

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, February 10, 2014 at 5:16 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Patrick Cannon presiding.

Councilmembers present were Al Austin, John Autry, Michael Barnes, Ed Driggs, Claire Fallon, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Cannon said I would like to ask if there are any consent items that need to be pulled.

Mayor Pro Tem Barnes said Mr. Manager I wanted to get some information regarding Item 12 as it relates to our vehicle take home policy, whether there could be or should be any adjustment to that to help save some money. Also with respect to Item 17 which is the Dixie River Road Traffic signals systems. I noted that the SBE goal was five percent; the commitment was 5.26% and it's a \$668,000 contract and I know I had asked a while back for the Economic Development and Global Competitiveness Committee to get a briefing on the status of that program in light of the adjustments we made to it last year and that item just brought to mind my thinking to ask you about an update on that program. Also, Item 24, which is the Police Westover Division Office. One of the things we had talked about over the years was that those division offices would allow for community meetings and gatherings and I noticed that this one has 14 public parking spaces. Is there some other parking configuration arrangement for the public to use the facilities or space there for public meetings because I think they are a great resource for community meetings.

Ron Carlee, City Manager said just for clarification. On take home policy, are you looking for an update on that this evening?

Mr. Barnes said you don't have to give it to us tonight but if you could in memo sometime soon, that would be helpful.

Mr. Carlee said I'm happy to take a look at that and likewise with the SBE program.

Mr. Barnes said and just for background, I think a number of us; I certainly see a number of City vehicles going in and out of Charlotte and I always wonder why that's the case and I see them at strange places on the weekends too.

Mr. Carlee said happy to do that.

Mayor Cannon said okay so we're looking not then to have item 12 Mr. Mayor Pro Tem?

Mr. Barnes said 12, 17 and 24. 12 and 17 for information back and 24—actually they're all for information.

Mayor Cannon said any other pulls? No, very good.

ITEM NO. 2: REVALUATION REVIEW PROCESS BRIEFING

Manger Carlee said we have with us tonight Ken Joyner, the Assessor for Mecklenburg County. We want to welcome him to Mecklenburg and to Charlotte. He has only been with the County since October if I remember correctly. He stepped into some fairly significant challenges. So Mr. Joyner, welcome. This is your first visit I believe for you, before the Mayor and Charlotte City Council and we appreciate your coming to share information with us.

Mayor Cannon said thank you Mr. Joyner for being here sir and welcome.

Ken Joyner, Mecklenburg County Assessor said thank you sir. I had the pleasure of bumping into you a couple of times here and I think once here in this room. So for some reason I feel comfortable in here. I have stood at this podium a few times already so thank you for the opportunity and thank you Mr. Mayor, and Mr. Manager. When I was going through the hiring process, one of the items that the Board laid out to me very quickly as a priority was to reach out

to our municipalities, make sure they understand that I'm here, who I am, what I bring to the table. And also to make sure that we understand it's a team here that we're going to have to build on as we move forward. So, to introduce myself again, I'm Ken Joyner. Prior to joining Mecklenburg County, I spent the last six years on the faculty of the School of Government at UNC Chapel Hill. I did the training for the Assessors in North Carolina, assessment administration and appraisal. Also during a lot of that time I had the opportunity to do a lot of training outside of North Carolina in Virginia, Tennessee, Arkansas, Louisiana, Florida, and Idaho. So I've gotten to also move outside of our boundaries and see how some other States do things and really broaden my base there as well. Prior to the School of Government, I was in property tax here in North Carolina, so I've got 20 years' experience in North Carolina property tax. I was most recently in Durham County for five years as a Tax Administrator there. I served in Onslow County down in Jacksonville, North Carolina for four years and Chatham County. I started my career actually as a field appraiser in my home county of Harnett County. So I've been in North Carolina property tax. I'm vested in North Carolina property tax and one of the things that drew me to Mecklenburg and to Charlotte was the project before us because of challenge and the opportunity to help Mecklenburg County right the ship.

When I started in the business 20 years ago, Mecklenburg County was the hallmark county not only in North Carolina but in this part of the Nation in how you do mass appraisals and one of my objectives is to get us back to that point and to build this team back up, and to make sure that we've got all the items that we need to do our work, and to be not only a good County but to be an asset to the County and the municipalities here going forward. 2011 revaluation did not go as the plan was expected. We had the economy here going down basically from 2008 leading into 2011 and the notices went out and over 40,000 of our citizens here in the county appealed their value and the office was not prepared for that level of appeal. So one of the things going forward is we've got to make sure we're ready for the opportunity. We're going to make sure that we've got the plans in place. As I went through the interview process, one of the things that impressed me the most was the commitment of the Board of Commissioners to making this correct. So we have since I've been here, been working towards hiring the additional staff that they allocated and the resources that they've put in place and we are building up our talent. We're working on getting the right appraisers in place; adding to that staff, clerical staff to help make sure that we've got the ability to have our appraisers in the field doing their work instead of administrative duties in the office. We also have added some personal property staff; again to make sure that we've got everything in place that we need. Also, we're getting ready to start street level imagery. As many of you are aware on the Polaris system, a lot of the images are not out there and if you get one of those responses it will tell you that "due to budget cuts those items have no longer been updated."

They approved the money and we are going to try to get that process started here in the coming months and get that back in place so that we can help all of our agencies, and I know you guys are a partner with the County and the pictometry and the street level imagery. So we look forward to getting that back in place and helping all of our agencies. So, 2011 revaluation; a lot of our citizens were very upset with the response or lack of response that they received. When they did get a response, they didn't feel comfortable that they had been listened too, so we ended up with the special legislation that was passed this past July. Since that time in July, the County put out an RFP and Pearson Appraisal Services answered that RFP along with another vendor. The County selected Pearson who had been here doing work previously since the revaluation. In October, we got started on the process and actually one week to the day of my first day, we took the first report to the Board from the review. Pearson had completed one of your Myers Park neighborhoods. We took one neighborhood the first month to make sure that the process in place was prepared because again, not a lot of planning; we weren't sure what the legislation was going to look like so we had to kind of work forward with the process and I'm never a person who likes to be reactive but we were in a position where we had to react to the legislation, so we took one neighborhood. That neighborhood; we worked through the process in October and we got the first refunds in the mail in January. The reason it takes that long is when the notices went out, we had to give the citizens an appeal period of 30 days. Every citizen again, just like with the original revaluation, will be given a full appeal option. Not only if your value didn't go up; no change, decreased, everybody's got that option and that's an important fact in the process. So the appeal period goes out. Then, if they haven't appealed, the remainder was sent into our refund queue and we started processing those. Again, we took about 30 to 45 days to get those done. The main reason it takes a little longer now is our tax software was not made to go back into years that were already closed in a manner like these were. So we've had to really work

with our software vendors, work through the process to try to get these done. So we've gotten the first checks in the mail. I think you as a body have approved, if I was told correctly, have approved your first set of refunds as well at this point. So there should be checks going out in that manner. We would expect from here forward on a monthly basis, checks to be going out to our citizens. But one important fact about the revaluation review is that it's not all going to be refunds. As Pearson Appraisals Services is out doing their field checks, one thing that has become apparent is that there were properties that were under assessed and most of those are coming from the fact that there were items of taxable property either entire homes or additions that were not picked up on the books. So we tried to make sure as I travel around that each of our boards and our citizens that are watching or might be in attendance know that there could be discoveries as well. In at least one circumstance, it was my understanding an entire house had been left off the books. So there was a discovery of an entire home. So the situation here is not a one way street. The legislature said, "Make it right." So we are going through the process with Pearson and discoveries will be going out as well. So the review to this point with the report that I'll take to the board tomorrow which will be our fifth monthly report, will have reviewed and approved over 55,000 or around 55,000 parcels here in Mecklenburg County.

So 360,000 parcels; we're approaching one-sixth of them being completed at this point but its taking us a while to get the momentum to where we're taking 25,000 parcels, which is what we're taking tomorrow. To complete the process within the contract dates, we will need to do on average about 25,000. So Pearson has been working hard to gear up and each month the number has increased. So this month we are taking just under 25,000 parcels to the Board for their approval. The reason the number is important is that within the statute, they have to complete an entire neighborhood for it to go to the Board. So having 75 of 100 parcels completed in a neighborhood means its got wait until the next month. So it is an important number because if we're taking 55,000, there's probably another 8,000 to 10,000 that are close to going as well. So we're well on our way and the contract that was signed with Pearson says that they will be completed with their work by the end of February 2015. So we're right now at about 12 months out from where we would expect the completion, but that will be in the reports to the Board. There will still be the appeal process that Pearson will be working through because under the contract, they are not Mecklenburg County's values. They are coming from Pearson. They signed an affidavit. They are certifying the values and they are handling the appeals. So the process again is a complete review. It's not Mecklenburg County handling those.

Mayor Pro Tem Barnes said Mr. Joyner welcome to Charlotte and Mecklenburg County. I want to ask you a question about that appeals process that you just described. So if the citizens' values are set by Pearson and they choose to appeal that value, you're saying that the first level of appellate review would be Pearson.

Mr. Joyner said yes sir.

Mr. Barnes said and what is the next level and then the next level?

Mr. Joyner said it will follow the exact statutory process as before. They will send in the appeal form and when we send out the notice, we're proactively sending them an appeal form up front. So they've got the information they would need to appeal. When they come in, our staff is gathering those from the mail as we normally would and we're getting those processed into Pearson. Pearson most likely; someone will be in touch with them and they will talk with them. If there's no resolution at that first process, it will go to the Board of E&R. So the Board of E&R will hear those cases. The County side where it would be normally a County appraiser, it will be a staff member as far as actually going in and speaking to the value. From there if they are not happy they can appeal to the State level to the Property Tax Commission. So all of the original avenues for appeal are still available in this review and the important fact to me about that is the statute did not speak to them even having an appeal. The County said to make sure that this was open and transparent we're going to give everyone the right to appeal.

Mr. Barnes said I understand and so prior to that legislation being passed, the general public didn't appeal to a private company.

Mr. Joyner said that's right.

Mr. Barnes said they appealed to the Board of Equalization and Review and from there was it to Superior Court or was it to Raleigh?

Mr. Joyner said it was to Raleigh. Now the County had contracted, it is my understanding somewhere around December 2012, as some of these major neighborhoods that were identified where there were major issues. They hired Pearson to try to help in the appeal process so they were already making recommendations and working with citizens. But once the Special Legislation Session Law 362 was passed all of the appeals now go through Pearson as part of this project.

Mr. Barnes said if I might just to close for the moment. What I had been hoping for is fairness in this process and the way this started from my perspective was a squeaky wheel got their oil and that's fine. But what I hope won't happen is for people who have not been very vocal to either experience dramatic increases in their property values or damaging decrease in their values. So I just hope that the process will be fair. Appealing to a private company in my opinion would lose a layer of accountability but if that's the way our friends in Raleigh decided to write the law then fine.

Mr. Joyner said yes sir.

Mr. Barnes said thank you.

Mr. Joyner said and to that from my standpoint especially coming from the training side, fairness, equitable, those are important traits in a property tax system or any tax system. Fairness for it to be successful and we've got to build our credibility with our citizens again and trying to make sure that we've got as much information available to them as possible. Making sure that they've got the rights and from my standpoint; I don't have the authority to change their value at this point, but I can tell you that I can help influence if a citizen contacts me and says I'm not being heard. I can make sure they're heard. So I'm trying to make sure that from the accountability standpoint for the citizen, the system isn't one-sided, that they're going to be heard and that they're going to get answers.

Mr. Barnes said all across the City that would help.

Mr. Joyner said yes sir.

Councilmember Fallon said in view of the fact that a lot of areas, the prices have gone way down, when you evaluate do you take that into consideration or do you evaluate the old way of just assigning a tax amount to them?

Mr. Joyner said we'll take a step back and we'll talk about the valuation process because coming from the training side, I always love the opportunity to educate when I can. The mass appraisal process looks at as I see it, three steps. There's three items that have to be in place for it to be successful. First you have to have good accurate information on every parcel and the step we're taking right now is Pearson is doing a visual inspection of every parcel, but to me that's a starting point and behind that, I've already got staff working on a plan so we can put boots on the ground and visit all those parcels moving forward as well because we have to have accurate physical characteristics data: what's the square footage, what's the exterior siding, what's the floor cover, what's the roof type, what's the heating and air system; all of that information has to be correct. The second step is in mass appraisal we have what we call a neighborhood process which means we look at the County as a whole and then within that we look for market areas. A market area is going to be an area that falls under the same physical, economic, governmental and social factors. So we're going to identify those areas and then put those parcels together in our system into what we call a neighborhood, and we already talked about how the Legislature said they have to be done on that process with the review. So we're going to identify those areas and what we're looking for is, if I'm a citizen and I'm looking for a home and I like a neighborhood and I'm working with a Realtor and the Realtor says, okay here's the house you called me about and you want to go out and see this; I've also identified some alternatives here that are in the same general area, they have the same shopping, they have the same churches, they have maybe the same schools—so those items of consistency there are going to be in place. So now you've got the physical characteristics. You've got the consistency with the neighborhood and then you're going look at the sales information within that neighborhood to

come up with your price per square foot to establish the value so it's not just simply putting a tax value on there. It is an appraisal that we would be doing.

Ms. Fallon said in other words, it's what they can be sold for and what they have been sold for is factored into it.

Mr. Joyner said right. Yes ma'am. The definition in the statute says that we have to tax all real and personal property at its true value. True value further defined as market value priced between a willing buyer and willing seller; neither being under any compulsion to buy or sell, each knowing all the uses of the property.

Ms. Fallon said thank you.

