ITEM NO. 2: CITIZENS REVIEW BOARD BRIEFING

Councilmember Cooksey said I won't recapitulate the write-up and the synopsis of this work force, but will acknowledge that there has been a lot of time and work put in on this topic. We are looking forward to wrapping this up before this council departs. I would ask if there is anyone who served on the task force related to the Citizens' Review Board, if you are in the chamber, please stand and be acknowledged for the volunteer work you put in in analyzing this. The one thing that's not in this write-up that I think is worth noting publically and the interest that came out during the course of investigating this process is that for easily since 1969—so its over 35 years—a member of the staff of the Community Relations Committee has been part of the disciplinary review process at the CMPD internal affairs level and since 1997, has actually been a voting member of that process. So one of the things that I heard council considers as it looks at these proposed amendments and goes forward... the Citizens' Review Board process is that there is a much larger process involved from start to finish when a complaint is filed with CMPD. Our risk management team weighs in on claims that are made as well. There is a lot that goes on—a lot of eyes on this process from start to finish and I think its useful to remember that there is an entire process going on at which the CRB is a vital but none the less part, rather than the be all or end of the issue of the CMPD discipline and with it, it looks like our manager is teed up to do his side of the presentation. So again, thanks to all who have worked to advise us on this.

Ron Carlee, City Manager said as you can tell from that intro, this has been to committee multiple times and the committee has extraordinarily well-versed on the intricacies of the citizen complaint process for Charlotte Mecklenburg Police Department and have provided an excellent venue for us to look at this process and update it. At the outset, I'd like to thank everyone who participated in this process. Citizen review boards in some communities can be extremely contentious issues and a source of conflict among different parties within the community. While there has been a considerable amount of interest in the revisions to our committee citizens' review board, it's not been a conflictual environment, quite to the contrary. People have come together to try to work on making improvements to the system. It is interesting; I first dealt with the issue in Charlotte about a week or two before I started as City Manager. When I came into town and met with some people on some of the critical issues at the time, including the Police Chief on this issue. I think his comments in that meeting are reflective of the collaboration that has occurred. He told me in that very first meeting—he said there are people who are advocating for changes in our citizen review board process. He said, I think there needs to be changes and we can make it better. That was the attitude going in and likewise for the advocacy community, they have provided a significant amount of input, even over the last week, working in a spirit of cooperation and very special thanks to the task force made up of members from our community council services citizens review board. They actually came out and about a dozen of them met with me on Friday afternoon no less to go through one last review. I want to acknowledge Willie Ratchford, who was the lead staff person through the public stakeholder review process and Eric Campbell in my office who worked extensively on it as well. In the interest of time tonight, I am going to do a high level overview. I'd be happy to answer questions at whatever level of detail may be of interest to the Council. And when this comes before you at your next business meeting for action, will be prepared to provide presentation of whatever detail would be helpful in that public forum.

In front of you, I think you have a copy of the task force recommendations. The task force recommendations served as the template for the committee review and for my final review and recommendations that will come before you at your next meeting for consideration. They are the template, although we have made some modifications based on input following their report, which we think are all within the spirit of their recommendations and in fact enhance some of the items that had proposed. You also have in front of you a draft ordinance. Now this is not a red line ordinance of the existing ordinance. We took the opportunity during this review to really clean up some of the language and to update it in a way that flowed a little bit more easily. One of the things we were looking for in this process is language and steps that could be more easily understood by the public. I won't say we got there 100%, but we really have tried to use plain English in a lot of what we have come forward to you with in this recommendation. You will note, however, in this version of the ordinance that is different from the one you got in your package over the weekend, there are a couple of changes which I'll address that we made in our very final review following my meeting with the task force on Friday. They had some additional clarifications. We had gotten also some comments from the advocacy community and the fact of the matter is we've really tried to listen as we've gone through this process and these changes are reflective of that listening. So what I will do tonight is highlight what some of the major portions are in terms of the changes that are being made. First of all, is a note change and that is that this is not an independent judiciary body. The Citizens' Review Board is intended to be a part of our administrative process. As I said to the community in my last presentation to them, my expectation of the police department and its internal affairs process and their investigations is that they respect every complaint that comes in from citizens, they fully investigate it and they get it right and the goal is to get it right every time. But as the internal affairs staff and the police chief will admit, and as is true of all of us, none of us get everything 100% of the time do we? And so the idea is to have an additional level of oversight that provides an outside review to double check what we've done and how we've done it and if in fact, we've missed something, then we have an opportunity to correct it. That has been the history of the Citizens' Review Board and we will continue in that vein. Part of the problem in the existing process is the standards by which the review board considers their different actions along the way and the language has frankly been, difficult for anybody to really understand. It's been defined as a really high standard and one that we can't find a really good connection to. The suggestion has been made, in fact, that nobody has ever gotten a hearing when in fact, every complaint that has actually been, has just not been called a hearing and so in this re-write of the ordinance, we have proposed to call the whole thing a hearing because if in fact, a citizen makes a legitimate complaint on an action or a disciplinary action taken by the police department, then they deserve to be heard and in this process, they will be heard and the first decision that the board will make

is how deeply do they need to go in investigating whether or not the police department made the right decision in their disciplinary action and so previously, there was this preponderance of evidence that the police chief abused his discretion. Now I'm sure there are smart lawyers that can explain that, but I really can't, and that was pretty much confusing to everyone in the community. The new draft ordinance that we recommend to you changes that confused language to one that is very simple. In reviewing the evidence, does the Board find that there was substantial evidence of error? Is there substantial evidence of error? If so, then the Board is empowered to go more deeply in exploring the case to determine whether or not they should recommend that the Police Chief's decision be overturned. And in making that final decision that the Police Chief's action should be overturned, it is again a very simple kind of standard. Rather than a preponderance of evidence, that the decision of the Chief constituted an abuse of discretion, what we are recommending very simply is does the greater weight of the evidence of balance indicate that the Chief clearly erred. Does the greater weight of the evidence indicate that the Chief of Police clearly erred? And in addition to making very specific decisions here with regard to the outcome of the disciplinary action, this ordinance also empowers the Citizens' Review Board irrespective of this specific case and its evidence, to also come back to the Chief of Police and to the City Manager and to make recommendations based on their observations on what they will think when will make for improved police and community relations.

One of the final items that has been in significant amount of discussion in the community over the past few weeks is what kind of evidence does the Citizens' Review Board have in order to make their decision. Do they have access to everything that they need? To some extent, I believe this, to date, has been a little bit semantic, but in the language that we have provided to you tonight, I think it is quite unambiguous. The entire investigatory file developed by the Internal Affairs division, will be made available to the Citizens' Review Board and in fact, if in going through that evidence, the Citizens' Review Board thinks something is missing that should have been investigated, they can ask for it and Internal Affairs will go back and try to get that information. There is no reason for a Citizens' Review Board not to have all of the facts and so unambiguously, we will make that available to them and make it very specific in the language itself.

Some other things that are less of a policy issue but important technically, we have a standard or propose that you adopt ordinance that will extend the period to file the complaint to a more reasonable 30 days. We also give Citizens' Review Board more time in which to make their decision. There are a number of recommendations about promoting the Citizens' Review Board and helping people understand how to file and helping them file; cleaning up the form that is used to file all of those have also been adopted and recommended within the ordinance proposal that we have presented to you. So that is a high level overview of the recommendations to come to you. I believe it is, as I've said, very much reflective of the spirit and direction of the task force and I believe it goes a substantial distance in recognizing the concerns that were raised by the advocacy community in a very positive and reflective way and it certainly has the full endorsement of the Police Chief as well. I'd be happy to try to respond to any questions that you have or go any deeper detail that may be of interest to you.

Councilmember Fallon said on the old form that we had with our packet, the Section 1658, Duties and Responsibilities, number 4, it says satisfactory to the City, but there is nothing that says, if there is a breach, what are they subject to.

Mr. Carlee said that would be a matter for the City Attorney to consider on how we might pursue that. Let me ask Mr. Hagemann if he would like to address that legal matter.

Bob Hagemann, City Attorney said Councilmember Fallon, could you please again direct my attention to the section you are looking at.

Councilmember Fallon said its Section 1658, Duties and Responsibilities, page 2 of the one that's in the packet, number 4.

Mr. Hagemann said under 58 (a) (4). I'm looking at the clean version. I think you are talking about the old one.

Councilmember Fallon said yes.

Mr. Carlee said I think question was what happens if they violate the confidentiality, is that correct?

Councilmember Fallon said if there is a breach what happens?

Mr. Hagemann said potentially criminal prosecution, potentially. We've never in the 13-14 years that this has been around, that has never happened to my knowledge, but releasing protected personnel information is a misdemeanor in North Carolina.

Councilmember Fallon said, alright, thank you.

Mayor Kinsey said any other questions or comments?

Councilmember Cooksey said it's a similar question. I just want to make sure nobody else had any. I so rarely do Chairman of course that I left out a significant element of protocol in such things, although part of my excuse is that not everyone was here for it. I too recognize Willie Ratchford for working and dealing with the task force, but as the manager mentioned, Eric Campbell is the liaison for the Council Manager Relations Committee, for this topic, has done yeoman's work as well and deserves our acknowledgement, plus, of course, the members of the committee who have been through the meetings on this. Mayor Kinsey herself and David Howard and James Mitchell put in a good bit of time and deserve thanks and appreciation for that as well.

