

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, September 22, 2014, at 5:11 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Edmund Driggs, Claire Fallon, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Clodfelter said I want to welcome the County Manager here with us, Dena Diorio, who is always welcome to join us and tell us if our food's any better than your food. We're glad to have you with us.

County Manager Dena Diorio said thank you for giving me just a couple minutes on your agenda tonight. Really, I just wanted to take the opportunity to introduce to you Mark Foster who's the new Assistant County Manager for Financial Services for the County. Mark joins us after 11 years as the CFO with the State DOT. He spent a lot of time there, did a lot of great work there. Before that he spent 16 years with Ryder Company where he was involved in HR, accounting, finance and administration. He also had his own business, a financial consulting firm, he got his Bachelor's Degree from Notre Dame University, and he has MBA from UNC Chapel Hill and is also a certified public accountant so for me it's the best day ever when he started last Monday. We're really happy to have him here and I just wanted to take an opportunity to introduce him to you. I know there will be a lot of opportunities for us to work together so I introduce him to Council and to staff.

Mayor Clodfelter said thank you, look forward to working with you. Next item we've got are any Consent Agenda items that anybody wants to ask questions about. I want to know one we need to pull that's number 23. Madame Clerk do we have any others?

City Clerk Stephanie Kelly said item number 16, it's not going to be pulled but there is a corrective resolution at your places here and it shows the public hearing date as being October 27th and the attachment it said September 22 so you have a corrective attachment.

Mayor Clodfelter said do we need to do any action or is that just already in the item when we take the Consent Agenda items.

Ms. Kelly said right and item number 19 and 34, Councilmember Smith has pulled, and I think he had some questions.

Councilmember Smith said I had a couple of questions. Number 19, it looks like we're going to staff up eventually the 460 folks. I'm trying to figure out how many folks out of the gate. The \$10 million dollars just looks like a little bit of a big number. I'm just curious about that and then what's the vendor, the low cost bidder or was there another, did we just feel more comfortable with them as the vendor? Was any technology included in that number? Then on item number 34, this is more just a question; I'm not going to pull it for downstairs. We've owed Edison Foard at one point almost \$682,000 for work performed and I was trying to get a status update as to where that stood. I know we've started making some payments with them but I was just curious, I don't necessarily need the exact total on this it's just I want to make sure they're getting paid. They do a lot of work for the city.

Councilmember Kinsey said this can probably be answered right away if not I don't have to have it tonight. I'm not pulling it. Number 22, Road Drainage Structures; it's a contract with US Foundry. I'm just curious where they are located. Obviously in the US, well maybe and it's no big deal I'm just curious.

Councilmember Howard said I've got 17 and on that one I wanted to know why there were no other companies that could do landscaping in the medians. That didn't make sense to me. Then on number 20, I was wondering and it's as much for the City Manager as anything; this is for fountain maintenance of every other fountain that we own except the ones outside and I was wondering was that a mistake, are we doing something different and I was wondering why there is no INclusion goals on that one? Seems like quite a few people could work on fountains; those are my two.

Mayor Clodfelter said any others. Okay, sounds like most of those are just questions and we'll see if we can get them cleared up at the end of the meeting.

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ITEM NO. 2: FEDERAL LEGISLATIVE UPDATE

City Manager Ron Carlee said we have with us from Holland & Knight two of our key representatives for the City in the Washington Rich Gold and Shawna Watley and we'll ask them to come forward at this time to give you an overview of our Federal Funding.

Mayor Clodfelter said Councilmember Driggs, do you want to say anything by way of opening?

Councilmember Driggs said we had a pretty good discussion in committee this afternoon focusing on the outlook for some transportation funding and things like that, look forward to hearing a little bit more about it in this meeting but we didn't actually see this presentation since we wanted to share it with everybody.

Rich Gold, Holland & Knight said Shawna and I are very happy to have spent the day in Charlotte working and talking with you.

Mr. Gold said every time we come here we're able to focus not on just the good work that you all are doing now but also what's coming next and we certainly delved into that today as well which we'll go into in a little bit here. I just wanted to start out by thanking you all on behalf of your Holland & Knight Team for once again allowing us to work with you in Washington D. C. this year. In addition to myself and Shawna, David Whitestone who's working on airport and aviation issues, Lisa Toefel who works a lot with the Delegation on our behalf, Jeff Booth who works on a lot of transit issues and Lynn Cutler as well as a couple of other folks who are key members of the team really appreciate the opportunity to work with you all. What I wanted to do was give you a little bit of an update of where things stand in Washington right now and talk a little bit about the legislative agenda going forward both for the rest of this year and into next calendar year and then Shawna's going to pick up and talk about grants that we're focusing on outside the scope of or in addition to what we're working on in the transit space and then surface transportation issues that are going to be coming up in the next congress as well as the opportunity to talk to you guys and get questions as we move forward.

Just to start out with we are operating right now in the Federal Government as of October 1st under a continuing resolution that will take us through into next year. When Congress comes back from its lame duck session they have to pass either a new continual resolution or omnibus appropriations measure by December 11th to fully fund us for the rest of the year and it's expected that they will be able to get that done. Just to take a step back, a year ago when I was standing here we were in the midst of, or two years ago I guess, we were in the midst of finalizing a budget agreement that would vouch for two fiscal years; fiscal year 2014 and fiscal year 2015 and the budget agreement that we came to at the federal level staved off sequestration for the period of those two years so for the current fiscal year that starts on October 1st which will be Fiscal 2015 we don't need to worry about sequestration. We have a budget agreement in place with a top line number that the federal government will be operating under and so all these appropriations measures are going to be doing is divvying up the pie so to speak. We're very comfortable then in terms of key priorities for the city, whether it be an airport tower or Blue Line Extension or Gold Line that the funding is there in the coming fiscal year and we're confident we'll be able to push forward.

As I say that, obviously the budget agreement that's in place expires at the end of this fiscal year, the end of fiscal 2015 so when we get to October 1st, 2015, we will need to have another negotiation between the President and the House and the Senate depending on who wins the election will obviously you can have different types of dynamics there and we will need to come to some kind of agreement to stave off the remaining seven years or eight years of sequestration otherwise automatic cuts will kick in as we move forward in fiscal 2016 and beyond. I probably wasn't as clear as I could be on that but enough to say that we have the appropriations process that will conclude here in the lame duck session after the elections. We're confident that everything will move forward comfortably for city priorities in terms of funding levels and the real issue that will come into play will be a year from now as we stand here and look into a new fiscal year where we'll either need to find additional cuts or additional revenue to avoid

sequestration as we move forward in the outlying fiscal years. Congress in the lame duck session will come back and has a number of issues pending. As I stood here last year talking to you all we were in the midst of probably the least active or just finished up the least active Congress since World War II or the 112th Congress. This year as we stand here this Congress is even less active than that Congress was in terms of being measured by numbers of bills passed and so we really are sort of at a low ebb of activity in terms of legislating in Washington at this point and major initiatives ranging from immigration reform to gun control measures to you name it have all pretty much gone nowhere at this point and we're not expected to take those up in the lame duck session of Congress.

Rather, in addition to the appropriations measures that we know Congress has to deal with there are a handful of other kind of quasi big issues but not rising to the level of say immigration reform that are hanging out there. We had a number of expiring tax credits that expired at the beginning of last year, at the beginning of 2014 that need to be renewed both for 2014 and hopefully moving forward for 2015. Those include energy tax credits for enumerable fuels, the research and development tax credit which is very important to a lot of companies, for instance an RTP, some major initiatives in the tax world that need to be renewed and that is one of the big things on Congress's plate which is akin to effectively keeping the lights on to a great extent. In addition, again the appropriations measures will need to be done and then we've got a couple of trade agreements that the President is working on right now that in order to get through the Senate he would need to pass something called Trade Promotion Authority or TPA. Trade Promotion Authority gives those agreements fast track capability through the Senate so that the agreements themselves which have been negotiated by the trade representative cannot be amended in their substance by Congress. There's going to be up and down votes but to do that the Congress would need to pass Trade Promotion Authority in the first instance. They will wait until after the election for that. That's a hard vote for a lot of Democrats and so that's another potential item in the lame duck.

Finally, as you see next session or next Congress the main thing that we're going to be focused on other than the new budget agreement will be tax reform and that may go hand in hand with any budget agreement that we do. In order to stave off sequestration it's likely we're going to have to combine again, raising revenue and cutting spending in additional areas. The best way to do that the President has proposed is to alter the tax mix for in particular business taxes to bring down the overall tax rate but also collect more revenue for the government as repatriated revenues kind of come home and are taxed at a lower rate than would otherwise be the case but allow them to come home and be taxed. That's one place where we can get new revenues in the next budget agreement.

Mayor Clodfelter said before you go to the next one is there any chance that any of the tax stuff their talking about might include resolving the issue about Nexus for interstate sales tax collection?

Mr. Gold said it's possible. We've kind of debated that issue this year quite a bit and didn't get to fruition. It's on the table to be a part of that discussion. It's a little bit unclear where that issue stands and whether it's really going to move forward at this point but we'll certainly kind of watch and keep you guys posted about it.

Mayor Clodfelter said that's probably from a state government and local government perspective that's probably the single biggest tax issue maybe even more important than the tax exemption on municipal debt issues. It's probably worth a lot more even than that so I don't know the extent that that's an issue you guys are tracking but probably every municipality in North Carolina would like you to be plugged into that issue.

Mr. Gold said we have been tracking it. It's the kind of issue that's going to take fundamental tax reform to happen. There's a lot of debate about it this year and a lot of discussion about it but not any movement. In terms of the priorities going forward which of course Dana will be bringing to you at the committee level and obviously to the Council over the next eight to ten weeks so that we can have the agenda finalized before we get to the Christmas holidays. You see before you sort of the nuts and bolts of what may be an agenda coming forward. Obviously most of these things are familiar from last year with continued working on funding for the airport control tower, the federal courthouse once we get a slug of GSA funding for construction moving forward again the courthouse is high on the list and we're hopeful we're going to get that moving

forward, municipal debt bonds as the Mayor just mentioned you want to make sure that the cities are treated fairly in fundamental tax reform and that we don't lose the tax deduction for municipal bonds along the way and then the surface transportation program which of course Shawna will talk about as we move forward. We had a short term extension from September 30th through May 30th 2015, so we'll have to renew that again.

Mr. Driggs said the airport control tower; that's scheduled for 2019 is that right? Our issue was to see whether we could get it done sooner.

Mr. Gold said right and we are hoping in the appropriations process this year the FAA is going to get a little bit more money and we're going to be well positioned to take advantage of that.

Mr. Driggs said so that might actually happen sooner and Dana I think one of the thoughts we looked at was the idea of maybe having the city finance it and then get reimbursed by the federal government. Is that still a thing worth looking at? No?

Senior Executive Assistant to the City Manager Dana Fenton said we were told earlier this year, sometime late last year that's off the table.

Mr. Driggs said municipal bonds, the impression I had in Washington was that nobody really thinks that's a live issue. Is that still the feeling about that?

Mr. Gold said it's very interesting, there are different debates; the House Tax Bill that was introduced as a draft this year by Chairman Camp brought the corporate tax rate down to 25% which would be very competitive internationally but eliminated really everything in terms of credit and deductibility. Other things that are very important to the business community including things like accelerated depreciation that a lot of companies rely on for building infrastructure. My answer to you is it depends on what rate Congress settles on in terms of what we need to get down to right now we're effectively around 35 and we are well higher than any industrialized country on the globe. We'll have to see where we end up. If we end up somewhere more reasonable like 30% as opposed to 25% you can maintain some of the existing credit structure and be okay. Obviously all the transit priorities including the Blue Line Extension and the Gold Line and as we move forward, there will be other projects popping up on the table. In terms of appropriations that we just mentioned, we're hoping to maintain a slight bump in FAA funding in the Senate Bill that will allow the control tower to move forward and be expedited. Our Blue Line Extension funding is intact and should be in good shape. In either scenario, either omnibus spending bill or the continual resolution if that continues forward. The TIGER program will continue to be funded it looks like there's funding in both the House and the Senate Bill although the House funded it a little lower number so even though we didn't get a TIGER Grant this year we should have an opportunity going forward in calendar 2015 including TOD planning grants there as well and the other programs that you see laid out here.

Shawna Watley, Holland & Knight said as Rich stated we do believe that we will get another round of TIGER for next year coming into the 114th Congress so we expect those opportunities to be there for the city and CATS to apply. Just so we can go back just a little bit, for grants we thought we would add this piece into the presentation this year because there are opportunities for the city and working with the staff that we can pursue that are pretty significant; TIGER being one of them which we have applied for in the past, the other one is transit oriented development planning goals and it integrates lane use and transportation new starts, small starts and capacity projects. There's also regional innovation grants and that's through the Department of Commerce and EDA and so we'll be working with staff to look at opportunities there to spur innovation and capacity building activities here in city and I think just from the conversations that we've had today there's some nice opportunities there so we're looking forward to pursuing those and learning more about those. I've been working with the Department of Commerce also there's the Innovative Public Transportation Workforce Development Programs and I believe CATS is already starting pursue to opportunities there which includes the President's Ladders of Opportunity initiative and Apprenticeship Program for public transportation jobs.

One of the other ones that we did not add that we wanted to speak a little bit about was the choice neighborhoods and promise zones grants that's through the Department of HUD and we had a conversation today with staff out of the Neighborhood and Business Services Department and there's going to be a web cast of October 1st to talk about what the administration is looking for as it relates to promise zones in choice neighborhoods. We think the city would make an

excellent candidate for pursuing these funding opportunities. It's a nice pot of money and some of the things that you all are doing we think are in line with what the administration is looking for so we look forward to working with everyone to see how we can pursue those funding opportunities. Also, one of the initiatives that I'm sure many of you have heard about is My Brother's Keeper Initiative and that's what the President's priority with working with men and boys of color and he's challenging cities and communities across the country to pursue and work with him on this project and if you do then that helps when you're looking at choice neighborhoods and promise zones because that gives you a leg up on qualifying and meeting the criteria for those funding opportunities so we look forward to working with Dana and others to have conversations and conference calls with agency folks so we can learn more about what their trying to accomplish.

The next item is the Surface Transportation Program and MAP 21 Reauthorization so as Rich stated Congress has enacted a short term extension through May 2015 relying on changes in tax code offsets and General Fund transfers. We still have the challenge of trying to find a sustainable funding source and that hasn't changed. Revenues from gasoline taxes don't support current spending and so that's the challenge before Congress right now. Project stream-lining and expansion of project financing (i.e. TIFIA) doesn't replace the need for funding and no action will be taken until next Congress leaving little time to draft a bill and complete the legislative process so it's pretty much more of the same. It's pretty much the same presentation we gave last year on MAP 21 other than that they did extend it through May and hopefully we'll be able to make some progress as we move into the 114th Congress on Transportation Funding and Reauthorization of MAP 21. For the next steps, October we'll continue working with the Delegation/Administration on current initiatives and grants and keeping you all informed. January, the city representatives will share the 2015 Legislative Agenda with Delegation. In February we'll keep the city informed of funding opportunities and in March you all will come up and we'll be able to share the agenda with the Delegation and the Administration.

Councilmember Phipps said this might be question for the staff but this is the first time I've ever heard of the term Promise Zones so do we have any designated Promise Zones or do we have an equivalent name, known place or something like that; Promise Zones? Because if we apply for a grant wouldn't it be an expectation that we would have a history with Promise Zones as opposed to doing the application.

Deputy Director of Neighborhood and Business Services Pamela Wideman said Mr. Phipps, we do not currently have areas designated as Promise Zones but as we refocus on neighborhood revitalization and the work that we're doing with our community investment plan particularly the comprehensive neighborhood investment areas, the CNIP areas some of those areas may lend themselves to Promise Zone like boundaries.

Mr. Gold said we've spent the last ten years working with you all and developing your infrastructure and that includes both physical infrastructure like light rail as well as capacity infrastructure like a city staff can now manage big projects ranging from transit projects to things like the Democratic Convention and so a lot of what we're talking about on the economic development side and the urban development side is the next natural step for you all in terms of being able to develop a next century, you know 22nd century economic development plan for the corridor along the Blue Line, to work on challenged communities in terms of housing and redevelopment and at the same time on maintaining the commitment that you have to transit development and everything that you're currently doing. In that sense it's a real exciting step forward in terms of your federal agenda.

Mayor Clodfelter said you guys do some great work for us and we are greatly appreciative of it and we only see you once in a while but we know you're at work for us all the time so again thank you. Thank you for making the trip down and thank you for what you do when you're up there in that place. We like having you here so come back and visit us.