Mr. Joyner said we go through the process. We make sure everybody's got an appeal and then we are going to come out of this on the other side hopefully with some confidence built back from our public. Hopefully with the transparency and we're building our plan today. I told my staff January 1, we are starting towards the next revaluation. We don't know what the date's going to be because we've got to get the review process completed before we can do a revaluation but we're starting the plans. We're trying to determine what we need. The street level imagery is one of those items that are important for us. We're evaluating our software. We're looking at our staff. Not only do we have enough; because I think the County has really stepped to the plate there, but do we have the staff allocated to the right areas. What's everybody's skillset? So we're going through that planning process right now towards the next revaluation. We're going to be looking at public relations just like I'm here today, Jeremy here with the County of Public Information is working hard to let organizations around the County, outside of the municipalities know. Mr. Joyner would like to come and speak to you and I have spoken at a couple of neighborhood associations; Historic West End Neighborhood Association, I spoke to them one Saturday morning. I've been to the Cherry neighborhood and met with them. One of the Realtors up in the northern part of the County asked me to come by, so we're going to get out and we're going to get the public back on board with us so that we can do this stuff correctly.

Councilmember Howard said again I agree with everybody on thanking you for coming. A lot of my questions have to do with a little bit more detail about the effect on the City. First of all, in your experience at other properties in other communities have you had a situation where you had a reval go bad like this one?

Mr. Joyner said no sir.

Mr. Howard said that won't help me then. My next question is kind of the way that it's trending. Do you have any information, do you have enough to say at all of kind of what you think the differences will be in the total amount assessed and what their value would be on city.

Mr. Joyner said we have been working closely with your staff and also with all of our municipalities because right now everybody's heading into budget. So we've been putting together and working on those numbers. I can tell you one of the items that I spoke with some of the City staff that I was going to talk about today is back last April as there was talk of the new session law and there was talk of where the values might be going and what might come down the pipe and what we might be facing. They tried to come up with some ideas of what the reductions might look like. To date, what we have seen from Pearson as a reduction and when you look at the different years because there's appeal options through the multiple years. We're looking at somewhere in the neighborhood of about a half of a percent reduction in value on the parcels that we've seen so far.

Mr. Howard said what about the parcels where you said that there may have been discoveries and we need to get it right. So how many places are you guestimating should have been higher than what it was. Is everything just going lower than what it should have been? In the place that you missed the house and where you missed the additions, I mean is that going to make up any significant part of the loss at all?

Mr. Joyner said when I talked to the vendor, to Mr. Pearson and we discuss on a weekly basis how the project is going and what they're finding. He tells me that he is seeing some additions

and that there will be discoveries coming out of it. It is not at the same level of number as what we're seeing on the refunds. But there will be some of the loss I believe made up by getting that tax base more equitable from the values of the properties that were missed. To that number; what I believe is it will be as a percentage or as an actual number I do not know today.

Mr. Howard said one of the reasons why I guess I'm digging on that increase a little bit is because there are a lot of areas in what we call our crescent areas, the east and west, their values go down and not that I want to God forbid. I'm trying to raise people's taxes in those areas, but where their values were not necessarily considered correctly, they deserve that as well. So spending time on those is just as important as trying to get the refunds correct because they saw some very significant values leave their homes and where we can correct that at least through this criteria. This one thing, we should get that one right.

Mr. Joyner said I can tell you that when I met with the Historic West End neighborhood association, they made that very clear that there were lots of inconsistencies. There were lots of issues there in what they described when I was there with their meeting. I actually brought a couple of the Pearson staff so they could hear the issues. That was one of the items was can you bring somebody from Pearson so they can hear what we've heard, so as they're actually doing the values, they can take a look at these items and see if there's something that can be done. Land values on one street less than half of what they are a street over and those types of issues. So I can tell you that Pearson is taking those areas very, very seriously and I know that there's been some talk of trying to do some sessions on the east side as well, maybe at one of the libraries at last I heard. So I haven't heard of a specific meeting but we're going to meet with and talk to any group that needs us to.

Mr. Howard said Mr. Mayor when this is done, I would love to see a map that shows exactly where things went up and went down and where things are right just to see if there were some trends that you should be concerned with about the ways areas are assessed. So at the end...I would love kind of a heat map where you got it hot and cold areas. And 95% is just going up and down so we could see problems even bigger.

Mr. Joyner said thank you. That's a good idea.

Councilmember Driggs said one of the complaints that people had in the initial phases of this was the whole experience of trying to appeal. It was very disagreeable. They would go to an office and wait for a whole day and so on. So I have two questions but the first one is could you describe today what the experience is if somebody that wants to appeal a valuation?

Mr. Joyner said well at this point, the majority of those appeals are just being mailed in. It's a little different than what I would have anticipated if I were handling the reval myself so I'll speak to the review process. They're mailing in those forms. They're being processed and Pearson is trying to make contact with the citizen to find out what their issue is, what their opinion of value is to find out if all of our structural elements are correct. Because as we talked about the different levels; structural elements, if you've got the wrong square footage, you're going to have the wrong value. So trying to make sure if there's any item we can correct there. So they're going through that process and then the County BER has a rule where once a case is set for the docket, the citizen has 60 days to prepare for that case. So with some of the first ones, we're looking at possibly starting holding hearings, probably in April, on some of those cases and again that 60 days gives a citizen ample time to prepare evidence and also to work with Pearson during that process to see if they can come to an agreement.

Mr. Driggs said I'm particularly interested in the situation where somebody sat the whole day and waited and then got what they considered to be bad service. I mean is people's time being respected here so that they are not putting in many hours fruitlessly.

Mr. Joyner said we're going to work very closely with staff. I know what you're talking about with the open dockets where you just showed up and they worked them when they could. We're going to work very hard to make sure that we've got time allocation so that someone may be told we're going to try to hear your case between a certain amount of time, but not between eight and five. We're going to definitely try to make that less of an inconvenience for our citizens.

Mr. Driggs said one other question I have is I share Councilman Howard's curiosity about how these aggregates are shaping up. What does the timetable look like for the kind of better visibility on the total amount of the reset and therefore what the aggregate refunds need to be and what the impact is on the revenue neutral tax rate?

Mr. Joyner said can you say that again.

Mr. Driggs said when we are going to have better visibility on the actual consequences of all this.

Mr. Joyner said again with it being a monthly process, we'll have some each month but I would anticipate that we won't know the full effect and it won't be complete but even till February 2015 with the size of Charlotte and the magnitude of its outreach of the parcels and neighborhoods. I would have to anticipate that you guys will be on the agenda throughout the process whereas Cornelius and Matthews and Mint Hill and Pineville will probably have a shorter timeframe. There's just a lot more opportunity that I would expect that the magnitude for Charlotte will be similar to Mecklenburg where that full magnitude will not be known until the end.

Mr. Driggs said thank you.

Mr. Joyner said one item I want to clarify to the Councilman's question is when I said we were looking at about a half of a center percent reduction, again, that is an aggregate total across all parcels. That's not half a percent for everybody who's getting a refund. Some of those refunds are much larger, so I just wanted to identify that. Also, as we were starting down that road, last April when we were coming up with those original estimates, the conservative nature of trying to make sure that we didn't underestimate, it's my understanding that right now as we're going forward, the estimate that we're using as we work with the municipalities is about half of what we were looking at last year, so whereas a 2% overall reduction, this year we're looking at no more than about a 1% reduction overall to the tax base on the real estate side. The other component of that that is helpful from the budget standpoint is that originally all of the refunds were expected to be done over a 12 month period, one fiscal year. Where now with the session law and the contract they know it's going to be over a two year period. So we've got two items today that we can say we're in better shape than we were about year ago when we were going into this process, the magnitude of the reductions appears based on the early reports that we've gotten into look like the magnitude's not going to be as large as the first estimates were, and we were able to spread that timeframe out as to the refunds over a two year period.

One other item to try to help our citizens out as I travel around, we bring some brochures. We created the 2011 Property Revaluation Review. It's a brochure to help the citizens. It talks about what the revaluation is and what the requirements are. It talks about some of the different steps here; the actual property review, the notification, the appeals process, decisions, some good information to help out citizens. We brought a large amount of those for the City Council and for the City. You guys can put those out in some of your locales. If you need more we can get more, I can tell you that. Also anywhere I go and speak I try to get the information out on our elderly or disabled exemption program. So we brought brochures on those as well. With it being early in the year these applications need to be in by June 1st so we make sure we get those out. If you know of areas where I can go speak to the senior exemption, I would love to go out and make sure that we get that information out to our public. We also on the County Assessor's website have a couple of items to help our citizens. We've got Pearson's work plan which tells when they expect to be in a certain neighborhood on a template sheet, kind of a static sheet where someone can go and look. We also just added in the last couple of weeks a lookup where you can put in your name, your address, or your parcel ID and you can go up and visually see on a map when your neighborhood is expected to be reviewed. So we've got nothing but good feedback on that information where someone is interested and wants to see. What we try to let people know is that when their field review is scheduled and that their actual refund or discovery would come two to four months later at a minimum at this point through the process. So all we can actually tell you is when the expectation of the field review will be. So that's what I've got for you tonight along with the commitment that I will come back any time this group need me here. I will note the comments that we heard tonight about a visual map at a later point where they can see where the increase is and the decreases that have taken place. I think that that will be something we can definitely look at and try to get back to the Board.

Mayor Cannon said Ken thank you so much for being here this evening and do indeed keep us apprised. We have obviously a constituency to be accountable too and when numbers come back showing that we may be owing and its going to have to cost our citizens some extra dollars, we need to be prepared to know what's going to come around the corner before it hits us if at all possible. So in trying to make up that gap that's there for us to have to deal with, is something that we aren't looking forward to but hopefully going forward we will have an opportunity to be at work with you and you with us to help us throughout this process.

Mr. Joyner said we've got to build our credibility as an organization back with you and the other municipalities before we'll build it back with our citizens. We've got to get your trust. So I'm dedicated to do whatever it takes to help you all be successful, to answer the questions that you've got as we go through this process and hopefully coming out on the other end we'll be a great working team as we move into that next reveal. I've already had conversations with your Manager and we're on the same line of thinking there, so I think we've got a great opportunity here.

Mayor Cannon said the last piece to the district reps; this homestead inclusions piece is going to be critical. I know I saw Councilmember Mayfield pick up about 300 and gave them to her interns just now, so I've got another 200 over here with Councilmember Austin. But this is a very good program and it's something that's well needed and a lot of people do not know about it, so please as much as you can get this out to your constituents that would be awesome. It would really, really help.

Mr. Joyner said the people that qualify for this program need this program. Their income is at a level we need to get them in the program. So anywhere I can go to help on that, I'd be glad to go.

Mayor Cannon said it's a big deal. Thank you so much.

Councilmember Phipps said has any consideration been given to maybe including these in any kind of inserts in the utility bills or something to our residents about the County and City? I don't know who wants to pick up that tab on that. But I think that would be a good mechanism in which to get these distributed instead of hit and miss kind of go out to meet and give it to somebody.

Mayor Cannon said it may not be anything this large, but they can probably have a little something to just drop in there that takes them to a website to be able to put this information up if they have access to a computer, that's the other issue, but there may be some other opportunity there.

Mr. Joyner said Jeremy is working with our public information, I'm sure he will be glad to work with your public information on getting anything that you need and any type of flat file that wouldn't have to be hard copy. You guys could cut and paste and do anything on the computer you need to do to it of course.

Mayor Cannon said good questions. Let's think on that and try to figure that out. We need to find a way to send that.

Mr. Joyner said we might piggyback here and try to do something with ours in the same way. Good comment.

Mayor Cannon said thank you again so much. We appreciate it.

ITEM NO. 3: EXTENSION OF ORDINANCE MITIGATION OPTIONS

Manager Carlee said Daryl Hammock is here from Engineering and Property Management to outline a program previously approved by the Council that is set to sunset this spring. We are not bringing it to you for action tonight but for background before it comes before you. Because of changes in State Legislation, this is considered environmental legislation. It's legislation that actually is advantageous to the development communities, especially in redevelopment areas because it is environmental legislation, if it is to be renewed, it actually will require a unanimous

vote of the council. That is one of the new State legislations. So Mr. Hammock can you give us some background about what this ordinance is, what it does and what our record is with it.

Daryl Hammock, Engineering and Property Management said what I want to do tonight is just to give you a little context about how we are able to sustain growth while at the same time balancing that with our surface water goals. I'm going to brief you on the existing post construction ordinance that we've had since 2008 and also talk for just a few minutes of a history lesson about the amendments that were made in 2011, and again ask you for a referral to the Environment Committee. I think this photo is a fitting example of what we are trying to accomplish here. You see the stream in the foreground and we're trying to figure out how to sustain a healthy and vibrant urban environment and at the same time have trees and open space and clean water so this is a good backdrop. Just a quick reminder of the City's center, corridors and wedges growth framework; this is a Council adopted policy that provides us a vision of how we grow and develop and it sets an expectation for additional redevelopment throughout the city. That's a key part of where we're headed and it says that a key part of our future is redevelopment, especially in those challenged business districts. A little bit of background about our storm water impacts and how that is carried out in urban environment. We do have a lot of urban impacts from storm water runoff and the fact that there have been no controls on development for many decades has caused scouring to creek banks and degraded water quality. This affects our quality of life. It affects our streams and our lakes and water supplies and so it also has a big effect on flooding. So we've seen for decades problems that need to be addressed in urban flooding. But there are ways to reduce these impacts and reduce these environmental and flooding impacts downstream and that's the goal of the post construction ordinance. First off I want to remind everyone that all the streams in Mecklenburg County and the City of Charlotte that are sampled by the state and by local sampling programs have found that all the creeks are impaired by the Clean Water Acts Status so that's an unfortunate fact that I wanted to remind everyone of and as we continue to develop roads and rooftops and pave parking lots and things like that, this contributes to more and more flooding problems, and it also contributes to one of our biggest environmental problems locally which is severe stream bank erosion. Just about every creek in the County looks like this example here, deep gullied eroded creek banks that smother aquatic habitat and do not allow fish to propagate. The Clean Water Act requires that cities adopt regulations to protect surface waters from the harmful effects of runoff. About 100 communities in North Carolina have ordinances like this and these are required through permits and through requirements that are propagated through the EPA and to the State Division of Water Quality. They typically apply to redevelopment and development projects. They don't apply to permits and things like that. It's only the massive development and redevelopment activity that goes on with the complete new development. These post construction ordinances require things like storage basins and filtering devices that remove pollutants and store flood waters safely, holding the flood waters backs for hours or even days and infiltrating some of that runoff so that the impacts are mitigated. Often times these ordinances may require other things that help protect the environment, such as stream buffers, impervious cover limits, tree protection and we have all those examples in Mecklenburg County and in the City of Charlotte right now. Here are some visual examples of what these devices look like and if you've been around town, you may have noticed these things but sometimes they are incorporated into the landscape so well that you may have not have noticed them. Here are some developments throughout the city. Often times these standing bodies of water are incorporated as amenities or they just incorporated in such a way that you don't really notice that they are there but they are providing a very valuable benefit. Some other visual examples first of forested natural areas that are protected as part of our local ordinance and stream buffer zones along creeks and lakes. So nationwide communities have adopted ordinances like this that address these urban drivers such as flooding and also in some cases they address economic drivers such as if your community has a lakefront community and you rely on that water body for recreation and tourism and things like that. In a lot of cases municipalities across the State have impaired waters from decades of urbanization and so that's the situation in Mecklenburg County. We also have some of these drivers locally. In 2004 to 2007 we underwent a three year stakeholder process to develop our post construction proposed ordinance and this was a joint effort between the City and the County and the Towns to all do this collectively. We engaged a large stakeholder group with all the major interests from business and environmental interests throughout the County and we tackled these four goals, and each of these are four local drivers that are specific just to Charlotte. First of all we had to comply with the minimum state regulations that applied all over the state but locally we had three particular items that were of interest to Charlotte which included protecting an endangered species in the southern part of the county and eastern part of the county and the

