

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, March 24, 2014 at 4:08 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.

Absent Until Noted: Councilmember David Howard

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## **DINNER BRIEFING**

### **ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

Mayor Cannon said we have several items we will want to cover this day. One Assistant City Manager, Eric Campbell is here to be able to find out from any members of the body if you have any consent items that need to be pulled. Are there any? Hearing none we will continue to move to item number two.

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### **ITEM NO. 2: RIVERBEND STEAM STATION COAL ASH DUE DILIGENCE REVIEW**

Mayor Cannon said council you all recall that on March 13 2014, Duke Energy and Charah, Inc. invited the City of Charlotte to conduct a due diligence review of repurposing Riverbend Steam Station Coal Ash at Charlotte Douglas International Airport. Duke Energy and Charah, Inc. will present their requests to us this day and also in addition, the Catawba River Keeper will be presenting their perspective on coal ash to provide a more complete picture to the Mayor and Council on this particular item. Pretty much the issue surrounding coal ash repurposing itself and then finally, staff will present an overview of what actions have been taking place to date and then the City Council, you will be asked to provide direction to the City Manager on how to proceed regarding this request. Now since coal ash has been referred to the City Council Environmental Committee, which Councilmember Autry chairs, the members will be kept updated of course during this process on the review and how things will be going through that process. With that said, Mr. Manager I believe you have Assistant City Manager Hyong Yi here; anything further?

**Assistant City Manager Hyong Yi** said I just wanted to tee this up by offering a few opening remarks. Once we got the proposal and as we have been thinking about the proposal over the last couple of weeks leading up to this dinner briefing, there have been two primary considerations that the Manager has made very clear to staff that we need to keep in mind as we go forward with doing the due diligence on this particular proposal by Duke and Charah. The first is that we need to keep in mind the environmental considerations and that the City of Charlotte will only do this if it makes environmental sense to do this and if all the environmental stakeholders are in support of this particular proposal. The second consideration that you made very clear to staff to keep in mind is that we are only going to do this if it makes economic sense for the Airport to be a participant in this and if it fails to meet either of those two criteria, that we're not going to do this but most importantly he made it very clear that the environmental concerns were paramount to him as the Manager and that he was very in his direction to us and so I wanted to offer that as the context for what you are about to hear from Duke and the River Keeper and with that I would just ask Duke representative and the Charah representative to come on up and deliver the proposal.

**Dave Mitchell, Director of Environmental Programs, Duke Energy** said Duke Energy and Charah are here today to talk to you about an opportunity to explore a coal ash structural fill at Charlotte Douglas Airport. Coal ash has certainly been in the news an awful lot lately. I'm sure that you've gotten a lot of questions from the public and I'm sure you've gotten a lot of questions yourselves. One of the key questions has probably been "what are we going to do with all the coal ash?" and that's an answer that we want to explore further here today. We believe we have a good solution in a project that involves a coal fired power plant that sits on Mountain Island Lake right here next to Charlotte. For approximately 80 years, Duke Energy's Riverbend Steam Station has provided the power that has really been a strong contributor to economic and other

growth in the region. There is a lot of coal ash that's been generated over all those years of energy production. Duke Energy and Charah; Charah is a company that specializes in coal combustion byproducts management, are here to explore an option with you to look at moving all the coal ash from Riverbend to a fully lined engineered structural fill at the Charlotte Douglas Airport. For about five years, Charah has explored a similar airport project along with Duke Energy at the Asheville Airport. This successful project has established acres of graded stable land that's used for potential future development in the Asheville Airport region and it's a result of using state of the art fully lined engineered structural fill techniques. Those techniques have been highly regarded by both local community and by the environmental protection advocacy folks. There are several benefits to this project. One benefit is that we would be able to transfer 4 million tons of coal ash from Riverbend Steam Station that currently sits in unlined ponds to a lined engineered structural fill project with a waste water collection system. The second benefit with this structural fill would provide is stable graded land for future development at the airport and the project would be based on a very successful model that's been implemented at the Asheville Regional Airport. A few background information on the project predominantly Riverbend Steam Station was retired in the early part of 2013 so it no longer continues to operate. What we're asking for today is to pursue due diligence. That again, would look at moving all the coal ash from Riverbend Steam Station to a fully lined engineered structural fill project. We think this project would be environmentally, scientifically, technically, and physically sound.

Councilmember Barnes said I wanted to ask you a question about the previous slide. The first bullet point references the engineered structural fill system that's lined. I want to talk to you about the waste water collection system because it strikes me that one of the concerns that a number of people have and one of the concerns I have is the whole issue of certain toxic chemicals being released into the water supply or into the ground by way of a waste water collection system. So what would be the nature of that waste water collection system and what would be the assurances or safeguards that it wouldn't leak or breach?

**Councilmember Howard arrived at 4:16 p.m.**

Mr. Mitchell said that's a good topic. That's a topic that Charles Price with Charah has included. He has a nice slide and a few more slides that outline the structure of the structural fill so to speak in a waste water collection system. The predominant benefit is collecting that water, not allowing it to be transported into the ground or into the ground water and being able to manage that water and I think that will be the purpose of his discussion.

Mr. Barnes said okay I'll wait for it.

Mr. Mitchell said I have a bit of information on coal ash: 10% of the coal consumed in power production is turned into ash. Duke Energy continually explores beneficial reuse projects for this ash and that's an opportunity to safely recycle coal ash as a byproduct. The company reused approximately 67% of all the ash generated in North Carolina in 2013, either through onsite or offsite projects and also through the manufacture of concrete and other products. With that I'd like to be able to turn it over to Charles Price who will talk about the current project.

**Charles Price, President and CEO, Charah** said this is Scott Sewell, our Chief Operating Officer. Charah is a privately held company based in Louisville, Kentucky. My wife and I started the business 26 years ago and named it after our children Charles and Sarah. We're dedicated to providing the power industry the highest quality performance with total safety and environmental compliance. We currently manage over 50 long-term ash management contracts at 34 power plants in 18 states. We manage over 16 million tons of coal ash annually. We've been working in the Charlotte area since 2001. We have eight active projects in North Carolina. We have 120 employees in the state and we've been recognized by the North Carolina Department of Labor for their Gold Certificate in Safety. Scott Sewell's going to come up and go over the technical aspects of the project.

**Scott Sewell, Chief Operating Officer, Charah** said as Dave referenced earlier, we will be taking the ash out of the unlined ponds at Riverbend and moving it to a fully lined engineered structural fill design at the Airport. Now recently I've seen in several places references to the coal ash burrito. This design is the full definition of that coal ash burrito. We employ the best

practices, materials and technologies to accomplish our fully lined engineered structural fill and this solution currently exceeds the current standards and will be fully compliant with the proposed regulations as they come out in the future. If I can, I would like to start from the bottom of the cross section here and work my way up so we start with the soil subgrade that will be at the bottom of the fill and then we've also this evening to help bring life to the cross section, brought samples of the materials that we will be using from a liner perspective. I'll start these around both sides. So I left off at the third subgrade. The next layer is our clay liner which is the section that you guys have here will be on the bottom; its equivalent to three feet of clay. Moving up to the base liner, which is this piece here and then above the base liner we'll have our drainage layer which is this geo-composite layer here. After we put the drainage layer in, we'll go ahead and we'll run perforated collection pipe to answer the question about the waste water. Through the base of the fill after the piping is in place, we'll then start to bring up the ash fill in varying depths depending upon the site location. Once the ash gets to final grade, we'll go ahead and we'll bring the cap liner in and after the cap liner, we'll go ahead and add six feet of compacted soil and at that point in time, the area will be ready for commercial developments. So I know it's a little hard to follow in that configuration. In these circumstances we find that pictures best demonstrate what we're trying to explain here with the cross section. So where the cross section up here on the tripod and I'll go ahead and flip through some additional slides here that show this actually working out in the field.

Mr. Barnes said so Mr. Sewell are you going to address the question about the waste water collection system?

Mr. Sewell said yes, the waste water collection system is a series of piping throughout the floor of the cell which will collect any of the contact water and that system we are proposing to be tied into the public sewer system and handled with CMUD and we'll develop more of that as we move through the due diligence phase of the project.

Mr. Barnes said again, this is the first time I've heard your presentation but what I think I just heard you say is that you will be introducing all the chemicals and poisons and hazardous materials that you're trying to keep out of Mountain Island Lake into our sewer system to be treated by CMUD.

Mr. Sewell said we will be tying it in with the waste water treatment plant and we will work that through with Barry Goldstein in CMUD.

Mr. Barnes said and so Mr. Gullet, if you are here sir? So just again, the first time I've heard the description of the system. Would pumping or carrying this sort of waste water through our system be unusual compared to what we do now?

**Barry Gullet, CMUD** said we don't know the answer to that yet that is part of what we will be looking at in the due diligence period.

Mr. Barnes said does it strike you as odd?

Mr. Gullet said I understand other cities are doing it so we'll take a look at it.

Mr. Barnes said is it something you do now?

Mr. Gullet said there are a number of different waste streams that come to waste water treatments plants from businesses and industries and different types of uses, so we just have to understand what's in the water and what the volume is and that will help us decide if its going to have any impact on the waste water treatment plant or the environment.

Mr. Barnes said okay and will you be doing that due diligence before we continue to move forward with this?

Mr. Gullet said it will be part of the due diligence.

Mr. Sewell said and to answer the question, if it's been done previously, it's a current method by which we are using in Asheville right now to handle the water there. So during the due diligence process, we will evaluate it fully.

Mr. Barnes said okay thank you both.

Councilmember Fallon said have you ever done studies of the vapor, the air above this, what's in it? What does it contain? Is it toxic?

Mr. Sewell said as part of the process we will be doing studies not only based on ground water, on air, on the geotechnical aspects of the project, traffic studies—all of that will be included in our environmental due diligence part of the project.

Ms. Fallon said have you not done it before for other projects?

Mr. Sewell said we have for other projects yes.

Ms. Fallon said and?

Mr. Sewell said it's not toxic. Your question was about is it toxic? No, but we still have to go through the due diligence process.

Ms. Fallon said what happens as it degrades will that change things?

Mr. Sewell said excuse me, I'm sorry I couldn't hear.

Ms. Fallon said eventually, like concrete blocks, everything degrades. Will that throw something in the air as it degrades?

Mr. Sewell said no ma'am. This is a fully encapsulated system so it will be like the phrase we used before the burrito; it will be fully encapsulated within this liner system so if there were something to get in the air, it's impossible with the liner system and then the six feet of dirt on top of that. Am I answering your question?

Ms. Fallon said well I know you make concrete blocks out of it. Those you don't contain right?

Mr. Sewell said yes.

Ms. Fallon said have you ever done studies about those as they degrade. Are they toxic in the air?

Mr. Sewell said not that I'm aware of, no. But that's a completely different process.

Ms. Fallon said thank you.

Councilmember Austin said I want to kind of go back here a second and maybe this is going to be further in your presentation, but speak to me about transporting the coal ash from the ponds. How are we going to mitigate that kind of dust getting into the air and getting into people breathing and those sorts of things and what are the effects of that on people and residents in that district?

Mr. Sewell said that's a great question. That's my next slide actually. So thank you.

Mr. Austin said okay.

Mr. Barnes said here is the one question I would have and you guess you may have never done this at one of these projects. Have you given any thought to the feasibility of treating the waste water on site before the water goes into our sewer system? In other words, to collect all of that what we've been hearing is bad stuff at the site and then discharging cleaner water into the system?

Mr. Price said I think that that would be part of the due diligence process and we would look at that as well.

Mr. Barnes said I would appreciate that.

Mr. Sewell said yes absolutely. As far as transportation's concerned and again, the next series of slides is going to be a kind of picture representation of the phasing of the project. Obviously transportation is a major concern. The way we envision the project, trucks are going to be loaded at the Duke facility. At that point in time they will be covered with a tarp and then run through a wheel wash system to make sure that no mud or stone is tracked onto the highway. After they're washed, they'll be inspected and then sent onto the road for travel.

Mr. Austin said and so you still have to get it to the site and dump it correct?

Mr. Sewell said correct.

Mr. Austin said and so wouldn't that cause dust that would get captured and maybe I'm getting too deep, I'm sorry Council I'm concerned about citizens and breathing whatever air we have because you've still got to dump it on the site unless you're going to try to dump and cover the site. Talk to me about that?

Mr. Price said no, the ash will transported somewhere around 20% to 22% moisture which is optimal for placing in compaction. At that moisture, the ash does not get airborne and so when you dump it on the site, we show a couple of slides here. You don't have a dusting issue when you transport it at the right moisture content.

Mr. Austin said and this is what you did in Asheville.

Mr. Price said yes sir, it's what we're doing in Asheville now.

Mr. Austin said are there other sites beyond Asheville that you're doing this or Asheville's your first time doing this?

Mr. Price said Asheville is the first site that has a fully encapsulated ash engineered structural fill. We manage 16 million tons of ash in 34 different power plants and it's all managed at a moisture content. Dust isn't allowed on these power plant sites so it has to be managed at a moisture content where it does not get airborne.

Councilmember Autry said can you explain to me what you mean by fully tarped? Are you just pulling the tarp over it and holding it with bungee cords or is it really capped off and there is no possible way that anything in the bed of that truck could fly out like the stones that break my windshield on the highway or anything.

Mr. Sewell said no the tarps that we will use will have a set of rails that run down the top of the bed of the truck.

Mr. Autry said like a tandem cover.

Mr. Sewell said correct and then it will pull directly back so it's not the ---I think a lot of you have seen like the one you described throwing rocks onto your windshield, kind of that mouse drop tarp cover that's kind of flappy flimsy thing. A different set of tarp system is what we'll be using.

Mr. Autry said when you're washing the truck it looks like you've got some sort of water containment system that you're using with. Does that water stay and is reused or do you try to deal with contaminants as you're washing off of the truck at the site or help me understand a little bit about that.

Mr. Sewell said it will be a combination of that. It'll be without in our water plan for the site so some of that will be reused onsite and others will be handled in the same fashion that the waste

water will be handled out of the contact water collection system. They will all be tied in together.

Mr. Autry said and this looks like something that you've constructed for this purpose. Correct or is this something that you can go and buy off the shelf?

Mr. Sewell said you can buy off the shelf. It's a standard system you'll see at construction sites all over the country especially when folks are tracking mud in and out from different places. It's a very common off the shelf water system.

Mr. Autry said and so part of the due diligence is about what happens to that water? How much contamination can the water sustain before it has to be replaced, etc.?

Mr. Sewell said absolutely and I'll be handling our full due diligence and our design package of how we handle all water onsite.

Councilmember Driggs said I have a couple of related questions Mr. Mayor. We've been hearing about 2.7 million tons of ash and you made reference there to four million tons of ash. I'm just wondering what that discrepancy is.

Mr. Sewell said I don't know if it's necessarily a discrepancy. They referred to previously 2.7 million of ash actually in the pond at Riverbend and somebody from Duke please step in if I get this wrong but there is also additional ash on site that's in dry structural fills out there that they will be planning to remove as well.

Mr. Driggs said so in fact there is 4 million tons of ash at the greater site.

Mr. Mitchell said that's right there is a little bit over 4 million tons of ash. I don't know if we want to go back to the slides on that but—right there, the two sub bullets under the second bullet shows 2.7 million tons of coal ash that are in the two basins; there's a primary and a secondary ash basin and then there is an additional 1.5 million tons of ash. Scott said it was stored in a dry manner within the drainage boundary of the ash basins so that combination or approximately 4 million tons of ash would be what we would intend to relocate from Riverbend to the Charlotte Douglas Airport structural fill.

Mr. Driggs said how much does one truck hold. One truck load—how many tons is that?

Mr. Sewell said one truck load will handle—and again, we're still in the planning phase of exactly what trucks we're going to use. But it will be somewhere between 18-25 tons per truck.

Mr. Driggs said right, so we have considered or will consider how many trips that represents, what the impact is on traffic, what the damage might be to the roads from all those trips—I mean its hundreds of thousands of trips right? Maybe 100, that depends exactly on what the tonnage is per truck but that's part of our due diligence so have you considered that in your proposal?

Mr. Sewell said that is absolutely part of our due diligence. You're correct.

Councilmember Phipps said what's the useful life of the components that were just passed around to us?

Mr. Sewell said hundreds of years and we've got documentation from all the EPA and everybody else that that's the expected lifespan.

Ms. Fallon said when you say in-fills and the 1.5 million, where is it? It's not in the basins. Where's in-fills? What are in-fills?

Mr. Mitchell said dry fills are stacked within the drainage area of the ash basins and so they were excavated from those ash ponds years prior to make additional room to be able to manage the ash in the basins themselves. So any drainage from storm water or rain water would come down into the ash basin and be managed prior to our permitted water outfall. So there is dry storage of ash that was previously removed from the ash basin.

Ms. Fallon said are they contained?

Mr. Mitchell said they're mounded on a flat surface. They are very similar to what we would call an inactive ash basin; an ash basin that had water in it years ago but then was filled to capacity was dewatered and sits in a dry state usually with natural vegetation. These ash fills are very similar to inactive ash basins.

Ms. Fallon said are they leaching into the ground?

Mr. Mitchell said they are within the drainage area of the ash basin itself so all the drainage comes back to the primary and secondary ash basins and the charges are exited through our MPDA water permitted outfall.

Ms. Fallon said are there vapor barriers under them or are they just there.

Mr. Mitchell said they are just located on the ground within the ash basin.

Ms. Fallon said holy cow.

Mr. Mitchell said Duke Energy has done ground water monitoring at some plants for decades and most recently we've had added ground water monitoring at all of our coal fired power plants around the active ash basins and so the ground water monitoring that we have at Riverbend would be able to include any potential ground water impacts from these types of fills.

Mr. Driggs said I'm interested to know who is responsible for any liability arising from environmental damage. Duke Energy had a spill at Dan River and I believe it has publically accepted responsibility for cleaning that up. In this case, during the actual transportation period, does Duke remain liable for any environmental damage and subsequently when the coal ash is at the airport, does the City assume liability for any environmental damage that could arise from it being there?

Mr. Price said that would be part of the due diligence as well. In our contract negotiations with the City, Duke will transfer title to the ash once we load it into our trucks and transport it to the airport. The title would transfer to Charah and we would be responsible for the transport of the ash and the safe handling of it.

Mr. Driggs said in which case does that liability actual attach to Charah or does Charah have insurance or bonding or other good credit sources for any liability it may incur as a result?

Mr. Price said we would have good insurance that would back that up. Yes sir.

Mayor Cannon said taxpayers need to be held harmless. I hear you.

Mr. Austin said there are I think thousands of these coal ash ponds around the country. Is this like the best resolution for this environmental impact or are there other ones and maybe staff—this is one and maybe staff is giving another. But can you speak to that?

Mr. Price said it's a great solution to take ash from an unlined area and put it into a fully encapsulated engineered field where it does have benefits and the community can benefit from that. There's a lot of ash that's beneficially used annually in the making of concrete and wallboard and short of that, to fully encapsulate it is a really good option for it.

Mr. Austin said so how much ash did you move in Asheville and how long did that take or how long is it taking?

Mr. Price said we will have moved 4 million tons in Asheville and it has taken about five years.

Mr. Austin said so we're moving four here.

Mr. Price said about the same size project here as in Asheville.

Councilmember Howard said this is an innovative way of handling this, that's for sure and I think the cost savings means that we should at least give it some real due diligence for sure. But my concerns are around if you've done this before and especially if we're talking about using this in combination with our Airport, what federal agencies have to say about this. It would seem like to me and I'm sure I'll hear from the Airport folk in a little bit about what FAA has to say about it; but what about the EPA? How did you get the EPA comfortable with the way that you've handled these in other places and by the way, Asheville is the only place that you've referenced so far? Can you give us other references of where you've done this airports and I'll tell you why airports matter to me more than just any other place. So that's the first thing. I have a couple of follow-ups. So other examples other than Asheville where you've done this because you know we could argue that they don't get nearly the traffic that we do so that's one thing. And then what has the EPA said about this in other places? What kind of approvals have you had to get from them to do this in Asheville and any place else?

Mr. Price said right now the regulations do not require ash engineered fields to be fully lined so Duke and Charah, when we started the ash fill project five or six years ago and decided that if ash was going to be beneficially used in a engineered field that it would be totally encapsulated. If you ask the EPA do they support these type fills, the EPA supports totally encapsulation of the ash. The Asheville Airport is the first one and to my knowledge the only one that's been built to this level of detail.

Mr. Howard said so I guess the answer to the first question is that Asheville is the only airport that you know of that you've been involved in where you used it on an airport property

Mr. Price said no, ash has been used on airport properties for fill in the past just not fully encapsulated with a liner and the way we're doing the ash fill and the way we propose to do the one here in Charlotte.

Mr. Howard said okay let's stay with that for second; so in using other airports to do what?

Mr. Price said to do structural fills there is one in Business Meeting & Budget Public Hearing, Pennsylvania that used ash for a large engineered field years ago but I don't know the details on that project. I was not involved with it.

Mr. Howard said the only one that you guys have been involved with is Asheville.

Mr. Price said yes sir.

Mr. Howard said the EPA seems like would play into that conversation in Asheville because its Federal monies used at airports so what was the relationship with EPA in Asheville? What kind of approvals did you have to go through?

Mr. Price said do you want to answer the approval process? I don't know that we've went through any specifics with EPA.

Mr. Sewell said there was not a specific EPA approval process for that project in Asheville.

Mr. Howard said is that because there was no Federal money involved with where you put the ash.

Mr. Sewell said no, we use a reuse permit that Duke holds for the State of North Carolina through NC-DOT is how the project was permitted.

Mr. Mitchell said the EPA does not normally regulate a project like this or the program would be delegated to the State of North Carolina Department of Environmental Natural Resources. It would be regulated and then you would pull another regulator if you have potential impacts to streams or wetlands, the Army Core of Engineers may be involved. You could speak to the FAA better than I could but the majority of the states have got a permitting authority over these kinds of structured fills.

