

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, December 8, 2013 at 5:14 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, Ed Driggs, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

ABSENT UNTIL NOTED: Councilmember David Howard

* * * * *

Mayor Clodfelter said we've moved one item off the Dinner Agenda so that we've got plenty of time for the Civil Rights Proposal and that we thought would probably take most of the time so the Storm Water Services Program item is going to be pulled from the Dinner Agenda and we will do that at a later meeting. Also the Transit Oriented Development Policy, if we run out of time on that we will do that downstairs in the Chamber as part of the Manager's Report so essentially we've got as much time as Council wants to have on the Civil Rights Proposal and we won't have anything else competing with it. The first thing we've got to do is get the Consent Agenda Items out on the table so staff can start to work on those while we are talking about other items.

ITEM NO. 1: MAYOR AND COUNCIL CONSENT QUESTIONS

Councilmember Mayfield said I did pull some items but I sent an e-mail directly to Randy; do I still need to turn those in?

Mayor Clodfelter said no, he has already got them and we will canvas at the end of the meeting before we go downstairs to get his answers to your questions. I guess I should ask are there any items that haven't already been turned in to Mr. Harrington that Councilmembers need to identify and pull.

Madam Clerk, if you will note for downstairs that Item No. 24 has to be separately voted because we have to have a recusal on that one, so Item No. 24 will be pulled for a separate vote.

* * * * *

ITEM NO. 2: CIVIL RIGHTS PROPOSAL

Mayor Clodfelter said the proposal was brought to us by a number of citizens here at I think October 27th Meeting and staff has been diligently reviewing that since then. We have a lot of folks here interested in the proposal and I can't name everybody, but I do want to acknowledge Representative Rodney Moore who was one our presenters that evening and sort of opened the discussion of the topic. I don't want to overlook anybody or not acknowledge anybody, but I'll call him out because he was the guy up at the microphone. Thank everybody for being here tonight. Just so you will know how the evening will go, this is an information presentation for Council and Council will discuss what they are hearing here, ask a lot of questions and that will give some additional follow-up that staff needs to do to work on and then we will have a formal proposal for voting purposes presented at our January meeting, Mr. Manager, at which time we will also take public comment. We won't be taking any public comment tonight, but we will have a public hearing and public comment probably at a January meeting when they bring us back a written formal proposal for Council to vote up or down.

City Manager Ron Carlee said we appreciate the opportunity to bring this matter before you tonight. As the Mayor said in his introduction the issue of Civil Rights Act was brought to us from members of the community. In some local governments the response may be one that is dismissive or defensive or even derisive. The response among our staff has been one that is welcoming. We appreciate the opportunity to engage in a self-examination of our policies and procedures and an opportunity to engage in a dialogue in the community with our responsibilities of the local level in ensuring the protection of people's rights. That includes not only fourth and first amendment rights, but it also includes what we refer to as enabling rights or those of life and liberty and pursuit of happiness themselves. The core purpose of a local Police Department is protection of people's rights and if the people's rights are not protected something is wrong. We have taken the advantage

of this opportunity to do as the Council directed and to bring that to the Council as a whole a full and deep discussion of what our policies and procedures are within the City of Charlotte. We have tried to be as transparent as we possibly can; it is a pretty deep dive but as you look at the different components that have been proposed for action by the City Council we have taken each of them and explored them in detail so you can know what we are doing today and you can provide us guidance on what you might want to codify as official policy at the City Council level. Our presentation is essentially in two parts; Willie Ratchford, head of our Community Relations Committee will come forward and provide some background, where did this come from, what is it about and then our Police Chief Monroe and Deputy Chief Kerr Putney will come forward to go through each of the components that have been identified and to give you detailed examination of what we are doing. We think that Community Relations are enhanced by this kind of dialogue and by an opportunity for us to further understanding which we hope this discussion would. As the Mayor suggested, what we will propose to do, based on your guidance, is bring back to you in January a recommendation for official action by the City Council. Without further introduction if I could ask Mr. Ratchford to please come forward and begin the presentation.

Director of the Community Relations Committee Willie Ratchford said Rodney Monroe and I are really excited to have this opportunity to talk to you tonight about the possibility of implementing a local Civil Rights Ordinance. What gets us here tonight is the process that actually started back in 2009 with a group that calls itself the Bill of Rights Defense Committee. Back in 2009 this group actually started a process where they were providing local Civil Rights Restoration Campaign providing an organized and policy resources to local communities and jurisdictions who were interested in addressing civil liberties and civil rights.

The Bill of Rights Defense Committee is actually a national non-profit, non-partisan organization working to restore the rule of law and constitutional rights and liberties and this is their position with regards to what their work is all about. Their aim is to make policing intelligence agencies accountable to we the people and the people who they actually serve. It supports ideologically, politically, ethnically, geographically and generationally diverse grass roots movement, focus on educating Americans about the erosion of fundamental freedoms, increasing civic participation and converting concern and outrage into political action. This is actually their mission and aim as they do this work. This is pretty much a national movement and many communities across the country are actually looking at ways they might consider enacting what they are calling a model local Civil Rights Restoration Act Ordinance. They have actually provided a template for this ordinance and this template was presented to Members of Council back on September 22nd by State Representative Rodney Moore who is present tonight and he asked that the City Council consider enactment of a Local Civil Liberties Rights Ordinance and he used the Bill of Rights Defense Committee's model as the model that you all might want to consider if you were to implement such an ordinance. Representative Moore has indicated that he plans to introduce this same type of model to the North Carolina Legislators sometime this fall and he asked that you as members of Council if you would consider making this a part of your 2015 Legislative Agenda Package to be taken to Raleigh.

The proposed model ordinance or Local Civil Rights Restoration Act includes consideration for intelligence, collection and surveillance, limits on profiling, prohibition on federal immigration and enforcement and provisions for civil action and damages. Representative Moore's proposal is supported locally by Democracy North Carolina who is present tonight, the NAACP, Action North Carolina, the Citizen's Review Board Reform Now Group and of course the Bill of Rights Defense Committee. As we were doing research on this particular project we wanted to get some sense as to what other jurisdictions across the country have actually been approached and asked to consider an enactment of a Civil Rights Ordinance. We determined that in North Carolina the City of Asheville does not have an ordinance, however it has passed a resolution which addresses many of the issues that you will hear tonight contained within this model ordinance. We begin to look across the country also to see if there might be other cities or jurisdictions that have enacted this particular model and we were not able to determine any, however we did determine that New York City, Hartford, Connecticut, Chicago and Berkley have civil rights type ordinances. We were waiting for some response from Los Angeles and did not get that as of today. Once we get that we will share that with you. We also were looking at cities that were actually considering civil rights legislation on the local level and we determined that Cleveland, Dallas, Miami, Washington and San Jose are currently considering this type of legislation in the same way that the City of Charlotte may be making this consideration.

Mayor Clodfelter said in 2001-2002 the General Assembly passed an anti-profiling legislation that applied to the State Highway Patrol and I don't remember what became of that; I understand the Patrol is no longer following it, but I don't know what happened and why. I wonder if we could get some background of what became of that.

Mr. Ratchford said we don't know that right now but we will certainly –

Mayor Clodfelter said I knew you wouldn't know it off the top of your head, but in the package of follow-up, that was your follow-up question. I know we passed it in 2001-2002 I just don't know what became of it today.

Mr. Ratchford said as the Manager has indicated we will be working on this over the next several weeks and one of the things we will do is find out what has happened with that State Legislation. Right now I am finished in doing this introduction to give you all some sense of what is actually being asked with regards to the model ordinance that has been proposed by the Bill of Rights Defense Committee. We will call Chief Rodney Monroe up and he will share with you what the City of Charlotte is actually doing and then we will answer questions from members of Council and will seek your guidance as to what we should do as next steps in this process.

Chief of Police Rodney Monroe said before I get into the presentation I just like to craft exactly what we are going to present tonight and also just share with you the views of not only myself but each and every member of our Department. We are very pleased to have this opportunity to have this dialogue because I don't believe we can really get at some of the issues at heart unless we are willing to open ourselves up to not only take an internal review of what we do each and every day, but also be able to hear from citizens as it relates to what they feel that we as a City and more importantly we as a Police organization and representative of you know what your views etc. are. The recent events that have made Police/citizen interactions a topic for national discussion I welcome the opportunity for an open and constructive dialogue within our community. The protection of civil rights and liberties for all citizens is the foundation of our Police profession, and how we do our job depends on the level of trust that the community has in us each and every day that you've vested in us. This discussion gives us the opportunity to share information with the community on how we collect, how we share information, our philosophy, our guiding principles or the protection of liberties and some of the measures we are taking to make the Department and our Officers more accountable to our citizens. Equally important, these discussions afford CMPD the opportunity to conduct not only a rigorous self-examination of our policies and procedures, but also the opportunity to open up those policies and procedures to the public for your review.

During the past several months we have identified several areas that we want to examine more closely as we constantly seek to improve our services and our accountability to a public. These areas including our use of force, both as it relates to training and investigation, calls for competency, how do we further understand each other, not only internally, but externally within our community. A better understanding of the diversity in our hiring practice, how do we better reflect the community in which we have a responsibility of serving. By having a willingness to explore these areas we ultimately seek to improve our service delivery and accountability to the public. The issues we discussed tonight are not easy ones, but ones that must be discussed. The community consideration of these issues will be lengthy, difficult and very, very emotional. Throughout these discussions I hope our common goal will be to achieve a broader understanding between the Police and the community that results in a much stronger and safer City for all of us. With that, what we are going to seek to talk about tonight is where we are not; what our philosophy and what our principles as it relates to an organization are now. When you look at CMPD's core of responsibilities, it is to protect the constitutional rights of all citizens, engage in all citizens and communities in order to foster that trust. Trust is so key to allow us to go out and do our jobs. When the trust of the public is low our efforts are low. When the trust of the public is high, our efforts can be much more effective as it relates to what our common core missions are. Quite naturally we are here to protect life and property, apprehending offenders, investigating crimes, addressing those in neighborhoods of crime, drugs, gangs, things like that that actually affect the quality of life within our community and vehicle and pedestrian safety.

Next, as it relates to what our civil liberty philosophy is, that is focused and centered around the center of Charlotte and the Mecklenburg Police Department that we recognize that all persons within our jurisdiction has the following rights: Be free from arbitrary and unreasonable government action; legal protection under the law; equality within our judicial system, we can all agree with that; to be free from unreasonable searches, seizures of their houses, person, papers and other effects and to freely be able to associate and exchange diverse and challenging ideas without undo interference and that is where we focus on our first amendment rights very heavily. Our principles are equally enrooted in that every individual has the ability to go about their lives and that we not base any of our action solely on any one of these factors, whether it is race, skin color, gender, sexual orientation, mental or physical disability, religious, political opinions and activities, immigration status or economic status. That is what we should never look to focus upon as it relates to how we do our job each and every day.

First Amendment – what process do we have in place as it relates to guarding and protecting ones civic first amendment rights as it relates to free speech and the right to assemble. In our General Orders, in our orders that we prepared in order to show our officers our expectations of how we go about holding them accountable. “CMPD recognizes that every First Amendment of the United States Constitution promotes, encourages, protects the rights to free speech and the ability for people to assemble whether demonstrating or protesting, counter protesting, showing support for a cause, individuals and groups have the Constitutional Rights to peacefully gather and express themselves without interference from the law and without managing the content of their message.” Our Directive further states “At the same time, it is also the role of CMPD to maintain law and order during a First Amendment Activity and to investigate the potential for criminal behavior that might occur before, during or after that particular activity.”

We are going to talk that a little bit more as it relates to how we gather information. This chart right here, unlike most police departments, clearly spells out exactly what we do depending on the level of first amendment activities that we are involved with. At the very lowest level that lawful assembly, the people are just to gather giving speeches, picketing, marching etc. This right here tells us what our responsibilities are as it relates to monitoring those events. Establishing contact with organizers of those events, determining what resources we will need for that event, always remaining neutral and making sure that we create a balance that doesn't interfere with those first amendment rights. Then we move over to the second level where you may have an event that engages in some civil disobedience within the community, but again our responsibilities are to monitor and assess; that is when we start to record and document that event and that is pretty much based on making sure that we are all seeing what each other is engaged in and what we are doing and evidence that we would need for future court purposes. We always seek to seek voluntary compliance. A perfect example was this morning up at Johnson C. Smith at Beatties Ford Road and Rozzells Ferry Road we had about 60 students blocking traffic in the middle of the street; clearly an example of civil disobedience. We met with the organizers, understood what they wanted to accomplish; they wanted an hour, we agreed to 30 minutes of time in the street and after that 30 minutes that we would go about giving our warnings to seek voluntary compliance. Inside of 20 minutes the crowd dispersed, back on the sidewalk, the event carried on. Isolated violent behavior; that is where we have people that maybe throw rocks, missiles or things of that nature. Our response to that is again meeting with the organizer to determine who is causing some of the problems, seek their assistance and have ... to regulate some of that activity, look at what traffic and crowd control measures that we may look to employ, documenting those activities, and more or less just try to focus on just those individuals that are engaged in type of activity.

The final area or the area that we always hope that we never get to is that Unlawful Assembly where it could evolve into rioting. That is when you will see a different level of response from CMPD that is more or less designed to again focus on those agitators and those that are directly involved in that criminal or violent behavior, removing them and making sure. This is where you may see officers of undercover nature within that crowd, again only when we reach this particular level.

Councilmember Smith said Chief, I assume we track each of these levels; do we have statistics on how often we have lawful assembles and as you go through each of these four areas?

Chief Monroe said I would say that 75% to 80% of our First Amendment issues fall within that category and the small percentage are here. We very seldom see this, I can only go back and
mpl

account maybe one or two incidents over the last five to ten years that we've actually seen these three levels of engagement. We are mostly right here and in some case the Civil Disobedience is planned, organized, we look to accommodate to get their message out, but in most areas there is more compliance within that particular area.

Mayor Clodfelter said how long do you keep the records of these events? I'm thinking for example, when we had the Occupy situation, how long do you keep the records of your monitoring of that?

Chief Monroe said as it relates to that we have it and we will get through that with our purging process.

Mayor Clodfelter said you are going to answer that later, okay.

Councilmember Howard arrived at 5:37 p.m.

Chief Monroe said when it comes to intelligence records there is very specific purging and documentation as it relates to how long.

Mayor Clodfelter said I'll wait.

Chief Monroe said when we talk about intelligence, the majority of our intelligence gathering on the First Amendment is based on trying to identify the organizer, not so much as who they are, what their reputation, etc. but for us to try to understand what it is they want to do, how they want to go about accomplishing it and what are the public safety issue that may be associated with that event that we need to be mindful of. We use intelligence to develop our staffing, our traffic plans and our other activities specifically for that particular event and I can tell you for the last three or four weeks we have met with every organizer that has planned an event in and around Charlotte over the last two or three weeks specifically for that purpose to make sure that we are able to accommodate what it is they are looking to do.

Recording Police Activities – it is our policy within CMPD that anyone that chooses to cohort any activity that we are engaged in as it relates to our deployment to a First Amendment has that right to do so, as long as that doesn't interfere with any of the Police activity that we may be engaged in. That is whether you are five feet from us or 10 feet from us, if you are not preventing us from doing our job it is okay to film it. That any camera/cellphone or other recording device or journal that you may have that you are using to record that is your property, it is not subject to seizure by the CMPD during any of those events.

Arbitrary Profiling – Arbitrary profiling stereotypes is inconsistent with effective policing when engaging with citizens during regular community meetings, special events, daily citizen engagement, investigations, victims witness interrogations, interviews, stops (including traffic), stop and frisk, arrest and searches. These are the core of what we do as it relates to citizen engagements. The mere appearance of arbitrary profiling is harmful to the police/community partnership and is counter to effective policing. Arbitrary profiling with any police activity that is motivated by race, gender, ethnicity, religion, age, citizenship, sexual orientation, any arbitrary stereotype other than the behavior of a particular individual associated with that criminal act that they may be involved in is prohibited. This is a part of our general order. As we assess this area of our policy we've looked at other things within how we capture information etc. and there is work that we need to do as it relates to truly capturing and documenting information as it relates to arbitrary profiling.

Mayor Clodfelter said the legislation I was asking Mr. Ratchford about, my recollection of it, again it has been about 10 years ago, did require that there be plans filed about, especially when you are setting up stops or search points or barricades and things like that. Do you guys do that, you adopt a plan that says this is our criteria, this is when we do it, and this is how we do it and all of that.

Chief Monroe said that is part of the State Legislation whereby it requires every law enforcement agency in the State of North Carolina to capture every traffic stop on every citizen, capture the race of that individual that was stopped. We still do that within the CMPD today and we will talk a little bit about those stats and where we are with those particular stats, but this is an area that I believe we

need to continue to talk about and that we need to continue to do some research as it relates both internally and externally, what we can do better in that particular area.