problem there was that we were having trouble getting water and sewer plan expansions back in the early 2000 because this mussel, the Carolina Heelsplitter mussel, was not adequately protected according to the wildlife agencies and they were not issuing permits for water and sewer expansions which would therefore result in more and more development and more pressure on that endangered species, so we addressed that. We addressed the fact that we have impaired surface waters throughout the City and the County and we also addressed our big flooding problem. That's been an issue for decades. So on the timeline here; we did have the process for three years. Luckily after a lot of hard work and a lot of compromise, a consensus was reached in 2007. That led to a unanimous Council approval in 2007 and the original ordinance became effect the following summer. So again the ordinance applies to new development and redevelopment projects and essentially what we're talking about here is when you're cutting down trees and turning a grassy field into a paved area, a road, a parking lot, that kind of thing, that's when this ordinance takes into effect. Again, it does not take into effect if you are doing up-fits or remodeling or things like that. And we have two very different approaches for new developments and for redevelopments. I'll cover development first. First off there are four requirements for new development and that's development that is Greenfield development: cutting down trees and paving over green areas. New development projects are required to protect stream buffers, required to put in control measures to reduce flooding and to reduce water pollution, and also a requirement is there for protection of trees. Essentially, natural area is what it's called in the ordinance. And for redevelopment projects; recognizing that there's quite a bit of a challenge with some of the urban infield sites and some of the constraints that are facing those sites, there's a different bar. In those areas they have to either control flooding or they have to reduce pollution but they don't have to do both and this helps to control costs and reduce some of the burden on some of those redeveloping sites. But in 2008, there was an option put into the ordinance that certain redevelopment projects in certain geographies can pay a fee in lieu of building those control measures. I'll show you a map of those areas in just a second, but first I wanted to let you know that as developers and designers are complying with these requirements there are a lot of choices that can be made and there's a lot of flexibility built into the ordinance, and when we went into the stakeholder process in 2007, we concluded in 2007 that initial ordinance had a number of choices that could be selected by the designers, and those included offsite and onsite mitigation, forested areas and stream buffers onsite, and offsite pollutant mitigation choices, and paying a mitigation fee for certain redevelopment sites. Again, this was a cost saving measure and it was a way to tailor the ordinance such that it only applied to certain folks in certain ways and it provided a lot of flexibility for those redeveloping sites. One of the ways we think this ordinance has been very successful is that since 2008, we've approved almost 300 development projects and redevelopment projects in that six year period. We've only had four variances sought and approved in that period and staff supported each of them. So we think that this is a sign that the ordinance is very flexible and it's good at controlling costs.

And now to the map; the geographies in these areas were allowed extra mitigation fee options in the original ordinance in 2008. First off the business corridor revitalization geography is shown in green and the transit station corridors and transit station areas are shown in yellow, and those two areas were allowed an option in 2008, but the extra areas outside that area were not allowed to pay a fee in lieu of onsite storm water controls. In 2011 we started getting some customer feedback saying we really want to redevelop this site but the cost of the ordinance are causing us to reconsider redeveloping this site and so we started hearing some feedback on that. We started seeing some plans coming through that would benefit from having extra mitigation flexibility so we started discussion and we realized that we wanted to protect the environment but we also wanted to not dis-incentivize redevelopment projects, because that is such an important aspect of our development and our growth strategy, so we put forth a proposal in 2011. The Storm Water Advisory Committee voted unanimously to support that expanded mitigation fee and ultimately City Council approved the expanded mitigation fee in November 2011, but we kept the mitigation fee at that time temporary to see how well it would work, and to possibly get to a point in time where the economy was a little bit more stable, and a little bit more normal than what we had seen in the previous few years. So we put this into effect in 2011 with a three-year time horizon.

That temporary expansion will expire in April and it's the subject of the discussion tonight. So in summary, the expansion will expire in April and what will happen then is that only those areas, the transit station areas and the distressed business district areas will be the only geographies that will be allowed to pay a mitigation fee in lieu of onsite controls. We talked about this with the Storm Water Advisory Committee in November and they agreed that

extending this option was a good idea and they unanimously supported recommending that to City Council, and as was mentioned just a few moments ago, the recent State legislation with House Bill 74 has dictated that local environmental ordinances that regulate an area that is also regulated by the State must be passed with a unanimous Council approval, so if we do not unanimously approve this change, then the temporary mitigation option will sunset in April. With that we are recommending some discussion with the Environment Committee.

Mayor Pro Tem Barnes said okay any questions from the Council? Mr. Driggs.

Councilmember Driggs said can you give us a sense of how many times people have opted to pay this fee and what the total amount of those payments has been.

Mr. Hammock said in the last three years there are 11 redevelopment sites that have taken advantage of this particular option in the ordinance. This extended this temporary expansion. So those 11 sites have paid on the order of \$500K in mitigation fees to the city.

Councilmember Autry said Mr. Hammock the fees that are paid, what is done with that revenue?

Mr. Hammock said we take the money and we identify projects throughout the city; regional storm water projects and we improve water quality and reduce pollutants in storm water runoff regionally. So we do that nearby to where these redevelopments occurred and so we've been reinvesting that in cleaner water ever since this has been passed. I think over the last six years we've collected somewhere in the neighborhood between \$2M-\$3M and those dollars are being reinvested in projects.

Mayor Pro Tem Barnes said are there any other questions. Can I have a motion to refer the matter, unless there are objections, to the Environmental Committee? Do we need to make a motion on that or just refer without motions if there's no objection?

(There was no objection and the matter was referred to the Environmental Committee.)

ITEM NO. 4: 2012 URBAN TREE CANOPY REPORT

Manager Carlee said we have staff here from Engineering and Property Management to share with you the results from the most recent report which we think is a good news story but also to reiterate a message you will hear from them. In order to achieve our tree canopy goals, it's got to be a partnership and we really need people on private property to be able to get intensely involved with this campaign and with the data that we have reported to you now, we believe that we can do a better job if we identify where those properties are and foreign partnerships to really achieve what is an aggressive approach of what we think is an attainable goal. Gina Shell will kick off the report and is joined by some of her colleagues, Dave Weekly and Tim Porter.

Gina Shell, Deputy Director, Engineering and Property Management said I'm happy to be here to bring you the results of the latest urban tree canopy report. I'm going to spend a minute reminding you of Charlotte's tree canopy legacy. I'll call Tim Porter up to go over the report and its conclusions and then we'll talk a little about our goals and path forward. The refinement and implementation of strategies to achieve your 50% tree canopy goal by 2050 is a part of your current environment focus area plan. Just as a brief reminder, the City has had an Arborist on staff since 1974. Many of you know our current Arborist, Don McSween. He's been an arborist for almost 30 years. He couldn't be with us tonight. The tree ordinance was originally adopted in 1978 and Charlotte's ordinance really is a benchmark for other cities as they look at ways to regulate their trees. We concentrate here on good science around our tree planting and management. So right tree, right place, is one of our mantras and that means a lot of things but one of the things it means is we're not going to plant a large tree under an electric wire because we would have to take that down. More recent history of our legacy, in 2010 council revised the tree ordinance. In 2011 you set the goal for a 50% tree canopy by 2050. In 2012 we created a collaborative effort called Trees Charlotte where we were planting trees on private property, at schools, at housing authority sites. Briefly, the structure of that is the City and the Foundation for the Carolinas is in partnership. We have an Executive Director; many of you know Dave Cable. He would have been here tonight if could have, but you will meet him I'm sure, he's very energetic. We have three programs, Neighbor Woods, which is where we plant in neighborhoods and at schools; Re-Forestation, is where we fund the planting of the small trees along streams

with the Creek Relief Program, and education to raise the awareness of our citizens. These are the locations of the planning sites that TreesCharlotte has planted in the past 2-½ years. I briefly wanted to show you some of our accomplishments. The City Work over the last year and the Trees Charlotte planting since March 2011. I especially want to call your attention to the launch of the TreeCharlotte.Org website. It's a very good website. We have a number of videos there that inform our citizens about how to plant trees, how to prune, and this is a general introduction to our tree canopy that I'd like to show to you just so that you can get a sense of what we're offering.

(Tree Canopy Video Presentation)

Ms. Shell said so again that is one part of the strategy that we are pursuing through the Trees Charlotte collaboration to educate citizens, educate our residents about the trees that we have in the community and what they can do. When you pass the 50% by 2015 goal, we also talked through a very long possible list of strategies to pursue to meet that goal. We discussed redoing this canopy analysis every three to five years. So the last analysis that we did was based on 2008 data. This one's based on 2012 data and that's why we're back with you tonight. Now I get to introduce to you the star of that last video that you saw, Tim Porter.

Tim Porter, Urban Forestry Supervisor City of Charlotte said and I'm very pleased to be here to discuss the results of the 2012 Charlotte Tree Canopy Analysis; building on Gina's comments regarding the legacy of trees. The value of trees in Charlotte and the strategy to assess tree canopy every three to five years. The City contracted with the University of Vermont and their spatial analysis lab. That's a GIS lab that's highly supported by the U.S. Forest Service. There's a research station of the forest service located in Burlington Vermont near the university and they're really an intertwined. Both entities are very connected. Their focus is to analyze urban tree cover in urban areas in the U.S. and they've done so in dozens of occasions also in other North American sites—Canada to name one. Charlotte provided the funding for this analysis project. Mecklenburg County provided the high quality aerial imagery data that was the basis of the analysis. Results were provided in two ways from this analysis. The first way is a very definitive comprehensive report that provides many conclusions and this presentation tonight draws heavily off that report. Some of the same graphics and conclusions are in this presentation tonight. The second major way we obtained results was acquiring significant amounts of high quality GIS data that provides the City a better opportunity to strategically prioritize planting areas. We know where the canopy is now to a finer degree and we know where it's possible to plant more trees to a finer degree. In talking about high quality data provided by the County, it's important to note that the previous two canopy analyses, the first one being in 2002; the second in 2008, both used the highest quality data available at that time. The process has evolved significantly. Anything with technology these days evolves so quickly. It's the same with GIS data and analysis. The data and the process have evolved light-years beyond 2002 and 2008, so there are some differences in quality of data and process. One example is comparing the 2008 image here on the left; the pink data indicates tree canopy that was captured by the 2008 analysis and if you look in these yellow circles, let's look at the bottom one at the screen here. You can see that there are some trees there that aren't covered by pink graphics which means they weren't captured for some reason by the 2008 analysis. If you compare it to the 2012 image, the green indicates tree canopy that was captured by the analysis. We see that the same area here was captured by the analysis, so it's a small example of how the data in the process have evolved to a higher degree of quality. This industry is now supported by a long list of research that serves as a template for researchers to kind of guide them as they practice their craft. That wasn't available in as much detail in previous years.