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ITEM NO. 3: CONSTRUCTION SERVICES CONTRACTING

City Manager Ron Carlee said Mr. Mayor, Tim Richards is going to handle that. Jeb was feeling a little under the weather and Tim's stepping up to the plate as a pinch hitter and this is coming to you based on some inquiries from Councilmembers over the past several months

around our construction process especially around change orders and we put together this briefing for you as background.

Deputy City Engineer Tim Richards said I am your Deputy City Engineer. Jeb had to be gone tonight. This presentation as we walk through it we're going to focus on a couple of things. Number one is the city policy; there's a policy that guides us when it comes to how we do construction contracting. We'll talk about the types of procurement that are within that policy specifically construction services, we'll talk about what's called a contracts officer's community of practice who are key to the work that we do, we'll talk about awards and modifications thresholds, how change orders come before Council and then we'll talk about why change orders and maybe why the number and what causes them to occur. The first thing is that we have primarily three basic types of procurement in the city; design services, construction services and then goods services and technology and we have a policy that's called the City-wide Policy For Procurement Of Design Construction Services and within that policy it directs us on how to do construction services and that's what we're going to focus on.

Construction services could be many things for us; there's primary new construction and then there is repair services. New construction, as these pictures show up here, (PPT pg. 2) might be new police stations or fire stations, it could be infrastructure; it could be roadways, any of the infrastructure type things that we do in our facilities. The repair services could be remodeling, it could be repairs, major electrical, mechanical type work, it could be additions that we make on the buildings and things like that so those are the two types of construction that we do primarily with the city and that's what's put into the policy. The policy also describes for us specifically this group of people and they are called the Contracts Officer Community of Practice. They're experts in the area of contracting and you can see that their role is to guide the administration in doing our contracting especially around design and construction. This group is made up of chief contracting officers from our four departments that primarily do construction contracting; Engineering and Property Management, Utilities, CATS and Aviation. We also have other members on the team who are from Shared Services/Procurement Management, Internal Audit and the City Attorney's office. Specifically, this group is designed to discuss in the document how we do contracting. How we administer our contracts, how we work through the process of planning our work through contracting and procurement. They also put together best practices for the City of Charlotte. This also includes specific procedures for administering change orders which is what we're here for tonight.

I want you to know that when we bring a contract before you, it's important for us and I think it would be for you too, to know that we intend that this contract, when we bring it before you that it would cover everything that we expect to be spent. It would include the original contract, it would include extensions, amendments, renewals and we describe those things for you often in the RCA's, your request for council actions. We will say in there this will have an extension or this will have another phase.

Councilmember Fallon said do you add inflation in?

Mr. Richards said yes ma'am and we will tell you if we expect there to be multiple renewals and who should be authorized to sign those. Unless sometimes there's another phase that comes along construction contracts will often have another phase. Now we should also tell you in the RCA that there would be another phase so that you know that ahead of time. This applies to all of our contracting, not just construction contracting, so that should be something that you should expect; and our contracts you should also expect that they would normally carry some contingency; this contingency cover things that I will be talking about a little bit later. Things that we know we'll encounter but maybe we don't know how much of it or things that we don't even know that we might encounter; some unknown unknowns. The award and change order authority is generally the same up to \$10,000 dollars the Department Director or someone they designate within the department can sign these, it might be a Business Manager, it might be a Division Manager, it might be a key Procurement Officer who in between that and \$50,000 dollars the Department Director can sign up to \$50,000 dollars and that would also include their Deputies or your Assistant Directors up to \$100,000 dollars would be the City Manager or the Assistant City Managers and then you should expect to sign anything over \$100,000 dollars.

Let's talk a little bit about change orders. It's key for us as we administer our contracts to realize that a contract is a contract for a certain task. It might be a group of things but it's for a certain

amount of work and a certain kind of work so when you're considering change orders what we need to be thinking about before we even agree that a change order is the right way to go is the nature of the work, the amount of effort it takes, the scope of the original competition, the number of changes, the time of issuance and the changes and quantities. For instance, if we're having more than a few changes why is that, and there may be a reason and it probably should maybe be rebid or if the changes are numerous but they still fall within the scope it may be appropriate. The time of issuance, are their large gaps in time between the contract and a requested change order and then changes in quantities, are the quantities really large, are they out of scope with the competition? I wanted to give you a sense of what I call order of magnitude. It is really hard to find some numbers to give you that were apples to apples but what we did is we looked back over the last couple of years, fiscal year 2013 and 2014 and we saw that the city had completed, this is those four major groups who have contracts officers, they completed about 115 projects and these would be projects that came to City Council. Over that same period of time you reviewed 17 change orders. When you look at this number we were hoping to get a sense of whether it felt like a lot or not? Now one reason it feels like a lot to you maybe, if it does, is that you get these pretty regularly. I'm the one who actually reviewed these requests for action over the last two and half years and as I went through them I saw that you saw these pretty regularly but it wasn't a lot each night. You might have seen one and then a couple meetings later you would see two and things like that but it felt pretty regular. We have pretty good confidence in the process, we have confidence in the policy, and we have confidence in our folks who are on this community of practice so we feel pretty good about it.

Let's go a little bit further because I want to give you some information about common change orders and these are things that I think you'll see close to every time. Mostly what we see are changes with things that are either unforeseen or unanticipated, what we call them are things that are either under the ground or behind the wall so if we're working in the field; roadway, storm drainage or other kind of work you'll see a lot of change orders at least as far as perceives to be utilities, rock, unsuitable soil, things that we know they're probably are some but we're not exactly sure how many. Even after geotechnical testing and having specialists come out and look at these things. In the building it might be things behind the wall that we can't see, code problems, if we're refurbishing something or damage that may have been caused by something else that we're repairing. Projects changes comes to us from several different areas; primarily community input is one of the biggest areas, when we're meeting with folks out in the field and doing work close to them sometimes we'll hear of new things. It might be a drainage problem that has occurred since the time we did the work or it might be somebody who just needs better access than what we thought we could provide with the design. Sometimes its owner or tenant needs, the airport has a lot of this as they work with the airlines and with the car rental agencies as the do the work to satisfy these people that are on their properties sometimes they have to make changes, ongoing site needs, erosion control, traffic control, safety needs, these things tend to change over time and so they may come in as change orders. It's important to know I think that change orders require approval after we've used our contingency. We intentionally put some money in the contract to cover these things but when we exceed that or things come up that we didn't anticipate then we'll bring a change order.

I want to give you just a few examples; this shouldn't take but just a minute.

Councilmember Barnes said back up just a second. I just want to make sure I'm following you here. On that last bullet point change orders require approval after any previous approved contingency is either used or anticipated to be used. Does that mean that you can add change orders that go up to that amount, in others words before you get to the contingency that you could have multiple change orders?

Mr. Richards said this means that our contracts normally will have contingency and so you should expect that we would spend that contingency or anticipate that we're going to go over that contingency before we would come back to you. Some projects as you read the request for council action you will read that we're replenishing the contingency for instance.

Mr. Barnes said let me give you an example. Let's say it's a \$1,000,000 contract with a \$100,000 contingency and you anticipate it will be a \$900,000 project again with \$100,000 in contingency for a total of \$1,000,000 and as you're going through the work you hit \$600,000 and feel like you're about done and then there's some change order and you get up to \$700,000 and there's something else that happens, could those change orders occur up to \$900,000 and then once you

get to that remaining \$100,000 you have to come back to us or go back to one of those respective department heads or the City Manager?

Mr. Richards said yes.

Councilmember Driggs said the contingency itself has no designation as to what it's there for. Is that right? You have a contract and it's got a contemplated scope of work, you don't identify specifically that we need to have a contingency because we can't be sure about this. Do you do that or you don't?

Mr. Richards said right, we don't usually do it.

Mr. Driggs said alright so the contingency itself is just kind of wiggle room and therefore what I'm getting at is the change order doesn't necessarily have anything to do with the contingency. The appropriateness of the change order or the circumstances that give rise to the change order and the reason that you have a contingency are not necessarily related. Is that a fair assessment?

Mr. Richards said I would say in my opinion they're related but they're not spelled out. We know when you work in some roadways and even some others but uptown we know that the soil underneath those older roads many times is bad so we put contingency to take care of any additional bad soil than we've estimated. If we've estimated a certain cubic yardage of things than that will be in the contract. The contingency is to take care of more than that.

Mr. Driggs said what I'm getting at is it turns out the soil is fine but suddenly it looks like it would be a good idea to put some traffic lights in as part of this project. Can we now because we didn't need the contingency for the reason that it was originally established for look around for other things to do with our contingency?

Mr. Richards said no sir; I would say that kind of goes back to the slide that talked about things to consider when you're doing the change orders. Now I would say if traffic lights are part of the project and it's being done as part of the project and you have to add a traffic light or two or something then you might do that but if traffic lights for instance if you're doing a sidewalk project and you're coming in under you can't decide to put in a traffic light. You can't decide to do something else that's not part of the work.

Councilmember Lyles said I'm going to follow up because I'm not so sure that I want to be able to restate what Mr. Driggs just asked you. When you're building your budget you've got your planning, you've got your construction, all of these things have sub allocations or accounting underneath then and then when you're building the contingency, the contingency is based upon where you see, is the contingency based upon where you see or project that there may be a need for additional work or is that it's just a percentage of the total that you say over my years of experience roads run 20% over so therefore we do that. I think we're asking the question of what is the contingency, how is it built?

Mr. Richards said normally the contingency is a percentage.

Ms. Lyles said of what?

Mr. Richards said of the construction dollar amount.

Ms. Lyles said based upon what?

Mr. Richards said based upon experience so some rules of thumb if your contract is fairly what I call a low number contract, let's say its \$100,000 to \$500,000 your contingency might be in the four to five percent range. It doesn't matter if you have an inexpensive roadway to build you could still hit those things that cause you to spend continuously. If your project is much larger, \$1,000,000 or more than that you would generally drop your contingency percentage maybe to three percent so it's usually a lower percentage of contingency on higher dollar projects and higher contingency on lower dollar projects as kind of a starting place. We put a higher contingency for instance on pond projects. When you're building a pond project we know we're going to be working in the bottom of an existing pond and we need to do our best through geotechnical studies to determine what's there but we put a higher contingency because we know it's more likely to use more of that suitable soil.

Ms. Lyles said and what is the filter that you use to decide to take money out of contingency? Because it's based on only the construction part if I understood you correctly so let's just say it's in not construction but would you take the contingency out of, I mean tell me how you use or make that decision for the use of contingency.

Mr. Richards said I would say normally we don't rebid the project that has that percentage. That's just what we use. We don't necessarily take money out of the contingency but you have project savings as you don't use the contingency, either as you don't spend all of the money in the contract or don't use contingency that project will have savings.

Ms. Lyles said but if you do decide to use contingency what drives that decision?

Mr. Richards said that decision is based upon the city's, for instance if we talk about rock as an example, the City Inspector who is inspecting that project will require the contractor if the contractor says we're hitting rock the City Inspector says well first we have a test, the test is that you have to try to dig that out. You have to use a certain size equipment, you have to make a certain number of passes, the city then agrees that that is rock, that is non-removable rock, it is rock that can't be excavated, you should be paid for a rock and in the cases when there's more work than you anticipated then we decide that it's appropriate to go into the contingency.

Mayor Clodfelter said you've got a topic that's of a lot of interest here.

Mr. Driggs said just to get an idea of the magnitudes could you estimate what percentage contingency there is across all the cities. I mean you're talking numbers like three, four, five percent, is that pretty typical and what portion of that money actually gets spent typically? Do we find that we're using most of our contingency?

Mr. Richards said I would say normally not, only a small amount.

Mr. Driggs said my last one of that is if we have not used contingency from a particular project how does that impact us and this may not be for you but how does that impact us from budget standpoint? We kind of set aside a certain amount of money including funding for the contingency in the way we are planning and now it turned out we didn't use it. What happens to the unused portion?

Mr. Richards said well it could be a number of different ways. If you have for instance a program of types of projects the savings might go back into the program for future projects, if you have standalone projects that have been named for instance in a bond program or something like that where we know this amount of money is going to this project it would be brought back for Council to decide how to spend that money; those savings.

Mayor Clodfelter said that's a very important topic and we probably ought to get some more detail on that. I'm curious personally about how the city practice on reversion of unexpended funds compares to the state practice. There is at any given time tens if not hundreds of millions of dollars at the state level floating around in closed out project accounts. Money that as it were behind the cushions and I'm very interested in how the city manages that practice as compared to the state to the very question that Mr. Driggs asked so let's not interrupt your presentation with it tonight but I would love to get some follow up Mr. Manager about that issue as maybe part of the budget process.

Mr. Carlee said and you have seen it come back to you in savings that you've allocated on the capital process.

Mayor Clodfelter said one of the things that I learned as a State Legislator was that when I had a capital project for which there was quote, unquote no money available all I had to do was ask for a list of the remaining balances in the closed out capital projects accounts and you could almost always find it. That's not good budgeting practice and I'm interested in how that works at the city.

Ms. Fallon said in the event that you do have that money, does that go to a certain line or to a certain containment or is just left to float?

Mr. Richards said if I'm understanding you correctly, it doesn't go to a specific line item in the contract.

Ms. Fallon said so it floats?

Mr. Richards said yes it covers the whole contract.

Ms. Fallon said how do you know that it's there to send it back to Council?

Mr. Richards said from that perspective we know what the project is bid for which includes the contingency.

Ms. Fallon said say the project all over and you've got a \$150,000 left. Where do you physically put that money?

Mr. Richards said that money stays in that project account.

Ms. Fallon said do you notify anybody of it?

Mr. Richards said yes.

Ms. Fallon said who? Where does it go? Where is it made available for us to know there is \$150,000 that we could use for something that we need?

Director of Management and Financial Services Randy Harrington said the money is itemized in the budget and then when it's not used budget is notified, we close out the account, it goes back into your project savings and we bring that forward to you.

Ms. Fallon said does it go to Pay As You Go?

Mr. Harrington said no.

Ms. Fallon said no. Does it go to General Funds?

Mr. Harrington said if they're capital projects it will go back into future capital projects so we bring that back towards you in the spring time.

Ms. Fallon said in other words nobody knows that it's there until the budget gets done again?

Mr. Harrington said right. The budget office does monitor that closely throughout the year.

Ms. Fallon said and it can be used for anything that we need or does it have to stay there until you have another project that may need it?

Mr. Carlee said that really depends on the source of funding. Again, a number of construction projects that we do are in our enterprise funds so if it's in CATS, aviation or utilities it stays within the capital programs of those enterprise funds for subsequent appropriation by the Council for future projects.

Ms. Fallon said it's not plunge able. It stays in that place.

Mr. Carlee said that's correct and many of our construction projects are also done with bonds and so it would stay within that bond fund and could be appropriated to projects consistent with the bond authorization. It's where it is in PAGO that you have most flexibility and we bring back to you those accumulative savings as part of the budget process on an annual basis.

Ms. Fallon said Randy congratulations. Do we ever get that money back that we can use or it stays away from us, but we really don't know about it?

Mr. Harrington said anytime that we have a project that closes out we will sweep all the funds, bring it back in and identify that and bring it back to Council for your consideration with what to do with that.

Mayor Clodfelter said you do sweep the funds?

Mr. Harrington said we do.

Ms. Fallon said I thought you just said that it stays within that mode where it was.

Mr. Harrington said well they're swept up but say for example if it's in CATS then those funds would stay in CATS for your future appropriation.

Ms. Fallon said unless we decide something for CATS.

Mr. Harrington said right.

Ms. Fallon said I see how you do that.

Mr. Harrington said if it's in the General CIP it will stay in the General CIP for your consideration for a future project.

Ms. Fallon said don't you think that should be changed?

Mr. Harrington said well in some cases literally we can't switch them across the different funds so they have to remain tied to their sources.

Mr. Carlee said and leaving them within your capital programs is the fiscally prudent thing to do. Your savings are one time savings and are appropriate for future appropriation by the Council for similar one-time expenses.

Mayor Clodfelter said the key point is they do sweep them out of the project accounts and back into the general capital accounts. That's what the state is not really good at doing.