Councilmember Maddalon said Mr. Manager a lot of this conversation seems to have revolved around the years in existence for the CRB and the fact that the CRB has not ever overruled in its history. The changes that the committee and you are going to suggest to council, is there any way to reasonably determine if these changes were in place from the beginning, if that statistical outcome would have been the same or would it be different, and if so, how different? In other words, I'm wondering if we are just moving chairs around the deck or if we are actually making any substantive changes to the way that the group might be able to do its work.

Mr. Carlee said I do believe that we are in these changes, making changes of substance; the standards of evidence, the standards of making a decision, were both confusing and at a very high level in the previous ordinance. We have simplified them, we've clarified them and I think there is unquestionably now the ability of the Citizens' Review Board to look as deeply as it thinks it needs to look to determine whether or not a complainants challenge to the department's decision is valid or not. Previously, there's this hurdle you had to get over before you could really get into those details. We've made that hurdle something that I believe on the face of it and as a practical matter and as a matter of reason and balance is understandable and fair. Now is there some substantial evidence that a mistake was made and if so, you can go as deeply as you want to and then very simply you are not making a decision as to whether or not the Police Chief abused his discretion; What does that really mean? The real question is did the Police Chief make the right decision. When he exonerated or found a complaint not sustained, did he make the right decision on that balance of evidence and now we have a body that clearly has access to all of that evidence and additional evidence that they may want to look at in order to weigh it and make the decision. Now in the future will they come out with findings in conflict with the Chief of Police more often? I will tell you, I hope not. I expect the Police Chief and internal affairs to get it right every time and they expect to get it right every time. If we were standing here and dealing with an updated ordinance that found 70% 50% 25% of the Police Chief's decisions wrong, then I will tell you that we've got a problem with internal affairs. I'm expecting that they will get it right and I know that's the standard of the Police Chief as well. As I said in the beginning, anybody can make a mistake. Anybody can miss something. When you've got a different set of different set of eyes from the outside who are average citizens who have lived and experienced the society in which we live, we have an opportunity, a check and balance to ensure that we've got it right and if we didn't, they have the ability to say so and we can fix it.

Councilmember Cooksey said I'd like to add a little to that as well because again, this is where the overall context is significant. I think we've gotten a little too wrapped up in one number that is presented a lot and that's at 79. I don't want to drown you with too many other numbers, but I think the other numbers...There have actually been more people who have sued the City of Charlotte because of CMPD activity than have appealed to the CRB in the past 16 years. There

have been more people who have received claim settlements from our Risk Management Department because of CMPD activity than have appealed to the CRB. There are so many options for a citizen with a complaint against CMPD to gain a remedy before the CRB is even involved. In fact, as the Chief reported to us back in April, of the 1,200 or so complaints that have come in that are CRB eligible for the past 16 years, I think the number is somewhere around 40% of cases, there is discipline of the officer. But if you file a complaint with CMPD, if you didn't like what an officer did, and the response you get back from internal affairs is "we've looked into it and we've punished this officer," you are not appeal CRB because you've got what you were aiming for. In one case, we did have someone who appealed an actual punishment. He said that he wanted an officer, I think, was suspended for 30 days when the actual punish was 14 and the CRB said no, 14 is okay. So that's the context that I think we should look at. I want to amplify and reinforce the Manager's point. Our expectation should be that the CRB never overturns the Chief's decision because we expect the Chief to get the right decision every time. That's the level of expectation.

Councilmember Patrick Cannon arrived at 5:43p.m.

Councilmember Autry said I would just have to reinforce Mr. Cooksey's comment there because in my discussion with some of the division captains in District 5 about this issue, that's one point that most of them always bring up is that the reason the CRB hasn't overturned any decision from the Chief and the internal affairs is because the internal affairs must be doing a pretty good job and one other thing here. I see you had a slide Mr. Manager of the entire internal affairs investigation file will be made available to the CRB, Section 1659C. I see in the language there that it will be made available that the prepared case file and full of the file has been struck and the words deliver the entire internal affairs case file to the City Clerk for delivery to the members of the Board has now been added to the ordinance and I know we've heard a lot of discussion and seen a lot of communication about this issue and I'm glad to see this being addressed in the ordinance.

Mr. Carlee said thank you. I think this is one of the situations where a colleague of mine used to refer to people being in violent agreement and so I think we've got to language now that really does confirm that we're all on the same page with it.

Councilmember Cooksey said just one last thing. Procedurally, Council Manager Relations Committee scheduled to meet on the 25th at its regular monthly meeting. In order to avoid having a different recommendation from committee and the manager, we will take one more look at that and revisit the committee's recommendation to make sure the committee addresses the changes that have been made since the committee met as well.

Mayor Kinsey said that will be in the motion on the 25th.

Councilmember Cooksey said that will be part of what committee does on the 25th and so when you see it as an action item in the meeting at the end you'll have one clear recommendation—I would hope rather than the committee recommended one proposal in exchange and the manager has a different recommendation and we don't have to see that.

Councilmember Cannon said I assume this question has already been asked because I'm on the tail end of it, but has everything been done to the extent or to the degree in which it can be done to give this board as much teeth as it needs within our purview on the City level.

Mr. Carlee said yes sir, I believe that we have. We have certainly approached it with that objective and I believe that this board now has access to whatever information it may need in order to make a decision and is also empowered to make recommendations even beyond the narrow decision so that they can assert an affective oversight role for the citizens of the city.

Councilmember Cannon said and anymore that can be done that has been requested by interested parties, i.e. subpoena power or any other investigatory powers would have to go through the state. Is that correct?

Mr. Carlee said that is correct and based on where we have gotten the ordinance, we believe that they have adequate resources at this point and would recommend that they be implemented and the CRB have the opportunity to operate under these new procedures. We can then evaluate

their effectiveness and make a determination as to whether or not any other changes, including legislative authorization needs to be considered.

Councilmember Cannon said Mayor Council and staff thank you for indulging me.

Mr. Carlee said thank you madam Mayor and thank you everyone that contributed to it.

ITEM NO. 3: PROPOSED 2014 FEDERAL LEGISLATIVE AGENDA

Councilmember Dulin said in a few minutes our Intergovernmental Relations Manager Dana Fenton, who we all know well, will give us an update, and will go over the proposed 2014 Federal Agenda. I'd like to thank the Vice Chair of the committee, Claire Fallon, Mayor Pro Tem Patrick Cannon and Councilmembers Beth Pickering and James Mitchell are also on that committee. There are five, by the way, Ron Kimble, who is out today and Assistant City Manager Julie Burch sat in with us too so I want to thank Julie for her work today and a smooth transition as she retires next month. There are five issues that we can go into greater detail here: The Airport Patrol Tower, the Federal Courthouse, Municipal Bonds, Surface Transportation Program and our support for the 2030 Transit Plan. With that I would like to turn it over to Dana Fenton.

Dana Fenton, Intergovernmental Relations Manager said as Councilmember Dulin said, we are bring you tonight the Proposed 2014 Federal Legislative Agenda. Tonight this is just an information item. We'll bring it back to you on November 25th at your business meeting for approval to give you some time over the next couple of weeks to think more about it. The Governmental Affairs Committee voted 4-0 today to advance it tonight. Actually they recommended it as a proposed agenda to the council for this evening. I'd also like to add in that the Metropolitan Transit Commission whom worked with and Ms. Flowers on transit advocacy issues will be considering the same positions for the Surface Transportation Program and 2030 Transit System Plan in its meeting on November 20th. That's a week from this Wednesday. What we've been trying to do for the last several years is to have the agendas for the MTC and for the City to be one in the same so that we are all speaking from the same page. The airport control tower is the first item and we would continue working with the FAA to advance a design, construction and opening of the new tower. You've heard a lot about the background the last couple of years. The existing tower is too low in the wrong position to permit adequate visual contact between the controllers and the aircraft on the third parallel runway. The tower design has begun just a few months ago. It's about a \$40M project and the FAA has scheduled it for opening or commissioning in 2019. We think that's still too late. This could be done much earlier. We could advance it by at least three years if the FAA were to go along with the alternative financing proposal that the airport has put forth.

The second item is the federal courthouse. As you all know, we have been trying to secure funding for a new courthouse to be located in the 500 block of East Trade Street, just a few blocks over from where we are right now. The current Jonahs Building has a deficit of courtroom space, needs major systems building renovations. The new sites within two blocks of the Charlotte Transit Center are very commute for people taking light rail or buses in to Center City. Also the City and Queens University have entered into a reuse agreement for the current Federal courthouse where Queens would purchase the building and house academic programs. \$165M is estimated for construction of the building and has been programmed by the courts for FY2015 funding. As you all know, the last couple of years, the Federal government has had issues in coming to an agreement on budgets and courthouses have suffered. So at this point, we are unsure as to whether they would actually be ready to go in 2015 or not.

Municipal Bonds: you all may heard, I know many of you have heard from the National League of Cities and other governmental organizations that there are proposals out there to take away or partially repeal the tax exemption for municipal bonds or the interest earned on municipal bonds. Many investors buy municipal bonds because they are a safe place to invest and also there are very few bond issues that have not been repaid. For over 100 years now, the interest earned on bonds have been exempt from federal income taxes. There's two proposals out there; one would be a partial repeal where there would be a 28% cap on the amount of —that is it would have up to 28% of the income earned from the bonds be tax exempt and then there is another proposal to make the bonds fully taxable. So there would be no aspect of them whatsoever that would be tax exempt. The estimate to the City of Charlotte, if we were to have a 28% cap or that partial tax

cap I talked about for the bonds we issued the last 10-15 years, that would have cost us about \$5.2M more in interest just two years ago. If it had been fully taxed, they would have been about \$14.8M more for us to service and the impact upon the county would have been even greater. These figures are from a National League of Cities National Association of Counties and several other governmental organizations report that came out earlier this year.