So the canopy study analysis focused on two main questions. The first one being how much do we have and a nice subset of that, which is a step beyond previous two analyses, is where is that canopy located and it's broken down by numerous factors. It really provides us a better understanding of where our canopy is. The second question, which is a large step beyond the previous two analyses, is how much is possible and where it's possible and you'll see some examples this evening in this presentation of the numerous factors now available as a result of this analysis that we can use as a large scale planning tool to prioritize planting areas. But let's get to the big number you want to see, how much canopy cover do we have and for the City its 47% of land in the City of Charlotte is covered by trees; leaves, limbs, and tree canopy. 51% in the County and as an urban forestry professional, I love the fact that the error associated with this study is very minimal. The image here, the map depicts tree canopy that's existing in 2012,

based on 2012 data by census block area. Darker greens mean more trees. Now if we compare this to previous studies, we can see in this graph here, the green columns move you from left to right, 2002 is 48%, 2008 is 46% and now 47% in 2012. It's important to keep in mind that the quality and process associated with each analysis varied slightly, so it's best to make general comparisons but with all the available data we have and all the indicators we have, it points to the canopy maybe holding its own in the face of growth and development. If we look at this yellow trend line here, which represents estimated Charlotte population growth by the U.S. Census Bureau, starting around 590,000 estimated in 2002, moving up in the upper 700,000s. It's interesting to see how the canopy may be holding its own in the face of significant population growth. Moving on to the actual conclusions of the reports; this is a feel good slide. It's good to measure our canopy against other major urban areas. It's interesting to see that we have significantly more than New York and Washington D.C. Those are two very urbanized cities, more than Charlotte, but it's important to note that our canopy coverage is higher than other cities that are less urban, such as Pittsburgh. Overall on the scale we have some of the highest canopy coverage of any major city in the country. Moving on, this conclusion number two gets directly to question number two in the objective slide, "how much canopy is possible and where is it?" and we have a good understanding of where that's possible. We can take this tool and other factors that are based on existing canopy and possible canopy, and zoom into areas where there are possibilities and then we can further refine our targets once we get zoomed into a finer scale. Conclusion three shows another example of one of the factors that the researchers looked at and provided a tool for us. If having more trees per person is one of our goals, then we can use this tool on a large scale basis to target those areas. The dark red areas and orange areas indicate census blocks with high population and few trees. It is important to note that these darker areas also have by the researchers' findings, high potentials of tree canopy or high opportunity to plant more trees. Another example of one of the factors they studied is urban heat island effect. This surface temperature issue in urban areas can have significant negative impacts on the quality of life and planting trees can directly target that and mitigate those negative impacts. It's a tool we now have at our disposal to use if we wish to do so. Conclusion five confirms something the City and Council has already understood that planting opportunities are available across the spectrum of property in the city. Private property has a lot of opportunity and education is very important in touching base with property owners. The top image here is a city urban forester teaching children how to plant trees. Teaching them why it's important to plant trees. The image below is a screen shot of the video we watched a moment ago. It's an educational tool on the Trees Charlotte website to engage the community and telling them why trees are important and what to look for to maintain their own trees. It's also important to keep in mind the protection of existing canopy and this brochure on the left here informs the community that we have a cankerworm issue in Charlotte, but also provides next steps for them to combat that issue in their community. We saw in the video how you can band trees and this brochure provides another way to get that message out to educate the community. So the efforts to get to that 50 by 2050 canopy goal are going to need to be deployed across all land types. This is an image that compares right-of-way, which is public property along streets; essentially street tree planting opportunities. These top two rows here are right-of-way. The bottom row is non right-of-way. It's made up of mostly private property and we can see by the dark green, that's existing tree canopy. We also see by the light green and pink areas, these two areas here, it has high possible tree canopy planting potential. But we need to keep in mind all spectrums of this private property scale because the two right-of-way areas, those are our street trees and they are the trees that the community and visitors see first and foremost when they move about the City when we're going about our lives. They have a very immediate impact. So we can fill those gaps fairly easily compared to planting trees on private property and that's why Trees Charlotte exists, to target that opportunity. Conclusion number seven looks at the all lands approach in another way. It's broken down by, and this is a very busy chart; by various land use types. Again at the top, single family private property, a lot of existing trees but also a lot of potential here. But we can see moving down as existing and potential opportunities decrease, there's still light green and pink in every single category and it's on a scale of sometimes tens of thousands of acres of possible tree canopy and on the scale at the bottom here one to two possible acres or thousands of acres of possible canopy, and of course that possible needs to be further refined once we focus in on our prime target areas, but we have a greater understanding of the possibilities of tree planting in these areas. The last conclusion touches base on how efforts to preserve existing canopy and to increase canopy going forward needs to be conscious of balancing the interests of development and growth along with the interest of the canopy, but also engaging citizens at the same time. We need to balance all those interests to kind of create a quality livable area for everyone. We want to manage trees to provide the most benefits to the

community but also balance that with growth. We don't want to restrict too much and two examples of those multi various forms of engagement in targeting citizens is The Urban Forestry Management Plan. We see a screenshot here. It's a plan that was recently created; it tells a story of what the City does currently and the past few plants trees. To be an advocate for trees, to maintain existing trees, what we're going to do going forward and the important factors to consider going forward and it's going to be made more available to the community. Right now it's available in draft format and moving forward very soon it will be out there and we will seek input from all stakeholders. Another example of how we try to balance growth in tree canopy and engage people is from the growth framework we've heard about tonight. Our centers, corridors and wedges; there's opportunities to plant more trees in these areas and we need to balance that interest with development but also seek input from City residents as well. So that's a quick wrap-up in the presentation on the results of the study and with that I'd like to pass it back to Gina for closing remarks.

Ms. Shell said so we are very pleased now to have this better data and strong analysis to help us meet the goal of 50 by 50. Our goals over the next year include insuring that we enhance our database of our street trees and that we are replacing those trees as they die or become in poor health or if we remove them, we need to be able to replace them. We want to insure that Trees Charlotte continues to value good tree science, that we're planting the right tree in the right place. Neighborhood design and tree stewardship, so the partnership that we have with Trees Charlotte is very important to us. We are going to complete our FY14 planting events with Trees Charlotte and also plan and complete somewhere between 17 and 25 events for FY15. As Tim said, we'll be refining our Urban Forest Management Plan and engaging the community in that. We're going to hold our third tree canopy action summit in May. We hope to establish an honorary tree program so that anyone could purchase a tree, have it planted in memory or in honor of a loved one and continue to build those educational and awareness opportunities. I want to tell you about one very key conference that's coming up. We're actually going to be hosting a national conference here in Charlotte in November 2014. It's the Arbor Day Foundation. It's the Society of Municipal Arborist and a couple of other groups. They always have their annual conferences together or overlapping. We're really pleased that they're coming to Charlotte because it's one of our goals over the last few years as we worked with Council to set the 50 by 50 goal and we've implemented strategies. Charlotte has a great story to tell here. It's 40 plus years old and we are so pleased that this conference is going to be here. We are going to be supplying most of the content for the attendees and so we'll have Arborists from around the country and potentially around the globe here in Charlotte to understand what we do. So we don't need to ask you for any action tonight or anything in the immediate future. We will be bringing reports back to you as we move forward with the strategies.

Councilmember Barnes said Michelle I have a question for you unless there are other questions from the Council.

Councilmember Autry said I was just going to mention that next Saturday the Mecklenburg Soil and Water Conservation District will be holding its seedling sale and citizens can go to the Hal Marshall Center next Saturday and buy seedlings to plant on their properties and its very reasonable and they have a wide variety of native species.

Mr. Barnes said and I've actually bought trees there before. It's a good opportunity. The question I have for you is I took one of your first maps that show where we've done tree plantings on your third fourth or fifth slide. It's on page four of the handout and I just sat here and tried to kind of match that up with where the needs are and you don't have to respond now, but it would be interesting to know whether these areas of work has been done match appropriately these areas where work needs to be done and as we try to move from 47% to 50% what are we doing to get to the areas in the City that don't have; at least according to this analysis, enough trees.

Councilmember Fallon said how did the fact that we passed a law that said they could cut around the billboard and these things affect the tree canopy because I understand that the Governor signed an executive order that allowed them to go even further around them.

Ms. Shell said we have had that legislation now for I think two years and as of a few months ago, we knew that we had lost 4,000 trees within Charlotte because of those cuttings.

Ms. Fallon said thank you.

Mr. Barnes said on that issue again relating to the first issue I asked about. What's our strategy to replace those 4,000 trees? I'll give you an example. There's a plot of land in Mr. Phipps' district at David Cox and W.T. Harris that the State owns and it's a vacant piece of land. There's grass there or goose grass, but it looks like it would be a good opportunity for some tree plantings and I wonder what we're doing to take advantage of government owned land that's vacant or areas where you have private land that people may be amenable to allowing tree plantings.

Ms. Shell said yes we are beginning this year to partner with the State. We do have a couple of small partnerships with them this year through Trees Charlotte. So if we can continue to build the partnership with the State, we will be happy to plant on State properties if they will allow us too.

Ms. Fallon said Rotary on the 22nd will be planting a number of trees around Martin Luther King Intermediate School and we'd like everybody to come who wants to help.

Councilmember Mayfield said trying to get a clear understanding. You said we've lost about 4,000 trees. To my understanding it's the top of the trees that block the billboard of which we have already identified that we are planting smaller trees in that area. So what are you all calculating as losing 4,000 trees. Is the whole tree being removed where it's being uprooted or are we cutting the trees because I know even the City, we have a number of trees where we've basically chopped off the tops of them because the trees are growing in the power lines because it's just recently that we're learning about planting trees that aren't going to grow into the power lines. So I'm trying to get an understanding of what are we looking at when we're identifying that we've lost 4,000 trees at the same time we have this goal of planting more trees.

Ms. Shell said the 4,000 is the number of trees that have been removed in front of billboards throughout the city.

Ms. Mayfield said so when you say removed, you're saying uprooted?

Ms. Shell said yes totally removed.

Councilmember Phipps said in the tree canopy study they identified certain areas. The Rocky River corridor was identified as an area that could use more trees, so that's in my district. What could I do to try to spearhead an effort to do just that, to get more trees there through partnerships? What is it that I could do to help facilitate more trees in that area?

Ms. Shell said in our Neighbor Woods program through Trees Charlotte, that's the program where we will go into a neighborhood on a Saturday. We bring in the trees. We work with the neighborhood to plant one or two trees on anyone's property who's interested. We just need to start identifying the neighborhoods and start; I call it walking towards each other. So we identify a neighborhood. We find out if the neighborhood has a good homeowners association or some sort of organization that we can work with so that they can do some of the work of organizing themselves and then we can get TreesCharlotte and Dave Cable involved and we can try to plan an event in that neighborhood. I think that would be one key way to really get the residents involved.

Councilmember Driggs said I wanted to mention I think our tree canopy is a great asset in Charlotte and I can personally attest to the fact that when we were deciding where to move some time ago, the greenery in Charlotte was a big selling point. My question has to do with growth estimates. We've seen for the population over this timeframe out to 2050 and given the limited opportunities for annexation or further expansion, the density of our population is likely to go up. Do we know of instances where the kind of density we expect in the future can support a 50% tree canopy? Does that actually work?

Ms. Shell said well I think we have a good story over the last decade. We went through some tremendous growth and we really think that the canopy has held its own. I think we're going to need to be creative. We're going to need to come up with every partnership that we can and

really work with our residents to value and plant the trees because the City can't do it on our own. We can use the 50 by 50 goal as our rallying cry for the entire community.

ITEM NO. 5: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTION

Hyong Yi Management and Budget Director said there were three questions asked. The first one was the vehicle take home policy. That will come back to the Council as a future update. I do have an update for you on the SBE question. Business INClusion will have an update for the Economic Development and Global Competitiveness Committee on the 20th and the Council will be briefed on the 24th. Then on the last item on the question of space for community meetings in the Westover Police building that's to be built, it also has code enforcement public parking for code enforcement as well but yes there will be conference rooms with break rooms and access to public toilets. That is all being considered as part of the design plan for that particular facility.

Mayor Cannon said thank you. Mr. Manager, anything from you.

Mr. Carlee said no sir.

Councilwoman Lyles said this afternoon the Transportation and Planning Committee met on noise walls and we'd like to add something to the end of the agenda today for your consideration and I just wanted to make you aware of that. Mayor, I know that this will be something that we are making as a request and so I know it will require some action by you folks.

Mayor Cannon said is there any opposition to adding it to the agenda. We have a relatively short agenda and there may be some discussion now if you have a few questions about it. I thought I heard the Mayor Pro Tem.

Mr. Barnes said only just to know what it is, that's all.

Ms. Lyles said the committee was looking at the staff recommendation on the noise walls today and the committee has a request of the Council to take an action regarding the downtown noise wall.

Mr. Barnes said not to include it?

Ms. Lyles said no not specifically that but I believe we're working. Ms. Campbell may be correct on. We're working on the idea around a letter that would illustrate our decisions or actions on whether to include or not to include that would be prepared.

Mayor Cannon said so is there an action item tonight to vote on?

Ms. Lyles said we would like to see an action item for voting on tonight.

Mayor Cannon said where is the action item?

Ms. Lyles said I believe the staff is preparing it for us now as a result of the Committee meeting at 5:00p.m.

Mayor Cannon said so the item is being prepared. As soon as it's available, go ahead and distribute it to the body so that they can have a look at it in case there are any questions with regard to the write up of it.

Councilmember Driggs said that was my request.

Mayor Cannon said we don't like to... you know.

Ms. Lyles I know, that's why I wanted to bring it up now so that we could get some information out.

Mayor Cannon I'm not in total opposition to it. I just want to see what the item looks like.

Dinner Briefing Recessed at 6:49 p.m.

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The Council reconvened in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 7:02p.m. for their Business Meeting with Mayor Patrick Cannon presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Ed Driggs, Claire Fallon, David L. Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Mayfield led the Council in the Invocation and Pledge of Allegiance to the Flag.

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ITEM NO. 6: MAYOR'S MENTORING ALLIANCE AWARD

Mayor Cannon said one of the things that near and dear to me happens to be those who take time out of their schedule to go and to mentor our youth. It is so important that we have individuals that are willing to give freely of their time, whether its two hours a month, whether its 10 hours a month, 15, 20 to our youth. Those young men and young women that would love to have somebody to be part of their lives to just give them level of guidance; some level of hope; just some level of exposure whatever it might be. I happen to have had that opportunity as a youngster growing up through Big Brothers and Big Sisters of America and I would tell you that we have very fine organizations represented in our community going beyond that like the 100 Black Men, YBM, Men Who Care Global and a host of others and so it's with that on January 23rd, 2014, the Mayor's Mentoring Alliance hosted their annual awards event. There were 48 nominations that were received across five award categories. Tonight I want to take some time just to recognize the winners for their contribution to mentoring throughout our community and also I want to take time to thank Mayor Pro Tem Barnes for standing in my stead on that day and making a presentation and being a part of that ceremony. The 2014 Mayor's Mentoring Alliance Award recipients happen to be Business Partner of the Year, GMR Marketing, Representative Jimmy Burns. Mentor of the Year: Keith Smith. Group Mentors of the Year Beta Roh Sigma Graduate Chapter of Phi Beta Sigma: Patrick Ward. Mentee of the Year: Jasmyny Elston. Best Practices Agency of the Year: Big Brothers Big Sisters of Greater Charlotte, Karen Calder.

We're all used for a season as I have said before and in that season we are to bloom with all the positive fruit in which we can to make a difference. Here you see before you those that have been making a difference along the way either individually or as a group or through their companies and we so appreciate them. Would you all please join me in thanking them accordingly with a big round of applause! The podium is yours if any one of you would like to have remarks.