Councilmember Smith said can we go back one slide please? I understand unforeseen and unanticipated circumstances, I understand getting into rock, behind the wall stuff, where it gets a little frustrating from where I sit is you go back about a month to the August 25th meeting, Statesville Road widening change order for about \$800,000; \$20 million project, that's not a lot of money. The excuse given was due to the conflicts with unknown infrastructure. That's one where I feel like that shouldn't have necessarily been unforeseen or unanticipated but it says that corridor has a high amount of underground utilities. I would have felt like that was something that should have been figured out ahead of the bid time so that they could incorporate it into the original budget. Where it gets a little curious or where I get a little curious is if in those 17 instances how often the low bidder may have pushed past the second low bidder with the change order and did the change order in any way, shape or form helps pad profitability. Not saying that we work with nefarious people. I'm just saying that it's something that you can see how somebody could go; the low bidder finds an unforeseen circumstance, next thing you know they bid out the next guy who may have actually accounted for it.

Councilmember Howard said tell me how you stop that from happening? How do we make sure that we don't do exactly what Mr. Smith just described which is kind of why we're sitting here tonight. We're all worried about the fact that some kind of way that their scenario happens.

Mr. Richards said when I gave the answer earlier about how do we decide if there's a change order; our hope is that you would be comfortable knowing that your staff are the ones who are deciding if these are change orders or not. For instance, we're with the contractors looking at what's happening in the field, we're making those decisions. If we think for instance that the rock or the unsuitable soil is not that then we don't pay for it that way. We make it be paid as it should in the contracts specifications. We're looking for those things and we should be doing that. I will say that we have multiple bidders. Whoever gets that project, our belief is that they would have found the same thing. By doing the work they would've found it. The biggest difference might be if one had a certain unit price for that item higher or lower than another one it could come out differently but they would've found the same thing. We would've been in the same place, the change order with whichever contractor.

Mr. Howard said let me ask it a different way then. Help me understand what happens if for some reason because you took the low-bid you did find that there were something is missing after the project got going. That's more of the scenario that I think would concern me. How do we make sure that we don't do business with them again or that we check them next time? The situations that you would find no matter what, I got that part, it's really more is there a possibility for somebody to low-bid and then make it some other kind of way. Is that even a scenario that plays out or are we just worried about the wrong thing? That's kind of what this is about.

Mr. Richards said from my experience it's something to think about, it's something to be aware of. We should be as your onsite inspectors preventing that. That's our job, we are on the ground watching this, monitoring it and administering it.

Mayor Clodfelter said take Councilmember Howards question and give it a concrete example. How does it play out in your process if you have the following facts; you got a low bidder that comes in on the contract and second bidder comes in higher, the second bidder says you know our testing showed something different. Our testing showed that there's a real problem out here so we're going to cover that problem. Low bidder doesn't think the problem is out there. What do you do in that circumstance? I think that's kind of what he's asking. That's an example of it. Second guy says my geologist says no, there's a real problem here and you've got to cover it. What do you do?

Mr. Richards said I think if it bears out we would have to cover it.

Mayor Clodfelter said well but you've taken the low bidder haven't you?

Mr. Richards said right we have taken the low bidder.

Mayor Clodfelter said the second guy said we knew it was there, it was in our original bid price.

Mr. Richards said I don't believe looking at my contracts officer over here I don't believe there's anything we can do but Suzanna?

Mayor Clodfelter said can you reject the low bid because you don't think it's covered everything?

Susana Vang, Engineering & Property Management Contract Officer said that situation does happen. In the situation where we had a low bid the second low bid actually came forth and told us that we were missing a significant item in our bid specs and we, our staff, expert staff, went back and looked and we agreed with that. We had missed a major item that was going to cost us quite a bit of money so what happened was we went to the City Manager and rejected all bids. Now in that situation it was in the city's best interest to reject when we have a specific spec that has been omitted from the bid items. Now we get this and if our expert say that well we may have missed a little bit we're and looking at what our plans are never perfect so we're getting to a risk factor. If we were to rebid the bid package are we really losing out on our low bid? We do have analysts that we listen to what the other bidders are bringing to the table and that's usually our process in that particular situation.

Mayor Clodfelter said does that help with what you two were asking about?

Mr. Howard said I'd like to know what happens when if we find a bidder that does that routinely.

Ms. Vang said if we have a bidder that does that routinely, well we have bidders that do come in and say we may have missed a certain item. It actually doesn't happen as routinely as you may think it happens. Usually they want to be good partners with us as well so when they do know when we're missing an item. They have an opportunity during the bid phase to let us know that we have missed a certain item but if it's someone at the end every time we're going to sit down with them and we're going to talk to them about our relationship and that we want to work with them, they want to work with us and we would appreciate the opportunity during the bid phase if they will at least let us know what we have left out.

Mr. Howard said there's no way to put them on a black list if you will. We have to always take the low bid if it seems qualified.

Ms. Vang said during the low bid process there is a responsible process when we're looking at the contractor, can they perform, do they consistently come back with change orders that really they should have helped us. We do go through that process with them and we don't have to go through that very often to my experience.

Mr. Barnes said much of the discussion raises some issues and I don't know if a referral to the Budget Committee might be in order but I would like to know Mr. Manager, we have a knack for coddling together money, we recently coddled together \$24 million for the street cars, over the course of that project we've coddled together \$75 dollars, among the items that interested me was whether that money could've been returned in the way of a property tax rate decrease to the tax payers. With all the money we're talking about moving from project to project, left over money, excess cash, is there in addition to all the other issues that have been raised is there some

mechanism to figure out how to actually return that value to the public instead of it being coddled together all within our budgets and what is that?

Councilmember Autry said I think more infrastructure; more of providing the kind of public service that we're sworn to give.

Mr. Barnes said no I'm talking about the process of actually returning that value to the public. We can always build stuff, we find a way to build, we build all kinds of stuff all the time but in terms of restoring and maintaining the public confidence sometimes I think it's a good idea to actually show some strength and return.

Mayor Clodfelter said I'll go ahead and take that as a rhetorical question for the Budget Committee to work on in the development next year's budget. We've got some really good useful resources here with us tonight so I want to stay as we can focus on the topic.

Mr. Autry said I just wanted to ask one more question about the responsible bidders. Would that be an instance where we see an item on the agenda that says that we're going to be working with this contractor? We want the lowest bid but the lowest bid has not responded.

Ms. Vang said that's correct. When you see an agenda item where you see there's Item Action A to reject a low-bid we're generally letting you know whether they were non-responsive or non-responsible. There's usually a second item to award to the second low responsive/responsible bidder. Correct.

Mr. Smith said can we go back one more spot. What happens if it is unforeseen, unanticipated but we think it should have been foreseen and anticipated.

Ms. Vang said can you give me an example?

Mr. Smith said what I'm saying is I understand that if we go and there claiming that there's some below grade issue, I'm going back to the Statesville Road Widening which was about \$800,000. What if at our vantage point they should have known about the high propensity for underground utilities there, do we at that point, it's a known expense and we've established that it is in fact true. Do they get held accountable? Should they have known?

Ms. Vang said the unforeseen is unforeseen on the city's part. We did not anticipate running into that magnitude of a problem and when they were bidding the documents the contractors were, they were bidding what we have anticipated.

Mr. Driggs said I just wanted to comment Tim is probably wishing that Jeb had been here tonight. If I could quickly, do we have a process for having staff reviews reflect how well contracts went? So if we're able to get a contract done and it's done without the full use of the contingency and on time and so on does that bounce back as a plus to the staff members and conversely if we run over?

Ms. Vang said absolutely. Before we actually go out to bids there's review periods, usually its 70% review plans and 90% and again at 100% and the plan review is ensuring that we and the different eyes in the city are reviewing it to make sure that we are covered everything we think we can anticipate the project and when there's no change orders kudos go right back to the staff, back to the reviews, the inspectors. I think that's part of our job to make sure that we are covering and ensuring that we are anticipating all the construction needs. It's difficult to anticipate all the things that you can't see underground and behind the walls but I think we do a really great job to the staff who reviews these.

Mayor Clodfelter said I've got one question for you. Taking Dixie River Road as an example, can you show us how this would work?

Mr. Richards said Dixie River Road is not one that you've seen in the last year or two. I wanted to use this example to show you that not always are these costs paid by the city when you see a change order. You may see this in the request for council action. This one started out at \$4.5 million roughly and went to about \$5.4 million. Change order number one was requested by the developer. The developer had a rezoning which required a traffic analysis which required turn lanes, it required some fencing be put in to satisfy some of the requirements and so he asked us could we do this with part of our work so we put it in the project and he paid for that and you

approved the change order. Change order number two was more like you would normally see, we were out on the project and NCDOT, because one of these roads was theirs, they felt that we needed more paving, more wedging to make the process meet their requirements. I don't remember if this was a requirement that had changed or what caused that but it was required by NC-DOT. It was covered by the project budget. We also had some ponds that the developer had actually built for the development and then we decided and worked with the developer to use those ponds while we were under construction and so we reconstructed those to make sure that they would fit both needs and carry everything for both needs. Then we had additional rock that you will see often, all three of these need a change order number to be recover by the project budget and paid for by the city. Eastburn is one that you saw recently. That's where we put a culvert in, a rather large culvert, started out at \$5 million and ended up around \$5.3 million and the project had additional rock that we found. Again, we were a part of that as the inspection staff and then we had to put back suitable material where that rock was when we took it out. These are all also covered by the project budget.

Those are two examples of how you might see this and I will tell you as I look back through two years' worth of RCA's those types of things were pretty consistent; questions?

Mayor Clodfelter said are you sure you want questions?

Mr. Richards said I will take them.

Councilmember Kinsey said I just want to thank Tim. You did a great job.

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

Assistant City Manager Ann Wall said I'm going to try to answer a couple of these Consent Agenda items. Number 17, I think Councilmember Howard had a question about the Freedom Drive landscaping. Mr. Howard, I'm going to try to answer the question I think that you were asking me and if not we can clarify that. Six vendors submitted proposals for that landscaping contract. One was an SBE; the bid of course was awarded to the lowest responsible bidder at the lowest cost. We did advertise that project during our normal method of bidding, we advertised it on the website, we sent targeted e-mails and we notified 28 SBE's of the opportunity to bid on that contract. I will offer just one other additional bit of information; landscaping provided some information to me that showed of the spend for the last fiscal year about 53% of that spend went to SBE's.

Councilmember Howard said that does answer that question. It's kind of weird that you have landscaping and you not have, anyway okay.

Ms. Wall said the was a question regarding item number 19 which was the Joint Communication Center, we anticipate that the center will hold about 350 employees out of the gate. The contract on the consoles does not include technology just really the furniture aspects of those consoles. This vendor was not the lowest bidder, it was done as a request for qualifications and some of the criteria that we looked at when we evaluated would have been the quality of the console that we asked the vendor to provide us with a sample product, the quality of the console, options for configurability, that's the right word, the ability of that console to be moved depending on where monitors and equipment needed to go, some information regarding price and the vendors experience with other similar jobs and warranty. With that being said the contractor that is being recommended, Evans, received the highest score in the evaluation of that of those proposals.

Next we had a question about item number 20 which was the fountain. The CMGC fountain, the fountain as it stands now is inoperable. It is not working and at this point it is cost prohibitive to repair.

Mayor Clodfelter said I think heard that report 25 years ago on that precise fountain.

Ms. Wall said Mr. Howard, I think you might have had question about whether or not there were subcontracted opportunities available for that. Staff had indicated to me there were not that when they determine if sub-contracting is available they look at the engineers estimate, the kind of work that is being done and they also look to see what kind of SBE's and MBE's may be

available to do some of that contracting work. In this case there were no sub-contracting opportunities identified.

Mr. Howard said you make a good point. To the earlier questions I was asking about SBE participation as well as vendors on both so if it was an SBE like in the first one that wouldn't necessarily registered as the SBE goal right. Or wouldn't it have?

Ms. Wall said I'm sorry I'm not sure I'm following your question.

Mr. Howard said it wouldn't have because they wouldn't have been the prime in that situation. The SBEs are usually used as subs. I think what I was wondering is how many SBE's actually had opportunities and when we get one when do we know we got one? That's not something that I think we regularly see when an SBE is a prime.

City Manager Ron Carlee said we do track it.

Ms. Wall said we're trying to address some of that, provide some additional clarity on some of that language when we provide the RCA to the Council.

Mr. Howard said so in the future it would be helpful for me to know when the prime was a SBE. That would've taken care of probably both questions, but in addition to that, are there opportunities, I understand landscaping is a small contract; the fountains would be very specific. I was really asking about SBE opportunities as primes.

Ms. Wall said Ms. Kinsey; the Foundry is located in Medley, Florida, which is suburb of Miami. The last question referred to Edison Foard, Councilmember Smith had a question; we've quickly sort of scoured our databases, we believe at this point that we are almost current with payments to Edison Foard. If somebody knows of any particular situation we can contact finance and clear it up.

Councilmember Smith said that's just for a firm that size when they've got vendors and payrolls and subs to meet that's a pretty big slug of change and when I saw the change order it I wanted to circle back.

Mayor Clodfelter said with those answers do any of these items need to be pulled for vote downstairs? No? Madame Clerk, the only one I've got is 23?

City Clerk Stephanie Kelly said right.

Councilmember Kinsey said when you were going through you nominations to Boards and Commissions you notice that we did not have anyone who had asked or signed up to serve on the Coalition for Housing as a hospital representative. I would ask that we delay that. We are looking for someone.

Mayor Clodfelter said let's pull that item then and we'll keep it open.

Mr. Howard said I nominated somebody.

Ms. Kinsey said we're working on somebody; I don't have any of that information so we'd like to defer that.

Mayor Clodfelter said can we defer it? Is that alright even if you nominate somebody can we just keep the nominations open?

Ms. Kinsey said we can keep the nominations open I guess.

Mayor Clodfelter said we'll take the nominations tonight and keep the nominations open on that item.

Ms. Kinsey said under that scenario we also had just one person who has applied for the homeless or formerly homeless and I don't know if you want to keep that open as well or if you want to go ahead. We do have information from him but if you want to keep that open as well.

Mayor Clodfelter said if you make the request.

Ms. Kinsey said let's hold it open then. Let's hold both of them open since there the same?

Mayor Clodfelter said is there any objection to holding both of those open for additional nominations? Any objection to that and when we get to that we'll just take the nominations Madame Clerk that we've got and hold them open.

The meeting was recessed at 6:26 p.m. to move to the Council Chamber for the regularly scheduled business meeting.

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BUSINESS MEETING

The City Council of the City of Charlotte, North Carolina reconvened for the Citizens' Forum and Business Meeting on Monday, September 22, 2014, at 6:36 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Edmund Driggs, Claire Fallon, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

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INVOCATION AND PLEDGE

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

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CITIZEN'S FORUM

Mayor Clodfelter said the first speaker I have tonight, and we're glad to welcome him with us, is our State Representative Rodney Moore. Thank you for all your service and hard work.

Anti-Racial Profiling Ordinance

Representative Rodney Moore, 9042 Burnt Umber Dr. said first and foremost let me commend all of you for your service to the City of Charlotte and its citizens. You have shown proven leadership on the tough issues that have come before you as a body. I come before you tonight with such an issue. I would like to applaud the city on the reforms that were made last year as it relates to the Citizen's Review Board. They were worthwhile and needed. While a good starting point there is more work to be done to ensure that the process is transparent. That is why I'm standing here advocating to compel the City of Charlotte to adopt a local ordinance that addresses the effects of racial profiling. We have seen a rise in incidents in our state and nation over the last few years in terms of racial profiling violations of civil liberties in our minority communities. In some communities of color the police are seen not as officials who keep the public safe but as an occupying force. As we saw in the town of Ferguson, Missouri, the trust between police and the citizens were almost nonexistent. Thankfully we don't have this problem in our great City of Charlotte and I must commend Chief Monroe and his leadership and all of his officers for the efforts that we enjoy here today. As a member of the North Carolina General Assembly I try to do all I can to develop policies that will ensure the wellbeing of all North Carolinians. Unfortunately, there is no legislation that can bring back Jonathan Ferrell, Lareko Williams or Jesus Huerta. There is no bill or legislative fix that will undo profiling of the Latino drivers in Alamance County by the duly elected Sherriff. My heart goes out to the family of Michael Brown in Ferguson, Missouri. While these cases and many other unknown cases are different in their complexities and circumstance, the common denominators are perceptions and assumptions based on race or ethnicity. As a legislator I have an obligation to concentrate my efforts on alleviating this problem within my district and my state. I wrote a bill to prohibit racial profiling and grant all cities of the State of North Carolina the ability to have a Citizen's Review Board. Presently, there are only four cities in North Carolina that have a Citizen's Review Board. The bill will allow these review boards to have investigatory powers and the prerogative to subpoena witnesses and the officers who the complaint was filed against. They would be allowed access to internal affairs files for the cases in question and have the power to overturn the decision of the local law enforcement authority if warranted; that's three minutes already? Is there a chance that I could have some levity so I can finish this?