Immigration – The Charlotte-Mecklenburg Police Department does not enforce Federal Immigration Law. That is our policy, that is our motto. Our focus always is and always has been on how do we ... better relationships within our immigrant community whereby we can improve the trust and inclusiveness within that community. Encouraging the engagement of people reporting crime and helping to prevent crimes within their community, empowering them in order to bring about safer communities in which they live. We've looked to enhance our new visa program; we are also looking to develop a form of identification within our Police Department and hopefully within the school system that allows the immigrant community to be more engaged in the schools and to lessen the opportunity for our immigrant community to be arrested when they come in contact with the CMPD. We will be discussing that further within the context of this Civil Rights Ordinance.

Now let's talk about information, how the CMPD goes about collecting information. We've broken it down into two categories; records that we maintain and keep and electronic technology that we use. As it relates to records our computer aided dispatch system is one of the first interactions that citizens have with police. When you pick up the phone and dial 911 and call the police. We average over 1.2 million of those calls and requests every year. Many of them are generated by citizens to the tune of a little over 800,000; the remainder are those officer initiated calls that when they make contact absent a 911 call that they voice that initiation over the radio whereby that contact is now documented. When you look at our records management system, we capture in essence of about 225,000 records a year and that is including every crime that is reported. Now we are at about 35,000 to 36,000 crimes that are reported, non-criminal incidents; someone calls and says that my neighbor's dog is barking and it may not rise to the level of a criminal offense, but that particular incident is captured within our system. All the while criminal investigations, those are witness statements, victims statements, things of that nature, all of our arrest are captured in the system, every warrant that we apply for, every field interview whereby we made contact with the system and a field contact form is filled out. Every stop, every frisks and every vehicle stop; that is what accounts for that 225,000 per year record.

Our technology information – we currently have about 600 cameras that are operating through the Charlotte-Mecklenburg area. The majority of those cameras are traffic cameras; there are about 500 traffic cameras and we have a little over 100 community crime cameras that we have specifically put out there ourselves along various corridors. We have over 780 in-car cameras that capture video data. We have 110 license plate readers at various intersections around the City of Charlotte. We have three shot spotter areas that we cover uptown, the west side and over on the east side. We monitor 340 people on average per week that are on some form of electronic monitoring; that is that they have been arrested, they have been released by the courts on bail that we capture and track electronically as a part of their pre-trial release. We have 14 body worn cameras to date and those are the 14 that are being worn by our 14 motorcycle officers.

Dissemination of the information that we just spoke about – our computer aided dispatch system, 911 system records are public. Someone could call and say I want this 911 tape; what we are required to do is that we protect the identity of that caller, location or any 911 call that describes a particular crime that is needed for a criminal investigation. Records Management System – those 225,000 reports, there is a public portion and a private portion of very criminal report that we take. That public portion, the name, the time, date, location, type of offense, when it occurred, the elements of that particular crime are all public. When you start talking about witness statements, suspects and the internal investigation, that side of the report is not open to the public. Non-criminal incidents, arrest warrants, vehicle stops; all of that information is open to the public and available to the public. Every traffic stop, every warrant, every arrest, non-criminal incidents, those records are available to the public and again when we get to the areas of the criminal investigation, the field interviews, stops and frisks, those things are not available to the public because many of these stops and frisks never equate to a criminal charge so therefore we would not want to be releasing information that has nothing to do with a particular crime.

Electronic information – All traffic cameras live feeds are open to the public; you just wake up at 6:00 in the morning and you see electronic feed from one of our traffic cameras. Our community
mpl

observation cameras, that information that is recorded is not made available to the public. In-car cameras information are not available to the public and the same with the license plate readers, body worn cameras, shot spotter, cell phone data, both on the locater side as well as the offender phone record. Again I know there is going to be times for a whole lot of conversation about a whole lot of these different areas, but we wanted you to start from the perspective of you knowing what we do and what we don't disseminate.

Councilmember Howard said first of all thank you guys for coming. Go back one slide for me, the one about the stop and frisks. Help me understand under what circumstances that is allowed or would happen, especially if it is the kind that wouldn't be recorded to become part of the public record.

Chief Monroe said you say wouldn't be recorded.

Mr. Howard said explain to me a circumstances where a stop and frisks is warranted.

Chief Monroe said there are three levels of citizen engagement that a policy officer is authorized by law to conduct. First is a voluntary contact; that I can go up to up to any citizen say hello, how are you doing, that citizen has the freedom to say something to me, not say something and go on about their business. That is a voluntary contact. The second is a stop; that stop can only be conducted when that officer has reasonable suspicion that a crime either has occurred, likely to occur and that that person may be involved in that particular suspicious activity or criminal activity. The law says that I can temporarily stop you in order to ascertain certain factors to determine whether or not you are in fact involved in that. The frisk comes into play if that officer again can reasonably articulate the reason why I need to frisk you for my own protection. Those are the only times where that stop and frisk can go together and then that third element is the forcible stop and frisk and that is when I have probably cause to believe that you may be involved in criminal activity where I can then require you to stay there with me for a period of time until I can ascertain that.

Mr. Howard said the reason I'm going there is there are so many times, at least the things that we see on the news or we hear about starts right in those three areas that you talked about and usually by the time you stopped and then you get the frisk there is this disrespect level that starts. That is the part that I'm thinking we need education about. I like it and I think the public would like to have it so we understand under what circumstances lead those criteria so we know when we are being taken advantage of and when it is warranted and it is backed up by the law.

Chief Monroe said I couldn't agree more Councilmember Howard. That is part of the education process, especially when it comes to our young people. Many do not know what this law says that we can or cannot do or what their rights are and what their rights may not be. This is again one of the areas that we've taken a look at during this review and I think there is some room for some improvement as it relates to this. Even when we look at the number of these that occur each year we are concerned about that, but I hopefully believe that with this conversation, with this dialogue that we can bring some better parameters and structure to that whole process.

Mr. Howard said I don't want to slow you down tonight because I want you to get through this, but even if it is something in writing that would explain to me kind of what justifies stops and frisks and the forcible ones I would be really interested in that.

Deputy Chief Kerr said one last thing to that, there was with the community members that we're working with on the panel that we will talk about in a minute, there is an idea about a card that we would disseminate that gives everybody those rights and that is something that is under construction as well.

Councilmember Fallon said Chief what are the observation cameras observing?

Chief Monroe said public area along major thoroughfares; we have them along Beatties Ford Road, we have them along Albemarle Road, we have them on West Boulevard. We can provide a list of where those; and they are not covert cameras. These are cameras that after meeting and communicating with communities that we've determined where to place those along public views

on major corridors. We do not put them in communities, in neighboring communities; they are primarily along corridors and mainly corridors in which we've had problems.

Ms. Fallon said so that is the purpose to observe places where there have been problems?

Chief Monroe said yes mame.

Ms. Fallon said and you are able to transfer that to a police car to go look?

Chief Monroe said we look at those cameras live. We have a real time crime center at Police Headquarters where we are monitoring all of those cameras 22 hours per day in those particular areas for various activities.

Ms. Fallon said so you can dispatch if there is a problem.

Chief Monroe said yes.

Ms. Fallon said it is very much like that shot spotter.

Chief Monroe said we will talk about the purging of that footage etc. as we go through this.

Councilmember Phipps said looking at the information collection records, I know that I've seen a lot of metrics on the number of incidents, but do you all do any kind of drill down deeper and try to describe on a demographic basis the breakdown of different activities that are part of it. Is that routine?

Chief Monroe said yes it is and those again that needs to be a part of another conversation but we can go in and tell you the race of every field interview that we've conducted. We look to compare that to other demographics as it relates to the demographics of the City. We even look and base it against the demographics of people that report crime because some would say that you would have a higher number of field interviews because minorities would report more crimes, but that is not the case. We do compare it to other data within the department to try to make sense of what we are seeing and what we believe ...

Councilmember Austin said are we going to get that information tonight or not about the racial breakdown and the diversity breakdown of the numbers.

Chief Monroe said it is so much we would probably be here until tomorrow, but what we are hoping as we move forward with this process that all of those things become reviewable by those that are looking to put forth this particular ordinance, and for any other purpose you may have that you want to see.

Mr. Austin said I would say we probably need a higher level in a presentation at least on that of those numbers. I think that would be helpful for me.

Mayor Clodfelter said if I understood you right, what you said is later we are going to see a proposal about how those records could be reviewed on an ongoing basis.

Chief Monroe said yes, and that is going to be based on the process we use to move this forward and then there are a couple other things that we are going to be talking about with the work that we are doing with citizens to look at those three critical areas that I mentioned.

Again, our presentation kind of parallels a lot of things that are in the proposed ordinance that was submitted and I think everyone has a copy. All the verbiage is not the same but we tried to capture the essence of what was reported, based on what we actually do. There is a section in there that talks about the sharing of information with our federal partners. In law enforcement we share information with our counter parts whether it is the FBI, DEA, and Secret Service for law enforcement purpose only. They have access to our records management system and they have access to our video, but it has to be based on a criminal investigation that they themselves are involved in because quite naturally a lot of what we do crosses out of the City of Charlotte, crosses out of the State whereby federal jurisdiction picks up so quite naturally we do share our local data

mpl

bases with them. The two primary areas are focus on terrorism and de-confliction. With so many law enforcement agencies being in one small geographical area there are occasions when we run upon each other looking at the same person, looking at the same type of activity, so there is a de-confliction process that we go through in order to make sure that we are not running in each other's backyard so we do share information in that regard.

Mayor Clodfelter said can I ask you a question to follow-up on Councilmember Howard's questions; are there occasions where stops are allowed, a stop, not a voluntary encounter, but a stop is allowed where an officer couldn't show a reasonable cause for that?

Chief Monroe said it is not allowed.

Ms. Fallon said what about the blockades when you are ... people at night and there is a policeman there and they want to see your license and everything; no cause for that.

Deputy Chief Kerr said those would be pre-planned; a location specific and they would spell out exactly what we are looking for at those check points. It would be well established in advance, how you are going to check each car, every third car, all that has to be laid out. That is a pre-planned engagement.

Ms. Fallon said why is it done?

Deputy Chief Kerr said compliance with traffic laws and for traffic safety.

Chief Monroe said that is what your DUI checkpoints are but with that there are certain protocols that you have to have in place in order to conduct those stops, whether you say that you are going to stop every car that comes through there, whether you are going to stop every third car that comes through there, you have to be able to document and show the number and the reason when you stop each one of those cars. Those are specific guidelines that are involved in checkpoints and whether it is a DUI checkpoint or whether that is a traffic checkpoint.

Councilmember Driggs said actually my question related to the DUI stops; do you have any specific process for determining where those will occur? Do you identify higher probability traffic flows in areas where there is a higher occurrence of driving under the influence or is it random?

Chief Monroe said there are two processes that we use; we look at areas based on DUI type of accidents with fatalities around the City. What we layer on top of that in the era of fairness that every Division is required to conduct a DUI checkpoint so yes, we focus on those high traffic areas where DUI and traffic accidents associated with DUI occur, but even with that every Division has to conduct a DUI checkpoint.

Mr. Driggs said if you conduct the DUI stop what latitude do you have to investigate anything else that might come to your attention as a result of what was originally a DUI stop?

Chief Monroe said there are different aspects of the law but the initial stop, you come through a checkpoint, when you come through every car is being stopped, someone asks you a series of questions and that is the process we go through to determine whether or not a person may have been drinking and one of those questions is have you been drinking. Whether or not your response is yes or no, but there are other things that officer may be looking at; they are looking at the color of your eyes, the glassiness of your eyes and there may be even a device he is holding in front of you when he is talking to you that may look similar to a flashlight that you are actually speaking into that is actually measuring your alcohol content.

Councilmember Mayfield said just for clarification on that last piece; so we have the ability to because as you said I might think you are flashing a light in my eyes but it very well could be a Breathalyzer.

Chief Monroe said it is not a breathalyzer; it is a roadside breath test. None of that, the look or your eyes, the smell of alcohol on your breath, all of those are pre-cursors to determining whether or not probably cause exists to determine whether or not you are under the influence.

Ms. Mayfield said clarification just so I understand this, so this machine can be used, unfortunately I have naturally red eyes so it always looks like I'm doing something so if I were to be stopped and let's say I did have a glass of wine, would that officer need to disclose to me that as you are speaking I am testing your level or no.

Chief Monroe said I can assure you, as that officer is speaking to you they are testing your level.

Ms. Mayfield said but do they have to disclose to me at that time they are testing my level?

Chief Monroe said what they are looking at to disclose whether or not you have been drinking, no. Once again, whether it is I'm looking at your eyes, whether I'm speaking to you to determine whether or not your speech is slurred, all of those are factors that that officer is processing as a determinant, and one is not any more evasive than the other. But none of them independent of themselves qualifies for a probable cause to arrest you for DUI.

Ms. Mayfield said it is the combination of things.

Chief Monroe said it is the combination of things.

Mayor Clodfelter said we have a Council that is very interested in DUI stops.

Councilmember Barnes said Chief, just for further clarification of the issues, I had an experience in law school where I was approaching a DUI stop, did not know what it was and turned around and they chased me down. I asked the officer why he stopped me and he said we had a DUI checkpoint and you were evading it. I went through that kind of litany of okay I'm fine was just trying to get home, license let me go. It may be important to emphasize that if people are intentionally avoiding or appearing to avoid checkpoints that they are going to be sought.

Chief Monroe said every checkpoint is specifically designed as it relates to how many feet encompasses that checkpoint, so once you get into that area and you may be 15 cars behind, but you've now entered into that checkpoint area, should you decide to turn around and come out of that area, there is a separate law that says once you do that that you have not attempted to evade a DUI checkpoint where you could be subject to citation just for that.

Ms. Mayfield said for clarification; I'm driving up and I see a lot of cars that have stopped in front of me, I'm assuming it is an accident and I really don't want to get stuck in it and I know if I turn down this side street it would get me home anyway. I didn't see the news that day to tell me where all the checkpoints are so I don't know that it is a checkpoint, I just happen to know I might really have to go to the bathroom and I don't feel like sitting in traffic so I happen to turn down a street in my neighborhood, then I could be subject to an officer coming and presenting me with a ticket because I evaded a checkpoint that I didn't know was happening.

Chief Monroe said what I can assure you if you can make a left or right then you are not within that checkpoint. If you put the car in reverse and back around other cars, you can reasonably be assured that you are now inside that checkpoint. We would put a checkpoint whereby there is a street whereby a person could turn down.

Councilmember Phipps said am I wrong in the assumption, I didn't think the location of DUI checkpoints were publicized to the general public.

Chief Monroe said they are normally when they are stood up. When we stand a DUI checkpoint up that is now in effect. Beforehand no. But we have to map out what entails that checkpoint, how many feet from that actual checkpoint that encompasses the checkpoint itself.

We are going to talk about the Electronic Technology Retention and Purging. We talked about the records and now we are into the electronic data. Traffic cameras, those recordings are purged every 10 days. The observation cameras purged every 10 days. The in-car cameras are purged every 90 days. Now all of these purging occur when there is no law enforcement or criminal activity associated with that footage, that footage goes away. But if we see some type of crime of some other type of incident that particular incident is captured, tagged and the remaining of the video

goes away. License Plate Readers 180 days; Body Worn Cameras 90 days; Shot Spotter data is hosted by the vendor that we don't really regulate that. Cell Phone data, locator information immediately purged, not captured. Offender Phone Records captured, remains with the case file associated with that particular offender. Electronic Monitoring hosted by the vendor; Interview rooms 60 days, all of our interview rooms where we interview witnesses, suspects etc. are recorded; those are 24 hour per day recordings so they are recording in those rooms even when nobody is in that particular room. There is no on or off when it comes to the interview rooms, all of that is recorded, but if there is not an interview that is being captured in that interview room it also goes away every 60 days. 911 Communication calls every 90 days.

Mr. Austin said those purge days kind of mandated?

Chief Monroe said by policy.

Mr. Austin said what kind of rationale are you using for the 60/90 just because there might be –

Chief Monroe said if you notice those things that could be citizen generated, in-car cameras, body worn cameras you see they carry a 90 days and that is to give opportunity to citizens should they have a complaint against the police for us to be able to go back and capture that. We believe that inside that 90 days someone should come forward with that particular complaint that we can capture and tag that information so it stays for 90 days before it is purged.

Councilmember Lyles said it goes to what is policy and what is law and this is way back in your presentation you talked about what you could disseminate for public and what was excluded, how is that determined, is it by policy or law? For example a crime report the public portions of the incidents but exclude witness statements so is that law or policy?

Chief Monroe said that is law. Policy is anything associated with a criminal investigation can be shielded from the public, but that doesn't mean that it always has to be shielded from the public. The same way with camera information, the law doesn't say that it has to be. If we have captured something on one of our observation cameras that benefits the public as it relates to seeing what is happening in a particular area or who is responsible for it, would we look to consider releasing that portion of it, yes.