The Surface Transportation Program: you all have seen this a few times in the last several years. Last year the Surface Transportation Program was reauthorized but for a very short period of time. It was only reauthorized for 27 months—two years and three months—instead of the normal six years. So it's going to come before congress again next year and this is our chance to be able to say what we'd like to see in a surface transportation program. We'd like to see a long-term program, preferably six years. Having to come back every other year and argue about this is just not very productive. We'd also like to see local decision making through Metropolitan Planning Organizations stay intact and even enhanced. Continuation of the new.....program. We have used this program quite a bit with the Light Rail Projects and look forward to using it for the Gold Line Project. Also continuation of funding for bus and rail maintenance is important. We bring in about \$17M a year from the Federal governmental to help out with bus and rail operations and also continuation of the Transportation Infrastructure and Finance Innovation Act and the Railroad Rehabilitation and Improvement Financing Infrastructure Financing Programs—there's a long of words here, but these are programs that the Federal government runs that provides low-interest loans to local governments, state governments and other entities to improve transportation networks and these are being looked at in the context of the Red Line Commuter Rail Project and also some other transportation projects in the region.

Finally, Advancing the Vision; the 2030 Transit Plan; this would support continuation of federal resources for the build out on the 2030 Transit System Plan. When the plan was first developed in 2002, it was recognized that the Federal Government would have to be a partner to make that plan come to fruition and that is still the case. Whether it's the LYNX Blue Line Extension, the LYNX Red Line or the City LYNX Gold Line, in all cases there would have to be some federal participation.

This shows some of the next steps. The calendar we will be back again before you on the 25th for consideration and of course, the U.S. Congress will reconvene early in January and then we have the trip to the National League of Cities Congressional City Conference in early March. I'd be glad to stand for any questions.

Councilmember Dulin said question for the council. Who's going to Seattle this week, four of us, five of us?

Mayor Kinsey said LaWana's going.

Councilmember Dulin said six of us. Okay very good.

Councilmember Barnes said seven, eight, nine, ten. I'm not.

Councilmember Dulin said I was just curious. It's what you make of it. I mean its good when we go place, we go in numbers particularly its neat in Washington, when we all show up and that makes an impact with the people we are dealing with.

Mr. Carlee said I want to make a couple of editorial comments. On our legislative agenda to the point Councilman Dulin was making. The clairvoyance with our other jurisdictions within the NLC is very critical on the large issues like municipal bonds. With regard to those things more specific to us, we are pretty optimistic on the control tower. I'm planning a trip with Mr. Fenton to Washington soon to work with FAA on this issue. We think we have a compelling case. I will say the Federal courthouse looks pretty bleak right now. In no way related to the Charlotte situation, but related to overall federal funding of federal courthouses. That one is highly problematic and we're going to have to probably at some point fairly soon, try to get some sense of where the Federal Government's heading here and really make some assessment. Our courts are in very difficult situation now. I really need some help locally.

Mayor Kinsey said I want to recognize a new councilmember who is coming on board, Al Austin thank you for being here. We do have two or three closed session, probably all three of them that we can do so.

ITEM NO. 4: ANSWERS TO MAYOR AND COUNCIL CONSENT QUESTIONS

There was no discussion for this item.

ITEM NO. 5: CLOSED SESSION

Motion made by Councilmember Barnes, seconded by Councilmember Cooksey and carried unanimous to adopt a motion pursuant to NC General Statute 143-318 11 (a) (4) to go into closed session to discuss matters related to the location of an industry or business in the City of Charlotte including potential economic development incentives that may be offered in negotiations.

ITEM NO. 6: CLOSED SESSION

Motion made by Councilmember Barnes, seconded by Councilmember Cooksey and carried unanimous to adopt a motion pursuant to NC General Statute 143-318 11 (a) (3) to go into closed session to consult with attorneys employed or retained by the City of Charlotte in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of the following workers compensation cases *Joseph Willinsky v. City of Charlotte*. - Worker's Comp File No. W50361.

Motion made by Councilmember Barnes, seconded by Councilmember Cooksey and carried unanimous to adopt a motion pursuant to NC General Statute 143-318 11 (a) (3) to go into closed session to consult with attorneys employed or retained by the City of Charlotte in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of the case, *The City of Charlotte vs. State of North Carolina Carolina and Charlotte Douglas Airport Commission*, 13CVS 678.

The meeting was recessed at 6:02 p.m. for a closed session.

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The Council reconvened in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 7:10 p.m. for their Business Meeting with Mayor Patsy Kinsey presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, LaWana Mayfield, Billy Maddalon, James Mitchell and Beth Pickering.

Mayor Kinsey said I'd like to welcome you to the November 11th, 2013 meeting of the City Council. As you all know this is Veterans Day and I would like to recognize all the veterans in the audience if we have some here. Please stand if you are a veteran.

Mayor Kinsey said I'd like to take just a few moments to say a few words about Veterans Day. My father and two of my uncles served in World War II and their service has always been a point of pride for me and something I'm deeply grateful for. Without Americans like them and you who are willing to sacrifice everything, there's no telling where our country would be today. Veterans Day is a time to tell our military men and women how grateful we are for their service. And on behalf of our City, I want to say thank you to all of Charlotte's veterans for defending our freedoms and our liberties. Thank you for protecting our way of life, thank you for your service to our nation and for all the sacrifices you have made on our behalf. We deeply value your selfless contributions to our community, our country and our world. And now I'd like for everyone, I ask everyone to stand please, to observe a moment of silence for all of our veterans and all those currently serving.

Mayor Kinsey said we pray that you may come home safely, amen.

Mayor Kinsey said thank you and now I want to submit for the record a proclamation declaring today as Veterans Day in Charlotte and I'd like you to pass that down to the Clerk so it can be written into the records of this meeting.

City of Charlotte, North Carolina Proclamation

WHEREAS, Veterans Day affords all of our citizens a special opportunity to honor the deeds of those who sacrificed so much to answer the call to arms during the life of this great country; and

WHEREAS, the 20th Century marked America's greatest armed struggle through two World Wars, the Korean War, the Vietnam War, the Saudi Campaign and other armed conflicts worldwide; and

WHEREAS, these significant disruptions in the lives of those who served have been the price that our veterans paid, so that the rest of us might enjoy the fruits of justice and liberty now and into a new century; and

WHEREAS, on this date, November 11, 2013 we want to honor those who serve and rekindle the spirit of patriotism and the desire to serve our country:

NOW, THEREFORE, I Patsy B. Kinsey, Mayor of Charlotte, do hereby proclaim November 11, 2013 as "VETERANS DAY" in Charlotte and commend its observance to all citizens.

WITNESS MY HAND and the official Seal of the City of Charlotte.

Mayor Kinsey said and now while we are standing let's give our allegiance to our country and our flag.

INVOCATION AND PLEDGE

Mayor Kinsey led the Council in the Pledge of Allegiance to the Flag.

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AWARDS AND RECOGNITIONS

ITEM NO. 7: NEIGHBORHOOD LIFT PROGRAM RECOGNITION

Mayor Kinsey said the first thing on our agenda is the Neighborhood Lift Program Recognition. I have a little bit of information about that. Charlotte Neighborhood Lift event was held on October 25th and 26th at the Charlotte Convention Center. The focus of the two-day event was to promote homeownership and homebuyer education in an effort to boost housing and stabilize Charlotte neighborhoods. This was a collaborative effort between the City of Charlotte, The Charlotte Mecklenburg Housing Partnership, Neighbor Works America and Wells Fargo. Wells Fargo provided a \$6.65 million contribution to support this initiative including \$5.5 million for down payment assistance grants. I am happy to welcome Roderick Banks, Community Development Office with Wells Fargo who will share some highlights and with him Julie Porter from the Housing Partnership.

Roderick Banks, Wells Fargo said I just want to give a quick update. Yes, total investment was \$6.65M, \$5.5M of that was in the form of \$15,000 grants down payment assistance. Over a two-day event on October 25th and 26th we saw 543 individuals and families come through and get a roadmap to homeownership. 220 of those families and individuals walked away with \$15,000 grants reserved for homeownership within the City of Charlotte. We still have funds available for folks who want to be homebuyers within the City of Charlotte and the Charlotte Mecklenburg Housing Partnership is administering that program.

Julie Porter, President of the Charlotte Mecklenburg Housing Partnership said I just want to thank the city council and also Wells Fargo for assisting us with this program, and just a reminder, we do still have 92 grants available. We are making appointments at that time, but it's for \$15,000 down payment assistance and it can be partnered with House Charlotte.

Mayor Kinsey said I was there for a little while on the 25th and it was hopping. It was a lot of fun. Thank you.

Mr. Banks said I'd be happy to take any questions.

Councilmember Mitchell said Julie and Roderick just one question. What number do the citizens need to call if they are interested in getting one of the down payments? What is the phone number?

Councilmember Howard said 704.342.0933.

Mr. Banks said you can also go to the website CMHP.org/LIFT or neighborhoodlift.com, which is our website.

Councilmember Mitchell said Julie just one comment for you as a board member of the housing partnership; you did a great job this evening.