Karen Calder (Chief Executive Officer) Big Brothers and Big Sisters of Greater Charlotte said we are so proud of Big Brothers/Big Sisters who serve 1340 children in this community. But for every child that we serve, we have at least one person standing behind them waiting to be served and I know I speak on behalf of our agency as well as all of the 40 plus agencies that are part of the Mayor's Mentoring Alliance. So we need a community call to action for mentorship in this community, whether it's through our agency or others, we need more adults to step forward and to provide literally the life changing gift of mentorship to our young people that's going to make a life-long impact and difference for our community. Thank you.

Mayor Cannon said Mentee of The Year raise your hand. Y'all give it up for her. I don't mean to embarrass you but I do. We're so proud of you and you should continue to make sure that you are doing what you know is the right thing to do. Stay close to your Mentor. You know being a Mentee doesn't end just like when somebody thinks it's over, even through your adult years. Continue that relationship with your Mentor. That would be a great thing for years to come. You will thoroughly enjoy that. And to Keith, Mentor of The Year, raise your hand sir. Y'all give it up for Keith. I've known Keith for some time and he's always lived his life to be unselfish, always wanted to give of himself and so thank you. Thank all of you for your willingness through your companies and corporations to continue to be about supporting the Mayor's Mentoring Alliance Program as well as those that you know actually need your level of support. Again thank you. Of course, there have to be some remarks coming from our Chair from the Mayor's Mentoring Alliance Program.

Marc Tiegel, Advisory Board Chair, Mayor's Mentoring Alliance said we have 44 organizations and those individuals you saw in front of you are the best of the best. I wanted to make sure that you knew how much we appreciate your support especially you Mayor Cannon for being there and Mayor Pro Tem Barnes for all you have done with us. This is a big year and we expect significant growth. We appreciate all your support. Thank you.

Mayor Cannon said I have to make an "ask" for anyone that may be viewing, anyone that may be in the audience. If you have an opportunity to take some time out to become a mentor for a mentee, please go to www.charneck.org or www.charlottenc.gov and do a search for the Mayor's Mentoring Alliance Program and if you have an ounce of time, not a whole lot of money per se but just some time to spend with these young people, it will make all the difference in the world for them. So please if you can be a part of that, do so accordingly.

ITEM NO. 7: KELVIN J. SEABROOKS RECOGNITION

Mayor Cannon said there are a lot of people in our community that I believe deserve to be recognized. I've heard some people say that they'd like to have their roses on this side rather than maybe the other. This person never asked for any recognition but he always made us proud on the center stage putting Charlotte on the map a long time ago. In fact, I was in middle school. I think I was at Piedmont Middle School at the time, when I first met this gentleman and he wouldn't dare try to bow up to me but he's a boxer. Really it was the other way around. I wouldn't bow up to him, (laughter.) But with us this evening I want to recognize the likes of Kelvin J. Seabrooks for his many contributions to the City of Charlotte and North Carolina. He has been a vessel to young people, giving them a level of hope; making them understand that they can achieve anything which they desire. So with that, I will have Councilman Michael Barnes read a proclamation, and Kelvin why don't you come on down for a moment. Give him a hand as he comes.

Councilmember Barnes read the proclamation as follows:

This is a City of Charlotte Proclamation.

WHEREAS, Kelvin J. Seabrooks is a former World Champion boxer at bantamweight, born and raised in Charlotte; and

WHEREAS, Kelvin J. Seabrooks fought and won the United States Boxing Association bantamweight title and the International Boxing Federation bantamweight title; and

WHEREAS, Kelvin J. Seabrooks traveled the world representing Charlotte, North Carolina in the boxing ring; and

WHEREAS, Kelvin J. Seabrooks has changed the lives of countless young people through his Team Seabrooks program and he continues to work tirelessly with the youth of Mecklenburg County showing them a better path in life; and

WHEREAS, on February 10, 2014 with the theme "Honoring Champions in our Community", Kelvin J. Seabrooks will be recognized for his contributions to Charlotte and North Carolina:

NOW, THEREFORE, I, Patrick D. Cannon, Mayor of Charlotte, do hereby proclaim February 10, 2014 as

"KELVIN J. SEABROOKS DAY"

In Charlotte NC and commend its observance to all citizens.

Mayor Cannon said Kelvin thank you so much for being here tonight and truly we were proud of you then; we remain proud of you today, so thank you.

ITEM NO. 8: BLACK HISTORY MONTH PROCLAMATION

Mayor Cannon said this month of course is February. It's Black History Month and we want to declare this month being exactly what it is and so Patricia Albrighton is she here. Patricia please

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come on down and Michael Tank. These individuals are with our Community Relations Committee and Patricia acts our Chair, and Michael acts as our Community Relations Communication Sub Committee Chair, and we have a proclamation as I stated earlier that I would like to ask Councilwoman Vy Lyles to please read.

Councilmember Lyles said I just wanted to say that many of us recognize Black History Month and we remember things like the Emancipation Proclamation, the March on Washington and this year being the 50th anniversary of the Civil Rights Act, but many times we overlook the small accomplishments that are made on behalf of our history and I'm going to read a few of those from the proclamation from the City of Charlotte and Mecklenburg.

WHEREAS, some significant anniversaries have occurred in the last 150 years; and

WHEREAS, the national theme for Black History Month is "Civil Rights in America"; and

WHEREAS, we celebrated the 150th anniversary of the Emancipation Proclamation and the 50th anniversary of the March on Washington; and

WHEREAS, on January 1, 1863, the Emancipation Proclamation set the United States on the path of ending slavery; the Emancipation Proclamation was an order issued to all segments of the Executive branch (including the Army and Navy) of the United States by President Abraham Lincoln during the American Civil War; and

WHEREAS, the Emancipation Proclamation authorized recruitment of nearly 6,000 African American men in North Carolina, who would risk their lives as U.S. Colored Troops, including the African Brigade raised in New Bern, in June 1863; and

WHEREAS, the 1861 publication of "Incidents in the Life of a Slave Girl", by Harriet Jacobs of Edenton, recounting her escape from slavery, built wide support for freeing the enslaved and the Emancipation Proclamation that followed; and

WHEREAS, Elizabeth Keckley of Hillsborough was seamstress and confidante to Mary Todd Lincoln and a model of accomplishments and possibilities of free men and women of color; and

WHEREAS, on August 28, 1963, hundreds of thousands of Americans, blacks and whites, marched to the Lincoln Memorial; and

WHEREAS, the March on Washington for jobs and freedom was attended by about 250,000 people, of all races, the largest demonstration ever seen in the nation's capital; and Martin Luther King delivered his famous "I Have a Dream" speech; and

WHEREAS, we celebrate the 50th anniversary of the passage of the Civil Rights Act of 1964; and

WHEREAS, a relentless pursuit of freedom, equality and patriotism has enriched the African-American community, the state of North Carolina and the Nation at large; and

WHEREAS, African-Americans have contributed and continue to contribute significantly to every aspect of life in this, the "goodliest land under the cope of heaven":

NOW, THEREFORE, WE, Patrick D. Cannon, Mayor of Charlotte, and Trevor M. Fuller, Chairman of the Mecklenburg Board of County Commissioners, do hereby proclaim the month of February 2014 as

"BLACK HISTORY MONTH"

In Charlotte and Mecklenburg County and commend its observance to all citizens.

ITEM NO. 9: HUMAN RELATIONS MONTH PROCLAMATION

Mayor Cannon said this month also marks the month of Human Relations and with that I'd like to ask Councilmen Al Austin if he'd be so kind as to read that proclamation.

Councilmember Austin read the proclamation as follows:

The City of Charlotte, Mecklenburg County

WHEREAS, Human Relations Month is a time set aside to recognize the efforts of those seeking equal rights for all, while renewing our resolve to continue to work toward fair treatment and improved quality of life; and

WHEREAS, the City of Charlotte and Mecklenburg County recognize Mr. Fred Alexander, Ms. Dorothy Counts, Ms. Mildred Baxter-Davis, Mr. Julius L. Chambers, Esq. and Mr. Franklin McCain, as exemplary persons who sought equal rights for all; and

WHEREAS, the City of Charlotte and Mecklenburg County believes in the worth of each individual regardless of color or creed, and strives to promote understanding, good will, respect and dignity for all its people; and

WHEREAS, the City of Charlotte and Mecklenburg County will continue to strive for the betterment of human relations by promoting awareness, understanding, communication and implementation of specific programs and activities; and

WHEREAS, the City of Charlotte and Mecklenburg County are committed to working for fair treatment, equality and justice for all its people.

NOW, THEREFORE, WE, Patrick D. Cannon, Mayor of Charlotte, and Trevor M. Fuller, Chairman of the Mecklenburg Board of County Commissioners, do hereby proclaim the month of February 2014, in recognition of Mr. Julius L. Chambers, Esq. and Mr. Franklin McCain as

“HUMAN RELATIONS MONTH”

In Charlotte and Mecklenburg County and commend its observance to all citizens.

Mayor Cannon said for their level of service because these are volunteers that Mayor and Council appointed to some of these committees, they also come and they serve unselfishly, let's give them another round of applause.

Recognition of Apprenticeship Program Men who Care Global

Mayor Cannon said this brings us to our last recognition of the evening and this is one where I'd like to recognize a host of individuals. We basically have with us tonight those that represent a civic organization, business professionals and engagement leaders. They have embraced the theme of working together works and this has produced a success story about apprenticeships. You know of course we have the Mayor's Youth Employment Program; one that is very important to I believe this community and has allowed the private sector to engage with us on the public sector side because when it comes down to it, working together does work and it has been public private ventures that has made Charlotte what it is today in many respects. It is with that that Men Who Care Global, RJ Lieber Construction, Rogers Builders, Barton Milo, Charlotte Knights Baseball Team and Power Works Electric, all agreed to hire a young man who had completed the Men Who Care Global Job Readiness program. It's one thing to be about an internship where you sit back and you sort of watch and look at what people do. It's another thing to be about an apprenticeship opportunity where you actually have the ability to have hands on; where you really need to develop a skill and you can move forward to be able to work on your own in an environment that can help sustain you and your family. Well that's what these gentlemen of these different organizations have provided. They've allotted an opportunity for a young man to be able to be a part of working on the baseball stadium that will provide him an opportunity to be able to do things I just spoke about. He's been on the jobsite and a subcontractor actually on the jobsite would allow this young man to work and receive exposure about different scopes of construction work. The goal for this activity was to support the young man selecting a career path in construction; and so that goal was achieved and Andy Shadrick from PowerWorks hired that young man after having that opportunity because when you have the chance to be able to get your hands into something, it can lead to something more promising,

something more fulfilling, something permanent, and that's what happened here and for that reason, I'm honoring all of the team members here tonight. The young man who began the apprenticeship was mentored and as I mentioned a moment ago, was hired. His name is McKinley Johnson-Morning. McKinley if you're here, please come on down.

Mayor Cannon said McKinley take that podium right there. Mr. Johnson-Morning, you've had an opportunity to go and to gain a level of experience. You started off being an apprentice going to now a permanent opportunity. Describe how that opportunity has made you feel and what it has meant to you.

Mr. Johnson-Morning said well it has definitely meant a lot to me. First I have to say without God and my beautiful wife up there, it would not be possible. For Men Care Who Care Global, Goodwill, PowerWorks, Rogers, Bart Milo, they really took a chance just for me, a person of many people to have related stories of myself. So it definitely was a great experience; definitely allowed me to understand the field that I want to go into and keep pursuing that and being an honor student Central Piedmont Community College, shooting to be a project manager after I graduate in December, so I just want to thank those guys for just taking the chance out for me to do what I love to do.

Mayor Cannon said we would like to ask Eric Reicher, Rick Snead, Dan Rakowski, Andy Shadrick, Victor Earle, Kwame Alexander, Willie Ratchford, Harold Cogdell and Ron Lieber if they would come on down please. So what I'd like to do as these gentlemen come, for your level of contributing to this community and doing the things in which you have been about, we want to present you all with a certificate of appreciation and Councilwoman Claire Fallon will read what it states.

Councilwoman Fallon read the certificate as follows:

In grateful appreciation for outstanding contributions to the community

WHEREAS such deeds deserve public acclaim and recognition

Therefore be it resolved by the City of Charlotte that this certificate of appreciation be conferred.

Mayor Cannon said we would welcome any comments that any one of you would like to have.

Ron Lieber said you don't have to ask me but once Mayor. This sort of politician stuff just kind of stays with you. First I just want to just thank you Mayor and members of Council for this recognition. But I want to say that the two people most probably some of them did light lifting by just hiring McKinley. He did a great job on his own but a part of making this apprenticeship program work is having people who are willing to follow-up with the young people that we place on the job. Encouraging them when they get discouraged and Victor Earl who is the Executive Director of Men Who Care who was sort of the external mentor and Kwami Alexander, who worked on the jobsite, was the on-site mentor and they sort of double teamed McKinley so he couldn't get away. But they are the ones who I would say are due the most credit and if this is continued and we are to be successful, it's going to be important that we have mentors who will follow up with these young people, who some of them many times is just a first time work experience and so having somebody in the trenches with them to encourage them is going to be really important. I would say also that while I personally support the City's effort to give incentives to businesses that come here, I do think that you are missing an opportunity because much of your incentive is focused around once the company gets started they hire people. Many of the people that we interact with are not likely to be the ones to get hired on those jobs after the jobs start, so the missed opportunity is trying to get them involved when the construction is taking place. Many of these companies that you incentivize to come to Charlotte or to expand, many times are expanding their spaces or they are building new spaces and they are hiring construction companies and so we would encourage you to consider as a part of your incentive, encouraging them to consider hiring some of the young people in our community that otherwise would not be employed. This is just a bonus and we wanted to put a face to showing you what you've got in return. This is a return on your investment for those who don't do it because of why I do it. I'm a Christian and I believe that I'm called to do this but for those who don't follow their faith in doing that, I would encourage you to do it because it's a real return on your

investment. We've got a young man who was unemployed and who is now employed, a tax payer, providing for his family, so who doesn't like a return on their investment. You've got a baseball stadium. You're getting taxes on property that you weren't getting taxes on before. I mean that's just a double dip and so we thank you for the opportunity to recognize that there are many ways that you as a City can help to make sure that many searching to get employed, get employed. Thank you for this opportunity.