Mr. Howard said the statement that my colleague Mr. Barnes made to the media about this and that is the storage. I know we are dealing with that eventually somewhat tonight and I'm really kind of talking to you and the Manager, how do we get ready for the sheer amount of information we need to store and keep safe. Are we talking about doing that here locally or some type of expanded data center, are we talking about cloud technology and if so how are we going to keep that information safe? Have we gone that far with all of this yet?

Chief Monroe said right now for all of this data right here we have servers within the City that captures this. When we start getting into this area of body worn cameras now we are talking about utilizing a different system and that is the cloud system because the data is – now you are talking about the possibility of 1,200 officers capturing data every day and to manage that you need something a little more broader than servers, but even working through that process, again 90 days it goes away out of the cloud, but even that data that we decide to capture within that cloud during that 90 day period we have a digital evidence management system that we are bringing into play within the CMPD that would allow us to bring it out of the cloud and into our system, thereby not accruing as many of those charges as it relates to information being up in the cloud.

Mr. Howard said you tag the ones that you want to keep, what about security?

Chief Monroe said security, I would have to say that I have looked at the cloud system and the federal government uses and there are a lot of organizations that use it, and it is pretty safe. Servers break.

Mayor Clodfelter said Chief I hear you and I believe you but I still trust you guys a lot more than I trust the cloud. I know it is an expense issue and I know it is a cost issue and you and the Manager will tell us it is more expensive, but just my gut, I trust you guys more than the cloud.

mpl

Mr. Smith said how many people within the department have access to the information that we are retaining, or who has access?

Chief Monroe said as it relates to our traffic cameras and observation cameras, Divisions in which those cameras operate have access to it so they can receive that feed either in their cars or at their desk top because again the more people we can have monitoring those areas for suspicious criminal activity the better off we are. I can't put a police officer on every corner so these cameras provide a great resource for us. The in-car camera, no officer has access to the data that comes off of those cameras, only officials that are responsible for investigating and observing those particular cameras have access to those and the same way with the body-worn cameras. The license plate readers and the shot spotter comes out of our real time crime center and they are the only ones that access and manage those two particular systems. Cell Phone data is based on court orders only; electronic monitoring we have six officers that are assigned to electronic monitoring that monitors those 340 individuals. Interview rooms, every Division has access to it, but they can't erase or the system itself they don't have access to that and 911, hello, this is 911.

Equipment purchases – part of the ordinance spoke about equipment and more pointedly these particular areas. I'm just here to say that every camera that we've purchased, we've come to Council; we've talked about the reason and the purpose of these cameras so every purchase has come there. Our in-car cameras have come through Council, our license plate readers, shot spotters, TASERS and ultimately the body worn cameras will come through here. There is nothing for us to look to hide; we believe that when we come to Council we are coming as being representatives of the citizens allowing us to go forward and discuss these particular issues.

Surplus Military Style Equipment – we have only about 11 pieces of military equipment and those 11 pieces I believe go back to the military effective February of next year. But in addition to that the federal government has come out with a new policy as it relates to that and I think a lot of departments that are more dependent on that are subject to some of these guidelines, but fortunately here in Charlotte we are not subject to the need of military equipment. We have night vision goggles, we have a couple of weapons from the military but they are based on very specific job function within the department, but those things will go back in February.

Accountability and Transparency – that is what we try to be about and that is why we are really here tonight; to talk to you to help you understand what we do and why we do it. There is very little in what we do, 90% of what we do is just gather and disseminate information. There are some covert sensitive investigations but that is a small group of encounters that we have. We again, the US Constitution and the State Constitution is what gives us our authority to move forward. We are an accredited Police Department whereby all of our policies and procedures are based on national standards; those standards are audited on a yearly basis, some internally and some externally, but the Commission on Accreditation for Law Enforcement Agencies (CALEA) requires that stop data, use of force, pursuits, complaints, raid and search packages and voluntary consent are reviewed on a regular basis and audited on a regular basis. We have assessors that come from all over the country that actually look at these things. Charlotte Mecklenburg Police Department is one of the few that hold the Gold Standard as it relates to accreditation. I say that as a fact but again I don't say that to say that we are a perfect organization. I don't want anyone to take from this tonight that we believe we are a perfect organization. We believe that we are an organization that is progressive, but we are also an organization that is willing to learn and engage our citizens as we continue to move forward.

Mayor Clodfelter said Chief were all those reviews external reviews?

Chief Monroe said some external and some internal. It is a combination; we could be reviewing it one year and CELEA could be reviewing it the next year, and they could review what we have reviewed.

Accountability and Transparency Internal Affairs – There is a case management system where every citizen's complaint goes into that case management system where we are able to decipher what the complaint is, who the compliant is, what the charge is, what is the tracking for the investigation of that particular incident. One of the things that the City Manager and I have been talking about is bringing in an analyst. I think there is so much data that is in our system, sort of
mpl

like what you've talked about, how many of this or how many of that, well we have a lot of data, but sometimes we don't have the ability to analyze it as regularly or as freely if we had an analyst. We look crime every day; we have 12 crime analyst that look at crime every day, can tell you where it is up, what area it is in, what time it occurs, but we are looking to bring in an analyst that will be looking at our Internal Affairs data on a daily basis. We have early warning tracking system that tracks complaints, training, accidents as it relates to officers; once you reach a certain threshold a notice is sent to your official to start looking into a particular area of concern that that early warning tracking system is a part of. The Civilian Review Board, that is something that I supported back then and I think it is something that we need to continue to look at. Civil Service – we are asking the General Assembly this year to increase the number on Civil Service from 7 to 9 members so we can start hearing these cases a little more regularly versus them being continued. When you fire somebody you know you are dragging these cases on much longer than what they need to.

Reviewing of cameras and use of force; we just completed a review, we brought in several retired and DEA and FBI Agents that randomly looked at our in-car camera, at our interview room footage. They picked the times, the locations etc. in order to give us a perspective of what they may have observed in that footage. Internal Affairs, that reports directly to me and I'm proud to say that we have one of the best relations with our Community Relations as it relates to trying to understand what is going on in the community and how to stay on top of some of those issues and Willie does a great job in bringing forth a lot of issues, a lot of concerns that he hears out there in the community.

Training – I think we are very aggressive when it comes to training especially in the areas that I think matter a lot to our minority communities. Implicit Bias that we partner with the Racial Equity Institute that challenges our officers as it relates to evaluating their own biases and how they can negatively impact on others. We just had the first training class last Friday where it was a requirement that every recruit that we bring in go through this in addition to bringing in our more seasoned officers. Johnson C. Smith has partnered with us on a Cultural Competency Training Initiative that will kind of help guide us as it relates to understanding communities, the diversities of communities, what some of the ethnic and background issues associated with cultural competency to understand one another.

Mr. Howard said what are you doing in kind of all of them, but especially that one, is that happening during Training Academy?

Chief Monroe said yes, recruit training. Implicit Bias is something that we require of every recruit. We just went through the pilot project, training the trainers and now we've actually just rolled it out to the first graduating class that will graduate December 19th.

Mr. Howard said any idea as how often you will do a refresher?

Mayor Clodfelter said that would be my questions too, how often do you follow-up?

Chief Monroe said right now our goal is to try to get everybody through and we will work through those new officers because again, each one of these, this is three days and the Bias is three days also. The Dismantling Racism, which I think some of you have heard about, understanding and eliminating racial inequalities, disparities, especially as it relates to our disproportionate minority contacts that we have. It is a very passionate and engaging endeavor that raises a lot of emotions and concerns especially from our officers, but I think it is needed, especially when you start talking about institutionalized racism and how it can manifest itself within an organization where people feel that they are less empowered to address a particular organization based on several dynamics. We always have ongoing community dialogues. We have a group of citizens from several of our civil rights organizations as well as churches. There are a few of them that are here tonight and I won't call them out, that is a part of that and we are focusing on three critical areas, use of force, investigation, the training associated with those investigations as well as recruitment and how do we go about engaging minority youth within the City across various sections of the City. I think someone spoke to that about the rights cars etc. that is something that is being developed in this particular group, but we are pulling back the covers. They will go through our training, they will see our training, they will observe our officers in that setting, they will look for ways for how we go about recruiting more minorities within the organization and they will help set up workshops around the City where Police and youth from the same community will have the opportunity to sit down

mpl

and talk about issues and concerns within the community that they both ... That is some of the things that we are looking to roll out as it relates to our training.

Mayor Clodfelter said the community panel, do you have an idea that that is going to be a continuing group that you will work with or is that a one time?

Chief Monroe said based on these issues Mr. Mayor, I see this as a very long process, but we are putting some benchmarks out there in front of us and what we want to accomplish, but when you look at recruiting, recruiting is not going to happen overnight; that is something that is going to take us a while to get a handle on and how do we entice ourselves in order to bring about more minorities into policing.

Councilmember Autry said the Cultural Competency that has just rolled out in this current class.

Chief Monroe said no, Cultural Competency is something that we are working on and developing. Johnson C. Smith has representatives on this group that is helping to develop what that Cultural Competency Training is. That is something that is still in development; the Implicit Bias and Dismantling Racism are two that we actually rolled out.

Mr. Autry said Cultural Competency I think is a very important aspect for consideration of training new recruits, but also are you going to take all of this and push that through the rank in file?

Chief Monroe said yes.

Mr. Smith said I've got a question on the local Immigration Enforcement slide; you hear a lot in the media about safe haven cities. Is our design here to create that environment or is this more of a task that falls under a different governmental entity?

Chief Monroe said Immigration Enforcement is not to me a local law enforcement issue. I equate trying to enforce the immigration laws, to try and enforce the federal tax law. We are just not equipped to do that, but people are here, people are within our communities and areas of responsibility that we have a responsibility to ensure those same constitutional rights whether they are here legally or not here legally to make sure that we don't arbitrarily profile individuals and that we ensure that people have the freedom of reporting criminal activity when they are a victim in the same way that we hope we can encourage them to be witnesses at other responsible community functions when crime occurs within their community.

That is the end of our presentation but the beginning of our work we believe. I will turn it back over to the City Manager to craft where we go from here.

Mr. Carlee said any questions or guidance that we have for City Council be happy to receive tonight or subsequently what we will do is take basically the template that we used tonight which roughly follows along what has come from the community and using those as a guideline, we would craft a recommendation to bring back to the full Council for the agenda where you could take testimony in a public hearing that would seek to codify many of these protections at a policy level as an official action of the City Council. Right now we are operating as essentially general orders and policies and procedures administratively; we would bring back an action item for you so that you could actually raise it to the level of City Council guidance.

Mayor Clodfelter said we've got a lot of questions and I want to ask you one to start with; I don't mean it to be an unfair question so I want to get it out in a way but just thinking about the task of how to take what you are doing and work that into the framework of a proposal for us to vote on and you take the model ordinance. Where is the area where you think there is the most difference between the model ordinance and what we are doing now; the area where you would need to do the most thinking about the two?

Chief Monroe said I think all areas of focus that are in the proposed ordinance are all relevant to us stating what we believe and what we look to ensure occurs here in Charlotte so there is not a whole lot of things in there other than where it comes against what the law says. In some areas, I don't know are necessarily in conflict with the law but come pretty close that we just need to make sure
mpl

that we are not creating or subverting laws that are already out there. I think that is one of the primary reviews that we have to look at.

Mr. Carlee said I would also say there are some areas in the model ordinance that really address activities of the federal government and what we would be looking to do are address those activities that are specifically local government and responsibility of the City of Charlotte.

Mr. Austin said this question is for Mr. Ratchford, you identified several cities that have already developed these types of ordinances; have they seen a reduction in the number of citizen complaints that their civil rights have been violated? Can you speak to that?

Mr. Ratchford said I don't have the information right now as to whether they have received a reduction however we can research that. What we were looking for in researching these other cities; we wanted to get some sense of how many other jurisdictions actually enacted an ordinance or a resolution based upon the model that was presented from the national level. The only place that we've been able to identify so far is the City of Asheville which passed a resolution.

Mr. Austin said can you give us some sense of when these ordinance were enacted?

Mr. Ratchford said I don't have those right now, but we can get that. The laws that we identified earlier in New York, Chicago and others, those are probably the long standing ordinances or laws but there are others that are considering it in the same way that you all are doing right now, but we will find that data for you and get that back to you.

Chief Monroe said a lot of the laws that we look at from other states are deeply rooted in their human rights statutes that talk about equality, not just amongst police but in housing, lending, it speaks to all of those issues, New York, Berkley and several of the other ones speaks to a much broader civil rights, human rights issue.

Ms. Mayfield said Chief I want to thank you for coming and presenting this information, and Mr. Ratchford, thank all of you for pulling this together, but of course I have questions. When we think about that tonight's presentation was a combination of our civil rights proposal/model ordinance, local civil right restoration act and we look at the examples like Berkley, California and we see what is happening on the ground in Berkley, California recently, last 48 to 72 hours, what I was hoping for is not what we have in place, but what exactly are we proposing. Now I will turn this to our City Manager. I want to make sure I understood you correctly, are you saying that what is coming back is the actual proposal because this is great information about what we are doing but for us to put teeth into this, to actually come with a clear proposal that not only Council understands but the community understands. What is the timeline we are looking for that?

Mr. Carless said we would like to bring that to you at a Business Meeting in January. We've been doing a lot of work and if we can get it in good shape we would like to go ahead and bring it forward. We think it is important for the Council to articulate its policy expectations around people's rights given the environment that we are working in in urban America today, although I will say to the point of the City of Berkley, just having a resolution or ordinance is not a panacea. The most important thing is what is going on in the streets in developing the relationships between our Police Department and the community and the way that we engage in constructive dialogue on a day in and day out basis. On next to the last slide that the Chief had up there around the community activities that he is engaging in, that is the real work where we are actually talking with people in the neighborhood and developing that understanding and working with people so that there is not; what we are seeing in so many places is this fear between the police and the community. Each of them are afraid of each other and we've got to break that cycle of fear and let the police know that the people out there are supporting them and the people out there know that the police are there to protect and support them. That is the really hard work that has to be done to maintain the kind of community relations that we want to have in the City.

Ms. Mayfield said again going back Chief Monroe for the many years where I was on the other side and worked with you for colleagues to get permits, it is a very different model here in Charlotte and I'm not going to speak to what it was prior to you coming in; the majority of my work was with you as the Chief so there is a different conversation that is held in the community and I thank our entire
mpl

CMPD Police Force for the fact that we can have peaceful protest but on the other side of that we still have challenges and we still have opportunities. When you are saying City Manager that we are talking about January, when January comes are we looking at the actual ask and moving forward or are we looking at additional information?

Mr. Carlee said actual ask; we would actually propose to bring a proposal to you for action.

Mayor Clodfelter do you have a prediction; we meet on the 5th and then we've got a zoning meeting so would it be one of the last two weeks in January?

Mr. Carlee said it probably would need to be, just given the holidays and we want to make sure that we get it right in bringing it to you.

Mayor Clodfelter said there are a lot of folks interested so they are going to want to know when.

Mr. Carlee said the 5th is too early.

Mr. Driggs said we are having this conversation because we are anxious to prevent the unfair targeting of certain innocent people for the wrong reasons. I'm curious to know what are the steps we take to try to make that more rigorous given the gray areas that can often exist for an officer. Is it possible that the steps we take to make it more rigorous mean that along with not targeting innocent people it is more difficult to catch guilty people? Is it possible when we go and try to toughen these standards to prevent the unfair targeting of individuals that it becomes more difficult to catch the people that we want to catch?

Chief Monroe said I don't think there is anything that we discussed tonight that will cause that. Again, our strength is in our support from the community and if we can create something that the community supports that allows us to continue to go out there and do our jobs in a professional and effective manner I think we are still going to see the results that we've experienced over the last couple of years where crime does stay down, but yet I think people haven an opportunity to engage in stuff. I don't believe the same way I don't believe any policy that we have within the organization is going to guarantee what we think we need nor do I think any ordinance is going to guarantee that, but what I do believe that most of our benefit is going to come from that conversation and that dialogue in trying to identify all the issues that are out there and how we get through those issues. That is where the real work is going; we can come back with an ordinance January 15 and that is not going to solve any of the issues that led us up to this point.

Councilmember Kinsey said first of all I have to show my bias because I think we probably have the best Police Department in the Country, but as the Chief said we can all do better and I'm sure that is what we are going to do. I want to piggyback on what Ms. Mayfield asked because I'm not quite clear. You know me well enough to know now that I like information and I like the time to digest it and to discuss it. I'm hoping although this is very important I want it to move ahead and I'm hoping we will have time once we get the recommendation back that we will be able to discuss it as a body. Is that a possibility?

Mr. Carlee said the intent would be to have it on your agenda for discussion and action; if you were not prepared to act then that is your preference.

Mayor Clodfelter said you might want to have the hearing and have public comment on the proposal so that we can respond to that before we vote and not have the public comment on the same night we have to vote so we've got to be thinking about that. I know Chief, you and Mr. Hagemann and Mr. Ratchford have a lot of work to do.