Mr. Howard said is this a picture from Asheville I take it?



Mr. Sewell said yes.

Mr. Howard said was there a runway put on top of this?

Mr. Sewell said there will be a taxiway, a parallel taxiway. We will start construction at the end of this year.

Mr. Howard said I guess I'm kind of surprised—so I guess we'll hear from the airport later. Should I wait?

Mayor Cannon said yes that might be best because we have another summary to go through with the threats posed by the mismanagement of coal whether it is through water, risks all different types. So if we could hold that.

Mr. Howard said my question had to do with the whole reason for going down this line is that we need a fourth parallel runway. From what I understand, the majority of that money will come from the Federal Government and if the majority of the money is going to come from the Federal Government, I would think all Federal agencies would care about kind of what the fill and what the construction of this. That's where I'm going with that and the reason I asked about whether or not it was used for runways is because arguably, we get a lot more traffic on our runways and the weight and the pound and all those things that would be a little different from Asheville and some other places, it would seem like that would matter not only to the integrity of the construction but to the problems that it could cause to the liner underneath it. That's where I'm going with that and I'd love to get the airport when they come up, their feedback on that.

Mayor Cannon said I heard you say something that I might have to correct but Mr. Manager.

**City Manager Ron Carlee** said that's why the due diligence process that we'll be going through, so we have notified the FAA that we were looking into this use and we will be coordinating with the FAA during the due diligence process. So all those questions you just identified would be answered during this period.

Mr. Howard said a different direction real quick Mr. Mayor—I also understand and I asked Hyong when we were talking about this; I understood that we've used coal ash for fill ourselves in the city for potholes and that kind of thing. I think it would be good for us as a body and if I'm wrong about that, somebody correct me; I heard that UNCC had helped us figure out how to use coal ash to help with filling potholes, kind of what that experience has been for city. So do we know if that in fact happened? I heard that from UNCC.

Mr. Carlee said I am not familiar with that. I will certainly get an answer to that question.

Mr. Howard said I don't think Danny is here but Liz may be here.

**Jeb Blackwell, Engineering & Property Management** said I believe we have in some concrete material; I'm not sure about potholes, but we can check.

Mr. Howard said but we've used it?

Mr. Blackwell said I think we have yes; but we'll verify that.

Mr. Howard said where we've used it before should be part of this conversation and what our experience has been with it. So that's why I wanted to bring that up.

Councilmember Smith said I have questions for the Manager. I've heard reference to the due diligence period several times. What is the length of the due diligence period? Are we comfortable that we will be able to get all of our questions answered during said timeframe and at any point during that if we are not comfortable, do we have the ability to terminate the relationship?

Mr. Carlee said yes sir. We will be refining the actual timetable. Let me see Hyong Yi, do we have a ballpark on the timetable?

kmj

**Assistant City Manager Hyong Yi** said we were hoping to have this done within the next 60 days or so.

Mr. Smith said so 60 days due diligence to answer all these questions or 60 days to decide to move forward into the due diligence period?

Mr. Carlee said we would need a full 60 days I think minimally to go through the due diligence period given the number of questions that we have. Again, we have to have for us to recommend to you to proceed with the project; we have to have unambiguous answers with regard to whether or not this is environmentally sound and whether or not it's financially sound for the airport.

Mr. Smith said we feel comfortable within 60 days we can answer?

Mr. Carlee said if not then we would look for an extension.

Mr. Howard said study how? I mean are we talking about a University, a consultant, UNCC—

Mr. Carlee said we have a staff presentation a little bit further so maybe if we can get through those and then any guidance from you at the end would be helpful and that will help set us forward in how we proceed.

Councilmember Mayfield said as we're getting information back and we're having this conversation, I would really like to know what are the other infill options outside of moving forward because of course there is a major concern from the community regarding using this toxic product especially when we do know that just the impact of our water has more than an a ten year on it. So for the City to be invited to this table, I would also like to know if we are conversing with any other organizations for the disposal of the ash or is this energy sense—again we were invited to this table to come with a proposal. What are other options or inquiries are Duke doing outside of looking to the City to move forward with this particular option.

Mr. Carlee said this would be a question appropriately addressed to Duke. From the City's standpoint, we're specifically looking at the effectiveness of using it at the airport and the cost benefits around that versus any environmental risk and so the City itself is not in the process at this point of examining any alternative use for the ash.

Ms. Mayfield said so the only use that we're looking at right now is potentially at the airport. While you're looking at this due diligence time period, if we were to move forward, what is the point of that process where the community is involved because we have a number of residents that live close to the airport? They have some very real concerns regarding if we move forward and there has to be a process for those concerns to be addressed with as much transparency as possible to make sure that the community is comfortable because I understand there's the potential of saving money but to what costs are we saying we're willing to save money?

Mayor Cannon said I think Mr. Manager, and Councilwoman Mayfield, and everyone else represented that you hit on several things that will have to be a part of this. One is identifying timeline. The second is process. The third would be the stakeholders who would be involved in this, folks who live in and around the community, and then there would have to be a reaffirmation back to the City Council in terms of how you wish to proceed relative to this. So if I have that right that's typically how it's happened in other locals. I'd imagine that's the way it would happen here. Is that correct?

Mr. Carlee said that's correct and I expect there would be opportunity early on for community input during the due diligence period and if the Council were to proceed, I would expect considerably more community level interaction subsequently.

Councilmember Austin said just piggybacking on the community engagement involvement. Tell me what happened in Asheville because what I got was a sense that many of the residents in the area didn't or were not aware of what was happening at the airport nor the importance, or the gravity of what was happening with the coal ash and what that meant. Can you speak to how you worked through that process with the community and was that prior to and what was the reaction from your perspective from the community?

Mr. Price said we did reach out to the community early on and we sent out letters of information that the project was getting ready to start up and the haul route; what the hours and the travel days of the haul trucks and then had contact information for them.

Mr. Austin said hold on for a second. You said you sent out a letter telling them when it was going start. What was happening? Was there something that happened prior to that?

Mr. Price said in Asheville there wasn't. We made ourselves available that if the community—and we started out with the community outreach with information on the project and then made ourselves available to answer questions and concerns about the project. It's a lot smaller. The haul route in Asheville is less than a mile and we had a really really small group--the outreach was not nearly as significant as it is here in Charlotte so we did a different approach and we'll do the town hall meetings and a much more robust outreach here in Charlotte during the due diligence period.

Mr. Driggs said I'm interested in some other aspects of this proposed transaction. I think the way it was described to me as an element of a quid pro quo here in terms of providing land for the disposal of the ash and the Airport getting the benefit of the fill, have we done any analyses yet on what the comparative value of those things are? Is this meant to be a straight up swap or how do those terms work and I guess the other part of my financial question is there has been some discussion about the actual incidents of the costs of this whole operation and whether it flows through the rates and I guess I'd be interested to know who makes that determination in fact. Where is the decision made as to whether this actually does flow through the rate payers and do we have any preliminary ideas on these financial dimensions.

Mr. Mitchell said are you speaking of Duke Energy rate payers?

Mr. Driggs said right.

Mr. Mitchell said no decisions have been made about the cost of these types of projects; that would be subject to discussions and rulings by the North Carolina Utilities Commission.

Mr. Driggs said so not here; and as to the value of the landfill versus the material—is it contemplated that that's a straight up swap, the airport gets the benefit of the free landfill and provides the land or is there a financial negotiation there?

Mr. Sewell said again we're still in the due diligence process so as we decide which sites and which locations within the airport we'll use, then we'll continue our negotiations and conversations with the City that will all be worked out in that timeframe but there's nothing worked out at this point in time.

Mr. Driggs said all this within the 60 days.

Mr. Carlee said yes and again if we we're not satisfied that we're ready to make a recommendation to you, we won't make a recommendation. It will be certainly the discretion of our partner as to whether or not to continue discussions but we're not going to bring something to you that we have not fully researched and feel comfortable that we have the answers that you're asking.

Mr. Driggs said thank you Mayor I just wanted to mention too, the comments Councilmember Mayfield made; one of the key questions was, what are our alternatives? Since you kind of have repeated a few things she said but I think it's critical that we know whether we are considering the alternatives to this strategy. What our choices are.

Mayor Cannon said I'm going to ask if we can do a couple of things. One, there's a lot more in terms of slides that you all have. If we can allow them to get through these slides and anything that you hear that may be pressing, we can jot that down and ask the question after the slide or after this presentation. That might help us to sort of get through this because there is still another set of information that we have to go through. It's pretty thick here.

Manager Carlee said we do have a staff presentation as well.

Mayor Cannon said so there's a lot lined up; if we can just note that.

Mr. Sewell said thank you Mr. Mayor we've handled quite a bit of this in the question and answer so I'll be as quick as possible--back to the slides. Again these pictures here are going to line up again and the next rotation of slides are going to be from the bottom to the top as we move forward. This picture here is showing the subgrade prepped, compacted, rolled, leveled, ready to accept the base liner system. You can see the base liner system installed behind it. After that is installed, we will install the drainage layer and deploy that over the base liner. Once the base liner is in, the drainage layer is in we'll go ahead and start bringing in the ash with dump trucks and then compacted and bladed down with dozers until we reach our final grade elevation. It will vary depending on the sites that we select. Once we're at the final elevation, final grade elevation, that's when we'll bring in the cap liner. We'll make sure that the top surface is compacted, smoothed and ready to accept the liner. We'll secure the cap liner to the base liner inside of the anchor trench and that provides that burrito effect—again that full encapsulation of the project. Once the cap liner is in place, we'll go ahead and place the soil cover over the cap liner, six foot and at that point in time we're ready for development, whatever development we choose at that point in time but the site would be ready to move forward. I wanted to bring this picture as well. We spoke a lot about Asheville Airport earlier. This is one of the phases on the Westside. As you can tell, starting from the top to the bottom, this kind of gives a phased approach to how we perform the work. The subgrade is prepped. We have the inactive ash placement area and then as you move back further, we've done the cap liner. We brought soil cover in on top of that and in these areas down below here are soil capped, seeded and ready for future development and I'm going to hand it back to Charles here to speak about Charlotte and the next steps.

Mr. Price said again the overview is to provide Charlotte Douglas International Airport with graded land for future development. It's a full encapsulated system; exceeds standards required for engineer fields; approximately four million tons will be used in the fill. It's a five year project and would create 100 jobs here in Charlotte. We appreciate your willingness to thoughtfully consider this important opportunity for the City of Charlotte. We look forward to engaging in this period of due diligence with the City over the next 45-60 days in collaborating on a beneficial solution for the community. As we expressed in our letter two weeks ago, I invite each of you to visit the Asheville project and see firsthand how smooth and efficient the project runs. Again I thank you for your interest and we would be honored to partner with the City of Charlotte on this environmental solution and we'll continue to answer questions Mr. Mayor if you have any.

Mayor Cannon said I'd like for you to go back to some previous slides; the one that's on ash placement over liner system.

Councilmember Howard said actually how do you seal that on top of each other. We all know that water—how do you seal it from sheet to sheet to sheet to sheet? Does that just melt on top of each other and when you compact it—what happens so that it creates a fully encapsulated and water and other things don't get underneath a layer and underneath a layer and underneath a layer? How do you deal with that?

Mr. Price said base liner is heat sealed together. The drainage layer that you're seeing on the slide there isn't sealed to the base liner. It's a drainage layer so the joints are sewn together and this is not made to be sealed to the liners. It just lies on top of it. The base liner is the thick one that's heat welded.

Mr. Howard said if it is fully encapsulated that means not going to leak at all and I guess I'm asking how do you do that by doing it a layer at a time. Something must happen after you compact it.

Mr. Sewell said it absolutely goes back to this liner here.

Mr. Howard said show me on this one—on the board.

Mr. Sewell said its textured 60 mill HDPE liner is the liner that is heat seamed all the way throughout the project.

Mr. Howard said so the rest of it is just kind of laid on top?

Mr. Sewell said correct. They have different functions so going back to the burrito; this 60 mill that we're calling the base liner provides the heat seamed fully encapsulated effect.

Mr. Howard said I'll be honest with you, I know enough about this to be dangerous so I'm worried about the moisture that gets all the way down to that layer. If it builds up, where does it go?

Mr. Sewell said that's the purpose of this layer. That's a great question. That's the purpose of this layer here. That's the purpose of the drainage layer. The bottom of the engineered fill is designed to send all of the water through this drainage layer to the perforated pipe here.

Mr. Howard said so the pipe is above that, that's why I guess why I was asking.

Mr. Sewell said that's the way it's represented in this drawing; but as the water runs that direction, they are connected within the design.

Mr. Howard said but if you go back to the one you just showed me in Asheville, there are pipes under there somewhere that we don't see.

Mr. Sewell said correct. Again, we had to choose the four or five shots that we thought were best to represent the site and I can walk you through the greatest level of detail that you like.

Mr. Howard said before this is over with, you probably will.

Mr. Sewell said I'd be happy to; can't wait.

Mr. Howard said the only thing I'll add Mr. Mayor, earlier Ms. Mayfield and Mr. Driggs said something really important I think to this whole conversation and it's that Charlotte has a concern about this one way or the other. Even if we don't go with this at the airport, we still have an issue with it going into our water system. So the question about what is plan B is important to me as well. So I'd like to think that we're talking about a dual track not just this one track and then we get to the end and we may go back to the other one. So while we're talking my good friend Duke, could we make sure we're having dual conversation about what is Plan B because outside of this, the City of Charlotte still has a concern about the water that serves this community.

Mr. Mitchell said absolutely. I think individuals in this room, the City Council, the Mayor and the individuals who live in the neighborhood are concerned about protection of their drinking water and the quality of their ground water. I think the option that we are talking about today is something that Duke Energy is very excited about. We think that it's a very good potential option to move ash from Riverbend to an offsite location and that's a commitment that the CEO of Duke Energy has made; it is to this move ash offsite from Riverbend either into a one structural fill or a lined landfill so the focus for our conversations has been around this particular option. If this option were not to advance then Duke Energy would reconsider the other potential options which would include moving the ash offsite either into another lined structural fill or a lined landfill.

Councilmember Kinsey said it's a little difficult to see the pictures of workman at the Asheville Airport appear not to be wearing masks or protective clothing which makes me wonder if this is more dangerous in the water than it is on dry land. Is the ash more dangerous when it's actually in the water at the site than it is on dry land?

Mr. Sewell said I can speak to our guys' safety on the site. As you've noticed they're all wearing the property PP. There's no requirement for any dust masks or anything like that from a health and safety standpoint. Dave do you want to speak to the water issues at all.

Mr. Mitchell said the contact with the water?

Ms. Kinsey said may I clarify? Apparently I wasn't clear at all. No, it seems to me that if we don't move it out of the water and in the fills that it is more dangerous if we leave them there than if we take the ash out and use it on dry land in the encapsulated landfill or at the Airport, whatever. It just appeared to me that—I guess what I'm saying is, is it safer if we just go ahead and move it and use it in another way than it is to leave it in the water, maybe not.

Mr. Mitchell said absolutely. Duke Energy and Duke Energy CEO have committed to moving the ash away from Riverbend to either an offsite structural fill or an offsite landfill. Duke Energy as these coal plants have retired and we've retired over a dozen of these over the last couple of years has always planned to develop a site specific closure plan for these ash ponds. At Riverbend, we think this is a strong consideration given its proximity to the Airport and the beneficial use that the airport would receive from that property. So you are absolutely correct with the long-term solution to managing potential ground water impacts or other impacts from those ash ponds is to move that ash into some sort of a capped system so that you prevent rain water from moving through that ash and you reduce and eventually eliminate any potential impacts to ground water.

Mr. Driggs said you may not know about a recent property transaction the City was involved in, but I'm interested to know whether for the purposes of this transaction any kind of exclusivity is required whether the City needs to limit its options in any way as to its course of action during this due diligence period which experience has shown can expand and I'm just wondering whether while its going on we are in any way constrained from considering other things.

Mr. Price said is that a question for us or for the City?

Mr. Driggs said well I guess the question is whether the terms of whether you require from us in order to proceed with due diligence, any kind of commitments as to other actions we might take or avenues we might explore elsewhere.

Mr. Price said no we don't.

Mr. Driggs said Mr. Mayor may I suggest that I think as part of this we should require that we get periodic reports from the Manager and basically reserve the right if at any time in the progress of this, we're not comfortable that we have the absolute option to start thinking about something else.

Mayor Cannon said well I think that's kind of built in a little bit already with what will happen though Councilman Autry's Environmental Committee through the review piece. So through that due diligence process you will have that.

Councilmember Fallon said Mr. Mitchell, I really am concerned about something and that is you have ash that was not—whatever how you treated it, lying there, rain comes down, leaches into the ground, it's not containerized in any way. What about the vapor? Do you know that it doesn't cause vapor? We have a very high incident of asthma in this town. Is Duke contributing to that because if that's opened and it isn't contained and it's just spread out, how can that not be a problem?

Mr. Mitchell said Duke Energy is not allowed to have any fugitive dust emissions come off our site. So there are no fugitive dust issues that we are concerned about. As I mentioned, these ash landfills are placed within the drainage area of the active wet ash basins and so when there's rain water that water drains down to the wet ash ponds and is managed through that system and through our permitted discharge.

Ms. Fallon said so you're saying that both the basins and the infill are contained?

Mr. Mitchell said the whole area is within the drainage area of the ash ponds which have dikes which hold those ash ponds back in place.

Ms. Fallon said does that stop it from leaching into the ground?

Mr. Mitchell said the purpose of the additional ground water monitoring that we've installed at Riverbend and all of our other plants, particularly in the last several years, we've established a very good ground water data which we have reviewed with the State of North Carolina. Most of the data particularly what's been provided to North Carolina is publically available.

Ms. Fallon said what happened before the last couple of years when it was put there?

Mr. Mitchell said ground water data was initially initiated based on a voluntarily basis prior to having any requirements and about two to three years ago, the North Carolina Department of Environment put requirements for us to have ground water monitoring in our water permits so we transitioned from a voluntary program where we were collecting data and sharing it with the state to a permit required program. So we've been monitoring, as I mentioned, some of these sites for upwards of 20 years; the majority of these sites anywhere from the past two to five years.

Mayor Cannon said so I want to recognize Councilman Smith and then thereafter ask is Council in agreement with moving forward with due diligence. So I'm going to recognize Councilman Smith and after Councilmember Lyles, and then Councilman Howard.

Councilmember Smith said this question is for the Manager. Is it too early to; we've spent a lot of time on the environmental arena and as we made our presentation, we talked about the economic side of it. Is it too early to gauge what savings and what economic impact it will have with the Airport. Have we done any preliminary research? Do we have any dollars associated with that as of yet or will that come at the end of the due diligence period?

Mr. Carlee said there are some very rough estimates.

Mr. Hyong said well, we haven't done any estimates on the savings for what this could be used for since we don't know what the cost of fill would be if we bought fill today. To Manager Carlee's point, the only rough estimate that we've done is sort of a comparison between four million tons of coal ash fill and what it costs to do the fill for the third parallel runway and if I get this wrong, I'm going to ask one of the gentlemen from Aviation to correct me but my understand is it took about nine million tons of fill to grade the land for the third runway and that cost about \$70 million.

Mr. Smith said that answers the question; that is exactly what I was looking for. Thank you.

Councilmember Lyles said I know that we've got another two presentations left to do on this subject and we've spent a lot of time with you on this issue. I think one of the things that I'm struggling with is that what we've spent a lot of time on is how to do a methodology that is to remove the coal ash. So let me start going back a little bit. These are real concerns and first of all I think our real concern is that Duke Energy's going to have to deal with the coal ash wet or dry at Riverbend and so we're looking at one method. Due diligence to me says, I look at the number of options available, where they've been practiced, where they've been successful, what problems or liabilities were presented by those options and then I make a decision on whether or not this is the right way to do it. So one of the things that I think is really important in our due diligence is that if we're going to moving this coal ash; it's in our county; it's in our city—our roads, our water, our citizens. So I'm not interested in efficiency and I'm not interested in what's not required. What I'm really interested in is the methodologies that are scientifically based that will prove to us this is the best option that we have to deal with the problem that we have on hand and we need to do it in a way over this due diligence period, yes as a Council we're always going to be concerned about liability. We're going to be concerned about costs. But one of the tests for me is can I explain to any member of this community that this is the right thing to do; it is the right time to do it and its going to be done in a way that's going to keep our community safe. So I understand this is a technique for doing something. But what I really need to understand is that this technique is the best technique to resolve this issue and keep our community's water, roads, and citizens safe. So as we're going through this, my concern is that we look at this Mr. Manager, method, accountability, liability, correlation with the State and Federal Agencies that are going to be regulating this, that we look at what the other options are; we look at the timeframe that we do this. For Duke Energy, what I would say is that Duke Energy needs to give us the information necessary to do those things. I appreciate that technique

but what I'm saying is we need to see it tied from the day that you move it to where it's going to go and the best choice for our community and our citizens.

Mr. Howard said I want to go back to something that Ms. Kinsey was talking about a second ago. I think it kind of goes to what Ms. Fallon was talking about and that is understanding what the real properties and what coal ash is. You make a good point. Maybe it acts different in water than it does in air. I mean Ms. Fallon talked about vapor and I'm not sure I've ever heard a concern if coal ash has been laying out for as long as it has, if there's a vapor problem with it or is it just when it gets into the drinking water. There's a lot more understanding about coal ash that I think I need to understand: what is it? How does it interact? Whether it's dangerous to us? I mean if it's been sitting in a pond, then obviously somebody's not concerned about vapor because it's just been sitting out anyway. So is that what you were trying—

Ms. Kinsey said my point was to me it sounds to me like it will be safer if it's on dry land encapsulated than it is if its left in an ash pond, sitting in water that can contaminate our drinking later.

Mr. Howard said I don't know enough about coal ash; although I've read a lot in the press and it seems like it would be really good to get some education about coal ash and what its properties are. The Environmental Chair I'm sure is going to jump all over the opportunity to educate us.