Mayor Clodfelter said Representative Moore if I give you extra time will you give us back our airport?

Representative Moore said I will do the best I can Mayor.

Mayor Clodfelter said I'm not supposed to do this. It is contrary to Council policy but you're legislation is important legislation so if you can continue.

Representative Moore said I'll be as expeditious as I can. We must ensure that total and complete transparency so that the citizens of the City of Charlotte and state can see their law enforcement agencies as partners and protectors of the communities they serve. I'm sure that all at the dais have made a commitment to work toward all the citizens of Mecklenburg County and Charlotte to having the rights that they are promised in Article 1, Section 1 of our state Constitution and I'll say this and then I'll be quiet. We hold it to be self-evident that all persons are created equal, that they are endowed by their creator with certain inalienable rights among those are life, liberty, the enjoyment of the fruits of their own labor and the pursuit of happiness.

Mayor Clodfelter said we wish you success in your legislation and as you know since we have a Citizen's Review Board we do support that concept so we wish you success in that legislation. Let me also say to you Representative Moore and your efforts and encouragement and the folks who are with you tonight that we do take ownership of this issue at the city and this afternoon I got a briefing and an update from the Deputy Chief, from the Manager, from the head of our Community Relations Committee about the work that's already underway on some potential new policies and new ordinances for the City of Charlotte. I expect that there will be some proposals being brought to the Public Safety Committee and the City Council soon. I can't tell you the definite target date but I know that they are already at work on some things and we're at work on some issues and some proposals for addressing the issue of profiling that you've addressed. We do take ownership of the issue and we're going to do what we can to make sure we maintain public confidence in our law enforcement functions and remove any hint of abuse in that process. We're with you on that effort and we wish you the best.

Representative Moore said I would just like to thank the people on the dais. I like to thank the City Council and all of your leadership in addressing this issue and other issues and making the tough decisions that we need in Charlotte to be the first city in North Carolina and being a world class city that we can be proud of wherever we go on the globe.

Taste of the World

Nancy Plummer, 1323 Queens Road said my granddaughter Elizabeth and I are going to talk to you all about Taste of the World; thanks so much for letting us be here. Taste of the World is on October 2nd, Thursday. The opening is at Van Landingham Estates and this is the international village of Charlotte-Mecklenburg. If you've not been out to see us I want you to come. We sell tickets to 250 people, we have ten motor coaches, and we have 23 international restaurants on our tour representing six continents. We have Chinese, Mexican, Columbian, and we even have a southern restaurant that my granddaughter...

Councilmember Lyles said that is a different country isn't it?

Ms. Plummer said yes that's the place you get biscuits and butter. If you are not aware of Taste of the World we wanted to know about it. We sell our tickets out, 250 tickets the first part of August. We always have people on the waiting list and so you can always come. We brought my granddaughter, Elizabeth, who's been part of Taste of the World since she was little and she is going to tell you her opinion.

Elizabeth Plummer, 1323 Queens Road said thank you for having me. I love Taste of the World. It's so much fun, I always get to learn new things about different people and where they've come from, who they are and what they believe in. I think it's a great opportunity for other people to learn about these people and about their cultures and what they like to do in their life. I also think it's a great opportunity for people to make friends with people they have no idea who they are, where they've come from or anything else. I feel like it is an amazing thing that my grandmother and her friends have come up with and I strongly encourage for everyone in this room or everyone watching to just at least look it up online and look over it and even come. It's just a great opportunity. I love it so much.

Ms. Plummer said we have brought goodies from the Golden Bakery and Elizabeth is going pass them out to you all. The baklava is different flavors so you can share. Let me add one thing, we have a restaurant on our tour called Woodlands and the couple is from India. Have you been? It's great but the good thing about it is we, Dr. Nimi and I found them on Albemarle Road and they have been on Taste of the World for several years and now they are part of Taste of Charlotte so it shows how when they start in Taste of the World and get familiar with our culture they can be a part of it and even win best dessert.

Mayor Clodfelter said Ms. Plummer if you have another bag of goodies I'll give you some more time but I'm in all sorts of trouble for giving extra time tonight already.

Councilmember Autry said I just want to say thank you all for coming down and sharing the Taste of the World story this evening. It's one thing that we all look forward to in East Charlotte every year and all those restaurants that you're going to visit on the tour are in East Charlotte. This year you have an opportunity for a special treat. I will be a bus tour guide on one of the buses this year. Come out and join us.

Canadian Geese

Greg Finnican, 535 Closeburn Road said we're all together and we're just going to trade off our three minutes if that's okay.

Mayor Clodfelter said well each of you have three minutes, you're all talking about the same thing so if you don't need all of it but that's fine too.

Mr. Finnican said we are homeowners in a subdivision called Shadow Lake, which is off Carmel Road just north of 51, about 400 homes in this subdivision. The reason we're here is because we have been invaded by geese; primarily geese, other wildlife also. This has been caused by one resident who for the last several years and increasingly in the last year or two has been feeding wildlife and primarily geese. Depending upon what day or time could be 80, 90 up to 150 geese. The geese droppings in the street, in the driveway, are pretty bad. What we'd like to ask for the city to consider an ordinance that would prevent people from feeding wildlife and waterfowl in particular. A lot of the neighbors have spent thousands of dollars fencing in their property. I've replaced my lawn twice. It gets totally destroyed by the geese primarily. There are other raccoons and other wildlife showing up. We have a video that I understand we can show. They usually know what time of day it is. They know when lunch time is and early dinner. Right there is a 50 pound bag of wildlife feed. I have to say that we had Channel Nine news and a NBC affiliate out there a week ago today and they ran it on their evening news and they did speak to this lady about the problem and I have to say that she has it seems in the last week she has stopped feeding them. The geese we don't see them in the same concentrations. She's still feeding in the back yard raccoons, deer; it's hard to see the droppings in the street. I think you get the idea.

Joanne Mason-Trull, 5709 Ryder Avenue said I am the current President of the voluntary Shadow Lake Neighborhood Association. Feeding the waterfowl can lead to dietary and nutritional problems for the birds, ducks and geese are far better off building their reserves by moving from location to location in search of healthy natural diet. Feeding them causes them to stay in one place when the food given them is not consumed entirely it rots and also attracts vermin and venomous snakes and encourages the spread of diseases. Resident Canadian geese also unintentionally serve as live decoys attracting additional migratory geese to problem areas exasperating existing problems. Waterfowl especially the Canada geese are extremely prolific, they cannot be hunted and have very few predators. They are able to reproduce at the age of two and they can live up to 20 years. A pair of geese raises an average of four young per year. At normal reproduction mortality a pond with three pairs of adult geese can multiply to nearly 50 birds within five years and to over 300 in just ten years. Our very tiny pond currently has approximately 150 geese. Resident Canada geese leaving their droppings and trampling land areas degrade those areas resulting in erosion, shore line destabilization, destruction of newly seeded lawns and recreation areas and loss of natural vegetation. Goose feces causes utrophian and excessive algae growth. This destroys the nature eco system including the habitat for fish, turtles and other marine life. The Canada geese show aggression towards people and can cause injury. They are causing traffic hazards in our roadways and our walkways. Our neighbors are feeding wildlife such as deer, raccoons, squirrels, ducks and feral cats. These animals are also dangerous for the same reasons. These animals have increased in our neighborhood bringing

with them ticks, rabies, distemper and avian diseases. Coyotes and rats are also an issue. All of these animals carry diseases that are spread to other wild life as well as humans. The pond at Shadow Lake is a spillway in to the Mecklenburg County creek system; it was one of the smallest and the most polluted in the entire county. The city has put \$1.2 million to enhance water flow and refurbish our pond. The city has hatchery plant grass in common areas where the geese promptly destroy the first planting causing the city additional funds. In the fall the city will plant native plants and grasses on the banks of our pond and will restock the water with fish. I fear that this will be all in vain as our pond is repeatedly polluted by the geese. Our residents at Shadow Lake are unable to use the pond and its banks as intended for recreation. I ask you if the Canadian goose is a federally protected species shouldn't it be protected from the humans who feed them causing such destruction to the natural patterns and environments. We respectfully request that you put into place a city wide ordinance that prohibits the feeding of waterfowl and other wild species in public and private properties.

Dr. Daniel Kelly, 7011 Quail Ridge Drive said I've lived in Shadow Lake neighborhood since 2006. I've watched the goose population exponentially increase in those years, primarily due to the feeding of this one neighbor. Our pond has between 80 to 150 geese at one time; a pond this size should have 12 to 16. A goose defecates every 20 minutes and puts out 1.5 pounds of stool a day. That's 150 pounds of feces in our lake in one day. 67% of these geese are resident and don't migrate and beaches and public areas have been closed due to contamination and the threat of personal injury and lawsuits from slipping on the feces. Research shows that the excrement of geese contains a wide variety of pathogens. They have a large impact on water quality and disease transmission for example bacteria, e-coli, we all know about e-coli by now causes bloody diarrhea, fevers and death, salmonella again fevers, bloody diarrhea and death, listeria monocytogenes causes miscarriages and all of these are spread by geese, pasteurilla can cause significant skin infections. Viruses that are involved include the West Nile Virus and produce a viral serum that can lead to encephalitis and death, avian influenza, also known as the fowl play is responsible for the massive die off of geese and the geese are also capable of being infected by the H5N1 virus. Of the parasites, cryptosporidium causes diarrhea and can be very dangerous to immune comprised patients like a cancer patient, giardia is another parasite, toxoplasmosis, miscarriages, stillborn and it affects fetal brain material and development and pregnant women need to avoid it. In summary there are clear and significant illnesses that will result if the geese numbers are increased by human tampering with the environment by feeding these geese. We are clearly suffering from this problem. Again we want the ordinance to prevent any feeding of the geese. I also would ask that the City possibly come and clean our streets until we can have a reduction in the numbers of geese in June when they molt and can no longer fly; we can collect them and decrease the numbers.

Jay Hamilton, 7129 Quail Ridge Drive said I'm not going to be as scientific as the earlier speakers. From a practical standpoint we bought the house that we live in and moved in April 1st, 1977 so I'm not only the oldest in years but I've got seniority as well. At any rate it's a nice neighborhood, geographically we are so well located we're midway between Ballantyne and downtown; couldn't ask for anything better than that and it's a shame that we have permitted something to happen that has such a negative impact on real estate values. Who knows where the mark is today, it's been tough; it has hurt us because people come in there and walk through a lawn and they've got it all over their shoes so you can understand why first impulse is not good. I can't blame them I wouldn't feel that way either but I've been there so long that we do the best we can with it. The numbers, we own a vacant lot next door to our property and the geese think that that's theirs. I've chased them out so many times it's unreal and they're arrogant, I chased them back into the water, go in the house, 15 minutes later there all back so they don't understand or else they're smart enough to think there are going to wear me down. At any rate it is important and I think it's a reflection on our city so we're not only asking, we're begging for your help.

Khoi Tran, 7100 Cedar lake Court said I will be very short. The only thing I would have to say if you come to our neighborhood you have to look down when you walk because if you don't it's everywhere. It's a very unsanitary and smelling.

Mr. Finnican said I'd just like to add that our Councilman paid a visit to the neighborhood and he can vouch for us.

Mayor Clodfelter said he already has, Councilmember Smith has talked to us about this already and I think we've already got some staff people taking a look at what we can and can't do. We have to be careful about wildlife in terms of federal and state law but we are taking a look at the request already.

Councilmember Smith said thank you for coming down. I went out there and the day I went out there there were probably about 30 more geese than when the video. I couldn't in my car to the end of street because there were so many and you could see in the video some of the neighbors have had to put up some fencing to keep them out. One of the neighbors actually let his dog out to try to chase some of them off. It is a really bad problem they're suffering with. So, Mr. Manager, if I could, get a full report, or copied on the full report. I have spoken with the attorney and we are looking into some possibilities to sort of take this to the next level and explore it a little more. I think some of the things on our side is just enforcement unintended consequences and some stuff so we do need to take some time to sort through this. I am confident that staff is going to take this up and at least give us a report to see what action would be the next step. Thank you for coming down and putting a face to the story.

Mayor Clodfelter said the next speaker I have is going to give us the answer to the Canada Geese problem, Ernie McLaney from the Charlotte Chapter of Wildlife Federation. Did you guys arrange this so that Ernie you were speaking right after these folks? Did you arrange that?

Charlotte Chapter of The NC Wildlife Federation

Ernie McLaney, 6216 Rocky Falls Road said I'm here representing the Charlotte Chapter of the North Carolina Wildlife Federation. Our Chapter name is Crown; Charlotte reconnecting ourselves with nature. I brought along a few of our volunteers supporters and I'd like to ask them to stand briefly just to show you that we are a pretty good crowd. There are more than 75 community wildlife habitats throughout the US including four in North Carolina. Crown has notified the National Wildlife Federation that Charlotte will meet the requirements for this certification. Obviously it already does. My purpose tonight is to inform you of this exciting project. What is a wildlife community habitat? It's a National Wildlife Federation program that has three goals; to raise awareness and educate citizens through workshops, community events and the value that goes along with maintaining a healthy and balanced environment that includes nature, to engage citizens in community service projects such as stream clean ups, community gardens, tree planting programs and similar actions and to provide habitat for wildlife throughout the community; at homes, schools, businesses, public areas such as parks, community gardens and places of worship. Natural food, water, cover and places to raise young are key ingredients. Why is this something Crown chooses to do? We are losing quality green space every day. Our region has at least 13 endangered, threatened candidate federal species of concern. In a recent survey about the trust for public lands park source shows Charlotte ranking 57th out of 60 cities with regard to park acreage, access and investment. Due to urbanization, habitat loss, wildlife species are faced with diminishing patches of quality ecosystems. A connection with nature is necessary and part of the true human experience especially for our children. Here are just a few of the countless benefits to Charlotte and its citizens; certification and the ongoing process involved support healthy biodiversity, this a nationally recognized program that offers great social and economic advantages, it expedites Charlotte's goal for increased tree canopy, it contributes to an improved quality of life in part by supporting the livable communities plan and improving water and air quality. When complete, Charlotte will be the largest city east of the Mississippi with this designation. This process helps to connect fragmented patches of habitat into larger corridors of healthy ecosystems. A connection with nature improves creativity as well as the healthy and spiritual well-being of all of us. It is important to know that you guys have no action or expenses associated with our project. This is completely organized by and implemented by citizen volunteers. We hope that you will maintain the integrity of ordinances to protect our environment.

Mayor Clodfelter said thank you and congratulations on the achievement of the certification.

Mr. McLaney said we're not there yet. We're working on it. We're just asking for your support.

Mayor Clodfelter said I think you have it and you let us know how we can be helpful in getting it.

Optimist Park Community Association

Pauline Simuel, 412 East 18th Street said I have two issues that I want to bring before you today. I'm here with Bishop Wade H. Ferguson, III. To the Honorable Mayor and to the City Councilmembers, we bring you greetings from the Optimist Park Community. We are appearing before you again as we did on May 16, 2012 pertaining to a red light at the corner of East 18th Street and Parkwood Avenue. This is a very unsafe corner for the community to get out and to Parkwood Avenue, especially during the morning and evening traffic. We do not need a red light at Brevard Street and Parkwood Avenue. There are no homes on that street and traffic is very slow there. We request again for your help. We also have a petition that I would like to present to you from the community to this problem. That is the first thing I wanted to present to you.

The second thing I wanted to present to you is that we, the community, also present a petition for a name change on the corner of North Davidson Street and Parkwood Avenue. This structure has Belmont on it. We are not Belmont. It should have Optimist Park on it because it is in the boundary of the Optimist Park Community which is from Little Sugar Creek to the railroad tracks on 16th Street and Matheson Bridge to 277/ I-77. We're asking to you please correct this problem, to properly identify us, our community. We are a part of Charlotte, North Carolina too, and we hate to feel that we're being left out.

There are construction workings going on behind the Johnston YMCA on Davidson Street, the Alpha Mill has been put up, they have put up the new apartments on Seigle Avenue, First Ward has been done; there's new work that has been done in Belmont. We're right in the center of all that and we feel like we're being left out. We feel like that nobody cares. Now I will say that I am confronted today with new members. We brought this to the City Council back in 2002, that we put together a plan for the Optimist Park Community. During that time, the only thing that has been implemented is this sign right here, a little structure there as artwork. There are other people that are coming in and they are doing their things and they are trying to take over the community; it is as if we're being pushed out; that we're not being accepted there. So we're coming and pleading to you today to please, the red light is very, very much needed. It is very, very hard to get out. Try that in the morning, at the morning traffic and in the afternoon at 5:00 p.m. traffic. We know the light rail is coming and my time is up.