Ms. Kinsey said that would make me feel a lot more comfortable because I want it to be right.

Mr. Carlee said that is why we wanted to have this dialogue tonight; to get this guidance from you and if that is the process you want us to follow we will follow that process.

Mayor Clodfelter said I think I would add to what Ms. Kinsey said, I personally think probably the Council as a whole my guess would be we would also like to hear public comment on the proposal

in enough time to where if we wanted to change something as a result of comments we were getting.

Mr. Howard said not a public hearing and decision the same night.

Mr. Smith said I'm curious, how many instances or allegations or how often does it arise that CMPD gets accused of profiling and do we track those complaints? That is the one thing I didn't see in the presentation and I'm not saying it doesn't exist I'm just curious as to how pervasive it may be.

Chief Monroe said I think the level of complaint as it relates to whether or not a citizen feels that they may have been racially profiled is great in some areas and in some issues. I think one of the problems that we have as an organization in going through this process is how we capture that and being able to capture it simply as a citizen saying I believe that I was racially profiled, prove it or disprove it and let it stand on its own merits, we don't do. We call it something else; we call it courtesy, we call it demeaning language, we call it a whole lot of other things so those things are captured, but for the actual charge or allegation of racial profiling, if I go back to my system and say give me the number of racial profiling complaints, what I see is zero. So that tells me that even as an organization we are not doing what we need to be doing as it relates to capturing it in that citizen's perspective, even though it may translate into courtesy or demeaning language or some other violation, I think we should capture it and look at it as a racial profiling complaint and investigate it. That is one of the things that we are looking for.

Mr. Smith said I appreciate you all coming down here and giving us almost a two-hour dinner briefing tonight and I echo Ms. Kinsey, by in large you all do a fantastic job and I think we have the best Police force in the country as well.

Ms. Fallon said this is for Mr. Ratchford; what town, what city, what state has built the trust with the public and how did they do it?

Chief Monroe said I think we are going about it in the right way and it is having a willingness to open yourself up to have those conversations, to do things for the right reason. It is a very tough balancing act that we have to go through each and every day as it relates to balancing the issues and concerns of the community as well as the organization, so it is just the willingness to try to keep yourself open and willing to talk about issues.

Ms. Fallon said I don't think any rules or addendums or things we put in makes the difference if there isn't trust. These things are not going to build trust on paper; it is going to have to be some kind of; and discussions don't do it either with the public. It has to be you are leading the way to show people that we are living by those things.

Chief Monroe said yes.

Mayor Clodfelter said we are going around the table and since I am next in line it is my turn; I want to add one to your and Mr. Hagemann's work list. I've had this experience since I've been back in local government; I had it 25 years ago when I was a Councilmember. One of the most frustrating things is when a citizen has a grievance or a complaint and they present it through the proper channels and they are never able to find out exactly how it ended up because of problems in State law about protecting that information or keeping non-public. Often I've had the experience where if a citizen just knew that action had been taken, that there was a response made that in some cases satisfaction was given, if they just knew that it would do wonders. I can recall a number of incidents where as a Councilmember I would ask and I could be told and I knew that the grievance had been responded to but I couldn't tell anybody because State law said I couldn't. I really wish there was something we could do, maybe an ombudsman or a third party who could say, who was trusted, someone outside maybe the system who was trusted but could say I've reviewed the matter, I am satisfied that indeed you were responded to. There needs to be something to give people a sense that action was taken. That is a very frustrating thing for people. I don't know what could be done to State law because that was the burden and the barrier we were running into. So I put the question back in your lap.

Mr. Barnes said Chief and Mr. Ratchford, we appreciate you guys being here tonight and actually I look forward to the follow-up in January so just so I have the potential timing correct, you will make a presentation with a proposed document to the Council at a Dinner Meeting with a public hearing that same night and vote the next week perhaps, or it could go into February?

Mr. Carlee said I have to look at the Council Agenda in terms of your being able to vote on it on the next week because of the way the Business Meetings fall. I don't have a calendar in front of me, it may be two weeks.

Mr. Barnes said I don't want people to think we are going to get this done in January when in fact it may push into February.

Mayor Clodfelter said let me ask something really radical by way of follow-up; could we reschedule the Zoning Hearing so that it is a different meeting date in the month? Could the Zoning Hearing be maybe the last week in the month so we can use our bid month meeting for this?

Mr. Carlee said it wouldn't necessarily prohibit you from doing a business item on a Zoning Agenda night if we appropriately –

Ms. Lyles said we've had 38 petitions some nights.

Mr. Barnes said the final question Chief concerns the body cameras, what is the status of those, when might we see a roll-out?

Chief Monroe said I believe we are pushing for an early January date. We have the numbers in as it relates to all officers and we will be working with the City Manager to move that proposal through in early January. It is my belief if we are going to make that decision we need to make that decision throughout the Department rather than piecemeal it.

Mr. Barnes said when you do you see them being on the streets?

Chief Monroe said when you talk about estimated 1,200 to 1,300 cameras; 13 different Divisions we are looking at establishing a process of how we will roll them out because I think the more we are able to monitor two or three or four at a time as they come on versus 1,200 I think we will be better suited to do that than to put it out widespread at one time.

Mr. Carlee said just to make sure all Councilmembers understand what we are proposing; as we've looked at again some folding across the country and looked at the pilot that we are doing on body cameras here, the Chief and I have come to an agreement it would be the best interest of the City and our public to do a full implementation as opposed to a pilot implementation so they have been going through a full procurement process to identify the best of the technologies. We are in the process of finalizing that contract on the successful proposal and in January, assuming we get everything worked out we will be bringing you; you have approved money for the initial cameras, we would be bringing you a proposal for appropriation and authority to do the full implementation across the Department.

Lyles: I'm going to follow-up on the body cameras; I have been reading a number of articles recently about how they are implemented and what they mean. I think procurement might be the easier part of this discussion about how they are used and I think as we are talking tonight about the importance of having people understand transparency, how it is going to work; procurement is great but I would like to have a discussion about how they are going to be used and the balance between personnel and transparency. People are looking at them in different ways and they can be used differently, so I particularly would like to do that and I can't do any more than echo the sentiments of my colleagues on the level of trust and engagement in this presentation and look forward to you coming back in the New Year.

Mr. Phipps said I know that various groups have said they wanted us to include in our Legislative Agenda certain things to push this process forward and inasmuch as tonight I think we are scheduled to vote on our Legislative Agenda so I want to know what is to become of this particular request when it comes to a directive to include in our Legislative Agenda certain aspects to push this forward? I know Mr. Moore has indicated that he is going to approach the Legislature in this

upcoming session and I know in some community meetings that I've been to, of a request that they wanted to see the Civil Service Board have ... power and I would think that is something we would have to get permission to do. I just wanted to know what is our alternative inasmuch as we are scheduled to night to vote on our Legislative Agenda, what can we do on a go forward basis?

Mayor Clodfelter said we have I think supplemental Legislative Agendas; the session is probably going to run a while next year. I just asked Representative Moore a question about where he was with his proposed Bill and I understand you may have a draft that we could look at and consider in our Intergovernmental Relations Committee, that you are going to have a draft shortly.

Representative Rodney Moore said there is a draft; we've been working on this close to a year so there is a draft. We were still looking at some different things, but we can send that to you what we have now and then send suggestions about what we are going to have and how we are looking at doing it differently so we could expedite and you could have a clear conversation about that before we get to our meeting on Monday. We can definitely do that; give us 24-hours we can have that to you and then you can disseminate among the Council or we can send it to all of you at the same time.

Mayor Clodfelter and we will probably distribute it to everybody and then asks the Intergovernmental Relations Committee to look at it and as I say we can have a supplemental Legislative Package and I suspect there are a couple other topics that we already know we are going to have bring forward but they are not ready yet, involving the retirement system and things like that.

Mr. Phipps said annually we have this community nationwide event called National Night Out where we try to build trust with communities and neighborhoods with community police partnerships. Do you think that whole concept is where it needs to be; do you think that it is really promoting the kind of trust that we envision or if there needs to be some sort of improvement or if it needs to be a 365 type thing instead of an annual celebration or get-together or fellowship?

Chief Monroe said in my observation I believe that there is a great deal of trust in various segments of the community, but I also believe there is a significant amount of distrust in a lot of other communities. I don't believe that you can ignore any of those communities. The same way you help celebrate the trust and the respect that you see on National Night Out, I think you have to have just as much effort in addressing those issues from the people that don't feel that their voices are heard or their concerns are being addressed. I think it is a matter of trying to understand all the dynamics within your community, all of the demographics within your community and try to hit each one of those, not just the majority or the single minority, but everyone of your communities in order to really develop trust where it needs to be.

Mr. Howard said are there any other cities that actually have implemented body cameras on every officer like we are proposing to do?

Chief Monroe said oh yes, it has been like a flowing river. There are several major cities that have done full implementations; again we have been ahead of this issue for a while. Our pilot project started in early spring of last year. Our first cameras were last year; what we've had the forethought to think about these particular issues, we've gone through the prototype process and we are not at the selection so there are other departments.

Mr. Howard said is it anticipated that the penalties for violating this new ordinance would be criminal, would be civil; have we gone that far yet?

Mr. Hagemann said that is one of the things we are looking at. We are taking a look at the proposed sanctions in this particular proposal; as mentioned by the Chief and Mr. Ratchford, Asheville went the resolution route.

Mr. Howard said which there is no penalty for; that is really a feel-good –

Mr. Hagemann said I would say on the concept of putting a law upon ourselves is a little bit unusual. If you look through our City Code it really is not a regulation of the City as a body itself.

mpl

The ordinances in the City Code generally regulate the community's conduct, not the City's conduct, so we are taking a look at that and we are going to come forward with a recommendation.

Mr. Howard said Representative Moore, is yours anticipating criminal or civil punishments for violations? The point here is what I just said; a food-good document is not something that I'm interested in spending time on.

Representative Moore said the Bill that we have drafted and proposed will not be a feel-good Bill and hopefully we can get enough consensus and enough cooperation and enough dialogue with all parties that it could be something that we could use in the City of Charlotte as we can show leadership and then move forward to a statewide campaign. You will be getting that brief and if you have any questions, answers or concerns I'm always available to you and I look forward to the dialogue with the Chief, Mr. Ratchford and the City Council.

Mr. Howard said whatever it is I would love to make sure that it covers, not just violate a State law but allow cities to implement something that would do that as well so if you will take that into consideration.

Mayor Clodfelter said that is an important point because right now the way a couple things have happened in the last couple sessions of the Legislator we've got laws on the books now that say cities can't do anything more strict than State law. I think that is probably what you are getting at David.

Mr. Autry said I really appreciate all this discourse this evening; I think it is very beneficial for the public to understand just what our policies are, what the Police Department's directives are to the officers in the field. I wish we had had a little bit of the flavor of what is going to be recommended to us in this presentation. I think that would have been very beneficial for us starting to plot our compasses as to where we are on what is going to be coming down the pike. I think it would have been nice to get some grasp for understanding of where this language was going. I appreciate the discussion about resolution versus ordinance; I think an ordinance is appropriate for the caliber of trust that we are wanting to continue to build with the community and to give us the tools that we need to ensure that we are a model community and a leader in the New South.

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

Chief Financial Officer Randy Harrington said I think all the questions are answered and I did e-mail Mr. Driggs with a question that was asked right before the meeting and Ms. Mayfield had a couple of questions and those were answered in an e-mail so I think that is all the questions.

The Dinner Briefing was adjourned at 7:01 p.m. to move to the Meeting Chamber for the regularly scheduled Business Meeting.

BUSINESS MEETING

The City Council of the City of Charlotte, North Carolina reconvened for the Citizens' Forum and Business Meeting on Monday, December 8, 2014 at 7:11 in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Ed Driggs, Claire Fallon, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

INVOCATION AND PLEDGE

Councilmember Driggs gave the Invocation followed by the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Mayor Clodfelter said does any member of Council have any unanswered questions about an item or need an item pulled for separate vote?

Councilmember Barnes said the item was one that I asked Mr. Harrington about on Friday and I wanted to actually talk to Council about it, just to make people aware of the issue. It is one we have talked about before; it is Item No. 20 which is a contract for the Westover Division Station for CMPD and the question I had was concerning the LEED certification of the building and what I asked Mr. Harrington was to help find out how much the certification process cost and the plaque etc. It apparently costs us \$66,000 to make the application and to obtain the plaque and in years past we have talked about implementing elements of LEED without necessarily spending the money on the certification. I noted that the Eastway Division Office was what is called Green Globes and I don't know how Green Globes and LEED compare, but what I am trying to figure out is if there is a way for us to build into our projects all the elements that we need to to qualify as LEED Gold or LEED Platinum without spending the money to buy a plaque from the LEED certification people, if that makes sense, and it would be great for me to know and you may not know this answer now because I just found out some of this information later today Mr. Harrington, but whether the Green Globe certification is as costly as LEED and whether it has the same attributes as LEED certification and if so whether we could continue to work through the Green Globes route as opposed to the LEED route as we've done with at least one CMPD Division Office. It may be too late with the Westover Office and I'm not trying to delay that, I just wanted to ask that question for future construction as we are anticipating a lot of construction over the next several years for City projects.

Chief Financial Officer Randy Harrington said I'm going to ask if William Hass might be able to come answer the question as it relates to the difference between LEED and Green Globes opportunity.

William Hass, Engineering & Property Management said LEED and Green Globes are actually competitors; both are third party verification systems. LEED is more well-known; Green Globes has caught a bigger foot hold in other countries but it is starting to gain a little bit of food hold here. The Eastway Division that you mentioned earned three Green Gloves and that is roughly equivalent to LEED Gold certification under the previous LEED system, the 2009. There is now a LEED version four which is a brand new system and that is the one that we are also recommending for Westover.

Mr. Barnes said is that three Globes out of four?

Mr. Hass said yes sir.

Mr. Barnes said how much did that certification cost for the Eastway Office?

Mr. Hass said I didn't come prepared to give you the exact number; I can tell you it was less than the \$56,000 number that we reported for Westover. It is just a little bit less expensive to go to the architect and do all the certification and registration for that; it is a little less expensive than LEED.

Mr. Barnes said could you tell us why you chose to go the LEED route with the Westover Office after just having completed the Eastway Office with Green Globes?

Mr. Hass said I've noticed that one of the Council Focus Area goals is to become a national leader in energy and sustainability. The way you do that for buildings is to have third party verification; as I mentioned before LEED is by far the most well known in this country. Green Globes is gaining a little bit of traction but LEED by far is the most well-known so one of the ways that you report how you are doing to the rest of the country is to say how many LEED buildings that you have in your portfolio. We just made a decision to do that here; this is also a brand new version of LEED so we thought we could try it and see how we would come out in this new version.

Mr. Barnes said a brand new expensive version. Is it a per square foot type cost of how do they formulate the costs for their certification?

Mr. Hass said the largest part of the \$56,000 that we reported to you was the cost for the architect, not to design anything differently, not for us to put anything new into the building; they had to make sure that they documented everything for the LEED process so the largest costs was through the architect. For the LEED certification costs it is based on square footage of your building and there is a base fee and then a per square footage assessment after that.

Mr. Barnes said as I indicated earlier I am not attempting to try to delay that particular project; I do think that we should be more mindful about those expenses because \$56,000 would buy some equipment and if there is some cheaper way to get it done I think we should. Although as I indicated saving water and energy is certainly important, but I appreciate your assistance.

Mayor Clodfelter said State Law permits rebates on building permit fees for LEED certified buildings; are we taking advantage of those rebates?

Mr. Hass said Mr. Mayor the County no longer offers that; they stopped that in April of 2010. I have confirmed that on their website.

Mayor Clodfelter said do you know why they discontinued it?
Mr. Hass said I do not.

Mayor Clodfelter said the rebates are still authorized by State Law, why did they discontinue it?

Mr. Hass said I do not know. At the time they were offering it they would offer either a 10%, 15% or 20% reduction on your permit fee depending on what level of LEED or Green Globe you were trying for, but they don't offer that according to their website.

Councilmember Howard said that is the opposite of what the Mayor Pro Tem did; why did you go Green Globe on one building?

Mr. Hass said as I mentioned it is starting to gain a little bit of traction; we wanted to see how much easier it would be to go through the documentation process. It is just a little bit different system; you can't build a lesser quality building to go through Green Globes, but it is more designer friendly as far as documentation. You get an advisor that actually comes to the site so that we wanted to try that version.

Mr. Howard said I was just wondering why that one so was this to be a model?

Mr. Hass said to be a model, yes to see how that version worked.

Mr. Howard said do you anticipate doing that more in the future?

Mr. Hass said I think we had good success with that, I think our design team liked it and our staff liked going through the process.

Mayor Clodfelter said do you need to pull the item?