Mr. Autry said I think the next presentation will help with that.

Mr. Howard said I was wonder too using this for fill is a construction thing so I was wondering, other than for roads has this been used for fill for anything else; for a runway, a taxiway; has it been used in roads? Has it been used in buildings? Has it been used in any of Duke's projects? I'd love to know if it's good for fill; it must be good for fill for more than just runways.

Mr. Mitchell said the EPA has been very responsive and very interested in structural fills with coal ash. Coal ash has been used in a number of applications especially in the bed for road projects. Duke Energy in particular, I'm sure I don't know the full range of projects but I know we have used it in North Carolina as a structural fill under a road bed and we have another application in Indiana where it was used. The predominate benefit that you get besides being able to replace soil with ash is the capping that goes on top and so a roadbed makes an excellent cap that prevents infiltration of rain water down through the column of ash and I would say all or the vast majority of those road types of projects will not have the liner, the waste water collection, or the lined cap that this proposed project has.

Mr. Howard said I would be real interested Mr. Mitchell if you guys have actually used your own coal ash for projects too so if we could get a list of those that kind of tells me your confidence in it as well. So that would be great for me.

Mr. Mitchell said I think we can provide a list of where we've used it in the past certainly and as I mentioned in my slide in 2013, we reused about 67% of the coal ash we generated last year.

Ms. Mayfield said with respect of time Mr. Mayor I just look forward to the updated responses to all the questions that we've heard around the table.

Mayor Cannon said and I've got another request. Obviously what's been suggested is that more consideration be given to a robust due diligence discussion. We still have to hear from the Catawba Riverkeepers and so the question becomes do you want to receive that presentation before making this decision or would you prefer to do that now? I might suggest that you just sort of wait until you hear the next report and then make a better informed decision.

Mr. Autry said that's absolutely right Mayor. I wanted to get both perspectives in front of this body so that we could make an informed decision.

The meeting was recessed at 5:23 p.m. for dinner and resumed at 5:32 p.m.



### **Catawba River Keeper Presentation**

**Richard Gaskins, Executive Director of the Catawba Riverkeeper Foundation** said thank you Council and staff for including this and your openness in this process and we hope that openness is going to continue forward if this process continues. I think we're actually going to surprise some folks here tonight with our position on this issue and I think we're going to answer some of the questions that have been asked earlier. I just wanted to briefly review some of our involvement. We've been studying coal ash issues for many years and really concentrating on coal ash starting in about 2008. We've done several studies of the effluent coming out of the coal ash ponds as you probably have read in the papers, we filed a notice of intent to sue that we would contend resulted in the Attorney General bringing a lawsuit. We also filed a lawsuit against South Carolina Electric and Gas a couple of years ago and that resulted in an agreement to clean up the coal ash ponds down in South Carolina and put it in a lined landfill. In addition to that, in my prior life, I was an engineer and an attorney and actually chaired an international committee that dealt with the reuse of coal ash for several years in the 1990's. So this is an issue we've been living for a long time. At the request of staff, we have also talked to other groups in the environmental community particularly the groups in Charlotte but also groups statewide about this issue. Now I will tell you, you are never going to get 100% unanimity of environmental groups, but I think the surprise is going to be, and we can't speak for all the environmental groups, but certainly for moral realization, we are going to offer our qualified support for looking into this project. We think this could be a good thing to do with the coal ash. Of course it all depends on the details about how it's done and that's why you do due diligence. But in general, I think most of the environmental community in Charlotte feels similarly that it isn't going to be 100%. Certainly folks who live along the roads where these trucks pass, if it's done by trucks probably aren't going to like it. I think it's certainly a concern for people who live down stream of wherever the ash is put and I think one thing maybe Counsel could think about is if this is something ultimately you decide is worth doing, is there something else, some agreement that you could get for example on air issues that would help the air in the communities that are affected by this. Somebody had mentioned asthma earlier but if you have a lot of trucks and the potential for dust perhaps, you do something else to help address the particular issue in those neighborhoods.

Now we are going to try to get through this real quickly. The presentation basically falls into two parts and this is kind of building on what Councilwoman Kinsey said earlier. You've got to look at this proposal relative to where the ash is right now. Right now the ash is on the banks of our drinking water reservoirs in unlined lagoons that we know are leaking. In addition, and this is really an important point; it's not just ash. The permit for those ash ponds has allowed Duke to put various types of waste in those ash ponds for years so we're not just talking about coal ash. Potentially there are other wastes in there and that's one of the big questions to ask is what chemicals exactly are mixed in with the ash. Sam Perkins is the Catawba Riverkeeper and he is going to talk about where it is now, what the issue is there; I'm going to talk about what kind of questions I think you should be asking if you're considering putting the ash out at the airport and again let me just say in general, almost anything is going to be better than storing the ash in an unlined lagoon beside your drinking water reservoir. With that said, we'd like to see it be done in the best way possible. In a perfect world, it would be a double lined landfill and not have things put on top of it just where you can study it. It would be monitored forever and you have very little risk of it being disturbed. It is possible that this solution is workable and we think it's worth looking into. We have some concerns about it; yes we have concerns. I think what ultimately are going to be the biggest concerns are transportation issues and several of you have asked questions about that. How do you get it down to the Airport if that's where you're taking it? How do you control dust from doing that? Just the fact that you've got a lot of trucks, you've got a lot of noise, you've got a lot of diesel emissions in addition to whatever dust issues there are and I'm going to have some slides on that later. In addition, what I think is really going to be the biggest issue and perhaps you might say well, I'm only going to be on Council for the next five or 10 years, but long term is going to be the biggest issue. The modeling that's been done on these kinds of things shows that the leachates peak perhaps 40 years down the road that you're going to see the biggest potential for problems 30, 40, 50 years down the road. So the real questions that I think's really important to think about is how are we going to assure that this landfill or this fill material is going to be cared for properly not only today, not only tomorrow but 40 or 50 or 60 or 70 years from now. With that I'm going to turn it over to Sam.

**Sam Perkins, Catawba Riverkeeper Foundation** said kind of in a nutshell, to keep in mind what we're going to cover –the characteristics of the waste as Rick alluded to, what else is in it other than coal ash and the metals associated with it; the timing; the location; there are a lot more details that we don't have on hand aside from the letter y'all had received as well as the diagram that have been put forth because there are a lot of other issues especially in the process of getting it in place and then of course long term, the liability and the monitoring. Charlotte really has become a capital for coal ash and I think that we need to look at it in the context of what else there is around. Riverbend is about four times the size as the Dan River site that had a recent spill but it's actually much smaller than the other two that we have in a 29 mile span of the Catawba around Charlotte. Total 445 acres, five billion gallons, all of them have documented ground water contamination by Duke's own ground water monitoring wells. All of them have unlined areas. Another lovely distinction—the EPA looked at which of these are highest hazard and four of the 44 in the nation are on the Catawba and ash it gradually releases a lot of its metals and other chemicals and I can of course if y'all want to talk about it more later, I can talk your head off about the geochemistry with it but a lot of metals, contaminants, metalloids, leach out into ground water and one of the biggest mysteries and one of our biggest concerns, this is from Duke Energy's permit for Riverbend is the list of chemicals that are allowed to be dumped into the pond there so you've got laboratory waste, chemical waste, metal cleaning waste, even the sewage from the plant. All of that was allowed to go into the ponds and these are some of the oldest ponds that we have in the area. They were constructed starting in 1950 and if you can imagine what the standards were back then, you're talking about things that were dumped from then up until last year right about this time when it was no longer producing energy. So to give you a special reference, you have the ponds here, that southern one is the primary pond that other storages are mounded on that southwestern corner, that other 1.5 tons and then you have the secondary pond river flows this way and eventually you get to Charlotte Mecklenburg's drinking water intake. Here is Highway 16, Rozzells Ferry Bridge and then a couple more drinking water intakes on the lake. Ultimately 860,000 people drink out of Mountain Island Lake and this is what we've been studying. It's a lot of the issues with the fact that these are unlined, 80 feet high. The way I compare them, you may have some in front of you and you can play with it and make it like a pile of mashed potatoes holding back toxic gravy. These are not ponds dug in the ground and so there is a big failure potential that we worry about and because they are unlined, they leak pretty profusely. Duke ended up having to engineer a lot of channels, these two included that were not included in the permit and that's a lot of the substance of our lawsuit. To give you more detail, I will say because the ash got piled up here when they cleaned out this primary pond a few years ago, the most contaminated well is actually this one right on the property line with Horseshoe Bend Beach Road and so when you leave it unlined and it's not properly managed, this is what can happen and why we do want you to exhibit a lot of caution with the plan that's put forth.

We do have State Groundwater standards; they're in the 15 A2L Chapter. We found pretty gross exceeding of those; Manganese in particular which is an aero toxin. It causes a number of issues throughout the body. Some of Duke's own wells as we've found out from lovely public records, they have found even higher concentrations around the parameter of their site because of the nature of these being unlined. Our biggest concern of course is a failure if it's not managed properly. Coal ash is very fine; it does have the ability to slip and fail and that's of course our biggest catastrophic concern. Even when you use it as fill, when it's not done properly, you get incidents like this on Lake Michigan which happened a few years ago and of course, Dan River and I think Dan River, what we can convey with this, we heard some mention of the concern about the toxicity and I think really the key thing to keep in mind is the corrosiveness. Coal ash is very corrosive and that's what happened at Dan River. There was a corrugated metal pipe that should have been reinforced concrete that was under the pond. You have a lot of weight on top of it, a lot of pressure and lot of a corrosive environment and it eventually eats through and you get a failure like this so that's why we want to make sure the right material and extra safety layer maybe for the liners is in place, if Charlotte's going to be taking on the liability of having that coal ash there. There are a number of other engineering and structural issues that have been documented especially after the 2008 TBA spill and we can provide those. Placement, we want to know where on the Airport this going to be going. The Riverbend ponds actually have some flooding issues. This is a Mecklenburg County Flood map. As you can see, Mountain Island Lake, which if you don't know has some pretty bad flooding issues, you start saturating the foundation of the site. So based on what's happened in the past, that was supposedly was okay and vouched for, we have a lot of concerns and skepticism going forward but can it be done

right; it can but we really need to make sure a lot of those conditions get put in place so with that, I'm going to hand it back over to Rick.

Mr. Gaskins said I'm going to talk about the proposed project out at the Charlotte Airport and I've listed some of the issues that I think if you go through the due diligence process you should look at. I've put down at the very bottom structural issues as the very last one. I'm not going to address that issue. But I do think it's an interesting issue here if you're talking about possibly putting either structures or an active runway on top of it because it is, as far as I know, something that hasn't been done before to put basically to put a lined landfill under an active runway and the interesting challenge, and I'm a mechanically engineer, not a civil engineer, but I think you create an interesting challenge with a large sheering force when an airplane lands on top of these various different layers and I think that would be something that would need to be looked at. In terms of the Riverbend cleanup, one thing that's not been discussed by Duke publically is what's going to happen beyond moving the ash. So part of the reason, as Councilwoman Kinsey indicated earlier, that you might want to consider this is its better than leaving it out beside your drinking water reservoir, but it's really only better if, not only do you remove the ash, but you actually clean up the site. So we'd like to see a cleanup as part of the removal of the ash. That means cleaning up the contaminated soil which provides a secondary source of contamination and also cleaning up the contaminated ground water that's getting into the drinking water reservoir. In terms of the waste characteristics, before you know whether the Airport location is appropriate and whether the design of the landfill is appropriate, you've got to know what's in the waste that you're going to be putting there. So we've got to know what's gone into these waste ponds over the years, what type of chemicals should we be looking for and what type of analysis has been done.

In terms of the decision making process, certainly we think the process should be as open as possible. Staff has done a great job I think so far trying to be very open about the process. We appreciate that and I know that was encouraged by Council but hopefully that would continue so that there are people out there in the community that can help ask questions about the information that's being submitted to you. Also the timing of how this is going to be done, when it's going to be done, is very important and whether there's going to be any temporary storage while the airport decides where exactly it wants this ash to go. In terms of the location of the ash, a lot of issues come up. What's going to be the impact on surface water, ground water, there are still a lot of people out in the Steel Creek Community who rely on drinking water wells. I know I had a friend who had a place out there; it was a hand dug well from the turn of the century and when I talk about turn of the century I'm talking about the 1900 time period. But those wells tend to be usually contaminated. So that's something that's got to be considered when you're thinking about where this ash is going to go. Preferably, it'd be as far away from surface water sources as possible; as far away from wells as possible. You always have to look at what happens if the unexpected happens. What happens if we get ground water contamination and one factor that in my experience of doing environmental work for 30 years is if you've got people out there with geothermal heat pumps that use a lot of ground water, that can really cause contamination to move in unexpected directions and finally I think you've got a dust issue. I understand Charah done a great job with dust, but I think you're still going to have people showing up at your Council meetings saying they're getting dust on their car. I know when they were cleaning out the ash ponds at the Riverbend facility a few years ago; certainly we got a lot of calls from residents of the nearby neighborhood Stonewater, saying people were waking up every morning with ash on their cars. So I think ash is going to be a potential issue that you've got to be prepared to address which brings me to the next point the removal process. The transportation process is really in the short term where I think you're going to get most of the citizen concern; most of the people calling you up in the middle of the night, things like that. So remember this is an extremely fine material. You've got to dig it out of the existing ponds. In some cases you're going to have to dry it out before it can be loaded in the trucks. You're going to load it into trucks and then you're going to start hauling it. This picture is actually from up at the Asheville plant. The truck's hauling over to the Asheville Airport. A couple of this you can see in the picture is the good news is they've done a great job of cleaning off these trucks. They are very nice and shiny. They've obviously been through the truck wash yet somehow when you look at the road, a lot of gray dust on the road there. In addition, just the weight of the trucks you can see has done quite a lot of damage to the road. As they drive down the road, you see dust being kicked up. Again, I have to say Charah was very generous. They allowed us to come up there and look at their facility last week. I think they have a first rate operation and I've seen

a lot of ash handling operations over the years but there is going to be some dust. It's almost unavoidable. They may disagree with that but certainly as you can see from this picture; even their trucks which I think have done pretty well, its generating dust as its going down the road. If you look at the road, you can see a very fine gray dust all along the road almost on the whole transport route. You can also see damage to the roadway along the transport route from the weight. And of course once you get to the site, you've got to unload it. In terms of the design, a lot of design considerations you need to look at. We are going to be submitting to staff and hopefully that will be forwarded to Council. I've put together about a six, seven page list that will probably turn into a 20 page list before I'm done of questions I think you should be asking and a lot of them relate to specific design issues that I'm not going to try to cover here.

Sedimentation erosion – depending on where you at the Airport, you're probably upstream of Lake Wylie. You've heard from Browns Cove residents before about sedimentation problems from development in Charlotte and at the Airport. It's going to be an issue again. You're going to be moving a lot of dirt out there. I have to say Charah had the finest sediment control operation I think I have ever seen on a difficult steeply sloped site out there at the Asheville Airport so I want to commend them for that. You are still going to get sediment occasionally and it's something where I think they are going beyond State requirements in what they're doing to Asheville. You need to make sure you're getting them to go beyond State and County requirements on sediment control. This is a picture of the Asheville facility. Somebody asked about the leachate pipes. I actually have in my presentation a picture of the leachate pipes so here's a picture of the leachate correction system down there on the bottom sitting on top of the liner and the liners aren't welded. So certainly how you handle the leachate is a tough issue. Frankly I think sending it to CMUD is probably the best of lot of bad options. I just can't tell you how fortunate we are to have a system as good as the CMUD system and I trust them more than I trust anybody else to handle a waste like this. Notwithstanding that, there are going to be perceived problems out there. After Charah gave me the nice tour, I went around and I looked at all the drainages coming off the airport. There are lots of drainages coming off the Asheville Airport. There is one drain that happened to be by one of their open cells where they had been putting ash that had an orange colored discharged coming off of it. I can't say that that's due to coal ash but certainly we know that coal ash tends to have a lot of iron in it. Iron oxidizes when it hits the air and turns that bright orange color that most of us know as rust. It seems odd that this is the only drainage around the entire Airport that was that orange color. The point isn't really whether it's coming from this landfill or not. The point is if something like this happens in Charlotte, something like it will. People are going to be calling you up and sayings do something about it. The creek behind my house is turning orange. I want you to fix it and the question is in this, if you do this, in the agreement it's got to be clear whose going to take responsibility for it and we can't have a lot finger pointing, we've got to fix it. These are fixable problems but you really just need to be clear and somebody needs to be responsible for it and somebody needs to fix it rather than sitting around arguing about it and point fingers and you need ongoing monitoring.

Again, this is going to be there for a long, long time. It's going to be a potential threat for a long, long time. Is there going to be a permanent restriction on the use of the property? You may think of the airport as something that's going to be there forever. We don't know what's going to happen. We may be doing flight in the future where we're going up into outer space and coming back down to meet a five mile long runway. I don't know. But just like the old Carpenter Airport is now an office park. Forty years from now, this may be an office park for all I know. We need some kind of permanent recordation of where the waste material is going and something that would let future purchasers know what's here and don't disturb it. We'll need restrictions. Also again long term responsibility—40 or 50 years from now. We know they probably have good insurance right now but probably can't count on their insurance 50 years from now. Who is going to be responsible? If you're this close to neighborhoods and if you look in the background then you can kind of see a horizontal line. That's where the fill is. You're going to be very close probably to neighbors. There are going to be issues that are coming up 40 and 50 years from now. Again whose going to be responsible for it? Who's going to pay for it? It just needs to be clear in the agreement because something will happen over that period of time. So in summary there are a lot of issues. I don't have a lot of time to talk about them. I'm happy to ask questions about them, but I really think probably in the short term, the biggest issue you're going to have to grapple with is transportation; the routes going to be difficult, how you control the dust is going to be difficult. I've got some ideas maybe you can

have Aiken improve their current operation in Asheville. But it is a pretty good operation. I think these folks are worth talking to but I think the big issue is how you are going to address the long term issues. Are you willing to put a permanent notice on the deed that says that we've buried something that may be hazardous out here at the Charlotte Airport? A lot of questions I think you should be asking and again, I will submit them to you separately in some materials but I'm happy to ask any questions and again, I want to emphasize because I know when we get up here it can sound like we're anti everything. At least Catawba Riverkeeper Foundation, again I can't speak for every environmental organization; I would say this is something worth looking at. We need to get the coal ash away from our drinking water reservoir. We need to figure out a way to make that happen. This is a viable solution. Is it the perfect solution that I would like to see? It isn't, but I think it could be a very good solution.

Mr. Howard said the very first question was the one that I wanted to know more about earlier. I only know what I've read about coal ash in the news. Could you give me like a one on one quickly of what it is because when you say we need to find out what's in it, you're telling me it's not the same thing all the time.

Mr. Gaskins said right.

Mr. Howard said so that is burning coal and what else.

Mr. Gaskins said so we're talking about what's left over from burning coal and I'm assuming one of the big questions here is are we only taking ash from the Riverbend Power plant. I'm assuming that is correct, but that's a question that ought to be in the documents and absolutely put in writing because depending on what type of air pollution equipment and the design of the system, the ash varies quite a bit. Marshall Steam Station that's up on Lake Norman has some very different things in its ash than Riverbend. But in general what's going to be in the ash is what's left over after you burn coal. Coal is a mineral and depending on where that coal comes from, what's left over in the coal can be very different. What we've seen here at Riverbend, the thing that I would say is our number one concern tends to be arsenic that's left over when you burn coal. In addition, as Sam pointed out, we're seeing things like manganese and other metals that sound less horrible. Everybody knows arsenic sounds bad but manganese as he pointed out, it's the dose of anything and when you get extremely high concentrations, it's a problem too, although manganese at low levels might not be a concern, but we're seeing some pretty high concentrations coming out of Riverbend.

Mr. Howard said so it sounds like it comes from just where it comes out of the earth. It's not necessarily how they process it and they burn it or it's not chemicals they put on top of it to make it burn faster, or to settle. I mean what actually comes out of it that is not natural.

Mr. Gaskins said in addition to the ash; so when they burn the ash and I'm going to simplify this too much. There is a bottom ash that's left over down on the bottom of the boiler and there's a fly ash that comes off the top. Both of those end up in these ponds. I think it's an 80/20 mix something like that.

Mr. Howard said which way?

Mr. Gaskins said 80% fly ash, 20% bottom ash and they have very different characteristics. In addition, if there's pollution control equipment you can have another type of ash that's generally the most valuable and is used in wallboard. In addition, because these ponds have been kind of a catch all disposal point at these plants for years, there are all kinds of other wastes that have been put in these ponds so we're calling it coal ash but there are a whole lot of other things that have been dumped in those ponds. When I graduated from engineering school, my first job as an engineer was doing repair work at power plants. We used chlorinated solvents at that time. When I had a chlorinated solvent and I didn't know what to do with it and I asked the plant personnel what to do with it, boom. Not at this plant; I never worked at this plant. At other ones, put it in the ash pond. So I don't know what's gone into these ash ponds over the years but I think it's worth asking and it's worth doing some testing to find out what's mixed in there with the ash and in all likelihood, there are other chemicals in there.

Councilmember Phipps said you indicated that 40 or 50 years from now we should be concerned about possible leakage from the site and I guess in response to one of the earlier questions I

asked about the useful life of these liners and things, I was told 100s of years so I'm getting a big disconnect in my interpretation of is it just 40 to 50 or hundreds of years. It seems like to me that's a big disparity there.