Mayor Clodfelter said the issue has not gone away. Will you be sure the clerk gets your petitions on both of those items so we can get them under study? Can you do that? Be sure she gets them before you leave.

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CONSENT AGENDA

Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and carried unanimously to approve the Consent Agenda as presented, with the exception of Item 23, which was pulled.

The following items were approved:

Item No. 16: Voluntary Annexation Public Hearing Date

Adopt a resolution setting public hearing for October 27, 2014, for a voluntary annexation petition.

The resolution is recorded in full in Resolution Book 46, at Pages 425-427.

Item No. 17: Freedom Drive Widening Landscaping

Award the low-bid contract of \$187,339.90 to Champion Landscapes, Inc. for the Freedom Drive Widening Landscaping project.

Summary of Bids

Champion Landscapes, Inc.	\$187,339.90
Carolina Wetland Services, Inc.	\$229,733.91
Metrolina Landscape Company	\$262,973.83
Ingle & Son Landscape, Inc.	\$278,565.31
Distinctive NatureScapes, Inc.	\$288,720.10
Bushwackers Landscaping	\$323,276.21

Item No. 18: Charlotte-Mecklenburg Government Center Chiller Replacement

Award the low-bid contract of \$1,365,000 to Boiler Masters, Inc. for chiller replacement services at the Charlotte- Mecklenburg Government Center.

Summary of Bids

Boiler Masters, Inc.	\$1,365,000.00
P.C. Godfrey, Inc.	\$1,397,375.70
Comfort Systems USA, Inc.	\$1,407,000.00
Superior Mechanical Services, Inc.	\$1,433,250.00
Mechanical Contractors, Inc.	\$1,456,759.50
Embree-Reed, Inc.	\$1,470,000.00
Catawba Mechanical Services, Inc.	\$1,488,900.00
Cam-Ful Industries, Inc.	\$1,547,700.00

Item No. 19: Joint Communication Center Workstation Consoles

Approve a contract in an amount up to \$3,000,000 with Evans Consoles Incorporated for workstation console design, furniture, and installation for the Joint Communication Center.

Item No. 20: Fountain Maintenance Services

Approve a contract with Danny Franklin Hood, dba Charlotte Specialist Services in the amount of \$169,475.40 for fountain maintenance services for a term of three years.

Item No. 21: Private Developer Funds for Traffic Signal Improvements

Adopt a budget ordinance 5484-X appropriating \$141,975 in private developer funds for traffic signal improvements with the following developers: Charlotte-Mecklenburg Board of Education, Plaza Midwood Owner, LLC, QuikTrip Corporation, and FMF Morehead, LLC.

The ordinance is recorded in full in Ordinance Book 59, at Page 37.

Item No. 22: Road Drainage Structures

(A) Award a unit price, low-bid contract to U.S. Foundry for the purchase of catch basin grates, frames, and hoods for a term of two years, and (B) Authorize the City Manager to extend the contract for up to three additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.

Summary of Bids

AMP Utility Distribution Services	\$153,975.00
EJ USA, Inc.	\$149,276.00
US Foundry	\$147,533.00

Item No. 24: Snow/Ice Removal Services for City-Maintained Streets

Award unit price contracts for the removal of snow and ice on city-maintained streets for a term of three years to: Blythe Construction, Inc., Blythe Development Co.

Item No. 25: Airport Concourses B & C Elevator Change Order

(A) Approve change order #1, in the amount of \$132,238, to Edison Foard Construction Services, Inc. for additional construction services, and (B) Adopt Budget Ordinance 5485-X appropriating \$132,238 from the Aviation Discretionary Fund to the Airport Community Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 59, at Page 38.

Item No. 26: Airport Recycling and Waste Disposal Services

(A) Approve a contract with Flint River Recycling to operate and manage recycling and waste disposal at the Airport for a term of 32-months, and (B) Authorize the City Manager to approve two, one-year contract renewals with possible price adjustments as authorized by the contract and contingent upon the company's satisfactory performance.

Item No. 27: Airport Terminal Elevated Roadway Sitework Design

Approve a contract, in the amount of \$111,091, with Talbert, Bright & Ellington, Inc. for site work design associated with the Terminal Elevated Roadway project.

Item No. 28: Airport West Terminal Ramp Expansion Design

(A) Approve a contract, in the amount of \$2,783,581, with Talbert, Bright & Ellington, Inc. for aircraft ramp design services, and (B) Adopt Budget Ordinance 5486-X appropriating \$2,783,581 from the Aviation Discretionary Fund to the Airport Community Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 59, at Page 39.

Item No. 29: Airport Taxiway & Cargo Ramp Improvements

(A) Award the low-bid contract of \$10,735,960.50 to Archer Western Construction for construction of a high-speed taxiway and cargo ramp improvements, and (B) Approve a contract, in the amount of \$236,046, to On-Spec Testing for pavement testing services.

Summary of Bids

Archer Western Construction	\$10,735,960.50
Hi-Way Paving	\$11,261,594.95
GLF Construction	\$12,283,348.15

Item No. 30: McAlpine Polymer Contract Amendment

Authorize the City Manager to amend the contract, in the amount of \$700,000, to Polydyne, Inc. for polymers for McAlpine Creek Wastewater Treatment Plant.

Item No. 31: Sugar Creek Treatment Plant Reliability Improvements

Approve a professional services contract with HDR Engineering of the Carolinas, Inc., in the amount of \$335,270, for engineering planning and preliminary design services for the Sugar Creek Treatment Plant Reliability Improvements project.

Item No. 32: Walkers Ferry Road Water Main Phase 3

Award the low-bid contract of \$129,725.20 to Midland Contracting, LLC for the construction of the Walkers Ferry Road Water Main Phase 3, funded by a Community Development Block Grant received by Mecklenburg County.

Summary of Bids

Midland Contracting, LLC	\$129,725.20
Sanders Utility Construction	\$160,146.80
Two Brothers Utilities	\$219,256.20
State Utility Contractors	\$269,479.10
Propst Construction Company	\$376,184.60

Item No. 33: Utility Work and Asset Management Software Replacement

(A) Approve a contract with Azteca Systems, Inc. for software maintenance in the amount not to exceed \$358,550, and (B) Approve a professional services contract with GHD, Inc. for program implementation services in the amount not to exceed \$430,000.

Item No. 34: LYNX South Boulevard Light Rail Facility Expansion Change Order

Approve change order #1, in the amount of \$250,000, with Edison Foard, Inc. for the LYNX South Boulevard Light Rail Facility Expansion project.

Item No. 35: Transit Bus Parts Contract

(A) Approve the purchase of transit bus parts from a state contract as authorized by G.S. 143-129(e) (9), and (B) Approve a contract with Truck Pro, LLC, in the amount of \$350,000, for the purchase of Transit Bus Parts per state contract 060A.

Item No. 36: Refund of Property and Business Privilege License Taxes

(A) Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$61,459.83, and (B) Adopt a resolution authorizing the refund of business privilege license payments in the amount of \$1,757.28.

The resolutions are recorded in full in Resolution Book 46, at Pages 428-429 and 430-431.

Item No. 37: Meeting Minutes

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of: August 25, 2014 Business Meeting.

Item No. 38: Sale of City-Owned Property

(A) Adopt a resolution approving the sale of 1231 Boone Street for \$4,000 (tax parcel identification number 075-074-24), and (B) Authorize the City Manager to execute the sale documents for this transaction.

The resolution is recorded in full in Resolution Book 46, at Page 432.

Item No. 39: Property Transactions

Item No. 39-A: 8316 Steele Creek Road

Acquisition of 2.5 acres in Fee Simple at 8316 Steele Creek Road from Food Lion, LLC for \$784,000 for Aviation Master Plan.

Item No. 39-B: 317 Clark Boulevard

Acquisition of 11,923 square feet (.274 acres) in Fee Simple and 3,080 square feet (.071 acres) in Temporary Construction Easement at 317 Clark Boulevard from Michelle R. Flanagan and Kurt Franklin Flanagan for \$92,125 for Clark Boulevard Connectivity, Parcel #1.

Item No. 39-C: Little Rock Road

Acquisition of 5,449 square feet (.125 acres) in Sanitary Sewer Easement, plus 3,166 square feet (.073 acres) in Temporary Construction Easement from Sovereign Hospitality of Little Rock, LLC for \$60,000 for Charlotte Mecklenburg Utility-Scott Futrell 8" Sanitary Sewer, Parcel #1.

Item No. 39-D: 1216 Morningside Drive

Acquisition of 7,089 square feet (.163 acres) in Storm Drainage Easement and 1,881 square feet (.043 acres) in Temporary Construction Easement from Mary W. Smith and James E. Smith for \$10,250 for Lyon Court Storm Drainage Improvement Project, Parcel #8.

Item No. 39-E: 1701 Remount Road

Resolution of condemnation of 1,165 square feet (.027 acres) in Sidewalk and Utility Easement, plus 8,044 square feet (.185 acres) in Temporary Construction Easement at 1701 Remount Road from Fountain Hill Apartments LLC and any other parties of interest for \$7,400 for Remount Sidewalk West Boulevard-Railroad, Parcel #4.

The resolution is recorded in full in Resolution Book 46, at Page 433.

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ITEM NO. 14: CONCLUSION OF CONSENT AGENDA

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PUBLIC HEARING

Mayor Clodfelter said we're going to move Item 6 and postpone it for consideration after Item 10 and the reason for that will become apparent when we get there

ITEM NO. 7: PUBLIC HEARING FOR POST-CONSTRUCTION STORM WATER ORDINANCE.

Mayor Clodfelter said I have quite a number of speakers signed up to speak on this but before we take the speakers I'm going to recognize the Committee Chairman, Councilmember Autry for anything you want to say about the matter. This is just for public hearing tonight; this is not for action tonight. The public hearing is now open.

Councilmember Autry said I believe it was 2011 the Post-Construction Control Ordinance was the fee in lieu component was extended throughout the entire city. In the original ordinance it was just in the distressed business corridors and in the transit areas. The fee in lieu allows a developer to forego onsite mitigation for his storm water runoff and by paying a fee that money then goes into a bucket for that water shed and when enough money is accumulated that watershed has a best management practice built for it by and designed for a water quality measure. The committee looked at this issue earlier this year. We extended the existing expansion of the ordinance to the entire city for six months while we had enough time to vet all the proposals and other ideas that we had discussed in committee to provide ways to improve the

county and the city's water quality. The recommendation back from staff was to extend the fee in lieu throughout the entire city for another five years. The committee supported that measure without my vote of support for the measure. I still feel like the original ordinance was a fine ordinance that provided for protecting our water quality, it gave incentives to certain areas of the city where we wanted to encourage development and that the original ordinance was a fine compromise that the community stakeholders and the city had spent years developing, so I am not in favor of extending the fee in lieu throughout the city that is before us but now it's time for the public hearing so let's hear what everyone has to say.

Mayor Clodfelter said Mr. Manager, is there a staff presentation on this or do you want to go ahead to public comment.

City Manager Ron Carlee said we had planned to go directly to public comment unless you would like a presentation.

Mayor Clodfelter said we will do that, and let me ask if you will remind me and anybody who watches tonight, when will this item come back on the Agenda for action?

Mr. Carlee said this is scheduled for October 27th.

Mayor Clodfelter said for those of you who are interested in this item we're just taking comment tonight but it will be back before the Council for action on October 27th.

Deputy City Clerk Emily Kunze said excuse me Mr. Mayor, Bill Gupton was not able to make it tonight, he has laryngitis but we have his prepared statement.

Mayor Clodfelter said you have a prepared statement from him and do you have copies to circulate?

Ms. Kunze said yes.

Mayor Clodfelter said that means Mr. Testerman you'll be speaking after Sam Perkins gets up; you'll be next on deck.

Eric Spengler, 1404 Euclid Avenue, Apartment 4 said I'll keep my remarks brief since there are so many of us. I moved to Charlotte 18 months ago from Denver, Colorado to start a business with a good friend of mine and as you can tell I'm a young person. I'm 29. One of the first things I noticed when I visited Charlotte before moving here was the incredible trees we have in our community and some of the abundant environmental natural resources that Charlotte has to offer and the natural beauty that Charlotte offered was a tempting proposition to leave the Rocky Mountains in Denver to come here. My only comment really to the City Council tonight is speaking on behalf of young people who are increasingly mobile in our economy and who are increasingly valuing the environment and natural resources when deciding where they move; I have many friends who are highly educated who are moving to places like Denver and Portland and Seattle and I think the Post-Construction Ordinance that's before the City Council I think is with all due respect a short sided measure given that for the next five years it will allow for an extension or a provision that in the view of myself and other people who care deeply about the environment is not protective of those natural resources. I'm not saying that people my age decide where to live based on water quality ordinance but I would urge the Council to continue to press forward and be a leader in the environmental community by reverting to the old ordinance.

Shannon Binns, 2317 Laburnum Avenue said I'm the Founder and Executive Director of a local non-profit called Sustain Charlotte. Our mission is simply to inspire choices that lead to a healthier and more vibrant community for generations to come. I just have one central question for you tonight and it's simply do you want Charlotte to be a leader when it comes to the environment; a very simple question. As you may know right now our city staff and Neighborhood and Business Services are developing a plan in the overarching guiding principle is for quote "Charlotte to be a global environmental leader," however what you'll be asked to support one month from now is a policy that will move us away from becoming an environmental leader. Leaders when it comes to managing storm water runoff are requiring a range of onsite mitigation options to capture heavy metals, oil, trash and other forms of pollution before it enters our local waterways. As we learned from city storm water staff the last Environment Committee meeting the City of Los Angeles for example has installed 10,000

pollution filters, Seattle County, King County is doing the same and these cities are two of the leaders because they require best practices as part of their ordinances. They don't provide options to pay a fee in lieu. In 2011 our local real estate industry asked for relief from this ordinance sighting the down turn in the economy and the recession so a three year temporary option as Councilman Autry mentioned was passed. That three year extension expired in April. Council extended it for six months during that time my organization and three other local non-profit organizations who have extensive expertise in environmental science and policy provided resources to staff and members of the committee and asked that they require at least some measure of onsite mitigation. Unfortunately, none of our recommendations were included in the recommendation that's before you tonight. We want our city to be a leader. We want our children to simply be able to safely play in their backyard stream and creeks again which they cannot do today. We want our city to thrive for generations but if that is going to happen we must move beyond the rhetoric and we must begin acting like a leader and taking the action that leading cities take. We urge you to vote against allowing developers anywhere in our city to simply pay a fee instead of complying with one of the most important local laws that we have; after all doing business in this community comes with responsibilities to this community and I hope you will hold those who wish to profit in our city accountable to these basic responsibilities. Lastly, I just want to point out that this is not a zero sum game. We can have economic development and we can protect our natural resources. This is what we call sustainable development and we urge you to be champion for sustainable development not a champion for short term economic development that sacrifices our quality of life. Thanks for your service to our community and if we can provide addition expertise on this issue please let us know.

David Robinson, 2915 Hampton Avenue said I am one of the few people who was born in Charlotte. I live in Charlotte. I graduated from UNC Chapel Hill and when I was a kid growing up in Mount Holly I played in my local creek and had a great time looking for crawfish under rocks in the stream. I am now a volunteer with the Sierra Club here in Charlotte where I serve as its Chair. I encourage you to vote against extending the fee in lieu provision of the PCCO. The fee was put in place four years ago to help the development community struggling with the effects of the worst recession since the Great Depression. The idea was that there would be less burdensome for developers to pay a fee then to control onsite storm water generated pollution thus more development would be encouraged. Now in 2014 the development community is doing just fine. Witness the massive amounts of construction that is going on around the city but pollution is still an issue. It's generally recognized that the best and least expensive way to control pollution is at its source not miles downstream. You do it here in this Chamber; you don't allow food or drink to be brought here unless possibly its baklava and it's easier because you recognize that it is easier and cheaper to prevent a mess then to clean it up later. As Shannon said the Environmental Committee fiscal year 2015 strategic focus area plan states in part "Charlotte will become a global leader in environmental sustainability". Being a global leader involves identifying and practicing best practices. Giving polluters the option to pay a fee and to pollute is not considered by anyone to be a best practice. Being a global leader is a worthy aspiration but Charlotte is not now even a national leader in environmental sustainability. The development community doesn't need your help right now. The environment does. I'm sure some of you were thinking right, but the environment doesn't vote and it doesn't make campaign contributions. Let me tell you a week before last I attended the Charlotte Green Team Forum highlighting ten local organizations that are working to promote local environmental sustainability. After that forum a Director of the Charlotte Area Hotel Association told me that he was pretty sure that one of the reasons that Charlotte got the DNC in 2012 was our hotel association's commitment to sustainability. That commitment helped to bring millions of dollars to the City of Charlotte. Becoming a global leader in sustainability pays off, it also demands leadership. If you really want Charlotte to be an environmental leader, vote against the fee in lieu provision.