Mr. Barnes said no.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously to approve the Consent Agenda as presented with the exception of Item No. 23, was pulled by staff and deferred; Item No. 24 was pulled by Mayor Clodfelter; Item No. 43-D, was deferred until January 12, 2015; Item No. 43-E, was settled; Item No. 43-I, was settled and deferred; and, Item No. 43-K was settled.

The following items were approved:

Item No. 16: Police Digital Media Content Management System Maintenance and Support

(A) Authorize the City Manager to approve five additional years of maintenance and support for the Enterprise Digital Media Management System with Advanced Digital Solutions, with possible price adjustments as authorized by the contract and contingent upon the company's satisfactory performance, and (B) Authorize the City Manager to approve the purchase of additional interview room video equipment and services, in an estimated amount of \$110,000, as authorized by the contract and contingent upon the company's satisfactory performance.

Item No. 17: Democratic National Convention Equipment Donation

Adopt a resolution authorizing the donation of equipment, purchased for the Democratic National Convention, to participating police agencies.

The resolution is recorded in full in Resolution Book 46, at Page 481.

Item No. 18: Ready Mix Concrete Contracts

(A) Award low-bid, unit price contracts for the purchase of Portland Cement Concrete, a brand of ready mix concrete, for the term of one year to the following vendors: Southern Concrete Materials, Concrete Supply Company, LLC and (B) Authorize the City Manager to extend the contracts for up to three additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract and contingent on the company's satisfactory performance.

Summary of Bids

Concrete Supply	\$669,825.00
Southern Concrete	\$683,495.00
Thomas Concrete (Bid not considered complete – missing forms)	\$765.890.00

Item No. 19: Northeast Corridor Infrastructure Program Projects

(A) Approve a contract in the amount of \$158,000 with Stantec Consulting Services, Inc. for the engineering services for the Tom Hunter Road Streetscape Project, and (B) Approve a contract with DRMP, Inc. in the amount of \$345,000 for engineering services for the JW Clay Boulevard Streetscape project.

Item No. 20: Charlotte-Mecklenburg Police Department Westover Division Station Construction

Award the low-bid of \$5,774,413.83 to Randolph & Son Builders, Inc. for construction of the Charlotte-Mecklenburg Police Department Westover Division Station.

Summary of Bids

Randolph & Son Builders, Inc.	\$5,744,413.83
Messer Construction Company	\$5,943,634.75
EVS Construction & Development, Inc.	\$5,987,814.00
China Construction America of South Carolina, Inc.	\$6,058,833.80
Southside Contractors, Inc.	\$6,061,473.19
Edison Foard	\$6,090,880.00
G. W. Liles Construction Company, Inc.	\$6,577,870.00
Bordeaux Construction Company, Inc.	\$6,668,720.00
Gleeson Snyder Constructors, LLC	\$6,988,500.00

Item No. 21: Storm Water Maintenance Contract

(A) Reject the non-responsive bid from Onsite Development, LLC for failure to comply with the bid requirements, (B) Award the lowest responsive, responsible bid of \$1,530,913.76 to D. E. Walker Construction Co. for Storm Water Maintenance Contract – Fiscal Year 2015, Contract B, and (C) Authorize the City Manager to approve up to two renewals, each in an amount not to exceed the original contract amount.

Summary of Bids

D. E. Walker Construction	\$1,530,913.76
Blythe Development	\$1,619,608.00

mpl

Item No. 22: Airport Real Estate Demolition Services

Approve contracts for demolition services for a term of three years with the following firms: Double “D” Trucking, Inc., W. C. Black & Sons and D. H. Griffin Wrecking Company, Inc.

Item No. 25: Airport East Terminal Expansion Design Services

Approve a contract in the amount of \$704,800 with DAS Architecture, Inc. for design services to the East Terminal Expansion.

Item No. 26: LYNX Blue Line Extension – Ticket Vending Machines

(A) Authorize the City Manager to negotiate and execute a contract with SPX-Genfare for the purchase of 37 ticket vending machines in the amount of \$3,700,000, and (B) Authorize the City manager to exercise an option within five years to replace 39 existing LYNX Blue Line Ticket vending machines in an amount up to \$3,400,000.

Item No. 27: CATS Special Transportation Eligibility Services

(A) Approve a five-year Interlocal Agreement with Charlotte-Mecklenburg Hospital Authority dba Carolinas Rehabilitation for American with Disabilities Act Assessment Services for eligibility determination in an amount not to exceed \$495,000, and (B) Approve a resolution ratifying the Interlocal Agreement.

The resolution is recorded in full in Resolution Book 46, at Page 482-483.

Item No. 28: CATS Bus Parts

(A) Approve the purchase of bus parts as authorized by the sole source purchasing exemption of G.S. 143-29 (e) (6), (B) Approve a contract for bus parts for a term of three years with the following vendors in the estimated annual amounts of: MCI (\$65,000), Prevost Car (US), Inc. (\$75,000, (C) Authorize the City Manager to extend the contract for up to two additional one-year terms.

Item No. 29: Heavy-Duty Cab Chassis

(A) Approve the purchase of Cab Chassis from a cooperative purchasing contract as authorized by G.S. 143-129 (e) (3), and (B) approve a contract in the total amount of \$423,140 with Santex Truck Centers, Ltd for the purchase of five 2015 International 4400 Cab Chassis off the Houston-Galveston Area Council Cooperative, contract HT06-14.

Item No. 30: Idlewild Booster Pumping Station Improvements

(A) Award the low-bid of \$1,084,718.44 to HD Supply Waterworks for the purchase of a ductile iron pipe and fittings for improvements to the Idlewild Booster Pump Station, (B) Award the low bid of \$76,858.49 to Val-Matic Valve and Manufacturing Corporation for butterfly valves for improvements to the Idlewild Booster Pumping Station, and (C) Award the low-bid of \$84,820 to Ferguson Waterworks for Gate Valves for Improvements to the Idlewild Booster Pumping Station.

Summary of Bids

Ductile Iron Pipe and Fittings

Fortline	\$1,041,812.50
American Ductile Iron Pipe	\$1,194,054.91
HD Supply Waterworks	\$1,040,518.44

Resilient-Seated Gate Valves

AMP Distribution	\$94,740.00
Eastern Industrial Supplies	\$106,800.00
HD Supply Waterworks	\$109,996.00
Ferguson Waterworks	\$84,820.00
Fortline Waterworks	\$96,000.00

AWWA Butterfly Valves

Val-Matic Valve and Manufacturing Corp.	\$70,858.49
---	-------------

Item No. 31: Steele Creek Pumping Station Replacement Engineering Services

Approve a professional services contract not to exceed \$3,816,533 with Brown and Caldwell to provide engineering services for the Steele Creek Pumping Station Replacement project.

Item No. 32: Water Treatment Chlorination Equipment

(A) Approve the purchase of chlorination equipment, as authorized by the sole source exemption of G.S. 143-129 (e) (6), (B) Approve a unit price contract with Piedmont Chlorinator Sales for the purchase of Regal smartvalves, vacuum regulators, other related chemical feed equipment, and training for the term of three years and, (C) Authorize the City Manager to extend the contract for two additional one year terms with possible price adjustments as deemed reasonable and appropriate by the City Manager.

Item No. 33: Water and Sewer Extensions/Replacements Contract

Award the low-bid of \$2,194,620.80 to RH Price, Inc. for the new construction or replacement of water and sewer mains for Fiscal Year 2015, Contract Two throughout the Charlotte Mecklenburg Utility Department service area.

Summary of Bids

RH Price, Inc.	\$2,194,620.80
State Utility Contractors	\$2,260,322.50
Dellinger, Inc.	\$2,273,952.10
Propst Construction	\$2,809,456.60

Item No. 34: Utility Water and Wastewater Engineering Services

Approve nine professional services contracts to the following firms for unspecified engineering services on an as-needed basis. These contracts will be for the combined amount of \$3,200,000: Black and Veatch International Company (\$700,000). Hazen and Sawyer, P.C. (\$700,000), HDR Engineering, Inc. of the Carolinas (\$700,000), CDM Smith, Inc. (\$350,000), Brown and Caldwell (\$250,000), Southeastern Consulting Engineers, Inc. (\$200,000), McKim & Creed, Inc. (\$100,000), GHD Consulting Services, Inc. (\$100,000), and Willis Engineers (\$100,000).

Item No. 35: Light Pick-Up Trucks and Sport Utility Vehicles

(A) Award the low-bid, unit price contract to the following vendors for the purchase of light pick-up trucks and sport utility vehicles for the term of one year: Parks Chevrolet, Benson Ford, and Piedmont Truck Center, and (B) Authorize the City Manager to extend the contract for up to two additional one-year terms with possible model year price adjustments as authorized by the contract.

Summary of Bids

Parks Chevrolet

Chevrolet Equinox	\$21,195.00
Chevrolet Traverse	\$25,816.00
Chevrolet Silverado	\$35,328.00
Chevrolet Impala	\$24,807.00

Benson Ford

Ford F-150	\$18,744.00
Ford Expedition	\$35,467.00

Piedmont Truck Center

Ford F-250	\$20,434.00
Ford F-350	\$25,673.00

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 \$1,744.54, and (B) Adopt a resolution authorizing the refund of business Privilege License Payments in the amount of \$952.10.

The resolutions are recorded in full in Resolution Book 46, at Page 484-485 and 486-487.

Item No. 37: Resolution of Intent to Abandon an Unopened Portion of Maderia Avenue

(A) Adopt a Resolution of Intent to abandon an unopened portion of Maderia Avenue, and (B) Set a public hearing for January 12, 2015.

The resolution is recorded in full in Resolution Book 46, at Page 488-490.

Item No. 38: Meeting Minutes

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of October 27, 2014 Citizens' Forum/Business Meeting, November 3, 2014 Workshop and November 10, 2014 Business Meeting.

Item No. 39: In Rem Remedy

Item No. 39-A: 3007 West Boulevard

Adopt Ordinance No. 5536-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3007 West Boulevard (Neighborhood Profile Area 306).

The ordinance is recorded in full in Ordinance Book 59, at Page 154.

Item No. 39-B: 316 Campus Street

Adopt Ordinance No. 5537-X authorizing the use of In Rem Remedy to demolish and remove the structure at 316 Campus Street (Neighborhood Profile Area 385).

The ordinance is recorded in full in Ordinance Book 59, at Page 155.

Property Transactions

Item No. 40: Charlotte Department of Transportation Warehouse Lease

Approve a four-year lease with two, one-year extensions at 4414 Monroe Road (PIC #161-071-19) with Monroe BP, LLC for \$51,800 per year with 2% annual rent escalations.

Item No. 41: Airport Warehouse Lease

Approve a one-year lease including a month-to-month renewal option with DirectLink Logistics, Inc., for a warehouse space at a monthly rental rate of \$15,173.33.

Item No. 42: Aircraft Maintenance Hangar Lease and Warehouse Lease

(A) Approve a 10-year lease with American Airlines, Inc. for an aircraft maintenance hangar in the amount of \$4,299,765, (B) Approved a five-year lease with American Airlines, Inc. for a warehouse in the amount of \$125,118.75, and (C) Authorize the City Manager to approve additional one-year extensions.

Item No. 43: Property Transactions

Item No. 43-A: 9001 Nations Ford Road

Acquisition of 189 square feet in Storm Drainage Easement, plus 3,166 square feet in Sidewalk and Utility Easement, plus 8,890 square feet in Temporary Construction Easement, plus 10 square feet in Utility Easement at 9001 Nations Ford Road from OSEI Enterprises, LLC for \$53,000 for Arrowood/Nations Ford Road Intersection Improvements, Parcel #5.

Item No. 43-B: 1635 Tippah Avenue

Acquisition of 6,126 square feet in Storm Drainage Easement, plus 1,830 square feet in Temporary Construction Easement at 1635 Tippah Avenue from James Phillips Thomas, Jr. and Kathleen E. Hathaway, and James Phillips Thomas, Sr. and Mary Lou St. Clair Thomas for \$20,850 for Lyon Court Storm Drainage Improvement, Parcel #132.

Item No. 43-C: 1727 Tippah Avenue

Acquisition of 2,835 square feet in Storm Drainage Easement, plus 2,534 square feet in Temporary Construction Easement at 1727 Tippah Avenue from Hunter Jackson and Brittany Jackson for \$17,325 for Lyon Court Storm Drainage Improvement, Parcel #146.

Item No. 43-F: 2675 Elmin Street

Resolution of condemnation of 1,934 square feet in Slope Easement at 2675 Elmin Street from A Positive Force Ministry, Inc. and any other parties of interest for \$1,050 for Charlotte Mecklenburg Police Department Westover Police Division, Parcel #8.

The resolution is recorded in full in Resolution Book 46, at Page 488.

Item No. 43-G: 900 Hill Street

Resolution of condemnation of 5,536 square feet in Sanitary Sewer Easement, plus 19,908 square feet in Temporary Construction Easement at 900 Hill Street from James K. Polk Lodge #759 AF AM Trustees and any other parties of interest for \$19,075 for Charlotte-Mecklenburg Utilities – Town of Pineville 8” Sanitary Sewer, Parcel #2.

The resolution is recorded in full in Resolution Book 46, at Page 489.

Item No. 43-H: 4842 Price Lane

Resolution of condemnation of 77,546 square feet in Conservation Easement at 4842 Price Lane from Rodrick J. McAllister and any other parties of interest for \$86,850 for Coliseum Creek Stream Restoration, Parcel #1 and #2.

The resolution is recorded in full in Resolution Book 46, at Page 490.

Item No. 43-J: Pickway Drive

Resolution of condemnation of 4,297 square feet in Access, plus 26,273 square feet in Storm Drainage, plus 5,199 square feet in Temporary Construction Easement at Pickway Drive from James Terry Yandle and any other parties of interest for \$5,300 for Pickway Pond, Parcel #3.

The Resolution is recorded in full in Resolution Book 46, at Page 491.

ITEM NO. 24: AIRPORT MERCHANDISE CONCESSION CONTRACT AMENDMENT

Mayor Clodfelter said Item No. 24 was pulled because I need to be recused.

Motion was made by Councilmember Barnes, seconded by Councilmember Fallon, and carried unanimously to recuse Mayor Clodfelter from Item No. 24.

Motion was made by Councilmember Howard, seconded by Councilmember Austin, and carried unanimously to (A) Approve contract amendment #1 to extend for a term of five years the Concession and Lease Agreement with the Paradies Shops, LLC to provide for the build-out and operation of additional stores in the Passenger Terminal including the East and West Terminal expansions, and (B) Authorize the City Manager to approve additional one-year extensions.

ITEM NO. 14: CONCLUSION OF THE CONSENT AGENDA

ITEM NO. 8: CITY MANAGER’S REPORT

Mayor Clodfelter said Mr. Manager, do you want to do the Transit Oriented Development Policy here or do you have other items you want to do?

City Manager Ron Carlee said the only item I would like to do as part of my report is the Transit Oriented Development; we did run out of time in the Dinner Briefing and we are getting a fairly

significant cue on Dinner Briefings and so if the Council would have no objection we would like to do the briefing you had requested on Transit Oriented Development as part of this item.

Councilmember Howard said I believe Ms. Flowers is getting ready to dart because she didn't have another issue tonight and I wanted to recognize her and say congratulations officially on your new position with the US-DOT. Like Mr. Carlee said it is definitely a loss to Charlotte and you know I have enjoyed working with you over the years on a lot of different projects, but our loss is their gain so congratulations.

Mayor Clodfelter said we forgive you even though you are running away from us. We forgive you. We expect you to remember us up there; we expect you to remember us very fondly as Federal Transit Administration.

Interim Planning Director Ed McKinney said what I would like to do tonight is provide a little bit of background and some analysis based on some discussion that came from Council on November 16th at our Zoning hearing around one of our TOD zoning petitions. I will give you a little bit of background and hope to provide some opportunity to give us little bit of guidance and discussion.

Tonight I want to cover a couple of things really briefly and get into a little bit more detail on our current practice. I will talk a little bit about our policy and planning activity, go into a little bit of discussion about the details of our transit oriented zoning districts and then define some terms I think we started to talk about in November between sponsored and corrective and I want to kind of work through and describe those practices and define terms a little bit and then have some discussion about how to get some guidance and policy direction from you all.

I will start with this diagram; it gives sort of a broader perspective and some things we are very familiar with in terms of our broad policies at the top so we've got our Centers, Corridors and Wedges; describes where our transit corridors are. We've got the General Development Policies and in fact in 2001 we updated that to have some very specific guidance for station area planning as we were gearing up for the South Corridor and the Blue Line and we were already beginning to incorporate that thinking into our policies and then as we got closer we started to do very specific station area plans so we've got some very detailed recommendations and broad community efforts that went into the details and recommendations for how development should occur at these stations. When you get below the line and one of the things we realized developing those policies and going through the plans was realizing that we needed to have the tools to implement those plans so the zoning districts; and this is what we will talk about tonight, the TOD, the Transit Oriented Development District and the Transit Supportive Overlay. Those two tools were developed about that same time in 2003 and 2005 to help us implement the policies that we have been putting in place and the investment that we are making in transit.