ITEM NO. 8: HABITAT FOR HUMANITY PROCLAMATION

Mayor Kinsey said for 30 years Habitat for Humanity members have labored tirelessly to strengthen our neighborhoods and improve the lives of Charlotte's residents and for 30 years the City has been proud to partner with Habitat Charlotte helping to contribute more than \$10 million to the Chapter during that time span. The fact that Charlotte's Habitat for Humanity has become a national model is a tremendous point of pride for our city and a testament to their leadership and the commitment of local volunteers and corporate sponsors and I'm happy to have Frank Spencer, President of the Charlotte Habitat for Humanity and Burt Green, Director of Strategic Initiatives to accept the proclamation in recognition of Charlotte Habitat for Humanity's 30th Anniversary.

Councilmember Mayfield read the following proclamation.

City of Charlotte, North Carolina Proclamation

WHEREAS, Habitat for Humanity of Charlotte is celebrating its 30th Anniversary as an affiliate of Habitat for Humanity International and;

WHEREAS, The City of Charlotte recognizes the importance of homeownership as it commits resources to neighborhoods and partnering organizations throughout the City and;

WHEREAS, Habitat for Humanity of Charlotte provides financial counseling and mortgage servicing for its homeowners and;

WHEREAS, 1,285 partner families have purchased a Habitat home or benefited from Habitat Critical Home Repairs services since 1983, and 272 homeowners have paid their mortgages in full and;

WHEREAS, \$10,300,000 in property taxes have been paid on homes built by Habitat for Humanity of Charlotte since 1983 and;

WHEREAS, thousands of volunteers have invested 1,250,000 hours with Habitat Charlotte in its efforts to provide safe, decent and affordable housing throughout this community and;

WHEREAS, thousands of tons of metal have been recycled to support the construction of homes by Habitat and;

WHEREAS, over one hundred (100) homes have been funded by the sales of merchandise in the two (2) Charlotte ReStores, and Julia's Café & Books;

NOW, THEREFORE, I, Patsy B. Kinsey, Mayor of Charlotte, do hereby proclaim November 11, 2013 as "HABITAT FOR HUMANITY OF CHARLOTTE DAY" in Charlotte and commend its observance to all citizens.

WITNESS MY HAND and the official Seal of the City of Charlotte.

Frank Spencer, President of the Charlotte Habitat for Humanity said now we all know that this City Council works hard, but this is probably the only resolution on which you deliberated where you got blisters. But we appreciate all of support from the City and I just want to reinforce the importance of the investment you make in homeownership because not only are the statistics that we just heard true, there's an important underlying statistic in how it affects our community and that is in the wealth creation of all of these homeowners. We know that wealth creation is part of stabilizing a community and so our homeowners in a day where we have upside-down mortgages, foreclosures and evictions by out of state landlords, the average habitat homeowner has \$36,000 of accumulated equity in their house from the pay down of those mortgages and in aggregate that is \$40M in homeownership equity in this community for people who are working but earn less than 60% of the median income. That is incredibly significant in stabilizing and transforming neighborhoods. Recently, Dr. Dustin Reed at UNCC published a report on housing and social issues across disciplinary review of the existing literature and a couple of quick points on homeownership. Homeownership improves outcome for children. Children of homeowners are 13% more likely to graduate from high school. Homeownership increases children's standardized test scores 7-9%. Homeownership reduces crime and increases satisfaction and community involvement. Habitat is the only realistic option for homeownership in this community for families earning less than 60% of median. Finally, since we have reached actually under Burt's leadership, complete self-sufficiency from our restores and our mortgage business, every dollar you provide as well as every private donor dollar goes 100% to affordable housing. Thank you for your support.

Councilmember Mayfield said point of privilege, I also want to thank Habitat because I was saying to the attendees tonight, they really know how to throw a celebration because it was a beautiful event, the 30th Anniversary, where we actually had the residents come up and say I paid off my home in 15 years and for people to be able to say that their home was paid off in 15 years and that they are now rent/mortgage free, and can just continue to build and support a community, that was a beautiful opportunity to be there. So I just want to thank everyone at Habitat and all the volunteers across the city as well as the El Salvador bills that we have and the international bills for all the work that they do. So thank you.

Mayor Kinsey said we all know that affordable housing is very important. There is a need in our community so thanks to people and organizations like Habitat for Humanity, the Housing Partnership and then the wonderful corporate citizen, Wells Fargo. Working together we'll keep tackling the problem. Thank you

ITEM NO. 9: NASCAR HALL OF FAME RECOGNITION

Mayor Kinsey said now I want to recognize a couple of people. The NASCAR Hall of Fame has been awarded the 2013 Innovative Design in Engineering and Architecture with Structural Steel Award by the American Institute of Steel Construction. The recognition is given annually and is the highest honor bestowed on building projects by the Structural Steel Industry in the United States. The NASCAR Hall of Fame was given the national award for projects greater than \$75M, the top accolade in the category. Here tonight to accept this recognition are Charlotte City Engineer Jeb Blackwell and NASCAR Hall of Fame Executive Director, Winston Kelly.

Winston Kelly, NASCAR Hall of Fame Executive Director said Madam Mayor you did an excellent job describing what the award is and the thing that I would say about the project; it was very collaborative and it was very complex and as Jim Schumacher used to say during all the meetings that we had, there was a lot of creative tension that went on but at the of each of those discussions the thing that I can honestly say is the decisions were made based on what was best for the project not what was best for an individual perspective, whether it was the architect, whether it was the exhibit designer, whether it was the Hall of Fame perspective or the construction folks. It was all what was best for the project and I'd like to thank all the past councils and the current councils dating back to 2006 for their support of the NASCAR Hall of Fame, the great job that City staff did in facilitating the building of the NASCAR Hall of Fame

and also to Mayor Pro Tem and Councilman Dulin for their participation in our advisory board as well as Ron Kimble. It has really been a collaborative effort. It was from the point of design and building and I think this award says that. Thank you so much.

Jeb Blackwell, City Engineer, Engineering and Property Management said not really much to add. It was just that it was a real pleasure to work on a project that I am proud won this award, being recognized for adding to the beauty of the City. That's a great thing to get to work on and it was a real pleasure to work on a team, as Winston described, really had a focus on doing a great job. It was a great effort and a lot of fun.

Mr. Kelly said and I'm also honored that one of our CRVA Board members, Chuck Allen, chose to come out tonight when he could have taken a night off. Chuck thanks for being here.

Mayor Kinsey said I had the honor of attending the awards ceremony at the Hall of Fame and just have to tell you that both the architect and the structural engineer were women.

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ITEM NO. 10: CONSENT AGENDA

Mayor Kinsey said we didn't have any items pulled from the consent agenda?

Emily Kunze, Deputy City Clerk said we had three items that were deferred; Item numbers 30-L, 30-M and 30-N have been deferred.

Motion was made by Councilmember Howard, seconded by Councilmember Mayfield and carried unanimously, to approve the Consent Agenda Items 19 through 30 as presented with the exception of Items 30-L, 30-M and 30-N.

The following Items were approved:

Item No. 19: Fire Station Mechanical Renovations and Addition

Award the low-bid contract in the amount of \$382,720 to W.C. Construction Company, LLC for the Fire Station #5 Mechanical Renovations and Addition project.

SUMMARY OF BIDS

W.C. Construction Company, LLC	\$382,720.00
Encompass Building Group, Inc.	\$391,000.00
D.E. Brown Construction, Inc.	\$417,243.00
YTM Construction, LLC	\$471,641.45

Item No. 20: 25th Street Extension S

Approve a contract with Kimley-Horn and Associates, Inc. in the total amount up to \$478,060 for engineering services associated with the 25th Street Extension project.

Item No. 21: No Grease Barbershop Lease Renewal

(A) Adopt a resolution approving a five-year lease agreement renewal with No Grease Barbershop for space at Time Warner Cable Arena, and; (B) Authorize the City Manger to execute related documents

The resolution is recorded in full in Resolution Book No. 44 at page 835.

Item No. 22: Airport Terminal Security Exit Lanes

(A) Approve a nine-month, unit price contract with G4S Secure Solutions for providing exit lane security services, and (B) Adopt Budget Ordinance No. 5238-X appropriating \$410,000 from the Airport Discretionary Fund to the Aviation Operating Fund.

The ordinance is recorded in full in Ordinance Book 58 at page 524.

Item No. 23: Airport Administrative Facility Improvements

kmj

(A) Award a low-bid contract in the amount of \$1,328,170 to Simon and Watson Construction for renovations to the CLT Center, and (B) Approve Budget Ordinance No. 5239-X appropriating \$1,328,170 from the Airport Discretionary Fund to the Airport Capital Investment Plan.

The ordinance is recorded in full in Ordinance Book 58 at pages 525-526.

Item No. 24: LYNX Blue Line Extension – Light Rail Vehicle Parts

Approve contract amendment #2 in the amount of \$3.2 million with Siemens Industries to exercise the City's option to purchase Light Rail Vehicle Inventory Parts.

Item No. 25: LYNX South Boulevard Light Rail Facility Expansion

Award the low-bid contract in the amount of \$4,665,430 to Edison Foard for construction of an approximately 20,000 square foot addition to the existing LYNX South Boulevard Light Rail Facility building.

Item No. 26: Refund of Property Taxes

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$46,097.18

The resolution is recorded in full in Resolution Book 44 at page 836-837.

Item No. 27: Sale of City-owned Property

(A) Adopt a resolution approving the sale of 2500 Jefferson Davis Street (Tax I.D. #079-064-08), and; (B) Authorize the City Manager to execute the sale documents for these transactions.

The resolution is recorded in full in Resolution Book 44 at pages 838-839.