Mayor Cannon said we of course will take those words to heart and Ron Lieber is a former Charlotte City Councilman as is the Honorable Harold Cogdell who also served as Chairman of the Mecklenburg County Board of County Commissioners and so gentlemen, we thank all of you for coming down here this evening. You know it's nice to build buildings, but isn't it nicer to build people and this is an opportunity that we are seeing before our eyes occur and so I think we've heard a calling here in the public sector, a charge given, let's see what we can do to make something happen as a means of support. Thank all the members of the Council for your level of participation, all of you who have been indulging us in I hope and I think would have been some good times because there are so many bad things on the news sometimes and in papers but here is an opportunity for us to really shine a light on those who mean a lot to our community. So thank you for your indulgence.

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ITEM NO. 10: CONSENT AGENDA

Mayor Cannon said Madam Clerk is there any consent items that have been pulled?

Emily Kunze, Deputy City Clerk said yes Mr. Madam Item 31-G is settled and will be brought back as an acquisition at the next business meeting and Item 31-I is pulled and being deferred until the next business meeting

<p>Motion was made by Councilmember Howard, seconded by Councilmember Kinsey to approve unanimously to approve Agenda Items 17 through 31 as presented with the exception of Item No. 31-G which has been settled and will be brought back as an acquisition at the next business meeting and Item No. 31-I which is deferred until the next business meeting.</p>
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ITEM NO. 17: DIXIE RIVER ROAD TRAFFIC SIGNALS SYSTEM

Award the low-bid contract with Whiting Construction Company, Inc. in the amount of \$668,714.08 for installation of new traffic signals and fiber optic system related to the Charlotte Premium Outlets.

ITEM NO. 18: PROVIDENCE ROAD SIDEWALK GRANT FUNDING

(A) Approve a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for sidewalk construction and approve the acceptance of the Congestion Mitigation and Air Quality grant, and (B) Adopt Budget Ordinance No. 5296-X appropriating \$750,000 of North Carolina Department of Transportation grant funding.

The resolution is recorded in full in Resolution Book 45 at page 56.

The ordinance is recorded in full in Ordinance Book 58 at page 622.

ITEM NO. 19: SUNSET ROAD SIDEWALK GRANT FUNDING

(A) Approve a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for sidewalk construction and approve the acceptance of the Congestion Mitigation and Air Quality grant in the amount of \$1,386,000 million, and (B) Adopt Budget Ordinance No. 5297-X appropriating \$1,386,000 million of North Carolina Department of Transportation grant funding.

The resolution is recorded in full in Resolution Book 45 at page 57.

The ordinance is recorded in full in Ordinance Book 58 at page 623.

ITEM NO. 20: REAL ESTATE SERVICE FOR NEVIN ROAD-GIBBON ROAD PROJECT

Approve a contract with THC, Inc. in the amount of \$150,000 for real estate acquisition and relocation services on the Nevin Road-Gibbon Road Sidewalk project.

ITEM NO. 21: STREET MAINTENANCE SALT SPREADERS

(A) Award the unit price, low-bid contract to Godwin Manufacturing Company, Inc. for the purchase of salt spreaders for the term of three-years, and; (B) Authorize the City Manager to extend the contract up to two additional one-year terms with possible price adjustments at the time of renewal as authorized by the terms of the contract.

ITEM NO. 22: McALPINE CREEK PLANT DIGESTER MIXER REPLACEMENT PARTS

(A) Approve the purchase and repair of digester mixer equipment parts as authorized by the sole source purchasing exemption of G.S. 143-129(e)(6), and (B) Approve a contract with SPX Flow Technology/Lightnin for digester mixer equipment parts and repair in the amount of \$382,099.

ITEM NO. 23: ROCKY RIVER ROAD WEST INTERLOCAL AGREEMENT

Adopt a resolution authorizing an Interlocal Agreement between Charlotte-Mecklenburg Board of Education and the City of Charlotte for reimbursement of preliminary design services for the Rocky River Road West project in an amount not to exceed \$135,000.

The resolution is recorded in full in Resolution Book 45 at page 58-137.

ITEM NO. 24: POLICE WESTOVER DIVISION STATION DESIGN SERVICES

Approve a contract with C Design, Inc. in an amount up to \$598,000 for architectural services to design a new office facility for the Westover Division of the Charlotte-Mecklenburg Police Department and Neighborhood & Business Services Southwest Service Area Team.

ITEM NO. 25: NEW COMMUNICATIONS SITE CO-LOCATION

Authorize the City Manager to approve a new co-location lease with AT&T on a telecommunications tower located at 232 Heathway Drive.

ITEM NO. 26: SOFTWARE AND CONSULTING FOR TECHNOLOGY BUSINESS PLANNING

(A) Approve a one-year contract with N. Dean Meyer for Associates, Inc. in an amount up to \$30,000 for a license for the FullCost software solution; (B) Authorize the City Manager to approve expenditures with N. Dean Meyer and Associates, Inc. for the provision of training and consulting services for the implementation and application of the FullCost software solution and attendant FullCost planning methodology in an amount up to \$194,400, and (C) Authorize the City Manager to approve up to four, one-year renewal options for continuing software licensing and support, with possible price adjustments as authorized by the contract, and contingent upon the company's satisfactory performance.

ITEM NO. 27: GOODYEAR TIRES

(A) Award the unit price, low-bid contract to Clark's Tire and Auto, Inc. for the purchase of Goodyear Tires for the term of three years, and (B) Authorize the City Manager to extend the contract for up to two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the terms of the contract.

SUMMARY OF BIDS

Clark's Tire and Auto, Inc.	\$662,003.50
Parrish Tire Company	\$665,042.89
Goodyear Commercial Tire and Service Centers	\$665,266.39
The Goodyear Tire and Rubber Co.	\$667,686.44
Black's Tire Service dba BTS Tire and Wheel	\$668,921.14

ITEM NO. 28: REFUND OF PROPERTY TAXES

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$5,320.60

The resolution is recorded in full in Resolution Book 45 at page 138-139.

ITEM NO. 29: MEETING MINUTES

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

- January 6, 2014 Workshop/Citizens' Forum
- January 13, 2014 Business Meeting

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ITEM NO. 30: IN REM REMEDY

Public Safety

(A) 6023 & 6023-2 Olinda Street

Adopt Ordinance No.5298-X authorizing the use of In Rem Remedy to demolish and remove the structure at 6023 & 6023-2 Olinda Street (Neighborhood Profile Area 223).

The ordinance is recorded in full in Ordinance Book 58 at page 624.

(B) 12334 Panthersville Drive

Adopt Ordinance No. 5299-X authorizing the use of In Rem Remedy to demolish and remove the structure at 12334 Panthersville Drive (Neighborhood Profile Area 265).

The ordinance is recorded in full in Ordinance Book 58 at page 625.

Field Observation

(C) 1016 State Street

Adopt Ordinance No. 5300-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1016 State Street (Neighborhood Profile Area 293).

The ordinance is recorded in full in Ordinance Book 58 at page 626.

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ITEM NO. 31: PROPERTY TRANSACTIONS

Acquisitions

Item No. 31-A: 8116 Robbie Circle

Acquisition of 4.02 acres at 8116 Robbie Circle from Shopton Holdings for \$100,000 for Airport Master Plan Land Acquisition.

Item No. 31-B: 8120 Robbie Circle

Acquisition of 1.00 acres at 8120 Robbie Circle from Shopton Holdings, LLC for \$30,000 for Airport Master Plan Land Acquisition.

Item No. 31-C: 9233 Snow Ridge Lane

Acquisition of .47 acres at 9233 Snow Ridge Lane from Rickie and Sharon Hall for \$149,000 for Airport Master Plan Land Acquisition.

Item No. 31-D: Price Lane

Acquisition of 80,358 sq. ft. (1.845 ac.) in Conservation Easement, plus 43,096 sq. ft. (.989 ac.) in Temporary Construction Easement at Price Lane from DEEPE, LLC, et al for \$17,217 for Coliseum Creek Stream Restoration, Parcel #8.

Item No. 31-E: 426 Chillingworth Lane

Acquisition of 7,896 sq. ft. (.181 ac.) in Storm Drainage Easement, plus 3,096 sq. ft. (.071 ac.) in Sanitary Sewer Easement, plus 5,150 sq. ft. (.118 ac.) in Temporary Construction Easement, plus 432 sq. ft. (.01 ac.) in Utility Easement at 426 Chillingworth Lane from John A. Ashworth, III

and Anne W. Ashworth for \$39,900 for Gaynor Storm Drainage Improvement Project, Parcel #40.

Item No. 31-F: 2821 Johnston-Oehler Road

Acquisition of 10,175 sq. ft. (.234 ac.) in Fee Simple, plus 25,621 sq. ft. (.588 ac.) in Fee Simple within Existing Right-of-way plus 7,795 sq. ft. (.179 ac.) in Storm Drainage Easement, plus 13,314 sq. ft. (.306 ac.) in Temporary Construction Easement, plus 4,472 sq. ft. (.103 ac.) in Utility Easement at 2821 Johnston-Oehler Road from Jeffrey O. Raborn and Joan M. Raborn; Jay Scott Raborn and Sherry Raborn for \$12,475 for Johnston-Oehler Farm to Market, Parcel #42.

Condemnations

Item No. 31-H: 2635 Celia Avenue

Resolution to condemn 113 sq. ft. (.003 ac.) in Fee Simple at 2635 Celia Avenue from John Earl Chambers, Jr. and Teresa Genise Chambers and any other parties of interest for an amount to be determined for Celia Avenue Storm Drainage Improvement Project Easement Acquisition, Parcel #13.

The resolution is recorded in full in Resolution Book 45 at page 140.

Item No. 31-J: 3124 Johnston-Oehler Road

Resolution to condemn 5,950 sq. ft. (.137 ac.) in Fee Simple, plus 32,609 sq. ft. (.749 ac.) in Fee Simple within Existing Right-of-Way plus 731 sq. ft. (.017 ac.) in Storm Drainage Easement, plus 15,214 sq. ft. (.349 ac.) in Temporary Construction Easement, plus 9,556 sq. ft. (.219 ac.) in Utility Easement at 3124 Johnston-Oehler Road from William L. Mowry and Donna E. Mowry and Hermitage Partners, LLC and any other parties of interest for an amount to be determined for Johnston Oehler Farm to Market, Parcel #38.

The resolution is recorded in full in Resolution Book 45 at page 141.

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ITEM NO. 15: CONCLUSION OF CONSENT AGENDA

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ITEM NO. 11. PUBLIC HEARING ON RESOLUTION TO CLOSE AN UNOPENED ALLEYWAY OFF OF S. TORRENCE STREET

Mayor Cannon said Madam Clerk I don't believe there are any speakers for this item so I'll accept a motion for actions A and B.

Motion made by Councilmember Barnes and seconded by Councilmember Howard to (A) Conduct and close the public hearing to close an unopened alleyway off of S. Torrence Street, and (B) Adopt a Resolution to Close an unopened alleyway off S. Torrence Street.
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Councilmember Kinsey said this is in District 1 so my question is how we notify the communities. I noticed that the Cherry community has no objections. How did we notify them? Did we have certain people or do we know that the community as a whole is aware of this.

Jeff Boenisch, CDOT said I notified them with certified mail and actually there are several community members that I've notified and kept abreast of what's going on via e-mail.

The vote was taken and motion carried unanimously.

The resolution is recorded in full in Resolution Book 45 at page 39 - 41.

ITEM NO. 12: PUBLIC HEARING ON EQUIPMENT AND FACILITIES FINANCING

Motion made by Councilmember Howard and seconded by Councilmember Fallon and carried unanimously to (A) conduct and close the public hearing on an installment financing contract to finance the City's acquisition of certain equipment and capital projects, and; (B) Adopt a resolution that makes certain findings for the proposed financing and calls for the execution and delivery of various documents necessary to complete the sale.

The resolution is recorded in full in Resolution Book 45 at page 42-52.

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ITEM NO. 13. CITY MANAGER'S REPORT

Mayor Cannon said Mr. Manager we are on the policy side. Is there a report from you?

Manager Carlee said I do have three items I'd like to brief the council on this evening. The first one relates to some economic data that was released about the City of Charlotte on February 3rd by Wells Fargo Securities. It provided economic analysis that was significantly incorrect. It was distributed largely to financial professionals, oversight authorities, business leaders and investors. The first person I heard from was the executive director of the Chamber of Commerce and this report suggested that the City's expenditures were exceeding its revenues and that there were potentially structural deficits in our approach to finances in this city which of course is absolutely not true. Our staff sprung into action very quickly; identified the errors in the report to Wells Fargo and on February 7th, they issued a retraction of that report and issued a new report which says among other things, "local spending and revenue data within the City of Charlotte indicate that revenue growth is back on an upward trajectory following the last recession. Expenses continue to trend below revenue collections. The Charlotte areas' ties to the banking industry along with a diversified employment base helped the region sustain momentum in revenue collections despite the softening in per capita income. The City has maintained disciplined spending and revenues have resumed their rise. Some cities may have yet to adapt their spending to the new realities of more modest revenue growth. In the case of Charlotte, the City has modified the rate of expenditure growth to adapt to the post-recession environment and with economic activity picking up; the City is once again experiencing a more robust rate of revenue growth." I want to commend Wells Fargo for recognizing the mistake and issuing a new report that more accurately reflects the economic condition of the City of Charlotte and I would like to thank the executives of Wells Fargo who personally came to see me and the Mayor today to apologize for the error that was made in that initial report.

Mayor Cannon said thank you Mr. Manager. Any comments?

Councilmember Howard said did they explain how they got it so wrong because I got e-mails almost immediately after it went out.

Manager Carlee said the report was done by an economist who otherwise has a good reputation but is not expert in municipal finances and in short he simply got it wrong.

Mayor Cannon said very good—next item.