Patrick George, 6348 Sharon Hills Road said I'm a lifelong resident here in Charlotte and I operate a tree service here and am privileged to take care of the trees in this town and to continue to renew those trees. I grew up here. I looked for crawfish too in the creeks over off Archdale. I love this town. This is a great town, it's a beautiful town, people like coming here. Global leadership, I'm not really that concerned. I like to be able to go out to the creek and put my foot in in and not be worried about it. I occasionally float down Sugar Creek after some of these summer storms; it's unbelievably beautiful. No open sores though. That's where we are. Stop it at the source. It's common sense, please. Seriously, we live here, our children live here. I don't know how you can argue against it. Thank you.

Sam Perkins, 421 Minuet Lane said first and foremost I think we need to baklava out of politics. I've been holding that one. I'm with the Riverkeeper, the Catawba Riverkeeper Foundation. As parking lots, roads and roofs have replaced pastures in Charlotte, we didn't know better in directly diverting our storm water to creeks. We've learned a lot of things once seemingly harmless are not appropriate; handling mercury, smoking while pregnant, dumping oil down our storm drains and by 2008 the city knew better and it decided that it needed to clean up its waterways. The Post-Construction Storm Water Ordinance vastly improved how we would manage storm water and all the contaminates it carries, but we're procrastinating again with the mitigation fee in lieu option. My biggest question to you is does the city as in 2008 still want to clean up its waterways? The fee in lieu option was passed as a temporary economic boost for a temporary economic situation but that economic situation has passed. Development projects can and will happen on a site regardless of storm water management costs. If an area has the traffic the customers will come. Developers can make onsite controls work and we know because most do and they need to because two-thirds of the evaluated waterways are impaired. Settlement clogs our creeks and degrades water quality because of the powerful erosive pulse of water that result from unmitigated storm water also with implications for sewage infrastructure an issue and costs of its own for the city and then there's oil, antifreeze, gasoline and a whole list of chemicals. As a homeowner and a property tax paying Charlottean I'm a firm believer in property rights but that also means that what you do on your property needs to stay on your property, not get to an area that belongs to taxpayers that will foot the cleanup bill. We have spent millions of dollars and countless resources in the Floodplain Buyback Program itself the result of poorly managed storm water. We're also spending millions in stream restoration and monitoring. This is unsustainable and we fiscally cannot afford this forever. Ultimately, we need to roll back this mitigation fee in lieu option for all areas of the city and the PCO's economically distressed area of West and North Charlotte where the fee in lieu option has been around longer we have some putridly degraded creeks. The EPA has demanded that municipalities require onsite storm water controls. They do allow offsite fee in lieu compliance like this but as a last resort when a situation is truly physically unable to mitigate storm water. As is, I know staff will claim the mitigation fee can finance storm water management for twice as much acreage offsite as onsite. The result is one area of a sub-basin that's cleaned up while another is significantly degraded. We cannot justify degradation throughout the city by improving a select few areas in another part of the basin. Redevelopment, the focus of this proposal, does not come along often; it's rarely, it's once per century. An ounce of prevention truly is worth a pound a cure here. Again, does the city still want to clean up its waterways? Do we want to be able to handle storm water ourselves without the EPA having to come in and get us back on track? Do we want to be state, regional even national leaders in creating a desirable, sustainable urban environment? If you believe so you must reject this extension.

Dennis Testerman, 2490 Penninger Road said I'm the Stewardship of Creation Enabler for Presbyterian of Charlotte. My parents were health workers with local health departments and I wouldn't be here tonight if it wasn't for their influence on me. They were people of faith. They felt like their faith informed what they did as public servants. I'm quite sure I have worshipped in the same congregation with Councilmembers Kinsey and Autry. Your meeting was opened tonight by another one of your Councilmembers and I'm here to speak to the faith perspective in the care for God's creation. For me the formative scripture is Genesis 2:15 coming out of my Christian tradition which calls on the reason we exist, human beings exist is to serve and preserve the creation so for me originally that path took me overseas working with the church in Nigeria and Pakistan working on basic health concerns and basic food and nutrition concerns. When I came back to the States I ended up in public service and my ordination was actually to public service as a form of ministry. I would challenge you to consider how your own particular faith traditions inform the actions that you take and for the city staff as well on that. In this city there are two large hospitals as I drive around town. One of them still bears a little bit of the name Presbyterian Hospital. Overseas when I worked there the church was often time picking up needs that are met by non-profits and by public government in meeting clean water needs. Here we've got the governmental infrastructure in place to do that. I think what we're lacking is sometimes the motivation to do that and remembering really what the rules and regulations that you've already heard about; where all that's pointing. I would argue that's pointing back to public health. Charlotte is home to the largest crop walk in the world those monies go to help to create clean water systems and also to educate people around the world about the need for clean water and for good nutrition and good food. The last thing I will leave with you is it's my own belief that our ethics encourage us to do more than is require and less then is allowed but we

must, we must make sure that are regulations are in place, meet that bottom common denominator so that public health needs are met and that we don't have illnesses that put an undue burden on our hospitals when we could avoid that on the front end with good clean water.

Ronald Ross, 3108 Dawnshire Avenue said I reside off of Beatties Ford Road above I-85. I urge you to eliminate the Post-Construction mitigation fee in lieu of compliance. Just for information once inch of rainfall on one acre of woods produces no runoff. That same one inch of rainfall on one acre of asphalt produces 26,000 gallons of runoff which contributes to flooding, erosion, polluted sediment in streams and lakes. Storm water runoff contributes to the streams and creeks in my neighborhood being severely degraded. Streams and creeks in my neighborhood do not meet water quality levels or have impaired uses according to the EPA 303D impaired list. I don't want business in my neighborhood to develop at the expense of our waterways. No more using the system to make quick cash and contributing to further degradation of our waterways and environment. I want businesses that move into my neighborhood and develop in my neighborhood to be responsible and to do their part to enhance the viability of the area, enhance the quality of life and practice preservation of the environment. This is a win, win situation for all in the long run. I care about the viability of our waterways in my neighborhood and the City of Charlotte and I hope you do to. Let's preserve them for future generations so I ask you, I ask you to eliminate the mitigation fee and implement required storm water controls in our city. At the very least I would ask you to consider staff's recommendation requiring that all of Charlotte be required to utilize a filter system.

Collin Brown, 214 North Tryon Street said I'm an attorney with K& L Gates. This is my daughter Eliza and her Sunday school teacher just spoke as she pointed out to me. I'm just here tonight to let you know as many of you know I'm a land use attorney and work a lot with developers and really thing there's a lot of value in the PCCO mitigation fee. I hadn't planned a very formal presentation but here the pretty impassioned speakers I felt bad that I didn't. What I will say is that I want to focus on this fee in lieu option is only available for redevelopment. So we're not talking about sites that are fully treed now. We're talking about redevelopment sites. Often times sites that are one hundred percent impervious now, that were built before there was any detention and are just nightmares which we'd love to have. I've got clients that will come in and the site is one hundred percent solid with impervious and we actually penalize them because they come in, the redevelop it, they take it up. If they take it up and they put new asphalt down, even if it's less asphalt it counts against them and I was thinking as I heard everyone speak, I love working in Charlotte. I love having my daughter here and come to meetings. I hate having to commute to Matthews and to Concord, Gastonia where development is going and across the line so to me it's very important we have the tools in place to incentivize redevelopment. I don't think there's anything more environmentally friendly then us developing in town where infrastructure is. I'm happy when we have clients that come in and they weigh the options. The tree ordinance came at the same time and the USPG and PCCO and that cost a lot of money and it's tough for us to remain competitive on these sites a lot of which like I said are totally paved over. You and I and all of us want to have redeveloped so I think this is an important tool to keep in the toolbox. It's not a get out of jail free. The buyout is nothing insignificant and staff has a good war chest that they can put to work. It's not site by site and I concede from leaving our site through a water course it's not as clean as it could be if we did onsite but it's a lot cleaner than a lot of these sites are now. Hopefully those dollars can be put to good use to have regional facilities that will actually have a much greater impact.

Joe Padilla, 1201 Greenwood Cliff said I'm the Executive Director of the Real Estate and Building Industry Coalition. (REBIC) On behalf of the hundreds of real estate businesses REBIC represents I want to express my full support for the five year extension of the PCCO Mitigation Fee Option as proposed by your storm water staff. I heard a lot of people here tonight talking about trees and wanting to protect trees so it really surprises me that they would oppose this proposal, this extension of this current program because what this program does effectively is it encourages people to come in and reuse existing completely cleared already paved sights that are sitting in ample locations around whether it's the Central Business District or in areas down in South Charlotte or in the University Area or in West or East Charlotte where that infrastructure is already in place, where the environmental, the clearing has already occurred so rather than go out and clear additional trees on a site as Collin said Matthews or Mint Hill, Union County or somewhere else, where they desperately want to have the development that is coming to the region. Where they can find a site one or two acres inside the Charlotte city limits and find an opportunity to revitalize an underutilized piece of property, get that back in circulation where

it's creating economic value, where it's generating tax revenue and where it is rebuilding a neighborhood in many cases which that economic growth is going to contribute tremendous benefits throughout the community that are currently not there today with the vacant parking lot that's one hundred percent impervious. As your staff has told you before this program really is an alternative means of compliance. It's not letting developers out of their compliance requirements. It's simply telling them we want to have you look at a site that is already paved, already developed, and we're going to take the dollars, no insignificant amount by the way and use that to make system improvements elsewhere where the need already exists. In the past two years the city has collected almost \$900,000 in mitigation fees from just 10 redevelopment projects outside of what the original ordinance allowed for mitigation and it totaled \$14,000,000 in value that went into projects everywhere from wetlands restoration near McAlpine Creek. We had three new ponds built in North Charlotte and all of these projects help contribute to improved water quality. They do so in a way that also brings economic development and helps achieve that balance that we need where we're getting the water quality improved, we're getting the jobs, we're keeping development from going outside of the City of Charlotte and we're all benefitting in that way. I encourage you in October to vote to extend the PCCO five years, show Charlotte it does want to be on the leading edge of encouraging sustainable redevelopment.

Paisley Gordon, 2632 Sherwood Avenue said I'm a commercial realtor and developer in town. I'd like to express my full support for the five year extension of the PCCO Mitigation Program as proposed by staff. Working with Allen Tate we utilized the mitigation fee program soon after it was adopted in 2011 to develop a Walgreens on an underutilized site; the site as Collin and Joe both described fully paved, almost one hundred percent impervious area. The program gave us an alternative to meeting the onsite requirements for the PCCO of redevelopment of the site. Without the mitigation fee program redevelopment of the site would not have been financially feasible to do what we needed to do and we were actually able to reduce the amount of impervious area on our site after it was redeveloped. I too am a lifelong resident of Charlotte and would like to continue to see development and growth continue so we ask that you would adopt your staff's recommendation of the five year extension of the PCCO Mitigation Plan.

Deputy City Clerk Emily Kunze said Mr. Mayor; this is a handout from Mr. Padilla. We were making copies.

Chris Thomas, 301 South College Street, Suite 2800 said I'm with Childress Klein Properties and I'm serving this year as the President of NYAP which is our industries real estate developmental organization. I'm working with the Charlotte Chapter and I'm pleased to be able to come here for a few minutes and just speak to you about this important issue. I'm struck by how much I have in common with those who have spoken earlier this evening. I was born and raised here as well and Patrick I think you and I probably played in the same creeks off of Wensley, behind Wensley Drive and down off of Rosecrest in Montclair where I grew up and I still see those creeks and live nearby and it strikes me that this is an important issue. I don't think the development community disputes that at all. What's an important issue as well for us as a city is the challenge and the opportunity we have with these sights along some of the key corridors in our city and throughout the rest of the market that really are going to need attention sooner than later in many cases. As I bring retailers to this market we look at some of these corridors and what you've heard earlier from Paisley, Collin and Joe is correct. A good many of them are one hundred percent impervious today and I think about the sheet draining that was common back in the sixties and seventies when so many of those sites were developed. Well clearly we have challenges as a community to monitor and improve water quality and we're not disputing that but at the same time as we look at what's happening in the development industry I think it's important for us to be able to take advantage of opportunities when new businesses arrive, when there's a consideration of an infill site that is a redevelopment candidate to be able to put together a pro forma that going to make sense and it's going to start with being able to redevelop the sight in an affordable fashion. I urge you to consider that as you look at the recommendation from this committee that obviously studied this carefully as well as the recommendation from your staff.

Mayor Clodfelter said Madame Clerk; those are all the speakers that I have.

Ms. Kunze said yes sir.

Mayor Clodfelter said with that is there a motion to close the public hearing tonight? We will back for a decision on the October 27th Agenda.

Motion was made by Councilmember Howard, seconded by Councilmember Austin, and carried unanimously to close the public hearing for Post-Construction Storm Water Ordinance.

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ITEM NO. 8: PUBLIC HEARINGS ON VOLUNTARY ANNEXATIONS

Mayor Clodfelter said next we'll open a public hearing. Mr. Attorney, do we have to do these separately?

City Attorney Bob Hagemann said you can do them together.

Mayor Clodfelter said we can do them together. Okay we will open a public hearing now for the following voluntary annexations; one a property generally referred to a Trevi Village and particularly described in your agenda materials and a public hearing on the voluntary annexation of property commonly known as Woodfield Northlake Centre also as particularly described in your agenda materials. Are there any speakers for the public hearing? If not then do I have a motion to close the public hearing?

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously to close the public hearing on Voluntary Annexations.

Mayor Clodfelter said that takes us to action item 8B which is to adopt the ordinances with an effective date today to extend the corporate limits to include the two properties just described and assign them to their respective City Council districts in the manner set forth in your materials.

Motion was made by Councilmember Barnes, seconded by Councilmember Howard, to adopt Ordinances No. 5482-X and 5483-X with an effective date of September 22, 2014, to extend the corporate limits to include these properties and assign each to the adjacent City Council district.

Councilmember Phipps said I wanted to know what is the rationale for leaving the small parcel from the annexation? I guess it's this .75 acres would that still be in the ETJ area?

Jonathan Wells, Planning said the rationale excluding that piece of property is that it was not part of the petition but it would remain within the ETJ.

Mr. Phipps said so we'll just essentially have all of it around it then this little piece just hanging there then.

Mr. Wells said that one area which is an undevelopable parcel would remain unincorporated. That's correct.

Mr. Phipps said so it's conceivable that one piece could be annex within the city and apart of the property because as I see the map if you could go to the map. Are we able to put the map up that shows this parcel on the screen?

Mr. Wells said I don't believe we are.

Mr. Phipps said as I look at that piece of parcel it looks like that the way that the annexation line is drawn that a part of it would be, if we approve the annexation, which it looks like we will that part of it will be in the city and I guess a small part of the same parcel will be in the ETJ. Is that correct?

Mr. Wells said that the three quarter acre or parcel that you made reference to is its own separate parcel and that would be in its entirety outside of the city limits but still within the ETJ but it is a separate parcel.

Mayor Clodfelter said it's a separate piece of land?

Mr. Wells said right.

The vote was taken on the motion and was recorded as unanimous.

The ordinances are recorded in full in Ordinance Book 59, at Page 28-32 and 33-36.

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POLICY

ITEM NO. 9: CITY MANAGER'S REPORT

City Manager Ron Carlee said no report this evening.

Mayor Clodfelter said after the week you had with your convention you have no report? Are there any pictures that you should share?

Mr. Carlee said there are lots; I'm just being respectful of the Council's time but yes we had an outstanding meeting last week of the International City County Management Association. Members came who had been to Charlotte 10 years ago and were reluctant to come back to Charlotte for fear there was nothing to do here and they came away this time totally blown away and trying to figure how they can either make their city like Charlotte or get to work somewhere in Charlotte themselves. The Sunday where we had our kickoff of course we had a Panther game downtown, we had the Indian Festival, the streets could not have been more alive and I've received numerous emails from my colleagues from around the country towards commending Charlotte for what it has become, expressing follow up information on how they can work some of the projects that we have worked. Really we could not have shown the city off better and we wrapped up the conference at the Music Factory for what was the most fun event ICMA has ever had and the most fitting one to celebrate the 100th anniversary of the organization. I want to thank all the Council for support and this was a great collaboration with Mecklenburg County. Eric Campbell led it for Charlotte and I want to thank the City Manager in Dallas for delaying Eric's start with Dallas specifically so he could see through his responsibilities on the ICMA conference so Mr. Mayor thank you very much for that opportunity.