Item No. 28: Exchange of Land along Dwight Evans Road

(A) Adopt a resolution authorizing an exchange of land between the City of Charlotte and The Charlotte Observer Publishing Company or their successors and assigns (Developer) involving Tax I.D. numbers 14530209 and 14530204, and; (B) Authorize the City Manager to execute the documents needed to complete the exchange of land.

The resolution is recorded in full in Resolution Book 44 age pages 840-841.

Item No. 29: Meeting Minutes

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

- September 23, 2013 Business Meeting
- October 7, 2013 Council Workshop

Item No. 30: PROPERTY TRANSACTIONS

Acquisitions

Item No. 30-A: Nations Ford Road

Acquisition of 20.52 acres (or 893,851 sq. ft.) at Nations Ford Road from Trustees of Central Piedmont Community College for \$10,625 for Fire Station #20, Parcel #1.

Item No. 30-B: 5006 Beatties Ford Road

Acquisition of 4,966 sq. ft. (.114 ac.) in Fee Simple, plus 703 sq. ft. (.016 ac.) in Storm Drainage Easement, plus 3,599 sq. ft. (.083 ac.) in Temporary Construction Easement, plus 187 sq. ft. (.004 ac.) in Utility Easement at 5006 Beatties Ford Road from Michael R. Bradley and wife, Ouieda C. Bradley for \$103,000 for Beatties Ford Road Widening Phase 4, Parcel #52.

Item No. 30-C: 5625 Craftsbury Drive

Acquisition of 19,790 sq. ft. (.454 ac.) in Fee Simple (**TOTAL TAKE**) at 5625 Craftsbury Drive from Dawn Richmond for \$105,000 for Briar Creek Relief Sewer Phase III, Parcel #1.

Item No. 30-D: 425 Hunter Lane

Acquisition of 1,756 sq. ft. (.04 ac.) in Storm Drainage Easement, plus 965 sq. ft. (.022 ac.) in Temporary Construction Easement at 425 Hunter Lane from William M. Archer, III and wife, Ellen Hatley Archer for \$12,000 for Gaynor Storm Drainage Improvement Project, Parcel #51.

Item No. 30-E: 3707 South Tryon Street

Acquisition of 3,361 sq. ft. (.077 ac.) in Storm Drainage Easement, plus 2,302 sq. ft. (.053 ac.) in Temporary Construction Easement at 3707 South Tryon Street from Amy Diane Presson, Trustee, et al for \$36,475 for Peterson Drive Storm Drainage Improvement, Parcel #24.

Condemnations

Item No. 30-F: 3938 and 4000 Beatties Ford Road and 1860 Slater Road

Resolution of Condemnation of 2,038 sq. ft. (.047 ac.) in Sidewalk and Utility Easement, plus 3,635 sq. ft. (.083 ac.) in Temporary Construction Easement, plus 501 sq. ft. (.012 ac.) in Utility Easement at 3938 and 4000 Beatties Ford Road and 1860 Slater Road from Patricia E. King and any other parties of interest for an amount to be determined for Beatties Ford Road Widening Phase 3, Parcel #6 and #8.

The resolution is recorded in full in Resolution Book 44 at page 842.

Item No. 30-G: 4919 Beatties Ford Road

Resolution of condemnation of 5,274 sq. ft. (.121 ac.) in Fee Simple, plus 6,727 sq. ft. (.154 ac.) in Temporary Construction Easement, plus 43 sq. ft. (.001 ac.) in Utility Easement at 4919 Beatties Ford Road from Rameses Temple #51 Incorporated and any other parties of interest for an amount to be determined for Beatties Ford Road Widening Phase 4, Parcel #50

The resolution is recorded in full in Resolution Book 44 at page 843.

Item No. 30-H: 5009 Beatties Ford Road

Resolution of condemnation of 10,773 sq. ft. (.247 ac.) in Fee Simple, plus 79 sq. ft. (.002 ac.) in Storm Drainage Easement, plus 1,207 sq. ft. (.028 ac.) in Slope Easement, plus 10,776 sq. ft. (.247 ac.) in Temporary Construction Easement, plus 84 sq. ft. (.002 ac.) in Utility Easement at 5009 Beatties Ford Road from Beatties Ford Retail, LLC and any other parties of interest for an amount to be determined for Beatties Ford Road Widening Phase 4, Parcel #51.

The resolution is recorded in full in Resolution Book 44 at page 844.

Item No. 30-I: 9000 J.M. Keynes Drive

Resolution of condemnation of 222 sq. ft. (.005 ac.) in Access Easement, plus 1,311 sq. ft. (.03 ac.) in Access Easement and Utility Easement, plus 240 sq. ft. (.006 ac.) in Waterline Easement, plus 3,614 sq. ft. (.083 ac.) in Temporary Construction Easement, plus 3,074 sq. ft. (.071 ac.) in Utility Easement at 9000 J. M. Keynes Drive from CS Shoppes at University Place, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #3213.

The resolution is recorded in full in Resolution Book 44 at page 845.

Item No. 30-J: 9014 J.M. Keynes Drive

Resolution of condemnation of 1,694 sq. ft. (.039 ac.) in Fee Simple plus 2,967 sq. ft. (.068 ac.) in Temporary Construction Easement at 9014 J.M. Keynes Drive from CS Shoppes at University Place, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #3215 and #3217.

The resolution is recorded in full in Resolution Book 44 at page 846.

Item No. 30-K: 4501 Johnston-Oehler Road

Resolution of condemnation of 7,824 sq. ft. (.18 ac.) in Fee Simple, plus 11,673 sq. ft. (.268 ac.) in Fee Simple within Existing Right-of-Way, plus 7,427 sq. ft. (.171 ac.) in Temporary Construction Easement, plus 298 sq. ft. (.007 ac.) in Utility Easement at 4501 Johnston-Oehler Road from Stanley W. Smith, Trustee of The Linda P. Smith Living Trust and any other parties of interest for an amount to be determined for Johnston-Oehler Farm-to-Market Road Improvements, Parcel #3.

The resolution is recorded in full in Resolution Book 44 at page 847.

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ITEM NO. 15: CONCLUSION OF CONSENT AGENDA

POLICY

ITEM NO. 11: CITY MANAGER'S REPORT

Ron Carlee, City Manager said there is an important item that I need to bring to your attention and of course, through you to the community as well and it's a matter of some significance and urgency. You are all well aware of the project by the North Carolina Department of Transportation Public Private Partnership to widen I-77 from Mooresville to Charlotte. As we have been working with North Carolina Department of Transportation on this project as endorsed by the City Council, we have begun to develop increasing concern with regard to noise walls that would be constructed in connection with this project. A number of people in our community have raised concerns. The Center City Partnership has raised significant concerns and thus we in the City government have joined with them to try to fully understand the potential impacts of the noise walls, both in terms of noise but also the visual impact on our community and to work with North Carolina Department of Transportation to arrive at what we hope will be some alternative solutions in a collaborative manner. Assistant Planning Director, Ed McKinney is here and if you would permit Madam Mayor, we would like to do a brief presentation so that we could demonstrate and illustrate for you why this concern exists. He will also share with you what the upcoming meetings are, where we hope to, again, work collaboratively with our stakeholders within the City of Charlotte and with North Carolina Department of Transportation to try to make sure there are no unintended and negative consequences to this project.

Ed McKinney, Assistant Director, Strategic Planning Services – Planning Department said I know you are all very familiar with the project; essentially, managed toll lanes from Mooresville to uptown Charlotte. What we really want to do is focus in on the design issues, coordination efforts that have been going on over the last several months with NCDOT related to the noise wall designs. To frame that discussion, let me just talk about a couple of decisions that are before us: One is wall or no wall and that decision from a technical standpoint for North Carolina DOT is really related to the effected property owners. So the analysis happens; the property owners that are affected then get a choice about implementing the wall or no wall to affect the noise impact on their property. The second decision is about the design of those walls. There's color, there's treatment, there's texture issues that typically are within the municipality's decision to make. In this case, NCDOT has realized in a number of locations that have got historic neighborhoods that are eligible or on district designations that have unique issues related to the character and historic nature of those neighborhoods so they are working with those neighborhoods to make sure the decisions we make about the design is consistent with those neighborhoods and the character of those. What we are doing now is working with NCDOT to make sure all of those efforts and all of those discussions are done in a coordinated manner within the City. For your reference, the way to focus, thinking about where these locations are, we've organized them into three locations along I-77. You've got north of I-85, South of I-85 and then the uptown area. The reason why we've broken those out is that they are actually very different context and so the decisions that we'll make have to be tailored to that situation. So, north of I-85, really centered around the Sunset interchange, a little bit more suburban and the neighborhoods are a little bit farther off. There is existing concrete noise walls that are there today so the new ones will have to fit within that context. South of I-85 are really where we've got some of the more closer and historic neighborhoods. The existing brick walls that are there now so there is a real importance coordination about the new noise walls relative to that existing condition of those neighbors and those existing walls. Then when you get into uptown, the context is completely different. You are into the skyline views, the importance of that arrival to uptown. So the decision of that wall is very important and we will talk a little bit about the visual impacts and potential and some of the initial work that NCDOT has done. I will walk through a little bit more detail in each of those areas just to understand the issues and then I will wrap-up with where we going next. First I will cover work north to south. So working from the

section north of I-85 at the Sunset Road interchange—again there is a snapshot of the condition that you've got today. This is a view looking towards the Sunset Interchange. You can see on one side; today you've got existing noise walls there now. There are neighborhoods that are impacted behind the trees and so in this case for example on the other side, part of the proposal here would be to add additional noise walls on the other side of the freeway. So the issue for us from the City's standpoint is just coordinating the design and making sure it's consistent with what the neighbor desires and the overall look of the existing walls as you enter into the city.