I'll walk through just briefly to summarize those two tools and then I will talk a little more detail about the Transit Oriented District as a specific tool. The two of them are different, the Transit Oriented Development Districts themselves are totally new zoning district; they have a whole set of new policies related to the intensity and mix of use that we want to see at stations. They are intended to provide really the guidance we want for the mix and intensity of use and redevelopment that would occur at these stations. They are new districts and would be districts that would be utilized as rezonings would occur at the stations.

The Transit Supportive Overlay was a tool that we developed a couple years after that that recognized that in some places we might not be ready for full redevelopment in the station areas so this was a tool that was an overlay to the existing zoning that would put some design standards in place but it would continue to allow some of the uses to occur and still provide us the opportunity to shape development as investment occurs. It is sort of two tools, one is a specific new district, and one is an overlay to the existing zoning districts, doing very similar things from a design standpoint, but recognizing the kind of the timing of development in certain places.

I would like to highlight some key standards that are in the Transit Oriented Development Zoning Districts themselves. One of the things I want to emphasize here is a lot of time and thought went into the standards that are in there and the intent of using this as a tool that would implement all of
mpl

the policy objectives and the aspirations that we have for transit development along the corridor. It includes ideas about residential density, floor area ratio density of development, height, parking, really strong thoughts and guidance about how development would occur at the street so we are trying to create intense use that is pedestrian oriented that is active on the street, supporting access and the intensity at the stations. One thing I will say here too is that we develop those tools we also are open and have been to improvements that needed to be made of those tools so we did one in 2009 that affected how we dealt with the transition to residential neighborhoods, as an example, and we are currently looking at the ordinance itself to see if there are some things that we could use to improve the quality and the nature of development, given the history that we've seen in the last ten years on the South Corridor. Some key notions about this, residential density; it is minimum so we are trying to make sure that we get intense development. We have certain centers in the ¼ mile, more intense than in the ½ mile but again trying to make sure that we get minimum density in development. The same thing for floor area ratio non-residential; essentially the way we would govern non-residential development through the intensity of development form, again in the ¼ mile more intense than in the ½ mile and really the message here is that these standards are minimum so we are trying to make sure a minimum level of intensity at the stations. With that comes the need to make sure that we have a way to regular that from, particularly related to residential neighborhoods so we do have a maximum height of 120 feet, but that is also governed by the relationship of the development to an existing zoned single family neighborhood. If you are 100 feet away you get 10 feet more in height and if get further away you get more height so dependent upon how close you have maximum height but depending upon your relationship to a zoned single family neighborhood that height will get regulated based on that distance you have. We are making sure we've got tools that include intensity, but give us ways to make sure we are transitioning well to the surrounding context.

Parking is a similar thing so maximums here instead of minimums so we are trying to make sure that we are getting walkable development, taking advantage of the transportation access to the station and the system provides so not overbuilding parking and making sure we design it in a way that it puts buildings to the street and parking behind or an intense development where we structured parking, development that is designed to mask that parking and make sure we've got active street frontages and very specific things. Finally the street level design itself is very important because again the importance of the walkability of the character of the street environment and the development's ability to support that is a really big part of making this transit development in these stations successful. Thinking about making sure we've got active street level frontages, places in our plans or identifying the desire to have retail uses; we try to have a way that the Zoning Ordinance can actually affect and impact some of that development on the street.

With that we have been very successful so if you look back and again this is obviously focused on the South Corridor and particular in SouthEnd, but since 2005 we have seen over 5,000 residential units, 700,000 square feet of non-residential development, add that up we are seeing both on the ground and things that are in the works \$700 million worth of private investment so we have been very successful and as I mentioned we are using the tools to even tweak and make sure that we are getting the kind of quality development that we want to see in the future. But, we have a much more ambitious goal, we have some high aspirations for what we want to see on this corridor overall. This diagram puts the whole system in context, all the way up from UNCC down to the SouthEnd and the I-485/South Boulevard Station. The purple on that line is everything in our area plans, all of our Station Area Plans combined that we have done to identify where we want transit supported development. Add all that acreage up and you get 2,400 acres. Again that is the vision we've put in place; those are the plans that we have adopted to support the investment that we've got in place. As you can see we have made our first step in this first generation of getting TOD development on the ground. That 14% represents what I just showed you; the development that has happened in SouthEnd, but we've got lots more to do. We knew back then and now that we needed to have a policy to think about how we would incentivize and change and move making a big land use change so we've got lots of industrial development along these corridors, we've got lots of business commercial development along these corridors and we have to make that shift from a land use standpoint.

Councilmember Mayfield said when we are looking along this transit line and we are looking at SouthEnd and looking at how we plan on expanding and growing up in the North Corridor, what I would like to know, and this is something staff can come back to me with later, what is the plan

from I would say Tyvola Road back up to Eastway while we are looking at growing NorthEnd when we haven't seen the growth throughout the whole South Corridor. SouthEnd of course is doing amazing, but once you get past Woodlawn and go further out to Pineville you haven't seen as much growth and development as was anticipated. I'm wondering for the south end of the rail what is the plan on the front end to continue development and growth over there before we start trying to figure out how we are going to make major investments on the north side.

Mr. McKinney said maybe some of this will cover that as I wrap up, but what you described is an important observation that we've made which the SouthEnd is a unique condition, it was in a unique market. The stations you are describing south from Tyvola and the stations south of there are going to be very similar to the challenge we are going to face on the Blue Line Extension out to UNCC. We've got lots of development opportunities but maybe not the market there yet so one of the discussions points for tonight is to think about how proactive should we be with making sure we get the right kind of development in those places. We could follow-up a little bit more, but I think that theme is going to be part of the guidance we need to have from how proactive do we really need to be, given the needed context of the stations that we face. SouthEnd is unique and we've got lots of industrial business commercial kinds of zoned land in places that we want to see transit development, but maybe the market isn't there yet.

Ms. Mayfield said so for the question that is going out as far as how proactive, I'm going to say extremely.

Councilmember Fallon said of the 5,000 apartments or condos or whatever they are, how many are occupied; do you have any idea?

Mr. McKinney said I don't and I wouldn't want to venture a guess.

Ms. Fallon said could we find out?

Mr. McKinney said yes, we will find that out.

Mr. McKinney said I would like to transition to where I think the discussion started back in November and I want to sort out two terms; one is sponsored rezoning and one is corrective rezoning. What we have been doing, and I will talk about this in a minute, but what we have been doing since the system has been open has been a practice from our Planning Department's perspective of sponsoring rezonings to TOD and what that means is developer initiated, they come to us, we work with them to decide and work through the site specifics if it needs to be a straight up, no conditional, conventional essentially TOD District or if needs conditions and then what both of these directions follow is essentially the Planning Department serves as the petitioner and it goes through the typical rezoning process and we do that a way to essentially incentivize the kind of development we want to see. On the other extreme is this notion of corrective where instead of waiting for the petitioner, the land owner or the developer to come to us, we could with the station policies and plans we have in place and have already identified areas that we want to see Transit Oriented Development, we could proactively go out as a Department as a City and correctively rezone to TOD. It would be conventional only because that is the limit of our power would be to simply put on TOD zoning in those places and we could do that station by station and we could do that in kind of a broad proactive comprehensive strategy. The basic difference is the developer comes to us, that is sponsor, we work with them, we waive the fee, we are the petitioner. Corrective, we go out and proactively rezoning. They are applied to the stations and the sites that we've identified and adopted in the Station Area Plans; we serve se the petitioner and it continues to go through a typical rezoning process. Why do we do sponsor rezonings – it provides the incentive, it is a way for us to incentivize and incent the land use change that we want to see, but it is market responsive so when the developer or land owner is ready to come to us and we work through the development process with them, it is essentially more or less when they are ready or when development is eminent and it can be site specific. In certain situations typically where are no unique conditions to the site, the standard TOD ordinance applies and all those design standards we just talked about govern the development which essentially gives the by-right development for that to occur. In cases where there is very unique situations we need conditions and go through a conditional zoning process we can do that and determine that with the developer and the petitioner on the front end. We have done this and this is essentially what our practice has been since we

developed the TOD ordinance itself. These are just two examples and two extremes; you may be familiar with the action, that is sort of our full example of development activity and intensity at the station. The other one at the top is an example of where it can be applied for re-use so it does have the flexibility to deal with small business investment all the way up to major redevelopment.

A little bit of diagnostics; taking a look back now in the ten years, with that practice in place, the sponsored practice in place, you've got a timeline to kind of work into the middle of this slide from 2003 when we developed the ordinance itself and looking out in the future to 2017, you can see some key highlights of when the system was opened and then on the other side you see the chart of rezoning petitions. That represents all of the TOD rezoning that has occurred, both sponsored and sort of private. Of those 60% of those have been sponsored so petitions that we have worked with the developer; 40% essentially private. The big difference when you do a kind of analysis on those is almost all of the ones that we have sponsored have been straight non-conditional conventional rezonings. Almost all of the 40% ones that were done by private development are conditional so typically what is happening is as we see them come in the more complicated one really require the developer to go through that more deliberate conditional process, but when it make sense and when it is consistent with our plan we sponsor it and essentially do by-right straight TOD rezoning. That gives you a little perspective on the SouthEnd and the kind of market peak that we saw so you obviously see the big peak of rezonings that occurred in 2006 and 2007 and the lull that has happened, but we are, as you see at the bottom, seeing a bit of an uptick on that and certainly we are optimistic about the future, both to the Blue Line Extension and the rest of the existing South Corridor.

What I will do is wrap up so to summarize our current practice in the sponsoring rezoning and compare it to the corrective rezoning process. Again sponsored market responses kind of developer initiated, trying to minimize speculations so it is when development is ready. It can be site specific and potentially tailored to the unique conditions with each petition. The down side to that is it is incremental, it is reactive, it leaves lots of that 2,400 acres with the existing zoning in place so there is a lot of land out there that things could happen by-right that maybe would not be consistent with our Station Area Plan principles. On the corrective side obviously it is proactive, it could be comprehensive, it would immediately restrict the kinds of non-transit oriented development we want to see, but some of the down side to that is definitely we would run the danger of getting out there before the market is ready, potentially raising expectations and speculations so it is kind of waiting versus investing where we've elevated the value of a tremendous amount of acreage and maybe potentially promoting this kind of wait and see from the landowner/developer standpoint. I might sort of affect the market in a certain way. We would have to be very careful about where we apply it so we are not creating non-conforming uses and be thoughtful about where we might be limiting short-term investment with the kind of restrictions that go on with TOD. The goal of this was to provide you a little bit of background on our policy, a little bit of background on the history of what we've done in the last 10 years, trying to kind of supplement the conversations that happened in November and maybe T up some conversations with you and some guidance moving forward.

Mayor Clodfelter said your definition of market response is on one of the slides; was the definition of a classic rezoning petition when the owner of the property or the developer of the property is ready to go forward and they have a development they bring in a petition. Of course when they do that they have to pay the fees and they are usually bound to the conditions of their sire plan. If I can instead get me one of these sponsored rezonings I get a waiver of the fee and I can change my site plan after the rezoning is granted. Why would I ever want to file my own petition and why wouldn't I want to lobby the staff to get them to sponsor my rezoning petitions?

Mr. McKinney said again the notion of it when we put this in place was to incentivize that initial investment, particularly in the South Corridor, so making sure that we had a way in addition to the investment that is being made, incentivize this transition of land use in the South Corridor for example, a tremendous amount of industrially zoned land that we wanted to see supportive of the redevelopment around the stations. You are right, the notion is do we need that incentive; that is maybe the question of us but we believe it is an important part of focusing and getting that intensity at the stations.

Mayor Clodfelter said but understand the point I'm getting at is it puts the staff in the position of picking and choosing and suppose you decide that a property owner or a developer has a market ready project that you don't want to sponsor the rezoning, then they can't have a sponsored rezoning, they have to pay the fee and be bound to the conditions and the guy next door, you like his projects so you sponsor it and give him the "incentives"; it puts the staff in a difficult position of being accused of playing favorites with property development. I'm not really sure that is what you intend; I know it is not what you intend, but it puts you at risk of being in that position of people accusing you of playing favorites.

Councilmember Phipps said with regard to the sponsored rezoning/collective rezonings I do think that there is an urgency from my perspective that we need to be more aggressive or more assertive up in the northeast corridor of the Blue Line Extension because we already beginning to see some by-right development around some stations that is not the kind of development that we had envisioned with the amount of infrastructure investment that we have going on in the area. I would say that we have already raised expectations with all the construction, all of the station locations, the light rail just coming up that way, the expectations are already raised that people want to see intentional development, not helter-skelter by right type of development and already we have at one of our station stops a storage facility. I would submit that is not something we want to see and we have other sites there that have that same by-right development so in between now and the time the stations get built we could have other opportunities where other undesirable type development going on that we would not be necessarily in favor of, but we are almost like at the mercy right now without some more assertive intentional direction that we are at the mercy of some of these developers to maybe put in something that would not be as desirable as we want to see. I would be in favor of a more assertive approach or aggressive approach to how we approach this before it gets out of hand, especially in the northeast corridor.

Councilmember Howard said mine kind of goes to both of your comments Mayor; if I remember the history on this and it takes me back to the Planning Commission, the point was that developers really didn't understand what TOD was and we wanted to make sure that we got that on ground without going the route of doing what you just mentioned, Mr. Phipps, which was kind of doing corrective zonings and putting it on whether they liked it or not. The one that comes to mind was a car dealership, if I remember right, down on South Boulevard where of course it was to their advantage not to do TOD. TOD doesn't blend well to car dealerships whatsoever, but we had to convince them that in the long run their property would be worth more if they would go along with that and we gave some exceptions to make that happen. I've asked the question over the years too, how long do we now keep sponsoring petitions now that we've gotten word out about it and I think there is some balance and we may pull the plug on that. I just want to make sure we remember the history on this and the history was to make sure that we actually got on ground without having to do corrective rezonings to just force it on people. I don't know if that helps or not but I think we are still trying to incentivize people and using a carrot and not necessarily a stick to try to get this on the ground in places where we want it.

Councilmember Lyles said I want to ask a question that you raised; you said that we were doing this to incent development of the Transit Oriented Development, we also have the incentive with the Post Construction Ordinance and we've done a number of these things. It would be helpful for me to understand what incentives there are to work in that area; are there additional besides the two that I'm being made aware of tonight. I think to Mr. Howard's point and the Mayor's point, at some point I think the Mayor is saying that you get yourself in a position that you are having to make choices as a staff and that could be difficult, but at the same time we think that we've got the right kind of zoning to follow our transit system so I do think it is time for you of making that decision, are we going to go in and do what I think was formerly called corrective rezoning in a large manner or get you guys out of that precarious position that I feel like you may be in now that we've done this for a while.

Ms. Fallon said let's go back to the number thing because I think that is what I question; going back to what the Mayor said, it connotes that there is favoritism that they are working with you and it is really not fair to charge some builders fees and other builders don't pay anything. Maybe the corrective now is to get rid of that.

Councilmember Driggs said I was wondering whether there were circumstances in which the owner of the property could find that the value of that property declines because of how restrictions have been placed on what it can be zoned for. There are certain things they may not be able to do and as soon as they are required to do something other than what the market suggest is best, to me there is a cost involved. Do we recognize that at all?

Mr. McKinney said the change in the zoning from a TOD provides a level of intensity that in most cases what is primarily industrially zoned land or a suburban business corridor zoned land, a level of intensity more than they have now so the theory is that that entitlement, that raise in entitlement offsets any kind of potential constraint they might see from the restriction of the use or the design standards they put in place, but it is a pretty unique level of intensity that is provided for within the ordinance.

Mr. Driggs said again it is voluntary right? If it is that great a deal for them we can make it completely voluntary and anybody that doesn't see that advantage doesn't have to play. What I'm getting at here is the possibility that certain land owners may find that in order to comply with this they have to do something other than what would have been their first choice for that property and we are talking about corrective rezoning. Are we looking at situations where they are going to be told you may not do that thing, you must do this thing?

Mr. McKinney said well maybe one step back; one of the things to remind ourselves about are the places where we've identified this, for the example the places that we be in case, the practice of supporting, has been identified through an area plan so we are not at the time picking and choosing those sites. There is a public process that went through to develop the Station Area Plans and some very specific locations as part of that adopted plan identifies where transit supported development is recommended. That is really the link between the policy and the ordinance occurs and it is sort of an adopted plan where we have identified where we want transit supported development to occur. Your question is maybe why we have maybe tended towards the more sponsored approach so where we've got willing and worked with and find developers in areas that want to do the TOD level of intensity and we want to provide them the notion of this sponsored process is to provide them an incentive through that process to make that more palatable. The other side of that is to be much more aggressive and assertive and to think through something that would be more forceful and to rezone correctively those sites. We have actually chosen to be more responsive to the market and work with developers that are wanting to do that within the stations.