Mayor Clodfelter said I'm going to tell you this if you've ever been an elected official alone by yourself in a convention center full of 4,000 city managers it's a pretty eerie experience.

Councilmember Howard said the only other thing I'll point out Mr. Manager is that you had a great contingent of volunteers as well. Everywhere I went I saw those nice lime green shirts and they were city staff and other people taking time to participate so I wanted to say thank you to the staff that dug in to help make that what it was and they seem like they had fun.

Mr. Carlee said a large number of city and county staff and again they showed the southern hospitality in ways that no one else better can do it and to the Mayor and his isolation there with all these managers around him I have to tell you he gave an unbelievably compelling welcome that was very respectful of the profession and any number of city managers came up to me over the next several days and asked how can we clone your Mayor? They would like for you to do the welcome at all the future ICMA conferences. Your thoughts back to City Manager when you started here were heartfelt and very much appreciated.

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ITEM NO. 10: CITY OF CHARLOTTE ENERGY CLUSTER DEVELOPMENT STRATEGY

Mayor Clodfelter said with that we will move to item 10 which is to approve a recommendation from the Economic Development and Global Competitiveness Committee to adopt an energy cluster development strategy as you have set out for you in your materials. I'll call on Committee Chairman Mayor Pro Tem Barnes and then I think Mr. Phocas you're going to give a presentation or are we going to do it in the reverse order? How do you want to do it?

Councilmember Barnes said this is a part of the committee's efforts to continue to grow jobs outside of the financial industry as the Council has directed the committee we are making an effort to pay attention to and to support energy companies both large and small. I want to thank members of the committee, Vice Chair Lyles, members Mayfield, Austin and Fallon for their work on this item. Also thank Deputy Manager Ron Kimble, Pat Mumford from Neighborhood and Business Services and of course Rob Phocas for their work and for the work of the people who work for and with them in arriving at this recommendation for the full Council's consideration. It would be as I indicated an effort Mr. Mayor and Council to help Charlotte become an energy cluster of sorts and I think Mr. Phocas will have some descriptions of some of the details that we're proposing.

Rob Phocas, Neighborhood & Business Services said thank Mayor Pro Tem that was a wonderful introduction and a great overview of the plan which is popping up on your screen now. Charlotte and the Carolinas are striving to become an energy cluster, to really drive economic development in a field that we're already very strong in but have a lot of potential to get a lot stronger in. The city of the past several years has been involved in efforts to help develop the cluster here and there but we've never had a coordinated strategic effort to take part in this strategy in the cluster development. What you have before you is our effort to do just that. Before Brad Richardson left I worked very closely with him to help develop this strategy and with other members of the city staff and we were focusing on three questions; what can the city do to best support the economic growth of energy related companies, what can the city do to attract the investment of energy related companies and their suppliers and what public policy decisions will allow the city to lead by example? We believe the strategy that you have before you will help to answer those questions. What we've outlined in this slide are the objectives of the strategy. We'd like to strengthen Charlotte's position as an energy industry cluster and to define the city's role in that cluster in order to do the following things; attract and keep energy-related enterprises and entrepreneurs in Charlotte. Like I said we already have a very strong base. We'd like to continue to support those companies and bring even more here, attract more venture capital investment in to Charlotte based in these energy enterprises. This is both for small entities. Many of you know of the work of CLT Jewels that's part of Packard Place continue to support them but also look to grow midsize and larger companies. Leverage partnerships for businesses and workforce development; we've been doing a lot of that over the years. Many of you remember the work we did with our DOE programs where we partnered with Central Piedmont Community College and UNC Charlotte to help drive workforce development in the energy sector and then also become a laboratory for new technologies and financing mechanisms. For example we've done work out at the airport with several smaller energy companies in the area developing pilot projects to highlight the technology they have for example LED technologies and also smart grid technologies and then we're also looking to increase the amount of federal research dollars to our local universities specifically we've done some of that work with UNC Charlotte, we've applied for some grants that we've partnered with Duke Energy and with Piedmont Natural Gas in applying for DOE grants. There are five general components to this strategy which you should have before you but generally speaking these are the components; develop a communication plan for Mayor and City Council to talk about the opportunities in Charlotte both on a local level, state wide and nationally, promote our city facilities and operations as a learning laboratory for new technologies and then leverage local, nation and international partnerships for energy related business development, support alternative financing tools for energy efficiency and finally leverage the partnerships for workforce development. That's an overview of the strategy and I'd love to answer any questions you may have now.

Councilmember Howard said earlier today during the Intergovernmental Relations Committee one of the things that I brought up and I'd like to make sure is part of the plan is actually figuring out how we bring our higher education institutions into the conversation in a meaningful way and make it part of our legislative agenda so as it relates to energy and the work that's being done is EPIC and I would hope that we find ways in addition to what you said you joined hands with UNC Charlotte, Johnson C. Smith and anybody else that's doing anything in the realm of energy and actually adopting it as part of our legislative agenda so that when we go to Washington we don't just go meet with our delegation and we should add this to our list when we're talking to them but actually go to the agencies and advocate on their behalf as well so that we're not just kind of saying we want to do it, we're putting our money where our mouths are and actually being involved in the process. I would hope Mr. Chair that we would go even

beyond kind of what was said tonight and start to make it a reality with our own influence and abilities as well. That's the only thing I wanted to add to it.

Councilmember Phipps said in reading the document I noticed it had a section on challenges and opportunities. I wanted to know when will we map out a plan to address those challenges and opportunities as identified in the document.

Mr. Phocas said assuming that the strategy is approved tonight then the next step is to develop a work plan to meet a lot of these objectives and to address a lot of the challenges. I'll say, getting to the point that Mr. Howard just made, there is a lot of collaboration going on in the community especially with EPIC and a lot of the universities but there's a lot of work yet to be done and I look forward to outlining a work plan to get those things done.

Councilmember Driggs said as this plan is written it looks like kind of an organization or intentional thing. Are we talking about investing resources? Are we talking about giving precedents for example the energy companies when it comes to awarding incentive grants or is this so far more of a conceptual framework for getting more focused about it?

Mr. Phocas said I'd say it's the latter, the conceptual framework and this is a question that came up during committee and as we flush this out and develop it and put together the work plan we'll be going back to committee if there are recommendations along those lines or Council has certain things that they'd like us to consider.

Mayor Clodfelter said on the work plan topic and we've had this discussion out not on the dais but I'll say it here for all the councilmembers to hear; I like the lead by example best it's really concrete, it's something that is really visible and I think it's the way you get people on board and so I hope when you're working on the work plan we'll go to Envision Charlotte and we'll ask them what their goal is for city facilities that their looking at and then I would like to see us set of stretch goal that goes beyond what their goal for us is and then meet it and beat it and then challenge everybody else who participates in Envision Charlotte to match us in it. I think that's the kind of leading by example we need to do, very tangible, very concrete with city facilities and I hope that's part of the work plan.

Councilmember Smith said quick comment, we have a long history in Charlotte of having strong corporate leadership in our public sector we have some great resources here. The financial institutions help play a major role in our growth along with some other industries and I know you said this was on there but I really hope we will take advantage of some of the resources we have in town and make sure that they are at the table and give those folks a chance to show some leadership. I know we've often talked from the dais about the corporate community stepping up and reasserting the leadership role that they had 20 years ago in the big format when the city had a major growth spurt and I think the energy sector is a great area for that as well.

Motion was made by Councilmember Barnes, seconded by Councilmember Austin, and carried unanimously to approve the Economic Development & Global Competitiveness Committee's recommendation to adopt the City of Charlotte Energy Cluster Development Strategy.

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ITEM NO. 6: PUBLIC HEARING AND APPROVAL OF REFUNDING AND NEW ISSUANCE IN GENERAL AIRPORT REVENUE BONDS

Mayor Pro Tem Barnes said thank you Mr. Mayor. Can I have a motion to recuse the Mayor from items 6, 11 and 12 for professional conflict?

Motion was made by Councilmember Fallon, seconded by Councilmember Driggs, and carried unanimously to recuse Mayor Clodfelter from items 6, 11 and 12.

Mr. Barnes said the first item is a public hearing and approval of refunding and new issuance in general Airport Revenue Bonds. This item Mr. Manager, I believe has been reported by the news as a loan to the City of Charlotte when in fact it is initially a \$100,000,000 line of credit

that may eventually be turned into a loan of sorts but it's initially a very, very, very low interest line of credit. The public hearing is now open.

Motion was made by Councilmember Howard, seconded by Councilmember Kinsey to (A) Authorize the refunding of \$95,000,000 and \$40,000,000 of existing Airport Revenue Bonds (2014A and 2014B) and issue a new \$100,000,000 Airport Revenue Bond Anticipation Note (2014C), (B) Hold a public hearing as required by Internal Revenue Service regulations regarding up to \$40,000,000 in bonds and the \$100,000,000 note of those bonds in which interest earning are subject to the Alternative Minimum Tax, (C) Adopt a series of resolutions and related appendix providing for the issuance of two series of refunding Airport Revenue Bonds in an aggregate principal amount not to exceed \$95,000,000 and \$40,000,000, a series of an Airport Revenue Bond Anticipation Note not to exceed \$100,000,000 and approving certain related matters, and (D) approve a budget ordinance 5480-X of up to \$13,500,000 to appropriate Airport discretionary funds to establish a debt service reserve fund in conjunction with the proposed Airport financings.

Councilmember Howard said I want to make sure I'm clear to on the projects that will be covered with this bond issuance are projects that were originally outlined when we started all the projects several years ago. Is there anything new being added to the scope? That wasn't clear to me in what I read.

City Manager Ron Carlee said I don't think there's anything new here we have not previously briefed Council on.

Mr. Howard said so we started the big projects of redoing the decks and all this, this is just a continuation of now issuing bonds to continue that work.

Mr. Carlee said that's correct.

Mr. Howard said okay I just wanted to make sure.

Mayor Pro Tem Barnes said Mr. Manager just for the benefit of the general public would it be fair to say that what we're doing is attempting to finance the debt at the airport in a cheaper way, in other words to save money on our borrowing costs to make the projects more fiscally friendly.

Mr. Carlee said that's exactly. There are several ways that you can finance capital projects. You could go out and just finance the whole thing and do permanent funding on it. What we do to minimize costs is take out a note, a temporary loan that we draw down only as needed at an extremely low rate and then once we know what the final amount is we're through with the project we then do permanent financing. The other thing that is happening in here once we do permanent financing we always look for opportunities to refinance if interest rates have dropped and a significant amount of what you're being asked to approve tonight is refinancing that will save significant funds over time.

Councilmember Driggs said I was curious to know and just to clarify it is a \$135,000,000 of refinancing which means that we're basically paying off existing debt and we're incurring new debt, we're rolling it over. Does the maturity of the new debt extend beyond the maturity dates of the refinance debt?

Mr. Carlee said no, it does not.

Mr. Driggs said if we reduce our costs by achieving a lower rate on those bonds does that translate into the capacity to incur higher levels of debt because we were paying lower interest on it? Does it change our calculation as to the debt we incur?

Mr. Carlee said yes.

Mr. Driggs said so I just want to point out this does mean that we're actually going to end up with higher levels of debt because rightly we're taking advantage of the reduction in the interest rate but it sets aside the question of whether that reduction should somehow, how it should be applied. Let's just put it that way. The concern I have is that the total amount of debt is allowed to go up. We still have to repay that in the future and so we do need to keep an eye on the total obligations that the airport incurs. The \$100,000,000 in new debt is a basically short term credit

facility. Are we hedging in anyway the fixed costs of the permanent financing that will be used to repay that?

Mr. Carlee said no sir.

Mr. Driggs said alright so no question it is a great opportunity because the rate I heard is really very favorable to the city but again we should understand that it does mean that we're basically postponing it until later setting a rate for the permanent financing and I think the general view is that rates are likely to go up in the next year or two so there is a risk there. I'm not criticizing it; I'm just bringing it to your attention. Finally on the \$13,500,000 Airport Discretionary Fund to establish debt, is that in addition to any existing debt service fund that Airport already has?

Chief Financial Officer Randy Harrington said it's not in addition to its just taking the portion of the existing discretionary account that they have and then setting some money aside to ensure for the bond holders that the bonds are secure and that there's a backing for that.

Mr. Driggs said so this is more of a credit thing than a budget process. Is that a correct statement?

Mr. Harrington said correct, to satisfy the credit.

Mr. Barnes said before you leave Mr. Harrington would it also be fair to just to clarify that the responsibility of this debt is born by the Airport as an Enterprise Fund. This is not a part of the city's General Fund. The debt will be repaid by the revenues generated by the Airport and its operations.

Mr. Harrington said correct. One hundred percent of the Airport's revenues cover this debt.

Mr. Barnes said okay, excellent.

City Attorney Bob Hagemann said procedural suggestion Mayor Pro Tem, item B is to hold a public hearing and I would recommend that you check to see if there any speakers and then close the public hearing and then take action on items A, C and D.

Mr. Barnes said do we have any individuals wishing to speak on item 6? Is there a motion to close the public hearing?

Motion was made by Councilmember Mayfield, seconded by Councilmember Austin, and carried unanimously to close the public hearing on the approval of refunding and new issuance in general Airport Revenue Bonds.

Mr. Barnes said so we're left with Mr. Howard's motion regarding A, C and D and we had a motion by Mr. Howard and a second by Ms. Kinsey, any further discussion on the items?

The vote was taken on the motion to approve A, C and D and was recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 59, at Page 25.

The resolution is recorded in full in Resolution Book 46 at Page 393 – 420.

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BUSINESS

ITEM NO. 11: BUSINESS INVESTMENT GRANT FOR AVIDXCHANGE, INC.

Motion was made by Councilmember Austin, seconded by Councilmember Phipps to approve the City's share of a Business Investment Grant to AvidXchange, Inc. for a total estimated amount of \$408,785 over five years (Total City/County grant estimated at \$1,120,212).

Councilmember Smith said it is no secret that I am not a fan of incentives and I will not be supporting the business incentive grant for AvidXchange for a couple of reasons. First, AvidXchange turned down a much more significant package from the State of South Carolina so to me this doesn't really pass the but for test. I think they clearly wanted to remain in Charlotte.

Sort of an editorial comment I believe we have trained companies to ask for money even when they want to stay. Two, a couple weeks ago Council voted to support a 20% increase in the street car project which further reduces our debt capacity. Additionally, we've lost a huge revenue source in the business privilege tax. I think that is somewhere in the neighborhood of \$18,000,000. The Business Incentive Grant takes money we'd otherwise have in our General Fund and the General Fund pays for services such as police, fire, roads, solid waste service and it just doesn't sit well with me that we have corporate giveaways and pay for it on the backs of the middle class homeowners.

Mayor Pro Tem Barnes said Mr. Smith I can appreciate that. Let me just for the benefit of the general public say that AvidXchange is going to be building an office building on a parking lot over at the music factory and there investing over \$20,000,000 in capitol in building that facility and creating an additional 394 jobs over three years so they'll have about 600 employees at the site and I have struggled with the investment grant program myself over the years but we are in an environment where we have to figure out how and whether we're going to compete. I supported it when we voted on it a week ago and I'm going to support it tonight. I would also mention that the average wage there will be over \$52,000 and so I understand exactly what you're saying but there is another side to the story.

Mr. Smith said we've talked often about Charlotte being a leader. We were talking tonight about Charlotte being a leader in the energy sector and environmental sustainability; I would like to see us be a leader in ending corporate cronyism.

Mayor Pro Tem Barnes said I wish we could make that happen.

Councilmember Howard said we actually would all do that if we could Mr. Smith. The only that I wanted to add is that Ms. Mayfield has been real good about when we doing incentives to ask the companies to have job fairs and I hadn't heard that said tonight and I wanted to make sure that the folks in Economic Development would share that with them. With that many jobs in the inner city it is a great opportunity to actually provide some jobs for some people who live close in the town. If we could pass that on under the great leadership of Mr. Austin I'm sure he will take it on. I think we should have a job fair. That's a lot of jobs close in.