Moving south, the context again changes pretty dramatically. The neighborhoods are getting much closer at this point. You've got the signature brick walls that exist for most of this stretch from I-85 South until you get into Uptown. In this case, the issue is about the new wall and the old wall. So in this image as you see looking north, you can see the existing brick walls. Genesis Park neighborhood is behind that wall and as it points out here, essentially you will have a new noise wall that will exist between the freeway and the neighborhoods. So from that freeway view you will no longer see the brick wall and the neighborhood will be behind that. So you've got issues about the design of that wall and how it would look relative to the existing brick walls; the space between those walls and some of the design treatments. So those are things that we are coordinating with the neighborhood. A quick snapshot—it gets relatively complicated with some of the conditions that you've got there. If you can kind of get the picture of this diagram; red highlights the existing brick walls; the solid yellow lines are the new proposed noise walls. So you can see in some cases, against the neighborhood you are going to have the brick. You will be viewing towards the freeway over the existing brick wall to a new noise wall, you will have space between those and then in some cases, you're going to have the existing brick walls completely go away. So, on the south side, the Genesis Park side, because there is not enough space, the new noise wall will essentially replace the existing brick wall. There are coordination issues with projects like the Irwin Creek Greenway. So, there are a number of things that we are going to be working on with NCDOT and the neighborhood to make sure all of these decisions happen in a coordinated manner.

To just emphasize this point about this section in these neighborhoods, this is a view that is sort of conceptually looking from the neighborhood side toward the freeway. So, as you can see in the foreground, are the existing brick walls as they exist today. Behind that is the proposed new noise walls and behind that would be the freeway and this is just one example that NCDOT has prepared to show—one of the options that you can have in terms of the treatment—in this case, trying to sort of mimic the brick condition that you have there today, but certainly they are working. This is just a snapshot of the whole range of options in terms of color, tone, the texture and treatment. So there is a relatively complex set of options available. One of the things the neighborhoods have asked us to do is help sort through those; work through them; make sure that the decisions are made in a coordinated effort and provide a little bit more feedback to help them make a decision that's very important in terms of the long-term character of the neighborhood.

Lastly in Uptown—so here's where it gets.

Councilmember Cannon said can you go back a slide please. So what's in the foreground is what the neighborhood sees right?

Mr. McKinney said yes.

Councilmember Cannon said and the background is what's closest to the highway correct?

Mr. McKinney said correct.

Councilmember Cannon said so we were having some discussion around dais at least I was talking with the Mayor and we were just wondering why wouldn't the brick that's in the foreground be higher such that the community or the neighbors wouldn't have what's in the background that probably isn't so appealing to the eye to be visible?

Mr. McKinney said I'll go back. This is sort of a zoom in of one of those shots of the previous slide. Essentially, if hear you right, what you are asking is could we raise the existing brick walls. That's one of the questions that we will certainly work with NCDOT on. I think the issue, a couple of things on the noise walls that it is important that they are as close to the

freeway as possible. These existing brick walls really aren't noise walls. They are aesthetic walls. They are relatively far from the freeway noise and the farther that you get away, the less, even if they are taller, the less impact they will have on the noise. The other essential issue pertains to the structural capacity of the walls. To your point, that's one of the options that we should definitely be working with NCDOT on to evaluate.

Councilmember Cannon said I think we get that. I think it's just aesthetically. That's important to us.

Mayor Kinsey said I agree.

Councilmember Cannon said and so that was the reason for the question. We understand the noise piece which means more relative to reducing the sound of noise but relative to something being so close to the neighborhood like that, it probably should be raised higher. So if that discussion can take place, we would love to get some feedback on that.

Mr. McKinney said this again, is just a typical example of some places. The ... is different so the view you would have of the new noise wall is not as conspicuous potentially as this image portrays. In Uptown to kind of conclude on the sections, obviously the context is urban. The context is the urban center of Uptown. You've got new residential which is part of the issue of the noise walls to make sure that we're mitigating against that impact, but the visual impact of the walls is probably one of the more important things. Again just a quick snapshot with a little bit more detail. This shows through the center—there is this image is 277. The core of Uptown is sort of to the top of this image. So you see Tryon to the north and then the Fourth Ward neighborhood there highlighted in the yellow on the top and then the Alpha Mills residential neighborhood highlighted in yellow on the bottom. Essentially what's been proposed there is a continuous noise wall on one side or the other of I-277 from Brevard to essentially Graham—really focusing on mitigating this noise of those two yellow highlighted areas. So it's a relatively long stretch but it's designed to essentially mitigate the noise to those concentrated areas of residential. The impact as you can imagine is long and it has a dramatic impact on the view of uptown. So here is a view looking from I-277 South into Uptown. That's Church Street and again this is one of the locations that we just shared that would have the walls. Here is what that would look like. That's one view obviously of the freeway view. You can imagine the impact that has from the street looking back up and the view up to and from uptown is pretty dramatically changed. Another location—this is a view in Fourth Ward. You are at Poplar Street looking north. 11th Street is sort of in the cross foreground. You are looking directly behind those trees is I-277. Here it's very close. There's an off ramp there. By the time the widening occurs and the noise wall comes in essentially that's the impact. All of those trees go out and essentially you will have a noise wall that's really right on the edge of the right of way and to the road right along 11th Street.

Councilmember Howard said two things, council this is why this is here. The Transportation and Planning Committee saw this presentation and essentially when you go back to—there's a couple of things—that picture actually just to show you there's a couple of things going on. That could be the color on the inside and then the brick could be the color on the other side. I mean there are a lot of things going on with this just so you know in addition to just wiping out the whole view when you come into downtown. Go back to the map with the neighborhoods for me. Essentially the people in these yellow areas get to decide. We have very little to do with it and the way that they did this, if you are going to get to the way that they voted? Are you going to get to that?

Mr. McKinney said why don't you go ahead and I can clear it up.

Mr. Cooksey said don't fall for that, make him do it.

Mr. Howard said people are going to write me if I say this wrong. Essentially what happened is that they sent out ballots to the affected people and by not responding, you are voting yes. So essentially, a couple of these areas have already voted yes. So where we are now is we've asked the State to go back to do this. We asked for a more aggressive set of meetings with the community to explain to them what the net effect is and we are asking for some input into the process, if we can. But there is some potential of messing with the way it's funded if we don't

address noise at the same time. So we are in a catch 22. So the best we've got is to educate the public as much as we can about this process so that they will chime in appropriately and we need to educate them on the fact, for instance in the Alpha Mills, I'm sure they paid for those views and essentially that could be a 10 foot wall that would just wipe that out.

Councilmember Cannon said Councilman Howard, do we know people actually participated; well not so much voted because it's kind of two questions; one how many individuals did it go out to and then how many did participate.

Councilmember Howard said they didn't show us the numbers. They showed us a map with blue dots and red dots and that has a lot to do with the sound decibels that you would encounter. It's just those people. So in the situation with the Alpha Mills, I'm not even sure it was the whole building. It was just the front of the building. Over in Fourth Ward, that whole building right when you get off to Church Street would qualify but not everything in the Fourth Ward. So it depends on where you live. So I don't know what the rate of return on people is. I mean the point is we asked for a redo.

Mayor Kinsey said and I'm not sure what NCDOT—I don't know what the question was. Did they really explain the impact or did they just say, this is going to be noisy, do you want a wall and everybody said well I don't want the noise so I don't know exactly what the questions were.

Councilmember Howard said and another point that we should probably make on any project of this size going forward is that we really got caught up in the whole HOT lane part of this and not the details of a project of this size so I would think that we need staff to make sure they walk us through each step going forward. I mean there's a noise wall. There will be impacts to neighborhoods in meaning one neighborhood we're buying houses or their buying houses. There are a lot of consequences and moving parts that we need to pay some attention to so I would like to make sure that we keep these types of things in front of us so we don't miss it.

Councilmember Dulin said down the walls along Irwin Creek Greenway and along that section of I-77, we've talked about that before. I remember when they built those brick walls, apparently at the time I thought they were noise walls but only to come find out they were fancy walls and not good enough for bricks. So the plan is apparently to come along to leave the brick wall and then to put up a new noise wall. That'll create some side of no mans void dangerous kind of void for animals or kids, homeless, so I hope y'all are working through that. I mean we are not going to get it fixed between now and December 2nd but I'm very scared about that.

Councilmember Howard said that question came up. What they assured us they would do is fence the openings to where they would come together because there is a desire for the neighborhoods to keep the brick facade, but just like Mayor Pro Tem pointed out, you've got this two wall thing that you are looking at now. So we asked for them to look at that. We have got to do some things by the end of the year on this one too from what I understand. They are kind of pushing on this one. And then we hadn't got to the Greenville Community. There's another section of wall after this one that'll come up next.