Mr. Gaskins said I'd be surprised if the manufacturer's guarantying anything for hundreds of years. We are all human beings. There are weak points in any system. The liner that they're using in Asheville and the thickness of this liner is very important and I think that they've actually used two different thicknesses of liners over time but what they showed us and what I think they're using now is a 60 mill liner. That's a pretty thick liner. I'd be surprised if you just get a hole in that liner if it's in a landfill by itself. What we don't know here is what's going on top of this. Are you going to have 747s coming down doing hard landings on top of it? What impact does that have on the liner? I don't know. I don't know that anybody knows. There are a lot of unanswered questions. What does all of that pounding do to your leachate collection system? Is it over time going to loosen up and you're going to get some leaks at places? I don't know. What I do know is I've never seen a human system go for 50 or 60 years without some needing some kind of maintenance. It just doesn't happen. So I'm going to say in general, the leachate tends to concentrate. It tends to steep and just like it takes time for the tea to steep in your teapot or your glass or your mug it takes time to steep in there. You're going to get higher concentrations over time and that's going to be hitting at about the same time. It might be that the things start to be right then. It might be perfect. This might be the one that is perfect and never leaks. But I wouldn't want to bet a large sum of money on something lasting 50, 60 years without having a problem.

Mr. Phipps said is there any opportunity to use rail freight as a mode of transport for the ash?

Mr. Gaskins said I think that's a great question and a question that needs to be asked. There appears to be a rail line going into the Riverbend plant. We know that you are constructing an intermodal facility out at the Airport. I think that's something that absolutely ought to be looked at. I know that when they move the ash from the cleanup that the Tennessee Kinston Plant that had the problem, they used rail to transport it there and they actually had bags essentially that they put the ash in in rail cars to keep the ash from going out. So you don't want it in an open hopper car where potentially you're hauling that all the way into the center of Charlotte and then hauling it back out to the Airport, but if it's in a sealed bag in a rail car, that might be a very good way to do it.

Mr. Driggs said is there any way to realistically to monitor on an ongoing basis what's being dug up and transported?

Mr. Gaskins said again it depends what kind of waste you're talking about. But yes, there are ways to monitor it ongoing and I think there are a lot of kinds of quick and dirty ways that aren't maybe something that would be admissible in court but would give you an indication of what you've got going in as you go along. So yes, I think there are ways to monitor it.

Mayor Cannon said who does that monitoring?

Mr. Gaskins said well I think that's a question that you'd want to consider, do you have an independent person doing the contracting or are they working for the city; are they working for Charah, who is doing the monitoring? But yes I think you want somebody checking it and I'd want it to be somebody independent.

Mr. Austin said I asked earlier, there are about a thousand of these around the country. Is this our best solution to resolve our coal ash ponds? Can you speak to that? Also we talked about the dust coming off the trucks and I think the general public, I'm pretty sure people around the Airport will want to know what kind of effect am I going to have in breathing in coal ash. What should I look long term for my health insurance around this?

Mr. Gaskins said is this the perfect solution? No it's not, but right now coal ash is basically unregulated. The solution we've advocated to the EPA is to treat it as a hazardous waste and this was not as stringent as a hazardous waste landfill. Nonetheless, right now there are lots of locations where coal ash is being used as road fill, as fill under shopping centers and its unlined and its getting into the environment. This is potentially a whole lot better than a lot of the places

ash is going right now. So it's not the perfect solution from our perspective but its better than leaving it beside your drinking water reservoir, almost certainly and its better almost certainly that a lot of places ash is going right now and being used as structural fill. To answer your question about the dust, coal ash would be considered a fine particulate, a very fine particulate. The concern with that is it gets very deep down into your lungs and causes all kinds of serious lung problems also contribute to things like asthma.

Mr. Austin said has that been documented anywhere.

Mr. Gaskins said yes, there are lots of studies and I can provide you with a lot of references about the impact of particulates and fine particulates and on the note, diesel emissions also fall into that category and so perhaps you could think about possibly doing some offsets. Maybe you require, if you going to haul it by truck, or by train that they use clean diesel; that they use very low sulfur fuels; things like that. You could put some specifications in there about what the equipment has to use in terms of diesel fuel and the technology that they use on the diesel engines to make the emissions as clean as possible.

Mr. Austin said you also indicated that you have some ideas about how to mitigate some of this dust before them.

Mr. Gaskins said I spent and they're probably not going to appreciate this; I spent a lot of time on Friday afternoon following their trucks around which I'm sure their drivers reported and in general I would say it's a model trucking operation but one of the things I noticed is the covers seemed to work pretty well when they've got the ash in the trucks. When they go back empty at the Asheville facility, when they leave the trucks don't get washed down and when they're going back with the cover open, and the ash residue down there in the bed of the truck blowing around as they drive back. So I think perhaps you may be getting more ash from the return trip empty than you're getting from the trip with the truck full. I don't know the answer to that but I think it would make sense to say let's have a wash facility and I think they are willing to do that. We talked about that; a wash facility at the airport if you're doing it. Wash the trucks down before they leave and cover them up before they leave so you don't have that open bed with a lot of dry ash blowing around on the drive back. This is going to be a lot longer drive than the drive in Asheville. As he mentioned, I think he said it's less than a mile. This is going to be a much longer drive and you're going to be going through some neighborhoods. You're going to have to make some tough choices about what the route is and I think that's something you're really going to have to think about. Are you going to want all these trucks coming down, you name the road. Whoever's road it's on is probably not going to be happy at the stream of truck traffic.

Mr. Driggs said mine is answered thank you sir.

Mr. Phipps said if we decide to do this project and have it Airport, is it conceivable then given that we would have all this coal ash that the Airport could become a Browns Field site?

Mr. Gaskins said it depends what happens with the regulatory definition of coal ash in part. But as a practical matter I would say if you put four million tons of coal ash there, it should be treated as a Browns Field site regardless of what happens from a regulatory perspective.

Mr. Smith said are the trucks owned by Charah or a third party vendor.

Mr. Gaskins said my impression was most of the trucks were Charah trucks, but looked like there were some third party vendors mixed in with the Charah trucks. Is that right?

Mr. Price said that is correct.

Mr. Gaskins said it looks like most of them were Charah.

Ms. Smith said what's a rough breakdown?

Mr. Price said about 85-90% Charah.

Ms. Mayfield said have you noticed when coal ash has been used, has there been a difference? We just said if we look at the full amount, we're talking about putting four million tons there and we could look at a Browns Cove. Have we looked at the impact when the coal ash has been disbursed, used for multiple projects opposed to all of it being segregated or siloed for one particular project and what that impact may be. Does it lessen the impact if it's spread out through multiple projects opposed to just being focused on one project. Have you done any study around that?

Mr. Gaskins said the short answer to that question is I don't have the data right now or what would be adequate data. But I can tell you from a common sense perspective; for example, I know a site up in Catawba County where ash was used as fill and you have drinking water wells there across the street. To me it makes sense to put the ash somewhere where its lined and its as far away from drinking water as possible as opposed to allowing it to be put practically anywhere and potentially right next to somebody's drinking water well.

Mr. Hyong said just to be quick, I think I just want to wrap this up by telling you, Mayor and Council what staff envisions would happen next. To date what have we done? We've actually done a field trip to the Riverbend station to see the coal ash ponds. The Chair and Vice Chair of the Environment Committee came with us and Duke did the favor of taking us around and showing us what the coal ash pond looks like. We've gone ahead and identified what City departments would be involved in the review. Staff has also gone out to the Asheville Airport and looked at the coal ash pond in Ashville and toured that operation there along with the Riverkeeper. We've also begun the process of contacting third party experts. We recognize that Duke Charah has invested interested in the project and maybe even the environmental groups have an interest in the project and so we're were trying to go to third parties and trying to identify experts in coal ash, engineering, other sciences and fields that would be helpful to the City in understanding the coal ash, the project and what it might entail and the risks and rewards involved. I want to say a little bit about the due diligence process because many of the questions that you asked were tied to that. We're going to do the due diligence process and we recognize that there are many different areas, that this is a very complex project. Beyond the environmental issues involving both water and air quality, there are economic issues, clearly there are legal issues. There are also community issues, public safety, transportation, engineering and that's not even a complete list and so clearly we are going to put together sub teams of city staff, county staff as well since they have a vested interest and some of the other surrounding jurisdictions that have a vested interest along with other experts that we want to bring into these teams to help us understand the risks and the rewards as it relates to repurposing the coal ash and obviously we're going to have to work with Duke and Charah to get answers to many of the questions that we are going to ask and to figure out what really is in the best interest of the City.

Mayor Cannon said so you are suggesting that these be the different categories that are represented by way of the people that are on the...

Mr. Hyong said at least these categories; there are probably others that we haven't even begun to touch on.

Mayor Cannon said and what about those that would be experts.

Mr. Hyong said we would involve experts in as many of these areas as possible.

Mayor Cannon said it would be important to me to be fair about it in having the Riverkeeper and Duke, if they so desire, to be a part of the stakeholders group so that you can get the best balanced opinions in conjunction with all of these others.

Mr. Hyong said I think you are speaking to the last bullet on the slide which is we going to involve Duke, Charah and when I say other stakeholders, I meant the environmental groups slash the third part experts slash the academics plus scientists plus anyone else that we can get that can help us understand the issue to make an informed judgment on it.

M. Lyles said I understand we've talked about the timeframe of 60 days. Talk a little bit about the cost of this engagement in terms of staff time, expertise, what you're expecting that to be and where is the funding?



Mr. Hyong said well we haven't talked about all the details but clearly the more staff involved, the greater the cost to the City because that's staff that's not doing something else in the interest of the City and the more experts we bring on board, they're probably not going to do this for free. There may be a cost to it. In terms of doing the due diligence, we'll have to figure out the funding and how we're going to pay for all of this and I would expect that we would have discussions with our partners I guess Charah and Duke to pay for a lot of the work that's going to be done.

Ms. Lyles said I think there will be a cost, not a maybe because no matter what, there's an opportunity cost. The people that are on that list that I know that would be engaged in this, and budget major other projects for our focus areas and things like that so I do think that the Council needs to know as this is going along, how you are going to be addressing the cost issue, where the funding is going to come from and what's not getting done. If there is any agreement on how it's going to be funded with outside partners, that as well.

Mayor Cannon said provide also as a follow up to that just the information as it relates to the cost of what it would be if we didn't go this route. You've got to be able to come back and say what that is anyway because prior to this you would have had to have been concentrating on that anyway, so I do want to see that back.

Councilmember Howard said a couple of things. The first thing I wanted to know about the cost so thank you Vi. I also wanted to see whether or not there was an opportunity to bring one of our fine institutions into this and that is UNCC's Ethics Center considering that they are actually studying alternative uses of energy and just seeing what they know about this, if anything. The other thing would be the timetable. So we're talking about 60 days of due diligence which I will be honest with you, bothers me a little bit because what I don't want you and staff to do Mr. Manager is feel like you have to rush to get it done in 60 days if it takes longer than 60 days. So I'd rather almost say not as due diligence in 60 days, but tell us where you are in 60 days as opposed to feeling like you have to rush it because I do want you to bring in any outside expertise that we need on this one. The last thing had to do with figuring out how this—we didn't hear from the Airport but I would suppose that they've actually tried to figure out already what the budget would be for this fourth runway and actually how this plays in. So it looks like they dug out a pretty good trench to go back and put in fills so they took out dirt. So how do we share that cost with Duke. Is Duke going to take it all out because hauling all that dirt out is a huge expense as well? Now we would have had to do it anyway. Hyong, you want to say something?

Mr. Hyong said I do want to say something and while you were getting dinner the Aviation folks were very clear to me that they wanted to make sure that I express to you that at this point, there is no designated project for the fill. You've mentioned the fourth runway; the Riverkeeper had talked about landing jumbo jets over top of the fill; that really would not be the case. Right now that the Airport has not identified a project that this fill would be useful.

Mr. Howard said let me be clear. I don't see the need in doing this if it's not going to save us money on some project and that's a big driver for me so it needs to save us money somewhere out there. The idea of just using airport land to transfer pond to another storage doesn't make a lot of sense to me.

Mayor Cannon said that's why I was asking about the cost.

Ms. Mayfield said going back to the previous slide; I just want to make sure that we're defining what is community? When we're talking about community, how are we identifying that because we have a broad example of that depending on the conversation so I really want to make sure that's defined. What area we're talking about because the airport not only affects the Steel Creek area but also my Pawtucket neighborhoods, neighborhoods off of Moore's Chapel. So I really want to make sure that we are identifying what really is community when we're having these conversations.

Mr. Carlee said well it would be any of those neighborhoods that could potentially be impacted and you are invited to have some input in sitting with us and talking about exactly the outreach into which areas and with whom as the communities not only immediately surrounding the

Airport but along the transport path to the Airport so again any specific ideas or recommendations you have to make sure that we don't inadvertently miss somebody would certainly be welcome because we want to deal with the issues before the fact, not after the fact.

Mr. Autry said and that would include also people along the proposed transit route before that determination would be made.

Mr. Carlee said that's right.

Mr. Driggs said I just wanted to point out, we've talked about a whole lot of risks tonight and we've conjured up all types of terrible scenarios. I think one of the responsibilities of Council in this whole process is going to be balanced in terms of representing the risks, demonstrating that we're taking all due care to contain them and not creating any unnecessary fear in the public about toxins, arsenic. When I listen to this, it sounds scary to me. I think this proposal has the potential to mitigate risk and to put us in a much better position than we're in now and is therefore in my opinion, worth pursuing but also as I said, I think our communication with the public in terms of the hazards associated with this needs to be balanced.

Mayor Cannon said so with that being said in the end is there a want to continue to move forward at least through a due diligence period to see what this looks like and then of course bring it back at the appropriate time to make some further decision about the matter.

Mr. Driggs said do you need a motion?

Mayor Cannon said we don't need a motion if everybody's all in. But if there's one that's of concern about this then yes we will need to have a vote. So with that is there a unanimous consent to move this item forward through a due diligence period of 60 days. Hearing nothing back in terms of nays, that's exactly what we'll do. The body will move forward to allow this matter to be taken up; a stakeholders committee pulled together, timeline and process all pulled together to then in turn come back to the body for some form of a decision.

Mayor Cannon said what we'll do, we have other items. One is our legislative agenda. We will take that up during the Manager's Report down stairs and then the other item we will just reschedule at another point in time because I think we are due downstairs at 6:30 unless Mr. Manager you think that can be pulled off in two seconds.

Mr. Carlee said I'd like for us to do just a little bit on the Privatization Committee since many of them are here tonight.

Mayor Cannon said we will take a stab at it, but we have some folks downstairs waiting for us so I want us to be timely.

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### **ITEM NO. 3: PRIVITIZATION AND COMPETITION ADVISORY COMMITTEE (PCAC) UPDATE**

**Randy Harrington, Budget and Evaluation** said some of the PCAC members will be walking in in just the next few minutes. I do want to introduce Christopher Brown who will be giving the presentation this evening. Christopher is the Chair of the Privatization and Competition Advisory Committee. At its core, this committee really works on ensuring that we have the best value for citizens and rate payers for the services that we provide the citizens in our community. Chris is going to be talking about primarily four areas. One an overview of who's on the committee and then touching briefly on the current charge, prior projects and then current projects and looking ahead for what the PCAC is focused on. At this time I'm going to ask Mr. Brown to come forward.

**Christopher Brown, Chair, Privatization and Competition Advisory Committee** said I join you tonight with two primary goals. First I'd like to introduce the PCAC to you, specifically who we are and what we do. Second, I am hoping to facilitate increased interaction between the PCAC and you the city leaders. The PCAC was established in 1993. We're made up of 11 members; one chairperson appointed by the Mayor; two additional members chosen by the Mayor and then eight members chosen by the City Council. We serve two year term limits with

a limit of two consecutive terms and we meet monthly on the second Thursday of the month here in the City building. We supplement that with numerous meetings with various departments outside of the regularly scheduled monthly meeting. If you flip to slide three, you can see what the PCAC is officially charged to do. Basically we are here to be an independent advisor to the City on issues concerning privatization, competition, services contracting, asset management and bidding processes. As you can tell, they're pretty broad working orders. Now that we've gotten through the technical background let me give you a little color on who we are as a group. We are an independent diverse, highly qualified volunteer Citizen Advisory Committee. As mentioned before, we are tasked in a broad sense of dealing with privatization and competition issues. The underlying words here are key because they highlight the special attributed and strengths of the group. As a team we bring a valuable perspective and a unique skillset to the City. We are comprised of professionals with notable expertise in business, finance, law, consulting. We bring significant brain power and it's free to the City. At this point, if it's okay with the City Council I'd like to quickly recognize those in attendance that serve on the PCAC. As I call your name, if you would stand and then stay standing until we're done. First Antonio Bercento; Bob Diamond; John Murphy; Kate Payerly; Tom Pollen; and Julien Wright. Again, I'm up here only as a spokesperson for the PCAC team. It is these individuals that donate their time and expertise to the goal of making the City of Charlotte a better place to live. Thank you PCAC members.

Mayor Cannon said let's give these volunteers a round of applause.

Mr. Brown said so now that I've introduced the team, I'd like to focus on what we've been doing and what we can do in the future. As I mentioned earlier, the PCAC has been around since 1993. The early days were focused on ensuring city services were evaluated in the context of managed competition and privatization. As slide six shows, the PCAC had notable early success with a significant number of projects and services facing competition, privatization and outsourcing, however, with the vast majority of City services having been reviewed under this context, we have now evolved. Today, the PCAC continues to keep an eye out for opportunities for privatization and managed competition but we also try to add value to the City by working closely with City Departments to improve service provision, particularly by bringing out private sector perspectives to the table. Today the PCAC continues to look for these public service services which could benefit from privatization and competition. Here are some major projects that the PCAC was involved in 2013. This past year I've highlighted three major ones. The first, Solid Waste Services free structure and multifamily collection review. The PCAC worked with the Solid Waste Services Department as they considered changes to their current practices. It is my understanding the Solid Waste Services' recommendations and associated PCAC comments are currently under review by the City Council's Environment Committee. We look forward to hearing the direction the City Council chooses to take on this issue. Second, the PCAC is assisting the City's Department of Transportation in benchmarking some of their operations—one in particular, concrete maintenance and repair. The goal here is to better measure how CDOT is doing with respect to some of its activities in the hope of improving efficiency and getting more bang for the budget buck. Third, the PCAC is actively participating in the City's review of where to house Special Transit Services bus maintenance. Shared Services and CATS are both evaluating which department can provide maintenance most effectively and efficiently. The PCAC is an independent advisor to the process. Looking at the upcoming year; we will continue to work with CDOT and Special Transit Services initiatives. In addition, we have recently been added to the City's working group that is considering options for expansion of alternative fuel capabilities in the City. This is an exciting opportunity for both the PCAC and the City as it is a topic that many public and private enterprises are currently considering. I hope you agree that the PCAC is productively involved in important matters and issues currently facing the City of Charlotte. However, without taking anything away from the projects that we are currently working on, there is one place that we think we can do a bit better and that is focusing some of our time and efforts on projects or areas that you the City leaders deem most important. We've tried to graphically communicate how the PCAC interacts with City partners. To summarize this slide, our interaction with City staff is robust. City staff attends the PCAC meetings and there is a healthy partnership and open lines of communications between the PCAC and the departments. We've done a reasonably good job of working with the departments to determine where our expertise can be used; however, as a group one thing we believe will add notably to our effectiveness is additional communication from you the City leaders. You help set the priorities of the City and we serve because of your appointment. If there is anything that the

PCAC should or could be doing to the benefit of the City, we are open to listening. Slide ten lists just a few things that the PCAC is suited to help you with. Please think about these questions and any other questions that may come to mind. Think of the PCAC and how we can be of use. In conclusion, the PCAC can't be everything to everyone. We are a volunteer organization and we have to manage our time and resources, however as partners with both the City and the City leadership, we believe the PCAC can be an even more effective organization that has a lasting positive impact to the City of Charlotte. Please consider sharing your thoughts and ideas and feedback with us, the PCAC going forward. With that, I'll close my remarks by saying that it's both an honor and a privilege to stand in front of you tonight representing the PCAC team. I thank you for your time and happy to answer any questions that I can.

Mayor Cannon said thank you Mr. Chair. We appreciate you along with the committee doing what it is that you do. I ask and will continue to ask that we continue to hear from other committees which the Mayor and Council appoints to get more information about what's going on where and how things are moving. I'm going to ask you to be a little bit more aggressive in terms of looking at other departments. You place some focus and some energy around a few in the way of CDOT and Solid Wastes. We are looking at some things in the way of alternative fuels; what options are out there; but I want to see you look at a few more other areas if you wouldn't mind and then also provide back to us the timelines as to when some of these projects that are ongoing will end. The ones that are currently under review and then for the future the ones that are continuing through a review, when that timeline might be. We need to make sure that we aren't resting on opportunities and letting the get away from us if there is a true savings for the taxpayers that can be realized and so I would certainly ask you for that level of consideration please.

Councilmember Howard said thank you for coming down today. I really do appreciate it Chris and just to let you know, prior to being on Council, I chaired the Planning Commission and they've almost just changed out the name to the Planning Commission because I often had the Planning Commission ask how do we do more to assist the City; how could we be more involved with the plans of the City and more direct conversation with Council so I understand that. Trust me I do. I had to do the same thing with the Planning Commission then to try to figure out how to open those lines of communication. One thing that I think that I had to get across to my members at the time is that the lack, or seeming the lack of communication directly with Council had nothing to do with, they were valued. It was just kind of part of the process that they were in. So thank you everybody. Trust me I've been there. If I personally can be involved in any of the things that we did to improve, how to get more involved as the Mayor just talked about, I'd be happy to talk to you about it.

Mr. Brown said we appreciate your time tonight and thank the City Manager and the rest of the people that work with the PCAC and helping us set up this meeting because the first step is obviously being in front of you and sharing what we do.

The meeting was recessed at 6:38 p.m. to move to the Council Chamber for the Business Meeting.

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### **BUSINESS MEETING**

The Council reconvened in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:48 p.m. for their regularly scheduled Business meeting with Mayor Patrick Cannon presiding. Councilmembers present were Al Austin, John Autry, Ed Driggs, Claire Fallon, David L. Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

Absent Until Noted: Councilmember Barnes

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### **INVOCATION AND PLEDGE**

Councilmember Smith gave the Invocation and Boy Scout Pack 55, Pack Leader Andy Hail, Myers Park Presbyterian Church led the Pledge of Allegiance to the Flag.