Mr. Howard said I'm maybe confused given the comments from my colleagues. Have we ever done a corrective rezoning in a Transit Area Plan area?

Mr. McKinney said we have not correctively rezoned TOD districts.

Mr. Howard said so we haven't done any; all of them have been voluntary responsive. They are voluntarily letting us sponsor them?

Mr. McKinney said correct. Back to the slide; of all the TOD rezonings that have occurred, none of those were corrective, they were either a developer did them on their own or we with the developer sponsored them.

Mr. Howard said just to make me clear, have we ever had somebody that came in that would let us sponsor them to a straight up TOD that we decided we didn't like what they were going to do? Have we just blankly said if you want to do TOD we will sponsor you; is that not the case?

Mr. McKinney said I would need to confirm but our practice has always been, it is identified in the Station Plan, the parcel would be identified so if a developer came to us and said I've got this piece, I want to do TOD, we would look at the plan, make sure it is consistent with what the Station Area Plan says and if they wanted to do that our practiced has been to sponsor them. There has never been this pick and choose process that goes on. In cases where there is unique site conditions that require conditions, and in some cases that is advantageous to a developer to do that, they do that on their own, which then they do that through their own process without being sponsored.

Mr. Howard said I just wanted to make clear; I was really involved with that and I wanted to make sure we were not picking and choosing. So we are not picking and choosing necessarily; maybe only picking and choosing Mayor if you are inside the Transit Area or if you are outside the Transit

Area. If you happen to fall outside of what is defined as the Transit Area then we wouldn't necessarily sponsor it. That is the only picking and choosing right?

Mr. McKinney said yes.

Mayor Clodfelter said the risk of picking and choosing is they like your development so they will sponsor it, but they don't like my development so I have to file my own petition and argue for it even if both of us want TOD and we want to develop in a Transit Area. That could happen.

Mr. McKinney said you are correct, but again to try to simplify our policy, if it is in the Station Plan identified for transit supported development there is no decision at that point. If they are interested and willing to do it, in fact in those cases again almost all of the 60% cases that we have sponsored have been non-conditional cases so there was no like or dislike of the Plan, it was we wanted to rezone to TOD, we've got the TOD District with all the standards that we have already put in place to provide the kind of development that we want and we give them essentially that by-right opportunity so there is no judgment call at that point about the nature of the development.

Mayor Clodfelter said I came to you with a plan for a Transit Station Oriented development and I want to use a MUDD District for it and you concluded that it was consistent that with the kind of development you wanted in the Transit Area, would you sponsor the petition?

Mr. McKinney said our practice has been not to sponsor anything that is not appropriate.

Mayor Clodfelter said if I brought you one that was consistent with the Plan, high density residential supported transit uses, but I wanted to use one of the UR District, would you sponsor the petition?

Mr. McKinney said no.

Mayor Clodfelter said that is the problem.

Mr. McKinney said you are correct; there are certain examples where a mixed use district, given the nature of a site is the path the developer would want to go and that development could be absolutely consistent with the Station Area Plan.

Mayor Clodfelter said Mr. Manager this is part of your report so what do you want Council to do with this?

Mr. Carlee said we wanted to make sure that Council had an understanding of what current practice is based on the previous items that came before Council. We are open to any guidance you have if you would like for us to bring back amendments to Transit Oriented Development or if you would like to have that discussed in Committee. There are provisions at this point for us to do sponsored rezonings as part of an incentive to encourage them. I think a question with regard to those that are done by the developer as opposed to sponsored, one of the elements I would want to look at is to what extent those that were not sponsored had special conditions that were outside of what could have been done by right within the TOD zoning. There should be a clear distinction between what we sponsor and what we don't so I need to bring you back some additional information on that so you can judge the objectivity that we are using, or not and then the policy question that is being raised, as I hear it, is whether or not we should continue to do sponsored rezonings as an incentive and then a second question is whether or not we would want to consider corrective rezonings which would then beg the question where and how far. If we did do corrective zonings, as I understand it, and I ask Mr. McKinney to correct me if I'm wrong then that would make Transit Oriented Development by-right development where corrective zoning occurred. So it would have the same effect as a sponsored rezoning; it is a non-conditional zoning category as it is currently written unless you need special use conditions in order to meet certain characteristics of the site.

Mayor Clodfelter said I'm thinking it may be the Transportation and Planning Committee ought to take a deeper dive into this, but Councilmember Lyles would shoot me. I think maybe it might warrant that kind of review of what the Manager is going to bring you.

Mr. Carlee said if you want to make that decision tonight that is fine; we could also bring you back additional information and the Council could have opportunity to have that discussion among themselves.

Ms. Fallon said could you find out how much is left that is by-right, what percentage along there is by-right? Because we are setting up doing things with that corrective zoning but there is a lot that is going in by-right so it is not following the TOD Plans.

Mr. Carlee said that is correct; that is the policy debate. We actually are not doing corrective rezonings at this point which means that the underlying by-right uses still exist and so we will be seeing some development that is inconsistent with Transit Oriented Development Plan based on retaining current by-right zoning ...

Ms. Fallon said I just want it to stay if it is substantial then what are we doing?

Mr. Carlee said right.

Mayor Clodfelter said Mr. Manager I think there are two questions that have surfaced in the discussion and they might warrant just some Committee deliberation and kicking around the options.

Mr. Carlee said we will be happy to do that.

Councilmember Barnes said I want to be careful about us not throwing out the baby with the bathwater to a point that I think Mr. Howard is making and Mr. Phipps. When we drafted the Transit Area Plans and work with the community, their expectation was that there would be TOD Development in certain places near the transit stops. I understand what the Mayor is saying but also don't want us to just throw the policy out and start with something else. Mr. Phipps as the District Rep in District Four is facing some fairly unique challenges because of a lot of the I-2 and I-1 and some of the B-2 along the Extension. We saw during last zoning meeting some of the potential challenges with staff initiated rezonings even where we told you to do it. I'm just suggesting that we be very deliberative as we move forward on this policy review.

Mayor Clodfelter said which is why I think it would be effective to have Committee discussion.

Mr. Howard said I'm actually wondering Mr. Barnes, given what you just said and what Mr. Phipps shared, the word is out there enough that we will sponsor to be honest and a lot of people will rush now that they think transit is coming and they just want to be near it. They are going to start building, maybe not understanding that they could do even more than a storage place. I can see a more dense storage place; I'm just wondering if the word is out there enough to be honest so we could slow down, not trying to force them because that is what Mr. Driggs was talking about. You can actually get more out of your property if you will come talk to us.

Mayor Clodfelter said your question is one that is going to Committee. Indeed, that is one of the two questions.

Mr. Phipps said what we've found is that discussion is easier to have when you have developers that are local, but we also have quite a few that are out of town developers and might not either appreciate the vision that we have in the way that we have it. Those are some of the things that we are working on collaboratively in the Northeast Corridor with University City Partners and other interested parties so we are doing our best to try to make sure that we get something there that is what people expected rather than just a helter-skelter type development.

Councilmember Smith said much of this discussion started at the November meeting when I was preaching for consistency on the matter. If we are looking at this proposed mini-storage is what I think sort of kicked off this discussion. If you look at the proposed mini-storage and if we see the development that occurs along the Blue Line that we think is going to occur and we are going to have the densities that we are trying to promote, these folks are going to have to have places to put their stuff because smaller apartments and denser use that we use on light rail aren't necessarily going to have the amount of adequate storage space maybe to keep some personal belongings. As

mpl

we look at this not all of these uses that people want to do by-right are necessarily bad uses for the northern portion of the Blue Line. I just wanted to throw that out there.

Mr. Phipps said I would agree with my colleague inasmuch as we already have some of those developments in close proximity where I don't know if we need to be gurgling in them or we just got enough of that kind of development there. I think storage facilities in and around that Tryon Corridor that makes another one unless it is a designer one where you have retail at the bottom. We've seen some of those projects around that you could have a designer storage facility that you wouldn't even know that it is a storage facility.

Mr. Smith said a lot of these storage facilities that are multi-story are that; they are high quality construction.

Mayor Clodfelter said you guys are beginning to sound like this is a Zoning Meeting.

Mr. Carlee said thank you for letting us bring this to you in this session.

* * * * *

ITEM NO. 9: CITY MANAGER AND CITY ATTORNEY EVALUATION

Motion was made by Councilmember Howard, seconded by Councilmember Barnes, and carried unanimously to approve the Governance Accountability Committee recommendations related to the annual evaluation of the City Manager and City Attorney; the Fiscal Year 2015 evaluation criteria for the City Manager and City Attorney, the Fiscal Year 2015 evaluation schedules for the City manager and City Attorney.

* * * * *

ITEM NO. 10: STATE AND FEDERAL LEGISLATIVE AGENDA

Councilmember Driggs said I just want to comment briefly on this; we talked about this and were briefed on this on November 24th by Mr. Fenton and at that time Councilmember Mayfield recommended two possible changes and asked that they be considered in Committee. I wanted to report that we did consider them in Committee and determined that the Transforming Communities Initiative is actually not yet ready to be acted on in 2015 and the Veteran Homelessness Initiative is based on what is already taking place here in the City and in fact I attended on Veteran's Day the ceremony here. For those reasons we did not recommend adding these to the Federal Agenda, but we will look at them both next year and I would like to thank Councilmember Mayfield for bringing them to our attention. The other thing I wanted to mention is that the Committee unanimously recommended adding the technical amendment to the Charlotte Firefighter's Retirement System Act to the 2015/2016 Legislative Agenda. These are required as a tactical matter by Internal Revenue Code Laws, the actuarial notes prepared by the system's actuary states these amendments are housekeeping in nature and would not have any impact on the cost of the system. What you have in a separate piece of paper here is the slightly amended Federal 2015 and State 2015/2016 Legislative Agendas that are not materially different from the ones on which we were briefed.

Motion was made by Councilmember Driggs, seconded by Councilmember Fallon, and carried unanimously to approve the Intergovernmental Relations Committee recommendation to approve the 2015 Federal Legislative Agenda and 2015-2016 State Legislative Agenda.

* * * * *

ITEM NO. 11: SINGLE FAMILY RESIDENTIAL RECYCLING COLLECTION SERVICES

Motion was made by Councilmember Howard and seconded by Councilmember Kinsey, to (A) approve a unit price contract with Waste Management of Carolinas, Inc. for residential recycling collection services for an internal term of five years, and (B) Authorize the City Manager to extend the contract for two additional one-year terms with possible price adjustment as authorized by the contract and contingent upon the company's satisfactory performance.

Mayor Clodfelter said do you want to hear a presentation from Victoria Johnson first?

Councilmember Barnes said does Waste Management of the Carolinas currently operate in Charlotte:

Director of Solid Waste Services Victoria Johnson said no sir they do not.

Mr. Barnes said where are they operating now?

Ms. Johnson said they are in Gastonia and they have a facility down there with a hold yard that I went to view in Gastonia, and they are operating in the northern part but not in Charlotte for residential. They probably do commercial but not residential.

Mr. Barnes said in order to avoid all the complaints we heard about the last vendor are we already prepared to deal with the leaking hydraulic fluid and leaving people's containers half-way down the street; all that ridiculousness that was going on? Is there a termination provision if that kind of stuff starts happening?

Ms. Johnson said there is always one of those in the contract and they will be operating on compressed natural gas from vehicles so it takes on another tone instead of the leaking hydraulics.

Mr. Barnes said so it is a cleaner running vehicle. Do you still need the hydraulic fluid to work the mechanisms?

Ms. Johnson said yes, but we are talking about brand new trucks; we are not talking about any used, we are talking about brand new CNG trucks and we've running our trucks for about six or seven years and we haven't experienced any conditions with those.

Councilmember Fallon said if there is a problem what is in the claw back in our contract with them?

Ms. Johnson said we have liquidated damages that we are assessing and as we get into the contract negotiation we will be stipulating what those liquidated damages will be. They will be equal to or greater than what the contract was so we can have significant pay back if anything is not held to our standards that we already have in place.

Ms. Fallon said and there will be termination clause?

Ms. Johnson said yes.

Councilmember Phipps said so this company that we have here, are they going to have to travel from Gastonia on a daily basis to fulfill this contract or are they going to have some sort of staging operation in Charlotte?

Ms. Johnson said they will be traveling from Gastonia but the fact that they have time filled sensor compressed natural gas; they will be able to travel longer. They also have it where they will be able to go to Piedmont National Gas and fill as they need throughout the day so I don't see that as a big major issue of them traveling into Charlotte to service this contract.

Councilmember Mayfield said I had opportunity to visit the Waste Management site and be there for the unveiling of the CNG trucks and it was interesting because during the presentation a
mpl

delivery truck, and I will not call out the company's name, actually came in to do a delivery at the same time that the CNG truck was running and you literally were able to still stand at the microphone and talk with the CNG truck and when the delivery truck came it was like perfect timing, just the sound and the exhaust and what you saw. Personally I was really impressed myself and Senator Ford was able to attend the event. I went on behalf of the City to participate for the City of Charlotte and just to find out about the compressed natural gas. It is a much healthier version and I was surprised at how much quieter for how large these vehicles are. I'm definitely in support of us moving forward, especially as a City as we are trying to move forward to identify green options and try to be a healthier City and get as many vehicles off the road that are contributing to the pollution of the air. This would be a good opportunity and I just wanted to share that which I am almost a "no" to practically everything, but this was something where I was really impressed with the product and would definitely support moving forward.

Mayor Clodfelter said so this "yes" makes up for a lot of "no's"; is that what you are saying?

Councilmember Driggs said I will support the contract, but I note that it is a \$6 million annual expense versus \$4.5 million before and I just wanted to highlight that largely reflects the underpricing of the old contract has led to the unhappy outcome. So we are basically kind of rightsizing in terms of this deal and that is the main reason for the difference. Is that right?

Ms. Johnson said yes sir.

Mr. Barnes said Ms. Johnson, are representatives of Waste Management behind you there?

Ms. Johnson said yes.

Mayor Clodfelter said just don't leave any carts in the middle of the street and no leaking trucks, okay?

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

* * * * *

ITEM NO. 12: BOJANGLES COLISEUM RENOVATIONS

Motion was made by Councilmember Kinsey, seconded by Councilmember Autry, (A) to approve total funding of \$15,953,375 in capital repairs and improvements to the Bojangles Coliseum over the next two years, (B) Adopt Budget Ordinance No. 5535-X appropriating \$15,453,375 in existing debt capacity in the Convention Center Operating Fund, and (C) Adopt Budget Ordinance No. 5535-X appropriating \$500,000 from fund balance in the Tourism Operating Fund.

Councilmember Barnes said just a statement for the benefit of the general public; this is the item to rehab and refurbish Bojangles Coliseum primarily for the benefit of the Charlotte Checkers moving into the facility in the fall of 2015. It will bring new life we hope to that area; it will be also pared with the work that the Economic Development Committee is preparing regarding Amateur Sports at that same area so I hope and believe that this will help us make a very positive addition and improvement to that part of east Charlotte.

Mayor Clodfelter said the Checkers will be coming home again.

Councilmember Driggs said I wanted to comment that there are two pieces to this, the \$12 million and the \$4 million for the Checkers. The terms of the deal with the Checkers are that we will collect rent and I would like to contrast this with the Arena to which I was so adamantly opposed. This highlights in many respects the kind of deal that I think we need to have, which is a more commercial transaction where we receive rent for the use of the facility, we realize the proceeds from any other uses of the facility, we realize concession income, parking income so it makes a lot of sense. I'm bothered by the fact that the \$12 million is only the beginning of a total of \$51 million that is targeted to be spent there and I'm not sure I know where the rest of that is coming

mpl

from and it is like many other commitments we enter into, and I'm also a little worried about the fact that we have this pending Amateur Sports proposal and I don't know whether they are actually completely separable, I would have preferred to know the outcome of the Amateur Sports proposal and certainly not to find ourselves in the position where we do the \$12 million and then find that somehow under more pressure to complete the other transaction, which to me so far does not have the makings of a really successful deal. I'm kind of torn about this; I want to support Mr. Kimble and the staff and therefore come down on the side of supporting this but with the understanding that we need to think about where the rest of the money is going to come from and we need not to get into a position where we are obliged to do something about Amateur Sports that we may not want to just because we are making this investment. I think the Checkers investment is a good deal for the City.

Mayor Clodfelter said Mr. Murray, Councilmember Driggs wants an assurance that this is not a commitment for anything other than precisely what is on the agenda tonight.

Tom Murray, Charlotte Regional Visitors Authority said the first thing I would say is the \$51 million number that was proposed in March 2014 was a long-term number. The \$16 million that is being presented here are the first pieces of that; the long-term number was a 20-year plan and we will have more needs as time goes on, like any facility that we manage, but it was just good planning to try to think about what the needs would be over long-term. This \$16 million are the more immediate needs; the \$12 million we felt were needed when we were hopeful that we were moving forward on the Amateur Sports Facility and now with this new opportunity additional \$4 million all of which benefit the arena with or without the Checkers.