Manager Carlee said the next item I want to express appreciation for all of the staff who worked literally 24 hours a day over the weekend beginning back last Thursday night led by the Charlotte Mecklenburg Utilities Department, but really joined by a number of other agencies and outside partners to respond to the illegal dumping of chemicals containing PCB's into our waste water sanitary sewage system that adversely affected our Mallard Creek plant. We, as you know, had a second incident at our Sugar Creek plant. Originally we thought the second incident was tied to the first based on preliminary screening and what I want to share with the Mayor and Council is that we have been very proactive and aggressive in this response. We have worked very hard to be transparent and to share information with the public as soon as we possibly could and so on Sunday morning when we released information expressing concerns about Sugar

Creek based on preliminary data, we knew that data was preliminary but we did not want to run the risk of withholding what was potentially important information from the public. Over the course of the day on Sunday we took those preliminary tests which are basically screening tests, subjected them to more rigorous and advance testing and were able to conclude that what we had coming in the Sugar Creek plant was nothing like what had gone into the Mallard Creek plant, but was actually ethanol which is typical of a fuel spill. And so while we were afraid we had two incidents that were connected, they were as I said, as I was quoted in the paper, "strangely coincidental", but we can find no connection to them and while fuel spills are bad things, they occur periodically, we know how to deal with them and we are working with the situation there in Sugar Creek. All of our plants are operational now and we though continuing with a significant amount of vigilance in doing a significant amount of testing on a continuous basis. We have brought in additional testing capacity. Interestingly, the ability to test for PCB's is available in very few places. In fact one of the few places is the City of Charlotte Utility Lab. But the level of contamination and the need for extensive testing even taxed our ability. We in fact did mobilize the National Guard Mobile Lab out of South Carolina that came in over the weekend to assist us because we want to act based on genuine data. We told you and the public last week that the incidents at Mallard Creek and Sugar Creek in no way affected the City's drinking water supply. Those creeks do not go into our drinking water supply. There could be no connection. None the less we began testing our drinking water supply in case contamination may have come from somewhere else. We knew it didn't come from those places but we wanted to test to see if there could possibly be any problem from another source and we have found no detectable PCB's in our drinking water supply areas. So we'll continue to work very hard. The biggest challenge that we face right now is the amount of contaminated material that is at the Mallard Creek Plant. We've contained it but now we have to dispose of it. It's going to be very complicated. It's going to take a long period of time and it's going to be expensive. We want to get the people who did this. So I want to commend the Police Chief for being very aggressive in putting together a task force, bringing together everybody that has any knowledge of not only the situation in Charlotte but similar situations have happened in South Carolina so that anyone who has intelligence can be in the same room and there's an opportunity to connect dots and follow up leads. But at the end of the day for this type of crime, in order to catch the culprit or culprits, we really need the public's help and so we ask that anyone who operates or works at a restaurant or a grocery store that has a grease trap which is near the entry point of these chemicals, that they vigilantly watch them. We encourage them too actually; if they have not done so, invest in locking mechanisms so that people cannot get into them and that if they see anything unusual, they call 911 and likewise to the public. If you see a tanker type truck behind a restaurant or a grocery store, particularly at night or at any other time that looks suspicious to you, don't think twice about it dial 911. We want to respond quickly and try to catch whoever committed this act because based on what happened in South Carolina we know that it can happen again.

Mayor Cannon said I think you've covered that very well and again, if anyone may have seen anything as was pointed out also by the City Manager, we would encourage you to call Crime Stoppers at (704)334-1600. We are very serious about making sure that we bring those folks to justice who may have been responsible for this because we have no level of tolerance for it and Mr. Manager thank you for three and a half hours of sleep that you got. Barry Gullett for the 1.5 hour that he got and I think I got 4.5 hours but it was worth staying up to try and do all that we could to make sure things got settled. So thank you to staff. Thank the members of Council who stayed involved in this as well. We certainly appreciate it so please keep us apprised on any other developments.

Manager Carlee said I certainly will Mr. Mayor and I do have to say that the most important credit goes to that line level waste water treatment operator both at Mallard Creek and at Sugar Creek where they are always watching for something unusual and their quick thinking and detection made all the difference in the world to us.

Mayor Cannon said they caught it before the sensors did.

Manager Carlee said that's exactly right. I have one more item to share with you. We've had changing weather forecasts over the past several hours and it will likely change again, but based on what has just come in; I feel that it's really important to alert you and the public to what we're facing. From all indications right now, we should be able to get through tomorrow, Tuesday in pretty good shape. At one point there was a thought the snow event might begin around midday.

The best thinking now and again I encourage people to watch weather reports in the morning, is that the weather event will not begin until tomorrow evening. We should be able to get through the day. But here's what the weather forecast is saying for Wednesday. The winter storm, if not a paralyzing storm, will slam the region. We're looking for at this point that's from the National Weather Service, significant snow event on Wednesday followed by an icing event which could affect trees and limbs and power outages. Now again, weather reports change as you well know and where the line falls, what falls from the sky, when it falls from the sky and the temperature of when it falls, all make a huge huge difference. But from everything we're seeing at this point, people should make plans to experience a significant winter event on Wednesday going into Thursday. The projection in the forecast is that we'll some clearing after that but at this point, Wednesday will be a day of significant disruption throughout this region and possible power outages and we encourage people to plan accordingly.

Mayor Cannon said you may want to add that we have already begun pretreatment.

Mayor Carlee said we have and we suspended it when it was raining and not effective. We expect that the rain will stop later this evening, pavement will dry out, and we'll begin treating again. If we do have anything falling tomorrow, the road temperatures are expected to be high enough that we will be able to get around tomorrow. Again, I urge you to listen for future follow-ups on the forecast but then we will be marshaling all of our forces for a much larger challenge facing us going into early Wednesday morning. We continue to coordinate very closely with Mecklenburg County and The Charlotte Mecklenburg School System. We had a conference call late this afternoon where all of the information was shared from our Emergency Manager, our Transportation and all of our other agencies were working in very close collaboration and we will have another conference call tomorrow afternoon so that we pool our information and try to make the best plans to protect the public that we can.

Councilmember Howard said I think it was a couple of years ago that we actually had some winter events that kind of took us by surprise at the airport and the City and we actually had some extra expense for salt if I remember right. I'm just wondering how we're doing with that this year.

Manager Carlee said we've been doing okay up to this point. We will be checking all of our supplies. We'll be using it very strategically. From the word I have right now, we're doing okay on our road supplies. De-icing at airports there's been some shortages beginning to show up nationally because of winter events and so where the airlines actually take their planes and park them during this event is going to be a very important strategic decision for the airlines.

Councilmember Kinsey said I just happened to come by the office yesterday and as I was leaving the back I noticed that our joint information center had been set up and there are an awful lot of people working out there and sometimes we don't recognize the fact that we have people sitting in this room behind us 24/7 sometimes. But this was on a Sunday afternoon and as I wrote our corporate communication person, I said they probably had rather been out in that warm sunshine on a Sunday afternoon but they were back there working to make sure the information gets out to our citizens. So I want to put in a word of thanks to them.

Manager Carlee said thank you and Corporate Communications has done a wonderful job with that and what makes it particularly effective is the joint information center and so we bring in the resources from all of our public agencies to one point so that we don't get confusion out in front of the public and Charlotte's organization around that really serves its public very well. Thank you for acknowledging that effort yesterday.

Mayor Cannon said anything further Mr. Manager.

Manager Carlee said that concludes my report tonight. Thank you very much for the extended period.

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ITEM NO. 14. IMMIGRANT INTEGRATION TASK FORCE APPOINTMENTS

Motion made by Councilmember Howard and seconded by Councilmember Fallon to appoint the members of the Immigrant Integration Task Force as recommended by community partners.

Councilwoman Mayfield said maybe I' the only one that was thinking something a little different. Once under Mayor Kinsey there were appointments made and also there was the discussion of us looking at our community partners making suggestions but I didn't realize that the vote will come strictly from just the suggestions and that it would be limited suggestions so I have basically a question and a suggestion because looking at the taskforce appointments that we're looking at tonight, it's very grass tops not really grass roots when we look at how diverse our community is and when you look through this, we're really representing two majorities, two parts of our very diverse population. Our Latino population and our Asian Pacific Islander population is very well represented in these appointments but I do have some concerns about how we're reaching out to our more diverse communities when you look at the fact that in CMS there are more than 130 languages that are spoken and I also would like to make the suggestion to my colleagues on Council for us to consider under Mayor Cannon's leadership there being a discussion of appointments. Since we started the conversation before, but not reducing the original appointments that were made, because I see personally that diversity that I would like to see for the community when you look at our refugee community being represented because we have a large African refugee community but I would like for Council to consider allowing Mayor Cannon the opportunity to make some appointments and for us to really look at the listing that we have from our partners because I personally would have liked to have received two names to make sure that we're really representing and what is the demographic of our community. So we're making appointments of 18 names but does everyone on Council know what the demographic of our growing diverse community even looks like to make sure that what we are hoping to gain by creating this Immigrant Immigration Taskforce is really going to be achieved. So I don't know if that's something Mr. Attorney and Mr. City Manager that needs to be in the form of a motion for there to be additional appointments under Mayor Cannon and to really look at how we move forward, or if it's a conversation we need to have moving forward.

Mayor Cannon said I think there are a couple of responses to that. Mr. Attorney you can go now or I can recognize Councilwoman Kinsey prior.

Councilmember Kinsey said since this was under my watch, I just wanted to make sure that you all saw the list of appointees that I made. We worked very hard on that trying to sort of bring in grassroots and I will admit to you that I felt like the organizations listed on the back of our sheet are represented many, many times. They are involved and we are missing out on some of the grassroots. But I lost that battle, but I do recommend those that I appointed. I think some of them were even a part of a smaller group meeting that we had.

Councilmember Howard said this has been a multi-tiered approach. Just like Ms. Kinsey said, she met with a smaller group, a larger group and the whole point is to take inventory where we are as a community and the only way to do that sometimes is to actually find organizations like the International House and some of the other large groups that actually represent large segments of our population so we can get a real sense of where we are. I don't think it was ever intended not to engage people at multiple levels. Some were being invited in. They were welcomed to attend but what we were trying to do is to just find out where we are as a community and you can't always do that with inviting everybody. You have to narrow the group down to something. So when it comes to how this community actually welcomes the immigrant population into our city, this is what we narrowed it down to and we actually had this very same conversation when we voted to create this committee and the idea then was, I said the same thing at that time as well. What we are trying to do is just get an assessment and in order to do that you need to have the people that touch the majority of the people in this community as much as you can and engage the others the best you can. So I would actually hope that we move forward considering we asked them to be done with this at the end of the year. Having the Mayor add people, I'm indifferent to that part, but I just don't want to slow down actually getting them going.

Councilmember Barnes said I actually had thought about what Ms. Mayfield mentioned. I didn't think it would come up tonight but I actually think it's a very good point you make and strikes me as reasonable to give Mayor Cannon some appointments. I think right now the taskforce is 25 members and I don't know what number of appointments we would give to the Mayor but I think that's a reasonable approach. I also understand not necessarily delaying it. So the question I would have for the Mayor is if we agreed to give your office appointments, how quickly can you do that?

Mayor Cannon said I think we can turn that around fairly quickly given members on this body who know who's "who" in the community and also given the feedback that I've been getting as well with regard to interest, in the way of diversity, in making sure that we have more balanced representation, I think what we can do is to probably go ahead and move the agenda as Councilman Howard suggested and then in turn allow my office to make those appointments sooner rather than later.

Councilmember Howard said can we just amend the motion. Why don't we amend the motion to add to the end of the way it's written and that the current Mayor can add an additional three? I want to keep an odd number, so with the Mayor also having the ability to add four at large members to the committee so that would be added to the motion.

The amended Motion was made by Councilmember Howard and seconded by Councilmember Fallon to appoint the members of the Immigrant Integration Task Force as recommended by community partners with the current Mayor also having the ability to add four at-large members to the committee.

Councilmember Mayfield said and just for further clarification, the initial seven members that were appointed, I definitely do not have any. I think we started out on the right track with the initial seven members that were identified for the taskforce. I just believe and I'm definitely wearing an additional hat. I'm wearing that hat of someone that worked in our diverse immigrant community for more than five years specifically in the Charlotte Mecklenburg area and looking at this list seeing a lot of representation of organizations that are not represented on here and that's where I have a concern as far as it being very corporate, very grass tops and if our ultimate goal is to really reach out to our diverse community, that initial seven is a combination of both but when we go into the 18, I just have some concern about how that's going to look if we're really trying to build something different for our community. But I definitely support the idea if the number is agreed upon by my colleagues to identify four, I think that would be a great addition, but I really just want us to have a conversation before we move forward and we just signed off on saying yes this is the group that we're going to say go out and bring back something good.

Mayor Cannon said very well.

The vote was taken on the taken on the amended motion and carried unanimously.

Bob Hagemann, City Attorney said one point of clarification so we're going back to the question that was almost asked of me. The Council set this up by a resolution adopted in November. What we will do is interpret, and I think it's a fair interpretation of your action just now is an amendment to that resolution to add those four Mayoral appointees.

The resolution is recorded in full in Resolution Book 45 at page 53 to 55a.

ITEM NO. 16: MAYOR AND COUNCIL TOPICS

Mayor Cannon said I know that we have some other topics. Councilwoman Lyles is working on bringing some information back I believe on an item we spoke about at dinner. Until she gets back, are there any items that Council has that they would like to bring up; any topics?

Councilmember Autry said I would without any objection from Council. I'd like to bring up the issue of coal ash and the pond up near Mountain Island Lake that is in local proximity to our water supply. Could we get that issue referred to the Environment Committee? I'd like to know what the long range mitigation plans might be; how the situation might be remediated and what

we could do to help forego the possibility of any kind of situation like we've heard about up in the Dan River in the last week.

Mayor Cannon said do you think it might be better if we got a report first maybe to get that back and then move forward in that direction. Are you opposed to that?

Mr. Autry said that sounds okay. I think if we got it referred to the committee, the committee would receive that report and then come back to Council with any recommendations that may come from that.

Mayor Cannon said but I think your request is so timely that we probably as a collective group need to receive something because it's very important. I know exactly where you are going and before I go further with that I'll recognize Mayor Pro Tem Barnes.