Mr. McKinney said what I'll do—I've given you a snapshot of some of the issues, I haven't walked through all of the maps. There's as you mentioned, the Greenville neighborhood and a few others that we are working with. In fact, tomorrow night, there is a neighborhood meeting with most of the neighborhoods affected south of I-85, north of Uptown that we are coordinating with NCDOT on. We will be coordinating that discussion tomorrow to further and define these issues and make sure that we've got an informed dialogue about the design choices in front of them. Maybe what I'll do—let me just quickly go to where we are going next. You saw the images of Uptown; the last one real quick. This is the view from Brevard to the Alpha Mills behind you. You're looking south into uptown and again the image of the wall that would happen over the overpass and across. As you mentioned, the color or the treatment, those are options, certainly, but probably more importantly is that the overall visual impact and making sure that we've got a decision that's being made about this that understands the visual impact in working with these neighborhoods to understand that. I'll just summarize and then we can go into more detail. So back to these three areas, each one's a little different. The context is a little different. To the north, obviously we are working with those neighborhoods in understanding the impact and design treatments available for us north of I-85. South of I-85, as I mentioned,

we've got one of a number of meetings that will be happening starting tomorrow night that we will begin to work with the neighborhoods to facilitate this sort of complicated discussion about the design treatments available to them; the issues between the two walls; the maintenance; the security and access issues, all of that will be discussed tomorrow night. In Uptown at Fourth Ward, as Councilmember Howard mentioned, the vote is the issue there now. There's a slightly new modified design of the walls that has occurred in the last couple of months that requires a new vote to occur. So what we've been working on with NCDOT on is to make sure that that new vote is done with the information that you have seen and more information to really fully communicate to the folks the visual impact and the physical impact of these walls so that when that vote occurs, they are fully informed about this impact and that will require and what we are working on now is to really get out, focus a set of discussions with each of these groups and share all of this visual information. Lastly, we are moving fast. The decision that is occurring with NCDOT relates to their bid process that starts in 2014, so we are working with them and they have been extending some of their deadlines recently as we have been coordinating these efforts so that these decisions can happen in a manner that allows them to keep moving forward but allows us to have enough time and enough coordination efforts to deal with all the issues that we're talking about tonight. So that's where we stand, we've got the meeting tomorrow night with the neighborhoods starting. We are working out a schedule and coordinating additional meetings with the uptown neighborhoods and ultimately all of them, together and collectively, so that the decisions before us are done in a kind of collaborative nature. We are working with NCDOT to get them ready for their bid process in 2014.

Councilmember Howard said will go you back to the one that shows the maps again. I just want to point out one thing to council. Just so you know that each one of these sections, if you look you see the little numbers 277 that is a section that relates to the homeowners right there. So if they said no, they said yes, they said no, they said yes, you also have what I am calling is a snaggletooth approach to way downtown is presented as well, which we don't have a lot of say-so on as well by the way. Just so you know. We asked them to help us with that one. I mean do it all or do none, but don't do some here and there. And then the other thing is that the funding situation is—we asked them about the bidding at the end of the year is that why don't they bid it with all of it in and then it's always easier to go and take stuff out later on; do a change order to it so that we can have more time. I don't think we should be rushed into making this decision without totally educating the community and we have to do it by the end of the year just to stay in their bid requirements and I don't think that's the way we should make a decision like that; not with changes going on in council and some other things so one of the ideas was bid it in there and then leave it up to the community to come back and take it back out of whoever gets the bid later one. Just so you know we are trying to work through all the issues.

Councilmember Dulin said just one little thing in one of the maps going north on I-77 on the northbound side, you pass Sunset Road and then it looks to me like the new noise wall was going to go right up, including past the Spector Drive Jail Annex and it would be my recommendation that we save the state a little bit of money and not build a noise wall between the interstate and the jail because it suits me fine if those men and women have a little bit noise background, but that's just what I was going mention that.

Councilmember Autry said I brought this point up during the committee meeting was that I spent 10 days in Arizona back in 2000 shooting in Arizona and based out of Phoenix and it's a beautiful city and then six years later 2006, Rebecca and I were travelling west on Interstate 10 and we never saw any of Phoenix because of the walls that were built there. Now the walls were very aesthetic; they had great southwest motif decorations on them, but you never saw any of the City so I'm really conflicted about noise mitigation verses the aesthetics of what we are putting up here.

Councilmember Cannon said who all is engaged in this process? Who are the stakeholders?

Mr. McKinney said from our side its NCDOT, CDOT, Planning; we've been working with City Center Partners, Fourth Ward neighborhoods; we've been working with Historic West End Neighborhood Association, we are building that now and part of it is coordinating the ongoing efforts that NCDOT has in making sure that they've got the right set folks at the table as we are making these discussions.

Councilmember Cannon said what about Keep Charlotte Beautiful, were they engaged in this at all?

Mr. McKinney said not yet.

Councilmember Cannon said not yet. We pride ourselves on how we look in the city, always have; always will. People love the tree canopy, they love our art. We've got to be careful I think about what we do in terms of just putting things up. I get the intention. It's a good intention, but the outcome, the final product of this, is something that Charlotte does not need in my opinion in terms of what it will look like. I'd almost want to know if there are artists out there somewhere that could make it blend with what's in the background as we look down Brevard and we see what's going across there and I get Councilman Autry's points and they are well-stated and I receive them well, but I'm really concerned about how we look in this community. I remember former mayors talking about billboards. I remember the talks and the discussions around this dais about overhead wiring along Freedom Drive and other places throughout this community and all those discussions we went through, this throws all of that stuff I think almost out of the window and replaces it with again, what I think is something in terms of for good intention but what it would look like in the end Mayor and Council, is something I think we ought to be very conscious about in that we communicate to the state in a very diplomatic way that there has to be some other alternative. There has to be some other way and I don't know what Deborah Campbell and other folks in Planning think, but I'd love to be able to hear from them at some point, it doesn't have to be tonight because I know they are represented, but if you want to come down tonight, I would love to hear from you. Madam Mayor is that okay with you?

Mayor Kinsey said that is perfectly okay. I could tell she was itching to get down here.

Councilmember Cannon said so the question is what is your thought process about what's before us regarding these walls?

Deborah Campbell, Interim Assistant City Manager & Planning Director said certainly I want to just repeat that Ed McKinney is my new assistant and director of strategic planning and I think he has conveyed to you some serious concerns that both I share as the Planning Director and Danny Pleasant shares as the Department of Transportation Director. We are concerned about the timeframe that we have to make this decision. We are definitely concerned about the aesthetic and the safety issues that having dual walls and not having a real clear understanding of what happens within that space. We are though, pleased with the State that at least they have, as Mr. McKinney pointed out, extended some deadlines. We are going to have another revote for the portion that affects and impacts the Fourth Ward community. All that we can say council is that we totally understand and agree with the concerns that you all have raised tonight and as part of the committee discussion, we are going to do our best to resolve and address not only your issues, but the neighborhood's issues as well. This is going to be tight particularly holiday season trying to get people out to meetings, to have some fairly intense conversations about have a wall, don't have a wall, if you have a wall, what type of wall. So there are lots of decisions we've got to make within a very short timeframe but we are committed to doing it. We will be communicating with you all either through a council manager memo or if the manager allows us, we will be coming back and making presentations as we've done as part of his report.

Councilmember Cannon said thank you so much Mr. McKinney and Ms. Campbell. I'm really interested in this do over and getting some really good feedback from the community because it really needs to be their decision, I think, and I want to be really conscious about making sure that the State understands that we invite and embrace what they are doing to want to help us here. I think that's really important so I want to approach them in very good way and let them know that we really want their support, but we also want them to understand where we are in terms of what this might mean to the citizens in this community and what they might think about this as well. So thank you for the opportunity and what you are doing.

Councilmember Mitchell said let me make one suggestion if may, Manager Carlee and Assistant Manager Campbell can you all quickly get in touch with Al Alston, the District 2 Elect because I think this is very important and most of those neighborhoods are in District 2 so I don't want to put Al under the gun so much when he sits in that seat December 2nd. Secondly, can you tell me

about the funding impact if we delay or if we don't move as fast so everyone will be clear, even some of the citizens from the funding perspective. Can someone share that with us?

Ms. Campbell said if you don't mind, I'm going to ask Danny Pleasant to come down and talk about one.

Danny Pleasant, Charlotte Department of Transportation said as you will recall, this is a public private partnership project. NCDOT is doing all they can to nail down as many details of the project as they can before they send it out to bid in January and then once it is bid in January, you will have hopefully two or three vendors will come back to us with a package that we can use. So at this point, I don't think that there will be funding impact so much because at this point NCDOT is assuming that the walls will be there. As Councilmember Howard said if there is a decision made not to do the walls, they can remove those from the plans and save some money and most folks are okay with saving money.

Councilmember Mitchell said what's the total cost of the project Danny?

Mr. Pleasant said the project is, I'm thinking, it's in the \$350 million range. It's a long project. Remember from Mooresville all the way into Center City of Charlotte, maybe more than that. But that's what I'm recalling.

Councilmember Mitchell said wow.

Councilmember Howard said I thought remembered hearing somebody from the State say that if we didn't address noise, we could have problems later on with funding from the Federal Government as well.

Mr. Pleasant said there is an expectation of the Federal Government that the State has a policy to mitigate noise impacts and other environmental impacts of projects such as this and the State's policy includes this balloting process to check with property owners to see whether they want the walls or not. So the expectation of the Federal Government is that the approve the policy of State government and it's the State's government's policy, the expectation then is the State Government execute its policy and abide by its policy and so if the State Government is not following its own policy that's been approved, there could be some sanction to this. Typically, if there is a reasonable process to make that decision, that not only includes ballots, but includes other factors too and the policy reflects that ability you have some flexibility, then they can have that flexibility and not have to abide strictly by what the ballots say. So there is some opportunity and we have been told that that flexibility really resides within the Secretary's office and we've shown these to the Secretary and had that discussion already and he also has some concern that this might not be the right treatment particularly in the Center City area.