Mayor Clodfelter said I think his precise question was this expenditure for this purpose at this time does not commit us nor does it to any future expenditures?

Ms. Murray said this specific transaction does not commit us to any future although we will have to maintain the facility in a usable fashion.

Mr. Driggs said for one it doesn't have any bearing on the Amateur Sports proposal, the GoodSports, those conversations. Is that right, this is a stone alone thing?

Mr. Murray said this is a stand along deal.

Mr. Driggs said so we are maintaining a building that the City owns just to keep it in usable condition and the work that we are doing for the \$12 million is kind of a complete project so that we are not going to hear in a year or two that we can't finish what we started for the \$12 million without spending another \$12 million. Are these reasonably self-contained projects?

Mr. Murray said these are reasonably self-contained projects but there will always be capital needs for all of our facilities. I'm sure you understand that, but these are the current needs that we think are needed in the near term.

Mr. Driggs said I will support this; I will just reserve the right to say no in the future.

Councilmember Smith said I've got several questions and a statement; first do we know the estimated value of the Arena?

Mayor Clodfelter said priceless.

Mr. Smith said I'm curious as to what the estimated value is.

Mr. Murray said I don't have a number; it is a 60-year old facility and all of its asset value has been fully depreciated. We spent about \$4.5 million in 1992, 20 years ago; I assume that has been depreciated as well.

City Manager Ron Carlee said we can develop a replacement cost for you.

Mr. Smith said do we know at what point it becomes functioning obsolete?

Mr. Murray said we think there is a long-term life still ahead of it. As you know in the United States we tend to obsolete buildings faster than other countries do, but we see a long-term life for this facility. It is a historic facility, the exterior is protected so it was intended that it would be around for a long time.

Mr. Smith said my concern is not so much the \$4 million for the Checkers. Actually the pro forma I looked at provided by staff, I actually there is a reasonable expectation on a return on that and I think it is probably good for the Arena according to Mr. Kimble, break even on that is about seven years out. My concern is the larger scale, what we are doing with Bojangles Arena and at what point are we going to realize some gains on that. It has been operating for the most part at a loss for these past few years. This will with operations and if the numbers are correct it will have a decent impact but the breakeven point on the \$12 million, if I did my math correctly, is about 22-years and then we are going to have other costs that continually come down the pipeline and I'm having a hard time getting behind this 20-year plan of spending \$51 million on an Arena that at that point will be 80-years old, if I'm getting my numbers correct. I also struggle with the fact that this makes the sweetheart deal for the Hornets even more of a sweetheart deal because we are going to clear 36 more events for those folks that they continue to take the money and we are going to continue to dump money into another Arena that is barely operating at a profit. With all that said I'm not going to get on board with this. I do think staff did a good job and I think you guys did a good job negotiating your memorandum of understanding with the Checkers, I think it is a much better deal than the City had with the Hornets which I am not a fan of, but just considering the long-term continued expense that we have to put in to Bojangles, I can't get on board and in good conscious vote for this. I love Bojangles Arena, I've attended many events over my lifetime there and some of my fondest memories as a child was going to see the old North/South doubleheader with my Dad. I saw Kansas play Chapel Hill in the 81-82 season, I love the Arena, but I just think at some point we are spending up to \$51 million on something we have zero chance of recouping any benefit from. I'm going to be a no vote.

Councilmember Fallon said this is the part that stands alone and doesn't need a private partner from the private sector?

Mr. Murray said yes, I understand what you are talking about; this is not related to a private sector investor.

Ms. Fallon said now tell me how this spending of money will impact fixing up the Convention Center because you have just so much money, and how it is going to deal with taking that money for this away from fixing up the Convention Center which we have to do?

Mr. Murray said I appreciate your support on that.

Ms. Fallon said I didn't say I was supporting it.

Mr. Murray said regarding the Convention Center we are planning in conjunction with the City for both needs. As you may remember recently the Convention Center tax fund was changed to allow for Amateur Sports Facilities and so that fund now needs to both and when it is a balancing act we are trying to make sure that we are thoughtful in our long-term planning for both the Convention Center needs and we've worked closely with the City to make sure that is kept in mind all the time and also address the other needs of the community as it relates to the other facilities we manage. There is capacity in the fund to do more spending on the Convention Center and we are continuing to do studies to find out what our long-term needs will be for the Convention Center so we can be certain of that questions because it is a question that concerns all of us.

Ms. Fallon said so you have no idea right how it is going to impact?

Mr. Murray said I have an idea that the funds that we've requested from the City for our current needs for the Convention Center have been made available to us and we are currently doing those renovations. Whether we are saving at the right rate for future renovations beyond the 10-year capital plan that we've worked with the City on is a difficult question to answer, but we've worked with the City on long-term planning, have been our planning, the funds set aside to do the work that the Convention Center needs over the next 10-years.

Mr. Smith said I left off one point in my long diatribe; have we explored the option of selling the asset or gifting it to the Checkers at a nominal cost? The reason I say that is I still go back to the point this \$51 million looming over 20-year period seems to be close to unsustainable and the City may come out better if we looked into that avenue. Then two, we talked about debt capacity at the Dinner Briefing, where will we stand with regards to our overall budget; I believe the number if I remember correctly we had about \$40 million in this fund. Where are we going to stand with that because I think Ms. Fallon makes a great point, we are going to have some impending needs for the Convention Center coming down the pipeline?

Chief Financial Officer Randy Harrington said as you recall Mr. Kimble mentioned that there was \$40 million available in capacity and this would use partially \$16 million of that leaving \$24 million available. The other thing I want to point out is that we have seen tourism taxes this particular year grow in the 7% to 11% range so we will get some additional debt capacity growth from that. That is to be determined, but we are seeing some good economic indicators there.

Mr. Smith said so we've identified roughly a 20-year plan for Bojangles Arena that is roughly \$51 million; what is our 21-year plan need for the Convention Center?

Mr. Murray said we've worked up a 10-year plan at this point. We are looking for consultants to do work for us on a much longer-term plan as we speak. Last Friday I had a meeting with one of those consultants so we are doing the work but from the 10-year plan we feel that we are comfortable.

Mr. Smith said I assume we've assigned a value to that; what is our approximate outgoing dollars we will need to make sure that the Convention Center stays?

Mr. Murray said I will have to get that number back to you; I didn't bring the Convention Center numbers with me.

Mr. Smith said I just think that is an important part of the overall dialogue.

Councilmember Lyles said I just wanted to make sure that I am correct; by making this decision tonight I am not committing to a \$51 million investment in Bojangles Area for the next 10-years and I want to make sure that those two decisions are separate and that \$51 million is incremental over 10-years and decisions that will be made going forward.

Mayor Clodfelter said I think I've heard that addressed already.

Mr. Murray said you are right; the three items before you are totaling \$16 million. They are unrelated to an ask for \$51 million. There isn't an ask for \$51 million; \$51 million was an estimate that was done on long-term capital needs. It may never amount to \$51 million and it may end up being a lower number which is our best guess at the time to get to the City.

Ms. Lyles said it doesn't preclude us from making any decision about how that land or building is used in the future, today's decision except for the agreement that we have to bring the Checkers back to Bojangles Arena. Is that correct?

Mr. Murray said it will take up 38 of the dates that the Arena is used for and would preclude us from using it on the dates that the Checkers need it, but other than that, right.

Mr. Barnes said to the Council, the Economic Development has been working on the Amateur Sports piece at Bojangles. We have not, as you notice in the language in this item, we have not worked on this item. If the Council wants the Committee to look at it and come back with recommendations I think we would be happy to do that or if you want to move along tonight. There are many, many, many more questions with this than I thought there would be and that is in part because the Committee never talked about it. I'm open to that if the Council wants to do that.

Mr. Driggs said what is the time table for a final determination on the currently pending conversations about Amateur Sports?

Mr. Barnes said on December 17th we are going to be getting a significant update from staff and I think at that point we will have a clearer idea of where that proposal is going and I'm hoping that we can actually make some recommendation to the full Council, if not on the 17th, then shortly thereafter at our next meeting because I think we all want to figure out what is going to happen there and try to move that along.

Mr. Murray said Mr. Barnes, may I respond to your comments?

Mr. Barnes said yes sir.

Mr. Murray said just so that the Council is aware, this proposal and this whole deal is on a very, very tight deadline. I can bring the engineering department in to tell you as well. We have pushed everybody as hard as we can. We are trying to do these renovations before the opening of the October 2015 season; we are at the last minute of making decisions. We have RFP's ready to go so that we could purchase and order the equipment that we need in order to make the timeline so a delay until next year on this vote would put into jeopardy.

Mayor Clodfelter said the motion on the floor is to approve the agenda item tonight. Let's see what happens with that motion. If that does not pass then Council may want to have further discussions.

Mr. Barnes said Mr. Murray, I don't know where people are going to be voting; if you get six no's then what do you do?

Mr. Murray said if it is voted down then the Checkers will have to look for another location in 2015. We won't be able to get the facilities renovated by then.

Mr. Smith said is their lease up in Time Warner Area?

Mr. Murray said they are under a one-year lease at Time Warner Cable Arena.

Mr. Smith said do they have a hold over clause?

Mr. Murray no they don't have a hold over clause.

Mayor Clodfelter said I'm going to drop a footnote on this discussion, more for interest than anything else; we were told and I don't know how many times this Coliseum has been pronounced dead in its 60-year life. We were told when we opened the new one on Tyvola Road that we didn't need this one anymore and it really had no use and it is not product and it was at the end of its useful life. We very quickly learned that we had a need for a venue that was smaller than that major Coliseum that could host community events and not major league sports events and could host concert shows, graduations and things like that and low and behold we ended up reopening the Bojangles Coliseum. I will remind you the one that was built on Tyvola Road does not even exist anymore so I would caution us against trying to predict what the future holds for the Bojangles Arena.

Councilmember Kinsey said this is in District One and it really has the potential of making a huge positive difference along Independence Boulevard and on the east side so I really hope that we support this tonight.

The vote was taken on the motion and recorded as follows:

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

NAYS: Councilmember Smith.

* * * * *

ITEM NO. 13: NOMINATIONS TO BOARDS AND COMMISSIONS

13-A: Business Advisory Committee: The following applicants received nominations for one Certified Small Business Enterprise recommendation by the Metrolina Minority Contractors

mpl

Association for appointment by the City Council for an unexpired term beginning immediately and ending April 28, 2017.

Edward Roper, nominated by Councilmembers Austin, Autry, Barnes, Driggs, Fallon, Howard, Kinsey, Lyles, Mayfield, Phipps and Smith.

Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield, and carried unanimously to appoint Mr. Roper by acclamation.

Mr. Roper was appointed.

* * * * *

ITEM NO. 15: MAYOR AND COUNCIL TOPICS

Councilmember Mayfield said the luncheon for our senior citizens will be at Hoskins Avenue Baptist Church, 101 South Hoskins Road; CMPD Freedom Division will be serving from 11:00 a.m. to 1:00 p.m.

Councilmember Smith said I invite my colleagues and residents in District 6; tomorrow night the petitioner for a rezoning petition that is soon to be filed for the Colony Apartments is hosting a neighborhood meeting at the Renaissance Hotel in South Park at 6:30. If you are interested in learning more about that project I encourage you to attend. They will be available for questions and they are bringing a large contingency to answer any and all concerns and hopefully take our citizens input and put it in the petition when they file it at the end of the month. This is a 27-acre site over in SouthPark if any of you are interested in attending and learning more about it ahead of time I invite you as well.

Councilmember Phipps said a week ago today we had a spirited discussion about Charlotte Water and the various implications on how we look at rate increases and such and I think that discussion generated considerable questions and things. I really do think that is something we probably should refer, if my colleagues approve, we should refer this to the Budget Committee to study three particular areas. Two of them are policy issues that were brought forth; is the Charlotte Water CIP funded at appropriate levels. I think we need to more or less do a deeper dive and closer scrutiny on that question. Also what should be the frequency of rate increases? I think the public is generally concerned about the frequency of rate increases and I think this gives us an opportunity to do a deeper dive there. Also we need to take another look at the water and sewer rate methodology just to see if it needs tweaking, just do a review of it inasmuch as we haven't looked at it since 2011. With my colleagues consideration on this I would recommend and I think I can speak for my Vice Chair, Mr. Driggs, I think he wouldn't mind having this come to the Committee if my colleagues so choose to go in that direction.

Councilmember Howard said I think my take on that Mr. Phipps is I thought we were going to have a follow-up to the last presentation which is going to get more into detention methodologies and I would love to finish that conversation so we would know exactly what we were referring to the Committee. I don't mind the Committee looking at it, but I want to get the rest of the information and I think we only got half of it. Mr. Manager, if I am wrong please let me know but I thought I heard there was a second part to the presentation we received.

City Manager, Ron Carlee said we were planning a follow-up briefing for Council.

Mr. Howard said I'm wondering Mr. Phipps, can we get that one so we can finish the conclusion because there may be more issues that we want to refer to Committee. I just want to finish getting both sides of the presentation.

Mr. Phipps said I have no objection to us getting additional information. I think that can be done concurrently really. I don't know that there would be a need to delay it; I don't know what time that is going to be scheduled for us. I'm interested in any comments my colleagues might have.

Councilmember Barnes said that is an issue that I think is so large that it should be a Committee of the whole. I think one of the reasons there has been some historical confusion or misinformation about the topic is because people have gotten bits of information here or there. I think that hearing from staff in a few weeks would be useful for us and then going into our 2015 budget cycle we will kind of know what we want to do from a policy perspective. The issues you raised Mr. Phipps, I think would be appropriately answered having an answer delivered to all of us because as we are discovering that is a very thorny issue and I'm comfortable having it come to all of us right now.

Councilmember Driggs said I would support the suggestion made by my Chairman and I want to point out that the idea here is that we have a Committee process that more closely resembles what happens in the General Assembly and elsewhere so the Committee would not prejudge; it simply does more work than the entire Council is capable of doing on all topics in order to develop maybe some perspectives and help from the Councilmember's point of view to illustrate. We would come back if we were asked to do this, with some analysis and lay out some conclusions that we had reached and just help the process along because it is very tough for the entire Council to take everything that happens in each Committee and replicate all the work. This is just about getting some of the work done in that more specialized environment.

Councilmember Smith said would it hinder the Budget Committee's potential analysis if we waited to get a complete follow-up report for the 2015 cycle?

Mayor Clodfelter said that is where I was going; I was going to ask the Manager do you have a sense of when we would complete the Dinner Briefing as it were?

Mr. Carlee said our hope would be to do that in January; we are having a lot of scheduling problems just given the amount of work we have with the Council. You can probably expect a request for a special meeting on a couple of these topics.

Mayor Clodfelter said I'm glad to hear you say that; I think probably a Committee referral is not a bad idea and on some very precise questions as Councilmember Phipps has outlined them, perhaps there are others but I think the Council as a whole would benefit from hearing the full presentation and then let the Committee roll up its sleeves provided we have time to do that. I'm going to join the Manager's concern; we've got a lot of items backed up that are major policy items that are backed up for briefing. If you have noticed lately we have been taking items off the Agenda to give you enough time to talk about the items that remain on the Agenda. I didn't want to say it, but I will tell you the Manager has said that you may be looking at some special meetings, so just be prepared for that or I don't know whether people's schedules would permit starting an hour earlier and starting at a 4:00 p.m. session for briefings. Well, okay that got vetoed, but just be prepared for it because again we've got a lot of stuff backed up and there are still some items waiting for major briefings that you guys have asked for.

Mr. Driggs said is there any overtime associated with that Mayor?

Mayor Clodfelter said do they pay us for this job? No, I think a Committee review would be useful to drill down on some of the specific questions but I also think it would be useful to complete the full Council review. Can we proceed on that basis, provided we can get that briefing scheduled?

Mr. Carlee said we will try to get some calendar options to you before Christmas so that you have a good idea of what to be prepared for in January.

Mayor Clodfelter said we still have Storm Water waiting; we haven't even touched Storm Water yet.

Mr. Driggs said I just wanted to report we had a great meeting of the Ballantyne Breakfast Club in District seven on Saturday morning attended by a capacity crowd of over 150 people at which NC-DOT presented C-DOT; the General Assembly was represented, the House and Senate, Councilmember Fallon was there. It was a pretty lively discussion and I think one of the main take-a-ways was people in that area feel the private sector is being relied upon too heavily to tend to our infrastructure needs and are hoping to see more attention paid to areas like Ardrey Kell and some of the most congested roads in the area. It was a very successful meeting and I wanted to particular

mpl

acknowledge Ray Eschert for his efforts in organizing the Ballantyne Breakfast Club meetings; it is a great social service.

* * * * *

ADJOURNMENT

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 8:47 p.m.



Emily Kunze, Deputy City Clerk

Length of Meeting: 3 Hours, 33 Minutes
Minutes Completed: December 30, 2014