Councilmember Barnes said oddly enough Saturday night the City Manager and I were exchanging e-mails on this issue and the thought I had was it's such in my opinion. A potentially devastating issue for us that it's almost a committee of the whole type issue and I'd like to have a dinner presentation. Something that would involve all of us because if they're not doing the right things around those ponds, that presents as I described, a much greater risk to us than what happened at the Mallard Creek Waste Water Treatment Facility and I am very concerned about what may be happening, or what may not be happening with those ponds in light of what just happened in Eden, North Carolina. So I don't mind it going to the committee at some point but I think we should start with everyone hearing something about what Duke is doing and then determining there from that point what we should do, whether it should be on a committee level or full Council.

Councilmember Fallon said if you recall, I brought this up last year with a report in our Environment Committee. I was very concerned about it and I was shut down and it died there and I was annoyed because truthfully that is a problem, a very big problem and I think we really have to go further now.

Councilmember Phipps said I just want to shift gears and let us remind the community of the Blue Line Extension Transportation and community design workshop that is scheduled for tomorrow.

Mayor Cannon said Councilmember Phipps just hang on one moment. We are going to get to that one. We want to conclude this last item.

Councilmember Howard said I think we can do both. Why don't we refer it to his committee to start making sure that there's no long term effects. I mean right after we get the report. I think we can do both. He just goes on and puts it into committee so we can move forward and to be honest I'd like to even add that I know that the Manager and everybody has done a great job, but we need to probably refer to that committee something about the contamination too and kind of what we're doing and how we deal with those processes in the future. So I'd actually wanted to refer them to this committee.

Mayor Cannon said so why don't we do this then...

Councilmember Howard said what I'm trying to say is to commit the taskforce issue you put in place that would report up to Council through the committee. I actually think we ought to do both.

Councilmember Barnes said I think that coal ash issue is so pressing that the whole Council should hear something about it before it goes to a committee meeting which I don't know when that committee meeting is, but since that happened in Eden, and then the things that happened here on Thursday or Wednesday night I've been really concerned about water quality and safety.

Mayor Cannon said because there seems to be various opinions on it, I'm going to ask that we probably should take a vote on it.

Motion by Councilmember Autry and seconded by Councilmember Howard to refer the issue of coal ash and the pond up at Mountain Island Lake that is in local proximity to our water supply to the Environment Committee at the same time allowing an opportunity for a report to be received to the full body.

The vote was taken and recorded as follows:

YEAHS: Councilmembers Austin, Autry, Driggs, Fallon, Howard, Kinsey, Lyles, Mayfield, Phipps and Smith

NAYS: Councilmember Barnes

Councilmember Barnes said only because of the timing.

Mayor Cannon said so you're not really opposed?

Mr. Barnes said no, just the timing. I think whatever comes we should get it as quickly as the committee gets it.

Mayor Cannon said that would be a 10 to one vote if we go on through with this.

Councilmember Howard said can I follow that line of thinking. I was thinking about this Mr. Mayor and Mr. Manager when you were talking a little while ago. I think the process that we dealt with with the water contamination was great but at the same time, it was different. Having sat here now through a couple of people, Mr. Manager you definitely communicate more than the pas have and it just made me think that maybe there was any opportunity to actually revisit our emergency process and communications planning for the City. If nothing more than just to reeducate ourselves on what it is and to maybe talk about making sure the public knows what that is as well and I've got a brand new committee and I'd love to see if we could maybe refer to Governance Accountability and work through it there.

Mayor Cannon said there has been a motion and I think it has already passed and so with that...

Mr. Howard said I'm asking for a referral on that issue to the committee

Mayor Cannon said is there any opposition? There is a suggestion that it belongs to the Government and Accountability but....

Councilmember Howard said I'm talking about Emergency process and planning period.

Manager Carlee said I don't think that goes to Environmental Committee. I think the Emergency Planning. I think it can go depending on the focus. It can either go to the Governance Committee looking at the roles of Mayor, Council and Staff as an organization, how we organize and respond to emergencies and part of that is responding to the public. There is a larger emergency management piece of it that we had talked about being part of the Community Safety Committee as well so both of those are legitimate.

Mayor Cannon said I don't have a real problem with it going to Councilmember Howard's committee.

Manager Carlee said and specifically as to which and as it relates to the actual City's plan and the execution of it, I would see that as the more appropriate committee and some of the larger public implications I think would slide into community safety.

Mayor Cannon said so we'll begin to go ahead and tie it into Councilman Howard's committee and work form there. Councilwoman Lyles welcome back.

Councilmember Lyles said this afternoon the City Council Transportation and Planning Committee had a meeting on the proposed noise walls that are being planned for I-77 High Occupancy Toll Lane Project and the staff is working very very hard and working in conjunction with the North Carolina Department of Transportation and there are three segments of noise

walls that are planned to be constructed and has some immediacy need because of the bid process. The first section is in the area of Sunset Boulevard north of I-85. The second section is South of I-85 in what I would call the McCrory Heights area, closer down to Johnson C. Smith and the third area is in the uptown and Fourth Ward area along I-277. The staff presented a lot of information about the work that has been done. The Committee in its deliberation looked specifically at the three segments and the decision making by the State Department of Transportation and the City Staff working with them and made a recommendation to the committee. On the section by Johnson C. Smith the committee recommended that the staff continue to work with NCDOT to help design the type of wall that will be built along that section of the highway. So in that area as you remember back in the late 90s when we did a lot of work over in that area to rebuild that neighborhood, we put in a visual wall, about an eight to 12 foot wall. The new wall would be built and constructed gauging the right of way anywhere at a starting point but between 12 feet and 75 feet from the existing wall and we want to look at the design of that. The committee expressed the concern about maintenance and security and safety in that area. On the noise walls around Sunset Blvd, that is going to continue the existing concrete walls along there and there was no concerns expressed in terms of maintenance and security and just an acknowledgment that that wall would continue to be constructed. Now in both of those cases, the NCDOT had sent out ballots to the affected communities which are residential communities, not commercial or industrial and noise walls were supported. Where the committee had a further discussion

Mayor Cannon said supported by the community?

Ms. Lyles said by the voters that were asked whether or not they wanted noise walls. Now how they determined that, if I can get this correctly is that they determined it by a modeling situation based on your actual location in proximity to the highway construction and the impact of the noise as a result of the highway construction and the staff does have counsel on how many people that includes and we particularly had that count for the uptown area. So before I go on, we've got the two sections that the committee recommended. The Uptown area, there would be three noise walls planned in that area and the ballots to the affected property owners which I think there are 67 properties and over 100 voters, that was mailed out on February 3rd and those ballots are due back on February 21st. The committee recommended that we put this on the agenda tonight. The committee recommended that the Council send a letter to all of those persons receiving a ballot expressing the concerns that the Council has had and I have a draft of that letter and I'd like to read it and I think we have copies so that you can look at it. I'm just going to read it in its entirety and it would be sent those property owners or tenant.

Dear Property Owner or tenant:

As a result of noise analysis conducted by the North Carolina Department of Transportation over five miles of new noise walls are being proposed within the City of Charlotte as a part of the State's I-77 High Occupancy Toll (Hot Lanes) Project. Per NCDOT policy (which we will write out again) impacted property owners and tenants are allowed to vote "yes" construct the walls or "no" do not construct the walls. Final ballots were sent the week of February 3rd and are due back on or before February 21st 2014. Council has considered the walls and views them as having a negative impact on the visual appearance of Uptown. If you vote yes, you will be voting to install up to a 22 foot noise wall. If you vote no, the City will work with the NCDOT to identify appropriate buffer screening for areas impacted by the freeway widening.

Councilmember Lyles said and we would recommend this letter with cleaning up hopefully expressing the intent of the committee. It was a unanimous vote to bring this forward tonight to express this intent. I would also like to say, we were fortunate to have the NCDOT Engineering Staff leader as well as the Chair of the State Transportation Board attend our meeting and with that I would like to ask if I missed anything from the committee members. Any comments?

Councilmember Austin said this is only going to those communities along 277 correct, because the other communities have already voted. It would go to 67 properties plus 25 properties so about 100 properties.

Councilmember Austin said I also just want to point out that Staff and myself have been going to these meetings with all the community leaders ever since November and the messaging that

we've been trying to give those residents affected in the community has been to vote no against the noise walls. So that's been going on for quite some time. I also want to recognize Deborah Campbell for her great work along with Ed who has also been working very hard to communicate that out to make sure that those walls are not built. They've had some great presentation which kind of shows the wall as it relates to the uptown area so I think this would be an added plus as well.

Councilmember Kinsey said I certainly agree with Mr. Austin. I think we have to make sure that people do understand this would totally block the view of our Uptown coming in from North Tryon or 277 the Fourth Ward area and Uptown. So I want to make sure everybody understands this is the only area that we're addressing right now. Also the way that NCDOT has this set up is really working against us as an urban area because only a few people will be voting on this making a long term decision. Those walls will never come down if they go up and that bothers me a great deal and some of these people quite frankly are renters. They may be in Alabama next year working so I think we have to understand that this would be a small number of people making a really important decision for our City.

Councilmember Austin said just another quick point. In our word-smithing of this letter, we need to spell out that they still need to actually vote because even if they don't send it back that really means yes so they've got to actually vote to vote "no." They can't just not vote at all.

Councilmember Lyles said I should have said read, "If you haven't cast your vote, we encourage you to do so" and I think that's to Councilmember Austin's point, we should say that we encourage you to do so since a non-returned ballot vote counts as a yes. So we should include that sentence.

Councilmember Smith said the committee really struggled with the convoluted voting system and point allocation of how they arrive at this and we really did as a committee struggle with this, and we did make some requests and I believe the panel that we are working on trying to see if we can work with the State. It may not happen prior to this but work with the State to have a slightly better policy that is more favorable to some urban areas and it was admitted I felt by the State that suburban areas is what the policies are for, not coming through uptown Charlotte.

Councilmember Howard said just to move us along. I wanted to know Mayor if you wanted to present a motion on this or are we going to do an acclamation and I was going to say what Councilmember Smith said, that I think that staff if you need something from us to go to the State to say that we'd like this to be addressed in the future should we do that now or do you want to wait and bring that back to us at the committee?

Manager Carlee said yes let us bring that back to you. The State has been extremely cooperative. They recognize that this may not be quite the right thing here. We didn't want to confuse the situation more so we've been having that conversation and would be happy to bring something back to you and they have been very positive in working with us and have reached out to us proactively.

Motion was made by Councilmember Howard that this letter goes out either from the Mayor or City Manager.

Mayor Cannon said is there any opposition. Okay, then so yes.

Councilmember Driggs said sorry not opposition. May I say something?

Mayor Cannon said well let's see, do we have a motion then.

Councilmember Lyles said we have a motion from or a request from the Transportation Planning Committee and move that we take the action to send out this letter to the people receiving the ballots from the North Carolina Department of Transportation concerning this issue.

Mayor Cannon said we being the City Council, we being.....?

Councilmember Howard said are you comfortable doing it? If not, it should be the City Manager.

Mayor Cannon said no I'm not comfortable doing it only because I have some real concerns about the status of this whole thing. The blockage; I want to know what other buffer slash screening means and I don't know what that is and so there's no way I can really sign onto something that I don't have more detailed information about.

Councilmember Barnes said we recently signed a sheet to our legislative delegation in Raleigh and Washington. Can we just copy that sheet and attach it to this letter? You've already all signed it.

Mayor Cannon said is my name on it?

Councilmember Barnes said we can delete you.

Councilmember Lyles said I don't recall. I remember the list but I just don't recall if your name was on it.

Mayor Cannon said you remember the list. My name is on it. My name is on the top of it.

Councilmember Barnes said we can put a sticky over it. (joke)

Mayor Cannon said I'll tell you what. Let the vote be as it is coming from the Council and we will just take an up or down vote on that.

The vote was taken and carried unanimously.

Mayor Cannon said so we'll get that letter Councilwoman Lyles in a way that is acceptable and so I'll continue to deliberate over it. This is just tough I think and I just want to be conscious that we aren't doing anything against our City.

Councilmember Lyles said I just really want to express the cooperation going on this project. I think everyone in the system is really looking and saying how we can do this better. I want us to be reminded that this road is going to be expanded from Mooresville to the South Carolina line. It's not going to be the first time and I think people now have a time to pause and we can work together and in cooperation. And I do believe that the State has the best of intentions of going forward in a way that hears from the community, hears from the City officially how we feel about that, so I want to say that we'll look forward to the next set as the designs come forward.

Mayor Cannon said indeed.

Councilmember Phipps said finally I wanted to remind the community about the Blue Line Extension Community Workshop Transportation and Design Workshop scheduled for tomorrow, but it may not happen because of the weather, but if it does its going to be tomorrow from 4:30 to 6:30 at the Oasis Shriner Center at 604 Doug Mayes Place next to the University Sam's Club. That's one of two workshops that we are going to be having in the next 30 days so come on out if weather permitting tomorrow night for that workshop.

Councilmember Smith said weather permitting there is a basketball game on Wednesday night that I would like to wish the Tarheels the best of luck against the Blue Devils.

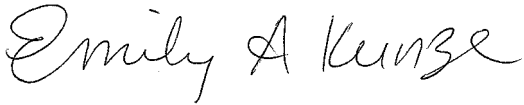
Manager Carlee said I just want to reiterate the most important part of my report tonight on the weather forecast. Follow it closely. It's been changing and it will continue to change and so get up early in the morning and check for the latest results of the forecast because it has not been stable in the movement. We could have a little bit of snow overnight is the latest thing I'm getting as we're sitting here. Again the temperatures are high and we're out treating so at this point we still don't think it will be disruptive of travel tomorrow but pay close attention.

Mayor Cannon said so potentially chilly, fire logs, stay at home, and black and white movie.

Manager Carlee said unless you are part of the response team.

Motion made by Councilmember Driggs and seconded by Councilmember Austin to adjourn the meeting.

Meeting adjourned at 8:24 p.m.



Emily Kunze, Deputy City Clerk

Length of Meeting: 3 Hours and 08 minutes
Minutes Completed: February 25, 2014