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## CITIZENS' FORUM

### **Duke Energy Charging Electric Customers for the Coal Ash Cleanup**

**Antoine James, 2903 North Davidson Street, apt. 1023** said I would like to address the Council concerning coal ash and pollution in our City. It concerns me that Council has not been more aware of these issues. I hear all the time from this dais that the City of Charlotte is a world class city. I would like to remind Council that being a world class city is inclusive to more than economic growth. A sustainable environment should always be priority. How will people work and live if they cannot drink the water. Recently, I attended an Environmental Committee meeting where I heard Councilman Howard say he wanted to make sure that Duke Energy knows we want a partnership on the situation. With all due respect Councilman Howard, from Raleigh to Charlotte, Duke Energy has been coddled enough. With Duke Energy being a for profit company and City Council have an interest that should be invested in the people, it would not be conducive to partnership with Duke on this instead perhaps you all should hold them accountable for their irresponsible actions and help to preserve quality of life. Yes we need power but it should not compromise non-renewable resources we all share. I hope council will get on the side of the people with this issue and hold Duke Energy accountable for their actions and before I close out, I wanted you all to look as this Mission Statement. These are Duke Energy's own words and they're saying that we put safety first in all we do. Integrity—we admit when we are wrong. Passion—we take personal accountability for our actions and as you have seen in the press and played out in the news media, Duke Energy has not been following up with the things that they have stated that they stand on as a company and before I leave you all, I had a quote from one of our late great presidents, Thomas Jefferson and the quote goes as saying, "there is an artificial aristocracy founded on wealth and birth without either virtue or talents. The artificial aristocracy is mischievous and greedy in government and provisions should be made to prevent this ascendancy."

**Andrew Israel, 5937 Quail Hollow Road** said I'm just here as a concerned citizen. Like Antoine, I've been watching the events unfold and as a resident and your neighbor, I'm very concerned just like others that from the perspective of a citizen, it looks like Duke Energy is currently given lots of free reign to do what it wants in an area near Mountain Island Lake that supplies water for the City. We have coal ash ponds there that are unlined. Just a few facts—and North Carolina ranks number nine in the production of coal ash in the United States. As of 2013, there have been 13 documented cases of contaminated ground water here in the state. The other thing that concerns me is that recently in the news, we've seen a number of new stories come out that say that under Governor McCrory, the handling of the situation is marked by dismissive of approach to environmental regulation. Last August Governor McCrory signed a law to make sweeping changes involving environment regulation. These changes have allowed Duke Energy to avoid costly cleanup of contaminated ground water. He also appointed an \$8,000 donor to be the head of the DENR. Under his watch, every manager and supervisor in the North Carolina Department of Natural Resources which is our first line of defense in the case of contaminated ground water, every manager and supervisor has been assigned to an at-will position subject to capricious firing for no reason. He's also seen to it that a culture of political cronyism and a culture that is antithetical to science exist. According to Gerard Sailor of Earth Justice, right now we actually regulate household garbage closer than we regulate ground water. So what does this all mean? It means that as a citizen I would like to ask you to be involved in making sure that justice is done and that we do the right thing to make sure that the interest of water in the City is protected.

### **Riverbend Steam Station Coal Ash**

**Katherine Sparrow, 4788 Charlie Hip Road** said I have lived for 35 years in west Mecklenburg County. You might say I'm half way between Riverbend and Allen. I attended your Dinner Meeting and I was really happy to see how interested and focused you all are on coal ash right now. I went online before I came and read a question and answer sheet that the City Council, I guess it was the staff put out, and one thing really disturbed me and that was the question of "is coal ash hazardous?" and I'm really happy that you all are learning more about

coal ash because, especially if you learn the history of what's happened around coal ash. Coal ash is very hazardous. Arsenic is hazardous. Lead is hazardous. Mercury is hazardous and the list is really long of the dangerous things that are in coal ash and I hope you all will take the time to learn these things. The main thing I want to leave you with is I have a friend who lives on Lake Wylie on one of the coves that the Airport drains into and my question is what about her children and what about her children's children. Are they going to be safe?

Mayor Cannon said thank you Ms. Sparrow and for those of you that were not able to attend the City Council Dinner Meeting, basically the Council moved forward with allotting an opportunity to occur to have a due diligence period of about 60 days to take place to find out more about what is being proposed relative to what has been suggested in the way of having coal ash placed at the Charlotte Douglas International Airport and so through a process that will be laid out that it will see later that is it being Council along with the Mayor, as well as with the timeline and then with the ability to come back to the City Council for the City Council to determine how it wants to move forward with the things that were discussed at that Dinner Meeting so I'm sure you will either read or see something about it pretty soon tonight and so just to bring you up to speed, that's what was going on which delayed us a little bit this evening. So again, thank you for your patience for waiting for us but that was the matter at hand and thank you Ms. Sparrow for your comments, appreciate you being here tonight.

### **Citizens Viewing Pornography at the Public Libraries**

**Rev. Willie B. Simpson, P. O. Box 16537** said I thought that was the intension so they are gone already. I was reading your mind. I am ac activist of Charlotte North Carolina and I thought I wasn't going to make it tonight because I had to drive all night on Friday from Atlanta—hard drive, no sleep. But I thank God for being here today because I want to report about the issue that we have with our public libraries. Now I happen to be in the library this day and some perverted scenes were on the computer and I would say it was pornography. Now God forbid that our children have to be exposed to pornography in our public libraries. That's where they go to learn and to enhance what they are doing in school—to study there but I think it would be hard for someone to study when you see a big screen in front of you or beside you with somebody watching pornography. That shouldn't have happened. I'm keeping in mind what you said before I got here because when I went to the bathroom in that particular west side library what I saw written on the wall—I'm not going to say what it was but the person who wrote it on the wall, keep your perverted self at home. They say they are going to come every day at 5:00; I'm going to come in here and do my little thing in the bathroom. So you figure it out and stuff was on the wall. It was just sickening. So I just reported it and I thought maybe the City and the County ought to know what's going on in your libraries. Some people think their kids are safe in the library—not with a perverted person like this running through the library. The person needs to be caught and in jail for what he did on that particular day and this is another thing that it doesn't have variance on the library issue. I just wanted to state to you Mayor that the OOC is working on that case of the \$10,000 mishandled from my bank account. It's sort of difficult to handle that and I saw your little clip on homelessness and I wanted to talk to you about that issue. They have a problem in Atlanta with homelessness. It's just crazy down there and then we have a big problem here. I'd like to see something done about that. Just put it in your budget.

Mayor Cannon said Mr. Manager if there is someone who has been foolish enough to put a timeframe as to when they're going to be at a certain locale, please make sure the proper authorities are alerted to that and something be done about it in the event that that is happening because something does need to be done about that. It is not appropriate.

**City Manager Ron Carlee** said certainly.

### **Water Fluoridation Program in Charlotte**

**Phillip Alexander 426 Marsh Road** said I'd like to begin this evening by addressing one of the questions asked last time when I spoke on fluoridation. According to data provided by the World Health Organization, since 1970 tooth decay rates have declined at the same rate in countries with and without water fluoridation. This is just one of the reasons most countries in the western world do not add fluoride to their water. Last year Israel announced that in 2014, they will stop adding fluoride to the water because of health concerns and because that fluorides

benefits are no longer widely accepted. I have also provided you with a list of communities from around the world that have either stopped or rejected fluoridation since 2010. As you can see, it's not a short list. The health concerns are very real. Since 2000 there have been 845 studies that connect fluoride to adverse health defects; 456 on the skeletal system, including 76 on arthritis. Fluoride accumulates in the bones and unless special steps are taken, it remains in the bones and continues to cause damage. So no matter how small the amount is in the water, it's still going to build up over time. There have been 294 studies on the mechanisms by which fluoride damages cells; 237 on the brain, including 95 on cognitive functions. This is where you'll find the study linking fluoride to lowered IQ. 182 studies have been done on the kidneys; 64 of these studies show the heightened risks faced by kidney patients. All of these studies can be accessed online at [www.fluorideactionnetwork.com](http://www.fluorideactionnetwork.com) I have sent a link to all the Councilmember's emails.

With all these studies from numerous countries, I am still told by the Health Department that fluoride is safe and effective without offering any proof on their part. It seems to me the evidence that fluoride causes harm far outweighs the outdated science used to promote fluoride. Remember we were once told that asbestos was not harmful and I'm sure everyone's familiar with the multibillion dollar lawsuits involved with mesothelioma. Recently the US Court of Appeals for the Fourth Circuit, agreed to hear oral arguments in the case that Nympos v. Nestle Waters NA for fluorosis damage caused by fluorides in water and other products. Advertisements seeking students with dental fluorosis are beginning to fear a newspaper at universities such as Ahoya Newspaper at Georgetown University. The advertisement shows photos of dental fluorosis and informed students that those with fluorosis may be entitled to monetary damages. Just last week in San Francisco, residents held a march against fluoride in Union Square. People from all over are concerned about the toxic chemical being added to their water. Is this some that the City of Charlotte really wants to be a part of? If people want fluoride, they can, as the Mayor commented last time, buy toothpaste with Fluoride in it. People should have a choice. I urge the members of the Council to take a closer look at the evidence and then decide if this is a risk you're willing to take with your loved ones. At one of the first meetings I came to, the Council said that the safety of the people of Charlotte was their primary function so in closing, I would like to read a quote from Cicero that appears on the wall of the courthouse right down the street. He said let the safety of the people be the supreme law.

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## **AWARDS AND RECOGNITIONS**

### **Mayor's Day of Recognition for National Service Proclamation**

Mayor Cannon said Madam Clerk, I believe that may have concluded our speakers and with that being said we now come to our Awards and Recognitions. We have several this evening. I'd like to ask if Frank Spencer is here. President of Habitat for Humanity of Charlotte; Burt Green also may not be here but Burt is the Director of Strategic Initiatives for Habitat for Humanity of Charlotte and of course one of the things that will be happening in April. April 1<sup>st</sup> is going to be the Mayor's Day of Recognition of National Service. This is something that started last year so this will be its second year going forward and Mayors across the country participated in this last year as I stated earlier and had some 832 Mayors actually representing nearly 100 million citizens for the inaugural Mayor's Day of Recognition for National Service. With that being said, I wanted to issue a proclamation for something I thought would have to be a very worthy cause and I would now like to ask Councilwoman Vi Lyles if she would be so kind as to read that.

Councilmember Lyles read the proclamation as follows:

**WHEREAS**, service to others is a hallmark of the American character, and central to how we meet our challenges; and

**WHEREAS**, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

**WHEREAS**, AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21<sup>st</sup> century and supporting veterans and military families to preserving the environment and helping communities recover from natural disaster; and

**WHEREAS**, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

**WHEREAS**, national service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

**WHEREAS**, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

**WHEREAS**, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

**WHEREAS**, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

**WHEREAS**, The Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service on April 1, 2014:

**NOW, THEREFORE**, I, Patrick D. Cannon, Mayor of Charlotte, do hereby proclaim April 1, 2014 as

**“NATIONAL SERVICE RECOGNITION DAY”**

in Charlotte and comment its observance to all citizens.

Mayor Cannon said Mr. Spencer someone told me you're going somewhere but I don't believe it.

**Frank Spencer, Habitat for Humanity of Charlotte** said it is hard to believe that I will be leaving Charlotte.

Mayor Cannon said we are so going to miss you. You and your level of contribution to this community has meant a great deal and we so appreciate you and all the things you've been able to do over the years.

Mr. Spencer said thank you Mr. Mayor and members of City Council. I am here tonight though representing many organizations. I want to speak just a moment about National Service and our volunteers. Representatives of Charlotte non-profits before you are glad to return this year to sing the praises of the Corporation for National and Community Service. This is the 20<sup>th</sup> anniversary of the founding of the Corporation for National and Community Service and you will see on the PowerPoint that is running while I talk that Charlotte has been served well by these CNCS members. This year Charlotte is being served by AmeriCorps, AmeriCorps Vista, and for the first year, advisors funded by the CNCS social innovation fund. We are very thankful for the proclamation just read honoring contributions made by these outstanding servants among us. These organizations use approximately 340 AmeriCorps CNCS members to coordinate volunteers, teach and counsel our children, market, train, recruit, build, repair, empower, encourage and welcome as part of their core service delivery. They manage and oversee almost 50,000 volunteers and clients for their combined organizations each year in this community. Our organizations need the talent, energy, enthusiasm and oversight provided by the CNCS members here in Charlotte. We are leaving with each of you tonight a summary of the



work done by the agencies and encourage you to review it at your convenience. I ask those who serviced citizens in schools, innovative community services, UNCC, Queens University, Teach for America, Teach Charlotte, Urban Ministries Center, Latin American Coalition, Catholic Charities, Carolina College Advising Core and Habitat for Humanity of Charlotte to join me in standing at this time. We urge you to continue to communicate with our Congressional Representatives and Senators about the tremendous contribution the corporation for National Community Service makes here in Charlotte. Thank you for this proclamation. We invite everyone to join us on April 1<sup>st</sup> at 1:30 for the formal day of recognition. Our Mayor will be speaking as well as Mike Patterson, Vice Chair of the Governors' Commission on Volunteerism and Community Service. We will also hear some special announcements from several of our host CNC sites of activities to come. Thanks again for your time here tonight.

Mayor Cannon said for the level of service that all of you give and some level of capacity or another whether it be through city government, county government, state, federal; whether it be just right outside of this room whatever it is that you may be doing. Some of you may be in the private sector doing some things outside of your work—you're doing something service related, thank you so much for the level of the contribution that you continue to give to the City of Charlotte, to Mecklenburg County and/or the region. It's really, really appreciated and I just want to say that. I also want to thank these members of the Charlotte City Council for the level of service in which you all render as well. That really is also important and I know the sacrifice you make and I certainly appreciate it. We all appreciate it so thanks to everyone. It's important to make sure that we have support groups around to be able to help those that may be in need of just making sure that someone's there for them in any type of situation.

#### **Myeloma Awareness Month Proclamation**

Mayor Cannon asked Marissa and Hugh Southard to come forward; Councilmember Howard has a proclamation I would like to ask him to read and then we'd love any comments from you if you'd like to make any.

Councilmember Howard read the proclamation as follows:

**WHEREAS**, Multiple Myeloma is the second most common blood cancer worldwide is the cancer of plasma cells in the bone marrow and is called multiple because cancer can occur at multiple sites; and

**WHEREAS**, Multiple Myeloma currently affects more than one hundred thousand people in the United States with an estimated 20,000 new cases diagnosed each year and one hundred thousand losing their battle each year; and

**WHEREAS**, once a disease of the elderly, it is now being found in increasing numbers in people under 65; and

**WHEREAS**, Myeloma is a rare disease that can be a delayed diagnosis leading to delayed treatment, for this reason, an increased awareness of Melanoma for the clinicians and the general public will lead to early diagnosis allowing people to live longer; and

**WHEREAS**, continued investment and innovation is critical to achieve early diagnosis and implement the most effective and safe treatment for Melanoma patients; and

**WHEREAS**, there have been important advances in the last decade, however, there is still no cure for Melanoma.

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

#### **“MULTIPLE MYELOMA AWARENESS MONTH”**

in Charlotte and command its observance for all citizens.

Councilmember Howard said its funny you know I just saw this a little while ago and one of my mentors, James Ross, somebody we all know very well actually died of this. So this one is really

dear to my heart so this was the appropriate one for me and I had the pleasure of reading it in his honor.

**Hugh Southard, Charlotte Area Multiple Myeloma Support Group** said just very quickly I want to get a pronunciation correct it's called Multiple Myeloma and on behalf of the Charlotte Area Multiple Myeloma Support Group, we'd like to thank you Mayor and the City Council for making this proclamation and bringing awareness to this incurable cancer by declaring March as Multiple Myeloma Awareness Month. I was diagnosed with Multiple Myeloma in March 2012 two weeks before my wedding. I've been in treatment most of the last two years which has included six weeks of radiation, complete reconstructive back surgery, four rounds of chemotherapy and a complete stem cell transplant. I'm happy to report I'm doing very well. I'm thankful to have the opportunity to represent my fellow support group members and all those patients and caregivers touched by this disease and the caregivers are so important and mine is my wife Marissa. Myeloma is also called Multiple Myeloma. It is a cancer of the cells of the bone marrow that affects the immune system and can damage bones extensively. Myeloma currently affects more than 100,000 people in the United States with an estimate 20,000 new cases diagnosed each year. Myeloma is increasing in numbers and is becoming more common in younger patients with possible links to environmental toxins. Despite these facts, the majority of patients have never heard of Myeloma before their diagnosis and that was me, I had never heard of it. To help raise awareness, the International Myeloma Foundation (IMF) declared March as Multiple Myeloma Awareness Month in 2009. Celebrating its 23<sup>rd</sup> anniversary, the IMF is the oldest and largest Myeloma organization dedicated to improving the quality of life of Myeloma patients and their families. To learn more about Myeloma and the IMF, please visit [myeloma.org](http://myeloma.org). Additionally, we have a support group here in Charlotte that meets on the first Saturday of each month at the Carmel Presbyterian Church at 10:00 am. Thank you again Mayor Cannon and the City Council for recognizing Multiple Myeloma and helping us all try to find a cure.

Mayor Cannon said you just continue to do what you're doing in fighting the good fight against Myeloma and certainly we continue to support you and believe in the cause accordingly and happy to do what we can along the way to be supportive of you and those others suffering from this disease. Please come and accept the proclamation.

### **Science, Technology, Engineering and Math Proclamation**

Mayor Cannon said in order to compete globally, science, technology, engineering, mathematics happens to be the wave of trying to make sure that our youth accordingly, and even adults find a way to know more about these particular areas to make sure we are as best suited in this particular area to attract and lure all the necessary talent possible in order to be able to move Charlotte and the region forward. It is with that said that I'd like to ask Cory the Clown to come up and so we have a special proclamation that's going to be read. I'm going to recognize Councilwoman Clare Fallon and ask that she'd be so kind to read this proclamation.

Councilmember Fallon read the proclamation as follows:

**WHEREAS**, Fun with Stem will be at Blumenthal Performing Arts Booth Playhouse on March 28<sup>th</sup> through April 6<sup>th</sup>, 2014 for children and adults; and

**WHEREAS**, Fun with Stem is a live multimedia show featuring Cory the Clown performers, robotic puppets, magic, music, and audience participation using Common Core and North Carolina Essential Standards that will inspire young elementary students to understand science, technology, engineering and math (STEM) an environmental stewardship concepts through entertaining themes, demonstrations, and kinesthetic interaction; and

**WHEREAS**, Charlotte Mecklenburg Schools (CMS) district including Title 1, Title 1 subset and Lift Elementary Students and the Greater Charlotte Community will get to see the engineering design of the robotic puppets and interactive computer software with ancillary support of lesson plans and a website to complement the contents of the show for participating teachers, parents, students at [www.funwithstem.org](http://www.funwithstem.org); and

**WHEREAS**, Fun with STEM will also expand the knowledge of teachers and parents through focusing on learning through technology and ecological stewardship creating the classroom of the future, learning without limits with the contents of the this show; and

**WHEREAS**, though this out-of-school program, FUN WITH STEM, Learning with Laughter, hopes to inspire young minds to choose 'STEM' studies in secondary and post-secondary education, enabling them to be successful in a competitive global workforce and be more mindful to protect and conserve their future global environment; and

**WHEREAS**, 'STEM' education attempts to allow students to look at needs in our world and explore the many possible solutions through problem solving discovery and exploratory learning alone or collaborating with others in order to learn new information:

**NOW, THEREFORE**, we Patrick D. Cannon, Mayor of Charlotte and Trevor M. Fuller, Chairman of the Mecklenburg Board of County Commissioners do hereby proclaim March 28<sup>th</sup> and April 6<sup>th</sup> 2014 as

**“FUN WITH STEM WEEK”**

in Charlotte and Mecklenburg County and command it's observance to all citizens.

**Linda Ann Wyatt, Producer, FUN WITH STEM** said I'm producing the show and we're so happy to be here and thank you so much for recognizing FUN WITH STEM. Learn with Laughter is our company and its partnered with Charlotte Mecklenburg Schools to create FUN WITH STEM and along with the learning, it's a fun Broadway style musical and its at Blumenthal Performing Arts Booth Playhouse March 28<sup>th</sup> through April 6<sup>th</sup>. It's great for families and the show features Cory the Clown and a cast with a spectacular blend of live action, comedy, magic, robotic puppets and multimedia entertainment and it does introduce young children ages five through eight to STEM concepts so that they can find it fun and inspiring and thank you so much for having us.

Mayor Cannon said surely there is no clowning around when it comes to the education of our children but this is a fun way for them to engage and to make it very exciting so if you're watching; if you've heard about this today, please go out there and be supportive, take your child out; it could be a wonderful occasion for them.

**American Red Cross Month Proclamation**

Mayor Cannon said how important is the American Red Cross? Very, and with that said Angela Broom who is the Regional Chief Executive Officer for the American Red Cross and Jennifer Franklin who is the Regional Communications Director of the American Red Cross. I would like to ask Councilwoman Patsy Kinsey if she'd be so kind as to read the proclamation.

Councilmember Patsy Kinsey read the proclamation as follows:

**WHEREAS**, March is American Red Cross Month, a special time to recognize and thank our everyday heroes; those who volunteer, donate blood, take lifesaving courses or provide financial donations to support an organization whose mission is to help those in need; and

**WHEREAS**, we would like to remember our heroes here in Charlotte who give their time to help friends, family members and neighbors who are in need right here at home; and

**WHEREAS**, across the country, the American Red Cross responds to nearly 70,000 disasters a year, it provides some 400,000 services to military members, veterans and civilians, collects and distributes about 40% of the nation's blood supply and trains more than seven million people in first aide, water safety and other life-saving skills every year; and

**WHEREAS**, our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission despite these challenging economic times, the American Red Cross continues to offer help and comfort to those in need:

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

**“AMERICAN RED CROSS MONTH”**

in Charlotte and command its observance to all citizens.