Councilmember Fallon said number one, why do we have to do it? Number two, why can't we use bushes to stop the noise and the carbon? And number three, why in God's name would you be putting up things on bridges where there is nobody next to it and there is a drop?

Mr. Pleasant said well all I can say is that their calculation of noise impacts is pretty scientific and the policy is if the wall can bring a five decibel drop to the affected property, then that's enough to have the wall go up and I think you are on to something that a five decibel drop means a little less in an intense urban area than it may be in a quiet suburban type of an area. So I don't think the policy calibrates too well for one type of environment over another.

Councilmember Fallon said because I know in New York and Connecticut, it is horrid, they've taken it and those ugly ugly walls all the way up. You don't see any green any more. You don't see neighborhoods, it's like being in a tunnel constantly and it's awfully ugly aesthetically and I think it really impacts accidents and how people feel about where they are driving.

Councilmember Cooksey said Director Pleasant read my mind personally on what I was going to ask and covered it nicely in the last comments. But I just want clarify when we talk about State policy. Are we talking about items in State statutes passed by the North Carolina General Assembly or are we talking about highway policies adopted by the State Board of Transportation?

Mr. Pleasant said I believe in this particular case, it is the State Board of Transportation policy that is approved and concurred with by the Federal authorities. They would use that policy to inform and gain environmental clearance on the project and they have done that assuming that they'll mitigate the noise situation.

Councilmember Cooksey said I always like to make sure it's on the table, if we don't like the consequence of a policy, we know where the focus of authority of that policy actually is. This interlaying of the Feds are expecting the State to follow what the State said it does adds a layer of complexity to it that we are just going to have to deal with because as you said, it could have some consequences we aren't interested in having.

Mayor Kinsey said are there any other comments or questions before the wrap this up? I do want to say that I spoke with the Governor about this Friday morning and he is not happy about it so he's wanting us to stop it. He's on our side.

Councilmember Howard said to that end then, I think that makes even more what I want to request. I'd like for us to give her approval to put in writing from the Mayor's office to the Governor and Secretary the fact that we'd like some flexibility in this whole process and definitely some consideration to what the City feels about it. I think we need to say officially how we feel and I'd love to get support from Council.

<p>Motion was made by Councilmember Howard and seconded by Councilmember Mitchell for the Council to approve official correspondence from the Mayor's Office to the Governor of North Carolina and US Secretary of Transportation requesting consideration and flexibility concerning the process of NCDOT Public Private Partnership to Wide I-77 from Mooresville to Charlotte Noise Walls Project.</p>

Mayor Kinsey said Mr. Manager are you alright with that?

Mr. Carlee said I am alright with that. Thank you.

The vote was taken and carried unanimous.

Mayor Kinsey said did you have anything else Mr. Manager?

Mr. Carlee said no ma'am. At the risk of stating the obvious because we went through a lot tonight. I just want to remind people who are watching, this is not a City project; these are not city recommendations. This is a City intervening to try to mitigate what we think would have a very serious impact and among the things that's most important to us from a City perspective is reaching out to our residents so they understand the issue, they understand the consequence of their vote and in this particular instance, that they understand the consequence of not voting. A non-vote is a yes vote and so we are trying to be very pro-active in working with the community and the motion that you just adopted is actually quite helpful. Thank you very much for that.

Councilmember Howard said one last thing, we didn't tell the public when the meetings were because there is another meeting and the State's having a meeting and then we are asking for some meetings, including one in this building. So does anybody have those dates we can say on television now?

Mr. McKinney said yes tomorrow night is the neighborhood meeting with the historic West End Neighborhood Association group of neighborhoods. I do not have the location with me right now but its tomorrow night at 6:00p.m.

Mr. Howard said let's give them a telephone number people can call.

Mr. Carlee said people can call 311 and we'll make sure that the information is given through that number and we are working with communities to do targeted outreach to the affected areas specifically.

ITEM NO. 12: REVISED ASSISTED MULTI-FAMILY HOUSING AT TRANSIT STATION AREAS POLICY

Councilmember Mayfield said just to give a little background on the Assisted Multi-Family Housing at Transit Station Areas Policy which was approved by Charlotte City Council on November 26th 2001; the policy called for a review within 12 to 24 months after the first rapid transit line opened to determine if additional changes were necessary. The Housing And Neighborhood Development Committee along with Planning and Neighborhood and Business Service staff, with the input of developers as well as neighborhood representatives have worked to develop a proposed revised policy and everyone may recall that the policy has been discussed on numerous occasions both with the Housing and Neighborhood Development Committee and full council and on September 25th of this year, the Housing and Neighborhood Development Committee voted to support staff's recommended policy changes. On October 21st, we received a briefing on the revised policy and this evening we are asking to approve the Revised Assisted Multi-Family Housing at Transit Station Area Policy.

Motion was made by Councilmember Mayfield and seconded by Councilmember Autry to approve the Housing and Neighborhood Development Committee recommendation for revisions to the Assisted Multi-Family Housing at Transit Station Areas policy.

Councilmember Howard said I wanted to thank both you and Mr. Barnes for hearing my feelings about slowing this one down. I think we came out with a better policy of protecting the areas that were of real concern to you both given the Blue Line Extension opportunity to mature first but not penalize any of the folks that are trying to do affordable housing in other places in the City in the Silver Line so thank you for that and thank you Deborah and the other staff for helping us I think to make this a better policy.

The vote was taken and carried unanimous.

ITEM NO. 13: CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP AGREEMENT

Motion made by Councilmember Mitchell, seconded by Councilmember Barnes and carried unanimously to recuse Councilmember David Howard from voting on Item No. 13, the Charlotte-Mecklenburg Housing Partnership Agreement.

Motion was made by Councilmember Mitchell and seconded by Councilmember Mayfield to (A) Authorize the City Manager to enter into an agreement, in the amount of \$231,000 with the Charlotte-Mecklenburg Housing Partnership to continue administration of the House Charlotte Down Payment Assistance Program, and; (B) Authorize the City Manager to approve a one-year renewal.

Councilmember Barnes said I am going to support it but I'd like to have Ms Pam Wideman or someone, you don't have to do it tonight but if you could give us information on the success rate, default rate, etcetera just so we have an idea about how successful the program is that would be helpful I think.

Mayor Kinsey said good suggestion.

Councilmember Fallon said yes, does that require they live in town in Charlotte?

Pam Wideman, Neighborhood and Business Services Supervisor said Ms. Fallon to answer your question; they do have to live in the City of Charlotte.

The vote was taken and carried unanimously.

**ITEM NO. 16: NOMINATIONS TO BOARDS AND COMMISSIONS
(A) WASTE MANAGEMENT ADVISORY BOARD**

kmj

Emily Kunze, Deputy City Clerk said there were two nominations. There was one for Marty Doss and four nominations for Ann White.

**ITEM NO. 17: NOMINATION TO BOARDS AND COMMISSIONS
(A) BICYCLE ADVISORY COMMITTEE**

Ms. Kunze said there were four nominees; three received votes: Jess Cochran received five votes; Tyteen Humes received three votes; and Terry Lansdell received three votes.

Mayor Kinsey said no one received six votes so the nominations we will hold them to the next meeting. Those in favor of Jess Cochran raise your hand – eight votes.

Jess Cochran was appointed to the Bicycle Advisory Committee

(B1) NEIGHBORHOOD MATCHING GRANTS FUND

Ms. Kunze said there were six nominees: five received votes: Ezekiel Burns received one vote; Frank Kretschmer received one vote; Michael Ranken received two votes; Erika Troutman received one vote; Will Russell receive six votes.

Will Russell was appointed the Neighborhood Matching Grants Fund.

(B2) NEIGHBORHOOD MATCHING GRANTS FUND

Ms. Kunze said there was one nominee Claire Lane and she received nine votes.

Claire Lane was appointed to the Neighborhood Matching Grants Fund.

(C) TREE ADVISORY COMMISSION

Ms. Kunze said there were two nominees: Vincent Haney received nine votes and Alex Vuchnich received eight votes.

Vincent Haney and Alex Vuchnich were both appointed to the Tree Advisory Commission.

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ITEM NO. 18: MAYOR AND COUNCIL TOPICS

Mayor Kinsey said is there anyone with a burning issue that they need to speak to before we go into closed session, if no, Mr. Barnes?

Mr. Cooksey said I'll make the closed session motion.

ITEM NO. 14: CITY ATTORNEY COMPENSATION

Motion was made by Councilmember Cooksey, seconded by Councilmember Howard and voted unanimously to adopt a motion pursuant to north Carolina General Statute Section 143.318.11(a)(6) to go into closed session to consider the competence, performance, character, fitness, compensation and other conditions of employment of the City Attorney.

The meeting recessed for closed session at 8:18 p.m.

The meeting reconvened at 8:37 p.m.

Due to technical difficulties, there was no audio or video of the remainder of the meeting.

Motion was made by Councilmember Mitchell, seconded by Councilmember Fallon that the City Attorney be awarded a base pay increase of 10%, effective July 6, 2013, in recognition of his performance from July 1, 2012 through June 30, 2013. The new base salary will be \$208,556.

Results of the vote were recorded as follows:

Ayes: Councilmembers Autry, Cannon, Cooksey, Fallon, Howard, Maddalon, Mitchell and Pickering.

Nays: Councilmembers Barnes, Dulin and Mayfield.

The meeting was adjourned at 8:40 p.m.

Emily Kunze, Deputy City Clerk

Length of Meeting: 3 Hours and 22 minutes
Minutes Completed: December 2, 2013