Councilmember Driggs said I just wanted to say I agree with Mr. Smith about the incentives and I think the world would be a better place if didn't have them. As an economist it really bothers me that they create huge inefficiencies and distortions. At the same time I think we have to be a little realistic. I look at this and I'm very focused also on job creation. I think that needs to be a priority for all of us so somewhat unhappily I'm going to support this because \$200 per year for each job that is created strikes me as being a low price to pay and therefore on a case to case basis I may support or oppose things like this but when I see a price tag like that I figure it's not worth taking a chance on losing it so I'm going to support this.

Councilmember Austin said I'm going to support this business investment grant. I've supported others in the past with some trepidation and that really came around making sure that these companies hire local individuals and on this particular one there was a commitment to our community that they would hire locally and so I was very confident after meeting the CEO and members of his team that that was what they were going to do. They are going to stay in Charlotte. They did have a great opportunity based on \$64,000,000 incentive possibly from South Carolina that they were going to stay in Charlotte, live in Charlotte and commit to this community. \$20,000,000 in capital investment in District 2 is a phenomenal thing and they're going to be near the North Carolina Music Factory which is unique and so I'm supporting it and I think it's a good investment for our community and give jobs to our citizens.

Mayor Pro Tem Barnes said you know to that point the company was founded in 2000 in Charlotte. They have been headquartered in Charlotte the entire time and they are staying in this area.

Councilmember Phipps said I would like to say that I'll be supporting it because I think it's important that we should use all of the tools in our toolbox and to the extent that we have other states like the great State of Virginia where I'm from, the Commonwealth of Virginia and even our friends to the South, South Carolina they have no qualms in using all their tools and if we just unilaterally withdraw from that then I just don't know how we're going to be able to compete. I think we have some colleagues all around this city that are urging the legislature to

reconsider some of their things as it concerns the incentive packages but also I think that this company, I think they also have a significant amount of jobs that are below what we consider to be the average wage which gives us that it has the capacity there to attract both those individuals that could exceed the wage mandate that we have and have some room for people that may not have that educational background there's some jobs there for them too. I think this is a win, win. What's good for District 2 is good for the city.

Mr. Smith said one last point just to sort of piggy back on Mr. Austin. I assume they have a commitment but we have no legal requirement that binds them to hire locally. We can in essence subsidize the folks coming in from Union County in other areas that take advantage of some other true economic development which is lower taxes.

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

NAYS: Councilmember Smith

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ITEM NO. 12: STORM WATER SERVICES REVENUE BONDS

Motion was made by Councilmember Kinsey, seconded by Councilmember Autry, to adopt a resolution and bond order approving the refunding of \$44,760,000 of 2004 Storm Water Services revenue bonds and the issuance of \$70,000,000 of new revenue bonds.
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Councilmember Phipps said I notice here that these particular funds will be used to substantially reduce the backlog but I didn't see anything in here that describes what would be the existing backlog even after these funds are proved.

City Manager Ron Carlee said it is substantial. We'll be bringing that to you as part of our overall review of the program as directed by Council coming out of the budget process. These bonds are predicated on existing rates and we have not projected rate increases for it and so we will bring to you the implications of that modeling and what it does in terms of the backlog of the projects.

Mr. Phipps said thank you, I'll wait for that report.

Councilmember Driggs said it may be the same question but I remember we had a conversation about the types of investment that might be needed to achieve progress on the backlog and I'm not quite sure how this fits into that conversation. Do we have specific goal in mind as to how much reduction we will achieve?

Mr. Carlee said we funded at the level this is based on affordability within existing rates and I can't remember off the top of my head how much of a dent it makes in the backlog. It's not an insignificant amount of money but it does not make a significant dent in the overall large list of projects that are pending. We will be bringing to you a set of policy options for you to consider relative to funding and how far you want to go on attacking the backlog and some policy options with regard to what projects we take on in the public sector as well as what we may decide, you may want to consider to leave to the private sector to do. We do projects on private property currently so there's a whole suite of policy options that we'll be bringing to you to tackle the significant number of pending storm sewer projects.

Mr. Driggs said so this debt incurrence would not entail any change in rates. Is that right?

Mr. Carlee said that's correct.

Councilmember Fallon said will some of those projects be those holes that are opening up in backyards?

Mr. Carlee said only if it has a significant impact beyond just the hole in the backyard. It would have to have or pose a significant threat to property damage.

Ms. Fallon said like their house falling in?

Mr. Carlee said like your house imminently falling in.

Councilmember Smith said I saw probably an eight by eight hole this morning Ms. Fallon so hopefully we can get it addressed.

The vote was taken on the motion and recorded as unanimous.

The resolution is recorded in full in Resolution Book 46, at pages 421-424E.

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ITEM NO. 13: NOMINATIONS TO BOARDS AND COMMISSIONS

13-A: Bicycle Advisory Committee: The following applicants received nominations for two appointments for three-year terms beginning January 1, 2015, and ending December 31, 2018.

Cindy Bean, nominated by Councilmembers Austin, Autry, Driggs, Fallon, Howard, Kinsey, Lyles, Mayfield, Phipps and Smith

Christopher Gladora, nominated by Councilmembers Austin, Autry, Driggs, Fallon, Howard, Kinsey, Lyles, Mayfield Phipps and Smith.

Motion was made by Councilmember Autry, seconded by Councilmember Howard, and carried unanimously to appoint Cindy Bean and Christopher Gladora by acclamation.

Ms. Bean and Mr. Gladora were appointed.

13-B: Charlotte Community Capital Loan Fund: The following applicants received nominations for one appointment for a three-year term beginning October 2, 2014, and ending October 1, 2017.

Dimple Ajmera, nominated by Councilmembers Fallon and Phipps.

Kyle Bender, nominated by Councilmember Driggs and Smith.

Bernadette Johnson, nominated by Councilmember Austin, Autry, Howard, Kinsey, Lyles and Mayfield.

13-C: Charlotte-Mecklenburg Coalition For Housing: The following applicants received nominations for one appointment to fill a new position for a representative of the hospital industry beginning immediately and ending June 30, 2015, and then continuing for a full three-year term beginning July 1, 2015, to June 30, 2018.

Robyn Hamilton, nominated by Councilmember Howard.

And one appointment to fill a new position for a homeless or formerly homes representative beginning immediately and ending June 30, 2015 and then continuing for a full three-year term beginning July 1, 2015 to June 30, 2018.

Justin Markel, nominated by Councilmembers Austin, Autry, Kinsey, Phipps and Smith.

13-D: Community Relations Committee: The following applicants received nominations for two appointments for unexpired terms beginning immediately and ending June 30, 2016.

Brenda Adams, nominated by Councilmember Phipps.

Maritza Adonis, nominated by Councilmember Smith.

Takiyah Amin, nominated by Councilmember Lyles.

Joshua Arnold, nominated by Councilmember Driggs.

Namaine Coombs, nominated by Councilmember Driggs.

Mayada Hawkins, nominated by Councilmember Mayfield.

Deborah Lee, nominated by Councilmember Austin.

Patricia Middleton, nominated by Councilmember Kinsey.

Emanuel Reid, nominated by Councilmembers Howard and Lyles.

Delores Reid-Smith, nominated by Councilmembers Austin, Autry, Fallon, Mayfield and Smith.

Rodney Sadler, nominated by Councilmember Autry.

Diana Sanchez, nominated by Councilmembers Kinsey and Phipps.

Anton Shaw, nominated by Councilmember Barnes.

Denise Howard, nominated by Councilmember Howard.

13-E: Housing Appeals Board: The following applicants received nominations for one appointment for a three-year term beginning January 1, 2015, and ending December 31, 2018.

Amanda Kitts, nominated by Councilmembers Austin, Autry, Kinsey, Lyles and Mayfield.
Cedric McCorkle, nominated by Councilmembers Fallon and Phipps.
Jason McGrath, nominated by Councilmembers Driggs and Smith.

Councilmember Howard said on that board write up this is one of those times when I've had to familiarize myself with what the Housing Appeal Board did and I was just wondering when we look at the descriptions are we still referring to stuff like the City Within A City and people have to come from it. We may need to look at updating these descriptions because that terminology doesn't go along with what we do now and I don't know Madame Clerk if that is with you or with staff somewhere Mr. Manager but it's just a thought. It referred to the City Within A City on three different appointments and we haven't used that terminology in a while.

Mayor Clodfelter said it is probably a staff issue back to Neighborhood and Business Services and Planning.

14-F: Tree Advisory Commission: The following applicants received nominations for three appointments for three-year terms beginning December 14, 2014, and ending December 13, 2017.

Joshua Arnold, nominated by Autry, Driggs, Kinsey, Lyles, Mayfield, Phipps and Smith.
Jeffrey Wells, nominated by Austin, Autry, Driggs, Fallon, Kinsey, Lyles, Mayfield and Phipps.

Mayor Clodfelter said we actually have three vacancies so we only have two nominees?

Deputy City Clerk Emily Kunze said we only have two nominees.

Mayor Clodfelter said are there any other nominees tonight?

Councilmember Kinsey said maybe I missed this but it says Dodson and Zuyus are eligible and interested in being considered. I thought I put their names down but apparently I didn't.

Mayor Clodfelter said let's hold these nominations open and we'll hold these open also since we don't have a full compliment. If we can get that cleared up and bring it back at your next meeting.

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ITEM NO. 15: MAYOR AND COUNCIL TOPICS

Councilmember Austin said I just want to thank everyone that came out to the Town Hall meeting for District 2 E3. We had about 60 people there and I just really appreciate everybody coming out on a wonderful Saturday morning. I also want to thank the Mayor for coming by during lunch and David Howard as well. Thank you.

Councilmember Driggs said I wanted to thank everybody who came to the District 7 Town Hall meeting on Saturday morning and particularly thank the presenters Debra Campbell, Randy Harrington, Mike Davis, Christina Hamlet and Kim Oliver for her assistance in arranging it. It was a very successful event and we were able to discuss development in South Charlotte and whether or not the roads are keeping up and the schools can handle the new capacity. I think it was productive meeting just the first of many that we need to have, again, many thanks to those who attended and those who made presentations. Thank you.

Councilmember Autry said I just wanted to say thanks to every one of the Monroe Road communities, of the folks in the McClintock neighborhood, Independence Regional Library, East Meck High School IB students, the Woodbury Forest neighborhood, the Woodburn neighborhood and the Burtonwood neighborhood and especially to Mr. Dave Molinaro for organizing a cleanup along Monroe Road on Saturday morning. It was a great turn out. We had great cooperation from CMPD to help keep us all safe and unfortunately we had to pick up a lot of trash and so I would encourage our citizens to be aware that whenever you throw trash out onto the street or it blows out of your car or out of the bed of your pickup truck that trash lays there on the side of the road and makes an impression that people look at our city through. It

sometimes clouds folks lenses so we want to make sure we have a nice clean city and one that we can all be proud of so don't litter. Thank you.

Councilmember Kinsey said all three of them have been nice. I'm going to be a fuddy duddy because I've seen something recently in this chamber. Unfortunately, I have to say there are women putting their feet on the back of these chairs and it really bothers me. This isn't a sports arena, it isn't a movie theater and these chairs are only about a year and half old if that; maybe two and just seeing them put their feet on the back of the chairs bothered me and I would like to ask our police officers when they see that to please ask them to take their feet down. It's just not polite and it's not very feminine.

Mayor Clodfelter said point noted.

Councilmember Fallon said I would like to thank everybody who RSVP'd for my Sunday meeting. Unfortunately, it's closed; we have over 60 people already and the room cannot take any more so I will be doing something later on in the year and I would appreciate if you come then and thank you for RSVP'ing.

Councilmember Barnes said I have nothing. Have a good night.

Councilmember Lyles said I'd just like to say happy birthday to our Council colleague Al Austin Happy Birthday.

Mayor Clodfelter said does that mean we all have to give him our baklava?

Ms. Lyles said no he has a lot of cake.

Councilmember Howard said a couple years ago when we had a bond referendum I actually took this time at the end of the meetings just to share with the public some information about the bonds and I'll do that for just a few minutes every meeting from now on just to make sure you guys understand what's going on. Just to remind the public we have a bond issuance or a bond referendum on the November 4th ballot. It's for \$145,900,000 and just a couple facts is it won't mean we have to go up on taxes that's already been taken into account, the money will be used to help fund and upgrade and enhance streets and infrastructure, build affordable housing, improve infrastructure in the city's older neighborhoods and in emerging high growth areas. One of the most important things that the Bond Committee would like for me to share with you is that it is actually at the very end of the ballot. The ballot is a very long ballot from what I understand which means it's probably several pages. Please make sure you go through the complete ballot all the way to the end and you vote for these bonds. There's only 46 days to go and I ask for your support. That's all I have Mr. Mayor.

Councilmember Phipps said I just like to thank all of the nominees and the families in District 4 and as well as all across Charlotte for being nominated for the Neighborhood Leadership Awards. They're going to be presented this Saturday at the BB&T Ballpark. I intend to attend that celebration because we want to just honor and thank all those individuals that work so hard for our city and just keep the engine of the city rolling on a daily basis and we want to honor them and give them recognition that they so deserve. I would encourage my colleagues to join me on Saturday morning. I think it starts at 8:30 a.m. until about noon or so. I think it's going to be a lot of good celebration, panel discussion so it's a good time to go out and honor our volunteers and neighborhood leaders. Thank you.

Councilmember Smith said I attended an event on Friday night in a parental capacity but it wasn't a part of District 6. Selwyn Elementary hosted their Annual Friday Night Lights which is a pregame picnic at the elementary school and then everybody walked over to Myers Park to watch a thrilling football game. It got a little closer than it probably should have but the mighty Mustangs did pull out a victory and I'll add one side note we're looking a text amendment involving food trucks that might have prevented some of our entertainment that was there should it pass. Just an editorial comment for my colleagues, but congratulations to the Mustangs and congratulations to the parents at the PTA at Selwyn that put this on really nice event.

Councilmember Mayfield said I am going to have quite an exciting day in District 3 this Saturday. As my colleague Mr. Phipps mentioned, we have the Neighborhood Leadership Awards. I will have the opportunity to be participating on the Government One on One Panel that will be starting at 9:20 a.m., then later that afternoon we have the Southend Presbyterian

Church one year anniversary parade which will begin at South Tryon Community Church which is located at 2516 South Tryon Street. That is from 11 a.m. to 12 p.m. and from there I will be supporting an amazing organization, True Blue, which will be having their Stop the Violence Ride which will be combination of motorcyclists as well as those in vehicles if you do not have a motorcycle like myself. We will be kicking off at Five Points Park which is located at 200 French Street. Five Points Park we kick off for the ride, registration will be from 1 p.m. to 3 p.m. We will also be having a releasing of balloons; this is an organization True Blue that was started because the founder's son life was taken far too soon so he and a number of other parents have come together to really look at as a community how do we really talk to our young people about violence and really have more understanding and love and peace so this event will be happening. Again, registration begins from 1 to 3, a balloon release will be promptly at 3:30 and then the ride will start at 3:45 starting at Five Points Park so please come out. If you do not have motorcycle please come out and ride along or drive in your vehicle as I will be in my vehicle as well. Thank you very much.

Mr. Barnes said it occurred to me that I will have limited opportunity to announce this. I'm having a Town Hall meeting on October 21st and we're going to talk about police, education and poverty and some of the issues that we've seen in Ferguson, Missouri for example, other issues related to the relationships between and among police services, education and economic mobility. Chief Monroe will be there as one of our guests, there will be a representative from CMS and Dr. Patrick Graham from the Urban League will be there. It will be October 21st, 6:30 here at the Government Center in Room 267. If you'd like to RSVP please call 704-336-2241 and ask for Alvin Burney. Thank you Mayor.

Mayor Clodfelter said I should report to all of that last week we hosted out at the Airport a presentation and dinner with about 2 dozen Mayors from all around the Charlotte region and gave them an update on what we're doing out at the Airport, our construction projects out there and then we gave them the tour, the same tour that you guys got although it was a lot more exciting than the tour you guys got because we had to sort of dodge and avoid getting run over by a taxiing airplane so that was a little thrill for a lot of our Mayors to avoid. I'll tell you that they were very pleased, very impressed with what's going on out there, all were very supportive and very appreciative of the opportunity to sort of engage with us on what we're doing out at the Airport. You got some good feedback for the city about that.

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ADJOURNMENT

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously to adjourn the meeting.
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The meeting was adjourned at 8:41 p.m.



Emily Kunze, Deputy City Clerk

Length of Meeting: 3 Hours, 30 Minutes
Minutes Completed: October 16, 2014