**Angela Broom, Regional Chief Executive Officer for the American Red Cross** said I don't know what's worse, following children, pets, or a clown so that's a challenge but thank you so much for having us here. I'm representing over 1,500 volunteers, your neighbors who respond to the call at all hours of the day and night to help those in need in an emergency situation whether it is through giving blood in the middle of the night to that single family house fire, tornados, floods, or events around this community. I am honored to do so. They are an amazing group of people; over a million residents in this city that they stand up and look after. You are correct in that we serve the armed forces as well—the men and women in uniform, their families and we're honored to do that also and we help the community not only prepare, respond, but recover from natural disasters and manmade and we thank you for honoring us with Red Cross Month.

Mayor Cannon said well Angela you are so welcome. We thank you. We thank your staff and those many volunteers who continue to give of themselves unselfishly for this wonderful, wonderful cause. Please come and accept your proclamation.

Councilmember Mayfield said I would like to share as a former employee of the American Red Cross, had an amazing seven years working in the corporate headquarters but had the opportunity to actually train to be a client case work supervisor but those in the community that have ever thought about serving, it's a wonderful way to get out and meet people but also to be of service not just locally but across the nation in case of disaster in the time of need. So the Park Road location it has wonderful volunteers; it's wonderful training to be a part of, so if anyone has ever thought of it, I would really encourage you to pick up the phone and learn a little bit more about our local American Red Cross Chapters.

**Recognition of Kim McMillan, City of Charlotte**

Mayor Cannon said since joining the City of Charlotte in 2007 as Director of Corporate Communications and Marketing, Kim McMillan has made her mark and some things I put down here just to make sure I covered regarding her work on behalf of the City organization; what has she done you might ask; well she's led a multidisciplinary staff team in the development and implementation of communications and marketing programs and services to better serve residents of the City of Charlotte. She's managed to redevelopment of the City brand for use on all City communications material, helped to develop the City of Charlotte Social Media presence, led a team of communication professionals from departments throughout the City and County responsible for internal and external communications associated with the Democratic National Convention in 2012; while the convention itself was just days in length, the planning process evolved over an 18-month period all of which that time she worked very hard and very diligently. She led the effort to improve communications surround the City's Communication Investment Plan. Also, under Kim's stewardship, Corporate Communications and Marketing has won several awards both International Association of Business Communicators and the City and County Communications and Marketing Association Award. Kim has done all of these things and so much more; all with professionalism and in the best interests of the residents of Charlotte and the City organization. I know the members of the Council will join me accordingly in wishing Kim the best in her new endeavors as she sadly, I must report, will be retiring from this post only to take on a better one I assume somewhere else but she is leaving us to go elsewhere and Kim do know that we will miss you and all of the talents which you possess that has made our Corporate Communications Department and City Departments overall a wonderful place for people to really appreciate. Please come down and accept a little gift from us please.

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**CONSENT AGENDA**

Motion was made by Councilmember Howard, seconded by Councilmember Lyles, and carried unanimously, to approve the Consent Agenda as presented with the exception of Item No. 57-M that was pulled by staff, Item Nos. 57-R, 57-X and 57-Y that were settled and Item Nos. 57-S and 57-T that were settled however they require Council approval as acquisitions.

The following items were approved:

**Item No. 21: Code Enforcement Nuisance Abatement Services**

(A) Award unit price contracts for providing Code Enforcement nuisance abatement services for an initial term of three years to the following: Carolina Lawn Service, Carolina Property Preservation Specialist, Dunlap Commercial & Residential Services, GMB Enterprises, Maintenance One, Millennium CCF and DJF, LLC and RCS and (B) Authorize the City manager to approve two, one-year renewal options with possible price adjustments as authorized by the contract, and contingent upon the company's satisfactory performance.

**Item No. 22: Governor's Highway Safety Program Grant Application**

(A) Resolution authorizing the Charlotte-Mecklenburg Police Department to apply for a \$20,000 grant from the Governor's Highway Safety Program, and (B) Budget Ordinance No. 5321-X appropriating \$20,000 in grant funds, if Charlotte is the successful grant recipient.

The resolution is recorded in full in Resolution Book 45, at Page 189.

The ordinance is recorded in full in Ordinance Book 58, at Page 660.

**Item No. 23: Street Maintenance Asphalt Patch Trucks**

(A) Approve the purchase of patch truck bodies from a cooperative purchasing contract as authorized by G.S. 143-129(e) (3); (B) Approve a unit price contract in the amount of \$190,626 with Public Works Equipment and Supply Inc. for the purchase of patch truck bodies for a term of one year; (C) Approve the purchase of a patch truck chassis from a cooperative purchasing contract as authorized by G.S. 143-129(e) (3), and; (D) Approve a unit price contract in the amount of \$173,478, with Houston Freightliner Inc. for patch truck chassis for a term of one year.

**Item No. 24: Street Maintenance Asphalt Patch Trucks**

(A) Approve the purchase of dump truck bodies from a state contract as authorized by G.S. 143-129(e)(9), (B) Approve a contract in the amount of \$92,408.37, with Godwin Manufacturing Inc. for the purchase of dump truck bodies per State Contract #065C for the term of one year; (C) Approve the purchase of dump truck chassis from a cooperative purchasing contract as authorized by G.S. 143-129(3)(9), and; (D) Approve a contract, in the amount of \$373,146, with Grade Truck Center for the purchase of dump truck chassis for a term of one year.

**Item No. 25: City Bridges Inspection Service**

(A) Award a contract to WSP USA CORP in the amount of \$176,856 for the inspection of bridges not qualifying for federal funds administered by the state of North Carolina; (B) Award a contract to WSP USA CORP in the amount of \$431,834 for the inspection of bridges that qualify for federal funds administered by the State of North Carolina; (C) Approve an amended resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to share the cost of inspecting 132 City-maintained bridges and culverts in the amount of \$345,467.20, and; (D) Adopt Budget Ordinance No. 5322-X appropriating North Carolina Department of Transportation funds of \$70,467.20.

The resolution is recorded in full in Resolution Book 45, at Page 190.

The Ordinance is recorded in full in Ordinance Book 58, at Page 661.

**Item No. 26: LED Traffic Signal Bulbs**

(A) Approve the purchase of LED bulbs from a state contract as authorized by G.S. 143-129(e)(9); (B) Approve a contract with Dialight Corporation, Excellence Opto Inc. Leotek Electronics USA Corp., and RAI Products for the purchase of LED Vehicle Traffic Signal bulbs per State contract #550A in the aggregate amount of up to \$250,000 for a term of one year, and;

(C) Authorize the City manager to extend the contract for four additional, one-year terms as long as the state contract is in effect, at prices and terms that are the same or more favorable than those offered under the state contract.

**Item No. 27: Transit Bus Stop Improvements Fiscal Year 2014-C**

(A) Award the low-bid contract of \$120,709.81 to The Huffstetler Group, Inc. for the transit bus stop improvements fiscal year 2014-C, and; (B) authorize the City Manager to approve two renewals each in an amount up to the original contract amount.

**Summary of Bids**

The Huffstetler Group, Inc.	\$120,709.81
Bullseye Construction, Inc.	\$134,366.00
Dakota Contracting Company, Inc.	\$169,889.50
Quinn Sales, Inc.	\$184,090.85

**Item No. 28: Resurfacing Contract for Fiscal Year 2014-A**

(A) Award the low-bid contract of \$4,565,369.69 to Blythe Construction, Inc. for the resurfacing fiscal year 2014-A project, and (B) Authorize the City Manager to approve two renewals each in an amount up to the original contract amount.

**Summary of Bids**

Blythe Construction, Inc.	\$4,565,369.69
Ferebee Corporation	\$4,656,154.83
Blythe Brothers Asphalt Co.	\$4,782,711.40
The Lane Construction Corp.	\$5,773,884.60

**Item No. 29: Ponderosa/Markland Neighborhood Improvement Project**

Award the low-bid contract of \$1,498,888.60 to United Construction, Inc. for the Ponderosa/Markland Neighborhood Improvement Project.

**Summary of Bids**

United Construction, Inc.	\$1,498,888.60
Morlando Construction, LLC	\$1,596,123.10
Sealand Contractors Corp.	\$1,653,634.40
D. E. Walker construction	\$1,671,349.30
Zoladz Construction Co., Inc.	\$1,685,200.00
Carolina Cajun Concrete	\$1,887,573.60

**Item No. 30: Pressley Road Storm Drainage improvement Project**

Award the low-bid contract of \$267,979.80 to United Construction, Inc. for the Pressley Road Storm Drainage Improvement Project.

**Summary of Bids**

United Construction, Inc.	\$267,979.80
RJJ Construction, Inc.	\$282,581.64
W. M. Warr & Son, Inc.	\$293,949.65
Sanders Utility Construction Company, Inc.	\$297,488.90
Bullseye Construction Inc.	\$305,336.68
Zoladz Construction Co., Inc.	\$342,249.60
Onsite Development, LLC	\$352,102.30
Blythe Development Company	\$357,280.00
Carolina Cajun Concrete	\$427,935.20

**Item No. 31: Water Quality Enhancement Project Grant**

(A) Approve a grant application for \$135,000 from the North Carolina Clean Water Management Trust Fund to fund 74% of the construction cost of the Linda Lake Drive Water Quality Enhancement Project (B) Authority the City Manager to accept the North Carolina Clean Water Management Trust Fund grant if awarded, and (C) Approve Budget Ordinance No. 5223-X appropriating up to \$135,000 in grant funds to the Storm Water Community Investment Fund, if Charlotte is the successful grant recipient.

The ordinance is recorded in full in Ordinance Book No. 58, at Page 662.

**Item No. 32: Northpark Pond Water Quality Enhancement Project**

Award the low-bid contract of \$448,022.50 to Ferebee Corporation for the NorthPark Pond Water Quality Enhancement project.

**Summary of Bids**

Ferebee Corporation	\$448,022.50
United Construction, Inc.	\$499,225.00
Onsite Development LLC	\$508,725.00

**Item No. 33: Heating, Ventilation and Air Conditioning Parts/Service**

(A) Approve the purchase of heating, ventilation and air-conditioning parts and services from a federal contract as authorized G.S. 143-129(e)(9a); (B) Approve a unit price contract with Trane U.S. Inc. (d/b/a TRANE) for heating, ventilation and air conditioning parts and services for an initial one-year term; (C) Approve a unit price contract with Carrier Corporation for heating ventilation and air conditioning parts and services for an initial one-year term, and (D) Authorize the City Manager to extend both contracts up to three additional, one-year terms as long as the federal contract is in effect at prices and terms that are the same or more favorable than those offered under the federal contract.

**Item No. 34: Floor Covering Supplies and Services**

(A) Approve the purchase of floor covering supplies and services from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3); (B) Approve a contract with Modular Designs of Charlotte, Inc. for the purchase of floor covering supplies and services in the estimated annual amount of \$250,000 per year, and (C) Authorize the City Manager to extend the contract for three additional one-year renewal terms with possible price adjustments at the time of renewal as authorized by the contract.

**Item No. 35: Utility Trailer Donation**

Resolution approving the donation of a Jetter trailer, for cleaning out storm drains at parks to Mecklenburg County Parks and Recreation.

The resolution is recorded in full in Resolution Book 45 at Page 191.

**Item No. 36: Airport Entrance Road Design Contract Amendment**

(A) Approve contract amendment #3 in the amount of \$75,000 to HNTB North Carolina, P.C. for additional design services to the Airport Entrance Road, and (B) Budget Ordinance No. 5324-X appropriating \$75,000 from the Aviation Discretionary Fund to the Airport Community Investment Fund.

The ordinance is recorded in full in Ordinance Book 58, at Page 663.

**Item No. 37: Airport Corporate Hanger Renovations**

(A) Award a low-bid contract of \$1,770,055 to Quinn Sales dba Custom Building Systems for renovations and addition to a corporate hangar, and (B) Budget Ordinance No. 5325-X appropriating \$1,770,055 from the Aviation Excluded Discretionary Fund to the Aviation Community Investment Fund.

**Summary of Bids**

Quinn Sales dba. Custom Building Systems	\$1,930,000.00
Edison Foard Construction Services	\$1,979,000.00
Encompass Building Group	\$1,985,000.00
Monteith Construction	\$1,994,800.00
EVS Construction	\$2,025,000.00
Morlando Construction	\$2,050,000.00
South Side Contractors	\$2,068,000.00
Randolph and Son	\$2,090,000.00
WC Construction	\$2,122,000.00
Marand Builders	\$2,133,848.00

The ordinance is recorded in full in Ordinance Book 58, at Page 664.

**Item No. 38: Civil Air Patrol License**

Approve a license for office space with the Civil Air Patrol.

**Item No. 39: Airport Air filtration Products and Services**

(A) Award the low-bid contract of \$403,535.31 to United Air Filter company for the purpose of air filtration products and services for a term of three years and three months, and (B) Authorize the City Manager to extend the contracts up to two, one-year terms with possible price adjustments at the time of renewal as authorized by the terms of the contract.

**Summary of Bids**

United Air Filter Company	\$403,535.31
Bruce Air Filter Company	\$439,816.10
Charlotte Heating and Air Company	No bid

**Item No. 42: Donation of Surplus computers and Related Equipment to Goodwill**

Resolution approving the donation of surplus computers and related equipment to Goodwill Industries of Southern Piedmont.

The resolution is recorded in full in Resolution Book 45, at Page 192-193.

**Item No. 43: Public Auction for Disposal of Equipment and Police Unclaimed Property**

(A) Resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus, and (B) authorize said items for sale by public auction on April 5, 2014, and April 12, 2014.

The resolution is recorded in full in Resolution Book 45m at Page 194-201.

**Item No. 44: Alternator, Starter and Electrical Motor Rebuild Services**

(A) Approve unit price contracts with the following companies for alternator, starter and electrical motor rebuild services for an initial term of three years: American Auto and Truck Electric and Carolina Auto Electric of NC, LLC, and; (B) Authorize the City Manager to approve two, one-year renewal options with possible price adjustments as authorized by the contract and contingent upon the company's satisfactory performance.

**Item No. 45: Miscellaneous Vehicles and Equipment Filters**

(A) Approve a unit price contract for the purchase of miscellaneous vehicle and equipment filters for the term of three years to: Stone Truck Parts, LLC, Cummins Atlantic, LLC and Genuine Parts Co. dba NAPA Auto Parts, and; (B) Authorize the City manager to extend the contract for up to two additional, one-year terms with possible price adjustments as authorized by the contract.

**Item No. 46: Original Equipment Manufacturer Parts**

(A) Approve a unit price contract for the purchase of original equipment manufacturer parts for the term of three years to: Auto Supply Company and Crossroads Ford of Indian Trail, and (B) Authorize the City Manager to extend the contract for up to two additional one-year terms with possible price adjustments as authorized by the contract.

**Item No. 47: Vehicle and Equipment Batteries**

(A) Approve a unit price contract with the low-bidder Battery Service, Inc. for the purchase of miscellaneous vehicle and equipment batteries and components 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 as authorized by the contract.

**Item No. 48: Maintenance, Repair and Operating Supplies**

(A) Approve the purchase of maintenance, repair and operating supplies from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3); (B) Approve a unit price contract with Grainger for the purchase of maintenance, repair and operating supplies for the term of three years under National Intergovernmental Purchasing Alliance cooperative purchasing organization contract #090188; (C) Approve the purchase of maintenance, repair and operating supplies from a state contract as authorized by G.S. 143-129(e)(9); (D) Approve a unit price



contract with Lowes for the purchase of maintenance, repair and operating supplies for the term of three years under the North Carolina state contract #150A, and; (E) Authorize the City Manager to extend the contracts for additional one-year terms as long as the respective cooperative and state contracts are in effect at prices and terms that are the same or more favorable than those offered under the cooperative contract.

**Item No. 49: Workers' Compensation Medical Services**

(A) Approve a unit discount contract with Concentra for workers' compensation medical services for an initial term of three years, and (B) Authorize the City Manager to approve two, one-year renewal options contingent upon the company's satisfactory performance.

**Item No. 50: Workers' Compensation Third Party Administration Services**

(A) Approve a contract with Allied Claims Administration, Inc. for worker's compensation third-party administration services for an initial term of three years, and (B) Authorize the City Manager to approve two, one-year renewal options and contingent upon the company's satisfactory performance.

**Item No. 51: Property and Casualty Third Party Administration Services**

(A) Approve a contract with Preferred adjusters of the Carolinas, Inc. for property and casualty third party claims administration services for an initial term of three years, and (B) Authorize the City manager to approve two, one-year renewal options and contingent upon the company's satisfactory performance.

**Item No. 52: Refund of Property and Business Privilege License Taxes**

(A) Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$287,881.66, and; (B) Adopt a resolution authorizing the refund of business privilege license payments in the amount of \$1,199.10.

The resolutions are recorded in full in Resolution Book 45, at Page 202-215.

**Item No. 53: Resolution of Intent to Abandon a Residual Portion of Sharon Amity Road**

(A) Resolution of Intent to abandon a residual portion of Sharon Amity Road, and (B) Set a public hearing for April 28, 2014

The resolution is recorded in full in Resolution Book 45, at Page 216-218.

**Item No. 54: Meeting Minutes**

Approve the titles, motions and votes reflected in the Clerk's record as the minutes of January 29-31, 2014 Budget Retreat and February 10, 2014 Business Meeting.

**Item No. 55-A: 4130 Oakwood Road**

Ordinance No. 5226-X authorizing the use of In Rem Remedy to demolish and remove the structure at 4130 Oakwood Road (Neighborhood Profile Area 237).

The ordinance is recorded in full in Ordinance Book 58, at Page 665.

**Item No. 55-B: 1032 Roy Street**

Ordinance No. 5327-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1032 Roy Street (Neighborhood Profile Area 5).

The ordinance is recorded in full in Ordinance Book 58, at Page 666.

**Item No. 55-C: 4305 Hovis Road**

Ordinance No. 5328-X authorizing the use of In Rem Remedy to demolish and remove the structure at 4305 Hovis Road (Neighborhood Profile Area 385).

The ordinance is recorded in full in Ordinance Book 58, at Page 667.

**Item No. 55-E: 1616 Ervin Lane**

Ordinance 5330-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1616 Ervin Lane (Neighborhood Profile Area 116).

The ordinance is recorded in full in Ordinance Book 58, at Page 669.

**Item No. 55-F: 632 Sunlit Lane**

Ordinance No. 5331-X authorizing the use of In Rem Remedy to demolish and remove the structure at 632 Sunlit Lane (Neighborhood Profile Area 94).

The ordinance is recorded in full in Ordinance Book 58, at Page 670.

**Item No. 56: SALE OF CITY-OWNED PROPERTY – NEWBERRY STREET**

Approve the sale of City-owned property located at 2411, 2421, 2429, 2431, 2433 and 2435 Newberry Street to Goodwill Industries of the Southern Piedmont, Inc. in the amount of \$192,400.

**Item No. 57-A: 9213 Dorcas Lane**

Acquisition of .44 acres at 9213 Dorcas Lane from Joseph K. Vu and Cindy Nguyen for \$182,000 for Airport Master Plan Acquisition.

**Item No. 57-B: 9009 Snow Ridge Lane**

Acquisition of .382 acres at 9009 Snow Ridge Lane from Patricia Myrick (Cabarrus Pines) for \$34,000 for Airport Master Plan Acquisition

**Item No. 57-C: Snow Ridge Lane**

Acquisition of .1118 Acres at Snow Ridge Lane from Winterglen, Inc. for \$2,000 for Airport Master Plan Land Acquisition.

**Item No. 57-D: South of Snow Ridge Lane**

Acquisition of 4 acres South of Snow Ridge Lane from Winterglen, Inc. for \$64,000 for Airport Master Plan Land Acquisition.

**Item No. 57-E: 9117, 9129, and 9133 Snow Ridge Lane**

Acquisition of 3.881 acres at 9117, 9129 and 9133 Snow Ridge Lane from Cabarrus Pines for \$91,200 for Airport Master Plan Land Acquisition.

**Item No. 57-F: 8028 Steele Creek Road**

Acquisition of 18.88 acres at 8028 Steele Creek Road from Cabarrus Pines for \$1,870,000 for Airport Master Plan Land Acquisition.

**Item No. 57-G: 7208 Steele Creek Road**

Acquisition of .575 acres at 7208 Steele Creek Road from Hoover Legacy Trust (Diane Hoover Wallace) for \$148,000 for Airport Master Plan Land Acquisition.

**Item No. 57-H: 9001 Snow Ridge Lane**

Acquisition of .48 acres at 9001 Snow Ridge Lane from Oscar F. Merlos and Olinda Amaya for \$136,000 for Airport Master Plan Land Acquisition.

**Item No. 57-I: 9517 Markswood Road**

Acquisition of 1.08 acres at 9417 Markswood Road from Michael and Shirley Kohut for \$191,000 for Airport Master Plan Land Acquisition.

**Item No. 57-J: 4310 Pete Brown Road**

Acquisition of 1.837 Acres at 4310 Pete Brown Road from Salamander Ranch, LLC for Pete Brown Road Extension, Parcel #2.

**Item No. 57-K: 4321 Pete Brown Road**

Acquisition of 1 acre at 4321 Pete Brown Road from Christopher T. Pope for \$16,500 for Pete Brown Road Extension, Parcel #5.

**Item No. 57-L: Ridge Road**

Acquisition of 10.985 acres on Ridge Road from Mallard Creek Optimist Club, Inc. for \$80,000 for Prosperity Ridge Connection, Parcel #1.

**Item No. 57-N: 11800 Mourning Dove Lane**

Resolution of condemnation of .341 acre at 11800 Mourning Dove Lane from Darlene Middleton n/k/a Darlene E. M. Reed and any other parties of interest for \$4,650 for Johnston Oehler Farm to Market, Parcel #46.

The resolution is recorded in full in Resolution Book 45, at Page 219.

**Item No. 57-O: Song Sparrow Lane**

Resolution of condemnation of .514 acre on Song Sparrow Lane from Robyns Glen Homeowners Association and any other parties of interest for \$825 for Johnston Oehler Farm to Market, Parcel #47.

The resolution is recorded in full in Resolution Book 45, at Page 220.

**Item No. 57-P: Song Sparrow Lane**

Resolution of condemnation of 4,789 square feet on Song Sparrow Lane from Robyns Glen Homeowners Association and any other parties of interest for \$25 for Johnston Oehler Farm to Market, Parcel #50.

The resolution is recorded in full in Resolution Book 45, at Page 221.

**Item No. 57-Q: 1037 Dale Avenue**

Resolution of condemnation of .267 acre at 1037 Dale Avenue from Christopher G. Lineberry and any other parties of interest for \$2,125 for Oakdale Road Widening, Parcel #88.

The resolution is recorded in full in Resolution Book 45, at Page 222.

**Item No. 57-S: 4902 Ridge Road**

Acquisition of 3.654 acres at 4902 Ridge Road from Reece (ska "Reese") E. Untz and Linda F. Untz and any other parties of interest for \$54,975 for Prosperity Ridge Connection, Parcel #4 and #9.

**Item No. 57-T: 4706 Ridge Road**

Acquisition of 2.004 acres at 4706 Ridge Road from Trudy O. Daniel, Trustee under trust dated 7/16/04 and any other parties of interest for \$6,875 for Prosperity Ridge connection, Parcel #6.

**Item No. 57-U: 5901 Prosperity Church Road**

Resolution of condemnation of 35.713 acres at 5901 Prosperity Church Road from Eason Family Properties, LLC and any other parties of interest for an amount to be determined for Prosperity Village Northwest Arc A, Parcel #6.

The resolution is recorded in full in Resolution Book 45, at Page 223.

**Item No. 57-V: 5920 Shining Oak Lane**

Resolution of condemnation of 7,855 square feet at 5920 Shining Oak Lane from BLTREJV3 Charlotte, LLC and any other parties of interest for \$750 for Prosperity Village Northwest Arc B, Parcel #9.

The resolution is recorded in full in Resolution Book 45, at Page 224.

**Item No. 57-W: Beaver creek Drive**

Resolution of condemnation of .774 acre on Beaver Creek Drive from Meeting Street Towns at Heron Bay Owners Association, Inc. and any other parties of interest for \$500 for Prosperity Village Northwest Arc B, parcel #11.

The resolution is recorded in full in Resolution Book 45, at Page 225.

**Item No. 55-D: 1933 Maryland Avenue**

Ordinance No. 5329-X authorizing the use of In Rem Remedy do demolish and remove the structure at 1933 Maryland Avenue (Neighborhood Profile Area 392).

Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and carried unanimously to adopt the subject ordinance.

The ordinance is recorded in full in Ordinance Book 58, at Page 666.

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## PUBLIC HEARING

### **ITEM NO. 12: PUBLIC HEARING ON A RESOLUTION TO CLOSE A RESIDUAL PORTION OF OLD LANCASTER HIGHWAY**

**Suzanne Todd, Elevation Church, 1065 East Morehead Street** said this is simply a petition to abandon a portion of right-of-way on Old Lancaster Highway at the corner of current Lancaster Highway and Johnston Road. The property that the abandoned portion of the road is located on is now owned by Elevation Church and it's in the way of their flagship campus project and therefore we simply asking the Council to approve the petition to abandon this property.

Motion was made by Councilmember Howard, seconded by Councilmember Lyles, and carried unanimously, to close the public hearing and adopt the subject resolution.

The resolution is recorded in full in Resolution Book 45, at Page 157-159.

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## POLICY

### **ITEM NO. 13: CITY MANAGER'S REPORT**

**City Manager Ron Carlee** said in our dinner meeting we ran long tonight because of the items before the Council and if it would be your pleasure, I'd like to take advantage of the Manager's Report to give you an update on the Legislative Agenda. Dana Fenton is here to provide a brief report to you but I would ask if you would first recognize Councilman Driggs who chairs the committee that has reviewed the legislative proposals.

Councilmember Driggs said we are not asking tonight for an approval of this agenda. This is an informational thing; we're going to vote on it on April 14<sup>th</sup>. I'd like to point out the members of the Intergovernmental Relations Committee aside from myself are Claire Fallon, Vice Chair and Councilmembers Howard, Smith and Mayfield. The Committee has met twice in preparation for the Legislative Agenda and we've had good discussion of issues. It should be noted this is the short session of the General Assembly. They're going to be in a hurry to wrap up so we don't have a lot of items to be brought to their attention. The Committee did vote 5-0 to authorize presentation of this agenda and members of council will have the opportunity until April 14<sup>th</sup> to provide any input they may wish to by way of modification and with that I'll ask Dana Fenton to present the agenda.

**Dana Fenton, City's Intergovernmental Relations Manager** said I'm pleased to be here tonight to present the Committee's proposed 2014 State Legislative Agenda. As Councilmember Driggs said, we won't be coming back here until April 14 for a vote of Council but in the meantime, if any member of the Council has any questions about the agenda, I would be more than glad help you through the process the Committee went through and to explain any behind the proposed positions. (Mr. Fenton used PowerPoint for his presentation of the Legislative Agenda to the council.) Again, 2014 is the short session. It does require essentially that we have a very short Legislative Agenda. There's only very few types of bills that the General Assembly will be considering this coming session, including a revised budget, potential for constitutional amendments and cross over bills among others. The first item of the agenda that the Committee is proposing is to support the continuation of the film refundable tax credit program. As many of you know, this program has been in effect since the beginning of 2011 and during that time, there has been a resurgence in film production here in North Carolina and every year that the

credits been existence the amount of film produced here that's eligible for the credit has increased. Its created quite a few jobs but the end of this calendar year of 2014 the program will expire and the General Assembly will need to take action to extend the credit and there is a broad coalition of support that's been developed to advocate for the credit this year. The next issue is a crossover bill from last year; this is legislation that the City and the Metropolitan Transit Commission requested. Essentially this would be to support HB375 increasing the maximum allowable length of Charlotte Area Transit System buses up to 60 feet and this is a bill that was sponsored by four of our delegation members led by Representative Jetter. Again, it would allow CATS to operate buses that are longer than 45 feet. Most notably, these would be called articulated buses. The legislation did pass the House; it met the crossover requirements and it is sitting in the Senate right now awaiting action. And the last proposed position of your Committee is to support reforms to the Privilege License Tax that are revenue neutral and provide for a reliable and growing source of revenue in the future. You've had a Privilege License Tax in your toolbox of revenues for many years. The City collects about \$17 to \$18 million dollars per year from this tax. It goes to support general fund activities like police, fire, transportation, solid waste and other general fund services. There are about 40,700 business tax payers in the City at this time and over the years there has been a growing level of dissension with the tax and its just not here in the City but it is statewide. There are variations in methodologies in how the tax is applied in different jurisdictions around the state. You also have a whole host of exemptions that types of business are exempt from paying the tax or they have to pay a very small amount and then of course one of the methodology differences we find is that some cities do cap the maximum amount that one business location has to pay whereas other cities let that cap or they don't have a cap, let's put it that way or their cap is much higher than what we charge so as a result there has been a lot of growing dissension around the tax and the issue has been thrown to the General Assembly's Revenue Laws Committee. This is a joint House and Senator Committee that looks at revenue policies during the interim session. Their charge this year was to look at the future of the Privilege License Tax. There is a proposal out there right now that is called the Fair and Flat Local Business Tax. It does one thing that would be in support of your position and that would be to repeal most of the exemptions that are found out there right now from certain types of businesses not having to pay or having to pay a very limited amount but it goes too far the other way in that it opposes a \$100 maximum tax per business location and by virtue of identifying a lot more businesses that would have to pay like about 83,000 overall when you apply the \$100 tax, those 83,000 businesses, you end up with a revenue shortfall with the City of around \$8.5 million. That means if that were to be enacted and you had to cut services or raise revenues or do some combination of it, that would be a lot of work on the part of the City Council to find \$8.5 million worth of reductions in your general fund or to consider a property tax increase.

I would also say that the number of businesses that have been identified; those are US Census Bureau estimates of the number of businesses that exist in the City. We have no way of knowing whether we would be actually able to identify all those businesses. The information that the Census Bureau collects from federal agencies is confidential. They're not going to send us a mailing list of names and addresses of those proprietors and as a result, it would be very difficult to actually get all 83,949 businesses to pay the tax. I would stress to you right now that there are probably going to be some other proposals put on the table to reform the privilege license tax. We're still pretty early in the process and in the next couple of months on May 14<sup>th</sup> when the General Assembly gets together, by that time the Revenue Laws Committee should make a recommendation to the General Assembly. If at that point or actually before that there will be quite a bit more discussion about these proposals and we'll keep you up to date on those discussions.

Mayor Cannon said did we understand you to say that this could cause a proposed property tax increase?

Mr. Fenton said it could. That's one of the options that could be on the table for you.

Mayor Cannon said and does the General Assembly recognize that they could be raising property taxes on the citizens?

Mr. Fenton said that has been pointed out many times to the Revenue Laws Committee and to other members of the General Assembly in public presentations earlier in this year on this issue

and since then. It has been pointed out, in fact, one of our state representatives pointed that out in the last meeting of the Revenue Laws Committee that if the tax were to be repealed here at the City of Charlotte or we would not be able to levy the tax. We would have to raise property taxes to make up the difference, and then it would be about a two cent increase in the citywide property tax.

Mayor Cannon said and even so there was still no level of concern that would have slowed them down from where they were going at this juncture other than to continue to move forward through this process but I do hear you say that there may be other proposals that they may consider.

Mr. Fenton said that is true. In terms of the level of concern about property tax increases, yes there is always concern about that but again, it's very early in the process and maybe a lot of people haven't really absorbed that yet.

Mayor Cannon said well hopefully they're watching.

Councilmember Lyles said one of the issues in our Business Privilege License Tax is that it is one of our top five revenues; property tax, sales tax, utility, franchise and Business Privilege License Tax and because we've used it in the way that we have to fund the General Fund Operations of the city; police, fire, solid waste, garbage collection—those kinds of things, it puts us in a particularly difficult position this year at the time that we're doing the budget to have an action like this occur. I would really ask that we continue to urge and encourage our delegation, the members of the committee looking at this, if we are going to have tax reform that we have to have the time to adjust and we have to know the rules of the road so if there is going to be a change on what is a local tax, but that is a change that we need to make locally. I understand that it's something that the State may be interested in but one of the questions that I have is what is the answer if we're going to lose the ability to have this tax is the expectation that every municipality in this state would place the burden on the property owners whether they be our seniors or whether they be our working folks that are just barely hanging on after this recession so as we are going forward on the legislative package. I certainly support the other initiatives and especially want to emphasize to our Committee Chair in this area and the staff the importance of looking at reforms to the privilege tax that are revenue neutral as well as giving us the time to adjust to them locally.

Mr. Driggs said could I clarify the proposed change would be effective next year is that right?

Mr. Fenton said your proposed change would be effective July 1 of 2015.

Mr. Driggs said right so it's a year out and we have engaged already with the members of the General Assembly on this subject. I do want to point out any talk about the impact on the property tax does not connote any decisions or anything that has been made. It reflects the fact that this loss of revenue has very little means of offset for us. We basically don't have autonomous revenue tools left so I don't want to prematurely project the idea that the decision has already been made and also to clarify, I think a two cent adjustment was corresponded to the greater revenue loss that might have resulted from the early version. Right? If we actually have an \$8.5 million loss of revenue, that corresponds more closely to a one cent adjustment.

Mr. Fenton said that's correct.

#### **Councilmember Barnes arrives at 7:55pm**

Mr. Fenton said just a few more things; one is your upcoming schedule we'll be back in front of you on April 14<sup>th</sup> to ask for Council consideration of the agenda and of course the session starts on May 14<sup>th</sup>.

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#### **ITEM NO. 14: CITY COUNCIL MEETING SCHEDULE AMENDMENTS**

Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and carried unanimously, to approve amendments to the City Council Regular & Budget meeting Schedule for 2014: Set the City Council half-day retreat on Wednesday, April 2, 2014 from 10:00 a. m. to 3:00 p.m., and move the City Manager's Evaluation from April 7, 2014 to June 23, 2014. The meeting on April 7 will remain as the City Manager's quarterly briefing. to the City Council Regular and Budget Meeting Schedule for 2014.

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**ITEM NO. 15: MEMORANDUM OF UNDERSTANDING WITH STUDIO CHARLOTTE DEVELOPMENT, LLC**

**Donna Reed, 6038 Bayswater Lane** said I wanted to speak on behalf of the Community Development and the Community. We decided that since we're on one accord, we could use one voice tonight so Tracy will not be here but we wanted to make known and wanted to point out the fact that although we understand fully why it came to the decision about not extending the MOU and we totally understand that as stated, we would like to also point out the fact that somewhere along the line, it was lost sight of the rest of the project. It was spoken about the studios for the entire time of the MOU but the Community Development and the impact on the community seemed to have not reached on that level so I would like to point out and would like to say that we are in agreement as the community of Eastside and as myself being a 20 year resident of the Eastside that we would like to move forward with the communications. We understand the MOU is not going to be voted on but we do want to move forward with communications on the impact that the project that was qualified first and then accepted as a proposal would be the project that would move forward on the Eastside. I want to just list some of the things that were in the proposal that were not mentioned during the MOU period which were the office space and rental that would be below it; the international market place; the upscale hotel; restaurants; the greenway and park; the water ways; the very important community development resource center which would be an upscale state of the art center which would have art studios, art gallery, learning center, children's theatre, child development center, community meeting space, dance, art and recording studios, access studios which would be the access to community and a state of the art gym which would allow multiuse. The programs that are going to take place over there, because we believe it's still going to happen, are senior programs, teen and child programs, multicultural programs and training; entrepreneurial training, talent development, technology, financial literacy, workforce development and STEAM which is STEM with the arts. An entire family entertainment complex which is going to be huge and its going to have all of the family entertainment components that most would have but we call it One on Steroids because its going to be large and again, as we understand why the MOU came to the decision that it did, and that's not the part we're here for tonight. Tonight we would like it to be reminded that proposal was accepted which was an entire community development with the studios and with that we are asking that you do not divide up the land over there but you move forward in communications so that when the film tax is voted on, we can go forward with the proposal that was accepted.

Councilmember Barnes said I want to begin by expressing some thanks to Ms. Reed and other people who have demonstrated a great deal of passion about East Charlotte. This Council has demonstrated a great deal of passion about East Charlotte. Councilman Autry has been very passionate about what we do with the Eastland site. I want to also thank the members of the Committee, Vice Chair Lyles, members Fallon, Austin and Mayfield for their work on this item. As you all know, this Council didn't have a chance to pass judgment on this particular matter or any other matter until January of this year because we weren't elected until November of last year. So over the course of the last three months, we've worked with Mr. Brad Richardson and Mr. Kimble, our Deputy City Manager, and Mr. Mumford and others on this particular item and we have been determined to make a decision and make a recommendation to the full Council that we thought was in the best interest of East Charlotte and all of Charlotte and so before you my colleagues, you will see Items A and B under Item Number 15. One recommending that we do not extend our exclusivity with the MOU with Studio Charlotte beyond March 31<sup>st</sup> 2014 and then you see the items listed under B which do include directing our staff to explore a redevelopment strategy that does in fact involve looking at Eastland in parcels and sections and determining whether there are private sector interests who are willing to partner with us to

develop residential retail, institutional, what have you on the site and the good part is that we are reserving a section of the site towards the back where the studio soundstages were designed to be to begin with for a future film studio use and so if Studio Charlotte or some other partner is able to put together a proposal that makes sense to this Mayor and Council then we will have an opportunity to include that in the development of the Eastland site. So Mr. Mayor I would move to approve A and B with all those comments in mind.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey to approve the Economic Development Global Competitiveness Committee's recommendation to (A) decline the request from Studio Charlotte Development LLC for an extension of the Memorandum of Understanding beyond its March 31<sup>st</sup>, 2014 termination date and (B) Direct staff to explore a redevelopment strategy for the Eastland site that includes the following activities: Consider the design and placement of storm water infrastructure that creates a site amenity and satisfies applicable development ordinances. Develop a preliminary master street/block plan that defines the logical connectivity for the site. Explore partnerships (both public and private) that lead to an integrated and market-based program for site redevelopment. Continue to consider film-related uses as development components given the benefits of the emerging film industry to the City of Charlotte.

Councilmember Autry said Mr. Barnes would this still offer an opportunity for organizations like Ms. Reeds' group to participate in a piece of that property.

Mr. Barnes said I think the answer would be yes. I think that Mr. Richardson and the rest our Economic Development staff are very much opened to hearing from Ms. Reed or any other partners who can put together a plan that can become a part of the overall development of the Eastland site.

Councilmember Phipps said I have a general question. What assurances do we have if the parcel is divided that we won't have a conglomeration of helter-skelter type projects?

Mr. Barnes said Mr. Phipps thank you for that question. The assurance that we have generally speaking is that because we own that land, we're going to say yes or no to anything we like or dislike so if there's some proposal that comes along that doesn't fit within the vision of this Council and Mayor or the community, we say no to it. If there are proposals that come along that do fit within the framework and the expectations of the Council, the Mayor and the community, then we obviously would have an opportunity to say yes and to be a part of that. So I think we should make it very clear to the community that we have no intensions of allowing helter-skelter or fits and starts or any other negative thing you want to mention to take place there. That's why we're being very deliberative about it. We were concerned about the most recent proposal not necessarily coming to fruition and wasting a lot of time trying to bring that to reality and our intention is to avoid precisely what you described.

Councilmember Howard said my question is for Brad. Actually in the motion, I don't see where it says to pursue it kind of being broken up. I want to make sure that you can still consider anybody that would bring you something that would look at the complete site, in other words complete site or broke up, not just breaking the site up.

**Brad Richardson, Economic Development Manager** said you are correct at the end of exclusivity on April 1<sup>st</sup>, we start new with engaging development interests around the country and certainly in our City and it could be a whole parcel redevelopment. Our strategy, what we think is best, one of the learnings, Mr. Howards is that an 80 acre site was large and almost too large we think at this time for one development entity to take on. Our recommendation, our skew right now is that we will break this up into manageable sections but we will not preclude working with a development partner that could take the whole site.

Mr. Howard said I've had a little experience with this one. So just understand that some of what you heard concerns about parcels being left. A lot of times there are some that are better than others so forcing at least a concept up front of having a master plan idea from the City would be helpful so you don't have people kind of come pulling off the corner sites and then you wind up with something in the back that's hard to deal with because they took too much and left



something narrow in the back and I mean I know everybody on the staff including Mr. Mumford knows how to do to this well. I want it to go on the record to make sure that we're looking at it still in its totality even if we start to break it up.

Mr. Richardson said and if I may, we've used two words, deliberately tonight, integrated and market based and Mr. Barnes is exactly right; we control the sites. We are interested in doing just those things.

The vote was taken on the motion to approve the Committee's recommendation and was recorded as unanimous.

Councilmember Howard said I think it's important. I know that the District Rep said this to many people already but please Eastside, understand that this is us trying to get it right. This is not a mark against you. We've gotten emails while we were sitting here with people saying that they feel like we are kind of turning our backs but it is anything but that. The reason we moved forward with purchasing the site, tearing it down was for the full reason of just trying to get this one right and that's what we're trying to do. So I just wanted to say that publically for myself. That is the only reason why I am approving and voting for it going forward.

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## **BUSINESS**

### **ITEM NO. 16: SALE OF PARCEL 1, INTERSTATE-277 SURPLUS LAND**

Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, to adopt a resolution proposing to (A) Accept the offer from Crescent to purchase Parcel #1 of the I-277 Surplus Land, PID #125-135-04 for the amount of \$10.3 million and (B) Authorize the advertisement of the proposed sale for upset bids in accordance with the resolution and authorize the City Manager to execute all documents necessary to complete the sale of the property in accordance with the resolution.

Councilmember Mayfield said just for clarification for this parcel, Mr. Kimble, we are looking at the upset bid. Can you just give a little background on that please?

**Deputy City Manager Ron Kimble** said this is a parcel of property that originated from the interchange modifications of I-277. It's being marketed by the City for the last six years. We are proud to report that we've had active interest in this parcel and now that you with your vote tonight will be accepting this offer, it must go to an upset bid process. We will advertise it probably later this week or early next week. It will run for 10 days and anyone can come in and upset this particular bid by an amount equal to 5% plus \$50. The way the legislation is written in the State Statute, it states that it's a 5% plus \$50 on top of this particular bid. If no other bids are received, then this property will go through the process that you have approved tonight with Crescent. If there are other upset bids, that resets the clock. It will be advertised for another 10 day period and it continues until no other upset bids are received. So with your action tonight, if Crescent is that ultimate owner, it is approved. If there's another owner that is a subsequent upset bidder that must come back to Council for your approval.

Councilmember Driggs said I just had a quick question. The proceeds from a sale like this, do they just go into General Fund?

Mr. Kimble said normally they would but this one was tied to the construction of the NASCAR Hall of Fame. There was as part of that construction, a \$20 million land loan provided by the two banks, Bank of America and Wells Fargo, and the proceeds of these land sales are collateral for retirement and repayment of that \$20 million land loan. After that land loan and the interest is paid off, then those proceeds, any excess above and beyond that would go into the General Fund free and clear for use for that purpose. You also spent \$16 million out of City funds for the interchange modifications; the state put in \$5million so technically what you're really doing is reimbursing yourself for parts of the cost of the construction for the interchange modifications

but it is free and clear to the General Fund after payment of the NASCAR bank loans at \$20 million, plus accrued interest.

Councilmember Smith said no question. I just want to thank staff for the hard work on this. This is a reasonably complicated transaction and I think they got a good deal for the City. I think the due diligence time period is a fair time period and I think all considered, is a reasonably short time period for a transaction of this size, so just tip of the hat to them for their hard work on this.

The vote was taken and the motion carried unanimously to approve A and B.

The resolution is recorded in full in Resolution Book 45, at Page 160-162.

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**ITEM NO. 17: ADAMS OUTDOOR ADVERTISING LEASE**

Motion was made by Councilmember Mayfield, seconded by Councilmember Smith, to approve (A) Resolution for a 20-year lease agreement having rent totaling \$235,000 plus a \$350,000 credit toward advertising, then five-year renewal options at market rate with Adams Outdoor Advertising, LLC to locate a sign along I-485 on the McAlpine Creek Wastewater Treatment Plant property (PID #22112101) and (B) Authorize the City Manager to execute all necessary documents to complete the Agreement between the City of Charlotte and Adams Outdoor Advertising, LLC.

Councilmember Kinsey said I'm please that some trees are being saved, but what happens if is inadvertently cut?

**Tim O'Brien, Engineering and Property Management, Real Estate Division** said if the trees are cut then we have recourse with the sign out there on I-485. It's a two party agreement that they can have the sign if we protect those trees and they know not to cut those trees down.

Ms. Kinsey said but what if the sign is up and blinking, whatever it is doing, and then the trees are cut. Do we tell them they have to take the sign down?

Mr. O'Brien said in our contract, we will have an agreement to make sure that trees are replaced and we'll need to find some mechanism to turn off the sign until the repairs are made, that sort of thing.

Ms. Kinsey said but you can't place those big trees.

Mr. O'Brien said no you can't

Ms. Kinsey said so is the sign turned off until the trees grow to the appropriate size? I'm being a little bit facetious here but I'm really upset that trees are being cut anyway. I realize that we're going to save some and I'm pleased with that, but I just want to make sure that somewhere down the road somebody forgets the agreement and they're cut what's our clawback?

Mr. O'Brien said we have representatives from Adams Outdoor Advertising if you'd like to talk to them. They're here tonight.

Mayor Pro Tem Barnes said is there anyone from Adams that would like to come down here and speak with us?

Mr. O'Brien said we've had a lot of discussions about this and those trees would be protected but to hear from them might give you some level of confidence.

Mayor Pro Tem Barnes said Ms. Lyles has a comment while they coming down.

Councilmember Lyles said I think Mr. O'Brien what I'm hearing though is that while the outdoor advertising people may be able to respond to this, this is about protecting the City's contract and so while I welcome their work, this is really about what we do to protect ourselves

and not what they do to protect themselves which is why we have these contracts and all these wonderful lawyers sitting the dais with us. So I guess what I'm saying is I appreciate you coming down but to me the question is best answered by how we frame our contract and so I see the huddle over there.

Mayor Pro Tem Barnes said and while there is that huddle we will allow our guests to introduce themselves and speak to the issue and then we'll hear from the huddlers.

**Kevin Madrzykowski, General Manager, Adams Outdoor Advertising** said as I understand the question; the question is what happens to the operation of the sign should vegetation be— could you clarify the question.

Ms. Kinsey said what is our clawback but really is directed to our City people. If the trees are inadvertently cut after the sign is up, what do we as the City do?

Mr. O'Brien said we can cancel the contract with Adams Outdoor Advertising

Ms. Kinsey said and the sign comes down.

Mr. O'Brien said yes. The contract is cancelled.

Ms. Kinsey said and I want to see that in the contract.

Mr. O'Brien said yes ma'am.

Mr. Madrzykowski said it's a breach of contract and the sign would come down.

Mayor Pro Tem Barnes said and you all understand and appreciate it; it's in the written document?

Mr. O'Brien said absolutely.

Ms. Kinsey said can we see the document before it's signed?

Mayor Pro Tem Barnes said Mr. Blackwell is shaking his head yes.

Councilmember Driggs said there is an element of in kind within this transaction and one of the things that troubles me as least the way its presented here is we can't actually see what the cash transaction is relating to concessions that Adams Outdoor is making about the greenery versus the lease rate. So it would be very helpful I think for all of us know exactly what sort of concession is there on the lease rate versus what undertaking so that we have some sense of what the cost is of the undertakings that we're getting. If you look at it like this, at least I can't interpret how this departs from what a standard cash lease would look like and that would help us to put a price on the undertakings for the trees.

Councilmember Mayfield said with consideration to Ms. Kinsey's comment as far as the clawback in our protections, I also want to make sure that what's in that contract because we have different types of trees that we plant and to my understanding a couple of years ago, we also approved once basically we were told that we need to move forward with allowing the billboards to go up but there were certain types of trees that we as a City say that we would not plant because of the height in which they grow because the reality is when you're driving, if you can't see the sign, then the chances are greater those trees are going to be cut and if we know this moving forward, I believe and I'm asking this question, if we have it in our clause, somewhere the type of trees that we will be planting to try to help mitigate the possibility of say in the next 50 years or so any new trees that are being planted, not necessarily looking at the current trees because they have their own historic nature being over a hundred years old, but for new trees that are being planted, are we ensuring that we're not planting trees that will grow as tall as some of the current trees that we have?

**Jeb Blackwell, Engineering & Property Managmeent** said in this contract with the sign that is being permitted, there are a few trees that are in the right of way. There are no trees on City property being removed but those trees don't provide a particular benefit. The sign that's being

removed from Albemarle Road is a great improvement. We think it's a win. It's a great visibility sign that they're gaining but for us it's a sign that's in town and it's also protecting trees that are along Independence that are very important so we wouldn't be planting any—certainly one of the things we saw on the 50 by 50 goal is the right tree right place. We wouldn't be planting trees in front of this sign at all and we certainly wouldn't want plant a tall tree, directly to your point.

Councilmember Fallon said the state gave you the right to take down trees around signs without us having any more input. We were stopped from doing that by the State Legislature. What's to stop you from saying we don't have to listen to you, the State has made a law and we're going to obey what the State Law says and you take down what you want. That's my concern with it because you've cut away a lot of stuff that should not have been cut away so that your signs would show.

Mr. Madrzykowski said in this particular instance what would stop us is the contract. Councilmember Autry said I see here in the table the one to 10 years compensation to the City's \$8,000 per year plus \$15,000 advertising allowance per year for one year's worth unspent balance to roll over to the following year. What does that mean?

Mr. O'Brien said \$8,000 is what we get in hard cash and then the \$15,000 is advertising credits we get from Adams Outdoor Advertising and we can use them that year or we can use them the following year. It can roll over to the second year. We'll use those kinds of advertising credits to public service announcements on their billboards. It could be done on that sign or any sign that Adams has.

Mr. Autry said and so for \$15,000 of advertising basically we're saying credits what does that get us. How many days do we get to display a public service announcement? How many days of display is \$15,000 worth?

Mr. O'Brien said generally speaking, its \$1,000 for a 30 day advertisement on their sign. Is that correct?

Mr. Madrzykowski said it depends on the product and it depends on the campaign that you would run, for example, you could get 20 digital spots for a 30 day period of time or you could get 25 to 30 signs also for a 30 day period of time. That's an example of what you could get for those dollars.

Mr. Autry said \$15,000 gives me 30 days of signage.

Mr. Madrzykowski said if you're buying a quantity—if you're getting a quantity of 20 digital spots or 25 to 30 regular billboards, static billboards. So if you're going to do less than that quantity, you could get longer duration.

Mr. Autry said I'm glad you're there .

Ms. Kinsey said does that include the design work and printing of the paper that goes up on the billboard?

Mr. O'Brien said it can be any way we want to style it. At \$15,000 per year and that could be for the hard cost plus the advertising or if we already have our digital advertising, we submit it to them. The money would go strictly towards the digital advertising so we have total freedom on how we use the money on which sign.

Mr. Blackwell said so if we have an existing campaign, we would be able to use our own materials already with them.

Ms. Kinsey said I just know it's expensive to do the design and the printing and if it doesn't include that, then that's going to be an additional cost to the City.

Councilmember Smith said I just want to say it looks like we've achieved a win/win. Adams is giving up some advertising and income possibilities in some areas that we probably don't want

to have signage anymore and in return their going to get sign on I-485 on the back of a waste water treatment. I'm happy to support and move to vote on it.

Mayor Pro Tem Barnes said I do have a couple of questions for you, maybe a statement too. So currently what's on this property—it's at the McAlpine Creek Waste Water Treatment Facility. Is there anything on it now?

Mr. O'Brien said it's just a wooded area when you drive down I-485 there's a hill there and so you really don't even see the waste water treatment plant so we'll have a buffer of trees, the sign and then a buffer of trees before you even get to the waste water treatment plant so you won't even notice that the plant is there.

Mayor Pro Tem Barnes said and what types of trees would be disturbed by the sign installation?

Mr. O'Brien said none of our trees on the City owned property will be disturbed. There are some wild growth trees two years later that you'll be allowed to cut back on the State property.

Mayor Pro Tem Barnes said but are there any deciduous trees, any large oak or maples trees?

Mr. O'Brien said no nothing significant.

Mayor Pro Tem Barnes said okay and we're not going to be removing trees from the City's property?

Mr. O'Brien said yes sir that's right.

Ms. Kinsey said what segment of I-485 is this on?

Mr. O'Brien said its just south of Park Road as you're heading south on I-485. There's a map in the attachment that shows the general location.

Ms. Kinsey said I didn't see that but I'm looking at it now. Okay thank you.

Councilmember Lyles said I agree, we've got a proposal that works here. I think to the staff what I would say is that Mr. Driggs asked a fair question and that when we do these types of deals, having that as information is important because we've had to kind of drag it through to say well what is the real value. What would we have done if we had to go out in the market place to get this versus trading something for it? So when we're doing these kinds of assessments, it's probably better to—I understand the result, but I think we need to know what our option would have been.

The vote was taken on the motion to approve A and B and was recorded as follows:

YEAS: Councilmembers Austin, Autry, Barnes, Driggs, Howard, Lyles, Mayfield, Phipps and Smith

NAYS: Councilmembers Kinsey and Fallon

The resolution is recorded in full in Resolution Book 45, at Page 163-165.

\* \* \* \* \*

**ITEM NO. 18: GENERAL OBLIGATION BONDS REFUNDING AND COMMERCIAL PAPER REAUTHORIZATION**

Motion made by Councilmember Lyle, seconded by Councilmember Howard and carried unanimously to (A) Adopt a resolution making certain statements of facts concerning proposed bond issue, (B) Adopt a bond order authorizing not to exceed \$150.0 million in General Obligation Refunding Bonds, (C) Adopt a resolution to provide for the issuance of General Obligation Refunding Bonds in an amount not to exceed \$150.0 million, and (D) Adopt a resolution for the reauthorization of General Obligation Commercial Paper in an amount not to exceed \$150.0 million.

The resolutions are recorded in full in Resolution Book 45, at Pages 166-188 respectively.

\* \* \* \* \*

**ITEM NO. 19: NOMINATIONS TO BOARDS AND COMMISSIONS**

**A. Bechtler Arts Foundation Board** – The following nominations were made for one appointment for an unexpired term beginning immediately and ending June 30, 2015:

M. Katherine Alexander, nominated by Councilmembers Autry and Fallon.  
Takyah Amin, nominated by Councilmembers Barnes, and Driggs.  
Patricia Fletcher, nominated by Councilmember Kinsey  
David Harris, nominated by Councilmember Smith  
Matthew Benson, nominated by Councilmember Lyles  
Keith Cradle, nominated by Councilmembers Austin, Howard, Mayfield and Phipps

**B. Bicycle Advisory Committee** – The following nominations were made for one appointment for an unexpired term beginning immediately and ending December 31, 2014:

Cindy Bean, nominated by Councilmembers Barnes, Austin, Driggs, Fallon and Kinsey.  
Terry Lansdell, nominated by Councilmember Lyles.  
Nathaniel Morrill, nominated by Councilmembers Howard and Phipps  
Thomas Raispis, nominated by Councilmember Mayfield  
Christopher White, nominated by Councilmember Smith  
Walter Zelensky, nominated by Councilmember Autry

**C. Charlotte Housing Authority** – The following nominations were made for one appointment for an unexpired term beginning immediately and ending December 17, 2015:

Shirley Fulton, nominated by Councilmembers Autry, Austin, Howard, Kinsey, Lyles, Mayfield and Phipps.

Douglas Gentile, nominated by Councilmember Driggs  
Patrick McNeely, nominated by Councilmember Barnes  
Alexander Vuchnich, nominated by Councilmember Fallon

**D-1. Historic District Commission** – The following nominations were made for one appointment for a residential property owner of Dilworth for an unexpired term beginning immediately and ending June 30, 2016:

Mildred Snyder, nominated by Councilmembers Autry and Fallon  
Tamara Titus, nominated by Councilmembers Austin, Barnes, Driggs, Howard, Kinsey, Lyles and Phipps.

**D-2. Historic District Commission** – The following nominations were made for a residential property owner of Fourth Ward for an unexpired term beginning immediately and ending June 30, 2016:

John Luke, nominated by Councilmembers Austin, Autry, Barnes, Fallon, Howard, Kinsey, Lyles, Mayfield and Phipps.

**D-3. Historic District Commission** – The following nominations were made for a residential property owner of Wesley Heights for an unexpired term beginning immediately and ending June 30, 2016:

Rodric Lenhart, nominated by Councilmembers Austin, Autry, Barnes, Fallon, Howard, Kinsey, Mayfield and Phipps.

**E. Keep Charlotte Beautiful** - The following nominations were made for one appointment for an unexpired term beginning immediately and ending June 30, 2015 and one appointment for an

unexpired term beginning immediately and ending June 30, 2014, and then continuing for a full three-year term beginning July 1, 2014 and ending June 30, 2017:

Robert Combs, nominated by Councilmembers Fallon and Phipps  
Mayada Hawkins, nominated by Councilmembers Barnes, Fallon, Mayfield and Phipps  
Deborah Lee, nominated by Councilmembers Barnes and Lyles  
Dustin Prudhomme, nominated by Councilmembers Autry, Howard and Lyles  
Deborah Robinson, nominated by Councilmember Kinsey

**F. Neighborhood Matching Grants Fund** – There was no recommendation received from the Superintendent of School.

**G. Passenger Vehicle for Hire** – The following nominations were made for one appointment that calls for a person with a disability or a representative from an organization that represents persons with disabilities for an unexpired term beginning immediately and ending June 30, 2015: Byron Mumford, nominated by Councilmembers Austin and Autry.

**H. Transit Services Advisory Committee** – There were no nominations for the one appointment for a van pool rider for an unexpired term beginning immediately and ending January 31, 2016.

**I. Waste Management Advisory Board** – The following nominations were made for one recommendation by the City Council for appointment by the Board of County Commissions for an unexpired term beginning immediately and ending September 21, 2016:

Henry Antshe, nominated Councilmembers Austin, Howard and Kinsey  
Jay D. Winfrey, nominated by Councilmembers Barnes, Fallon, Mayfield and Phipps

**J. Zoning Board of Adjustment** – The following nominations were made for one appointment as an alternate member for an unexpired term beginning immediately and ending January 30, 2015:

Collin Brock, nominated by Councilmember Mayfield  
John Powell, nominated by Councilmember Austin, Autry, Driggs, Fallon, Howard, and Smith  
Bob Rapp, nominated by Councilmembers Barnes, Kinsey and Phipps

Mayor Pro Tem Barnes said Ms. Kunze one question nominations A through J, were there any nominees who received six, seven, eight nine nominations.

Ms. Kunze said yes sir. For Letter C, Charlotte Housing Authority, Shirley Fulton received seven nominations. For D-1, Historic District Commission, Tamara Titus received seven nominations; D-2 Historic District Commission – John Luke received nine nominations; D-3 Historic District Commission – Rodric Lenhart received eight nominations, and finally for the Zoning Board of Adjustments, John Powell received six nominations.

Mayor Pro Tem Barnes said does the Council wish to carry these over to next month for a regular vote?

Councilmember Howard said we have to, they are nominations.

Mayor Pro Tem Barnes said I hear some differing opinions so we'll just let it go to next month.

Councilmember Kinsey said I just missed this, (F) Neighborhood Matching Grants, there was no one that applied for that right?

Ms. Kunze said there was no recommendation received from the Superintendent of Schools. They have to submit to us. Yes ma'am.

Ms. Kinsey said I just want to make sure that I remember. Thank you.

Mayor Pro Tem Barnes said we'll have to reach out to the Superintendent on that.

Councilmember Mayfield said can we, and this is really a question for staff, for us to look at because I'm noticing that this time we have had a number of resignations so are we tracking and having interviews or discussions to try to find out because maybe we might need to look at revamping the boards if we're getting a large number of resignations or at least identifying why we're having the resignations. We have a lot of people that lobby to be appointed to our Boards and Commissions but then once appointed, if something's happening along the way with their resigning, I think we need to take a moment to step back and really look at what may be the cause to see if there is a thing or something that we need to be concerned about.

Mayor Pro Tem Barnes said can you look into that Mr. Manager?

Mr. Carlee said yes sir.

Mr. Howard said just a little bit earlier when we heard from the Privatization Committee, I think we heard a little bit of it having I think Claire and Greg can tell you from serving on the Planning Commission a lot of times you're looking for kind of what the next thing is and staff does a great job of trying to keep those committees going but I think Privatization for instance was saying what do you guys want us to dig into next so sometimes just that direction helps a lot and that's what I was telling them. Some of the things I had to do to kind of get the Planning Commission because we were losing people the same way and so it takes leadership and it's going to take some communication on our parts with them to where appropriate because a lot of times that's what he was saying tonight is that we want to interact more with you guys. We were appointed by you but we rarely ever communicate with you.

Councilmember Lyles said my comment is particularly to the Neighborhood Matching Grants Fund. We do seem to have a problem connecting the school system to the Matching Grants Fund. I believe that's a designated seat and we may have had good intentions but if it's not working out perhaps what we really need to do is remove that designation so that we can have a connection. Instead of it being a school system appointment, it may be someone active in the educational system instead and so I would just encourage us as we're looking at some of these as councilmember Mayfield said, when we are having a problem filling a position or doing that if there is a recommendation, we should come forward with it. I would like to see that.

Councilmember Phipps said I think it's been my experience in reviewing some of the reasons why people are dropping off committees is I think it might have to do with the inability to really fulfill the time requirements of some of these committees would be the predominant theme that I see. We have a very strict time commitment requirements that if you miss so many meetings its pretty much you have to have a really good reason or somebody must lobby on your behalf before you are reappointed so I think that and I've heard from other people too that sometimes the timing that some of these committees meet could be a problem for some people once they get into they just can't fulfill the attendance requirements so I think that's probably what I've been seeing.

Ms. Mayfield said basically that's why I would love for the City Manager's Office to give us an update to find out okay what are the concerns because if it is a time constraint, if it is a conflict, then that's information that would be beneficial for us. If it is a conversation of they need to see us a little more, which I'm quite sure a number of us would love to do; I know when I first came on I was encouraged not to because there was the possibility that we change the temperature in the room when Council is present so it would be helpful to know what is opposed to breaking down the suggestions of when we all served at one point; find out exactly what are the concerns to date and making sure that we're being accountable as much as possible to our appointees.

Councilmember Austin said I just want to echo what Councilman Phipps said earlier. In trying to talk with many of my residents about serving on Boards and Commissions, one of the biggest challenges is the time commitment and also when it's held so we definitely need staff to find a better way to communicate, the extensive amount of time that they're going to be contributing to a particular board or commission so they'll clearly understand so we may not have this just to echo that in.

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**ITEM NO. 20: MAYOR AND COUNCIL TOPICS**

Councilmember Lyles said I would like to take a moment and say on this Saturday, March 29<sup>th</sup> Kwame Alexander and Ashleigh Collins will be married and I am so excited to have a new daughter-in-law, my first daughter-in-law and I just want to wish them both a wonderful life together and thank you.

Mayor Pro Tem Barnes said I want to take moment to wish my baby girls a happy birthday, they turn five on Wednesday. So in the time that I've got here, Patsy you've been here since I got here I went from zero kids to three kids and my girls are turning five on Wednesday. I love them. They're wonderful and Happy Birthday to them.

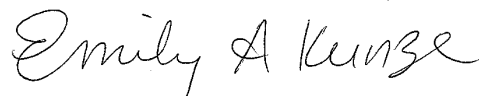
Councilmember Phipps said on an unrelated note I guess—in talking to several of my colleagues, members of the Budget Committee and other Councilmembers around the dais, I would like to respectfully ask for a referral to the Budget Committee to review and make improvements to the timing and communication of agenda items put forth to our Budget Workshop discussions in order to prevent confusion and surprises that occurred during our most recent workshop on additional CIP proposals totally \$290 million that we found out about last week. I think a convergence of several things I guess prevented us from effectively being able to vet those issues. For one thing, we ran out of time during the Budget Workshop, but even apart from that, I don't know in review of the Budget Committee materials that we had a clear understanding of the CIP issues that were supposed to be put forth at the Budget Workshop and as a consequence of that, it looks as if I guess the media got copies as they always do of our agendas and things in advance but it seems that we were caught like flatfooted and I guess the media took some of those items and it has been the lead story in the print media and in the news media and it sort of I would think and I think my colleagues share this view, that it sort of put us on the defensive in terms of some of these additional items that was put forth as a part of a new type wish list of items apart from our approved CIP so I would just throw it out to my colleagues if they would allow me to allow us to put this on the agenda to discuss it so we can move forward.

Mayor Pro Tem Barnes said no opposition sir.

Manager Carlee said we have a closed session that we need to do.

Motion was made by Mayor Pro Tem Barnes, seconded by Councilmember Kinsey and carried unanimously to adopt a motion pursuant to NC General Statute Section 143.318 (11) (4) (a) to go into closed session to discuss matters relating to the location of industries or businesses in the City of Charlotte including potential economic development incentives that may be offered in negotiations.

Meeting recessed for closed session at 8:40 p.m.



Emily Kunze, Deputy City Clerk

Length of Meeting: 4 Hours and 32 minutes  
Minutes Completed: May 9, 2014