

The City Council of the City of Charlotte, North Carolina convened for a Legislative Breakfast on Monday, December 15, 2014 at 8:37 a.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Claire Fallon, Vi Lyles, Greg Phipps and Kenny Smith.

Absent: Councilmembers Michael Barnes, Patsy Kinsey and LaWana Mayfield.

Members of the Legislation present were Representative Rob Bryan, Representative Charles Jeter, Representative-Elect John Bradford, III, Representative Tricia Cotham, Representative Becky Carney, Representative William Brawley, Representative-Elect Dan Bishop, Representative Carla Cunningham, Senator Jeff Jackson, Senator Joel Ford, and Senator Jeff Tarte.

City Staff present were City Manager Ron Carlee; Deputy City Manager Ron Kimble; Assistant City Manager Hyong Yi; Assistant City Manager Debra Campbell; Chief Financial Officer Randy Harrington; Chief of Staff Carol Jennings; Senior Executive Assistant to the City Manager Dana Fenton; City Attorney Bob Hagemann; Senior Attorney Lina James, Senior Police Attorney Mark Newbold, Senior Attorney Catherine Cooper; Assistant City Attorney Thomas Powers; Peggy Huffman, Mayor's Office; Antenea Mitchell; Mayor's Office; Holly Eskridge, Mayor's Office; Ashley Simmons, Mayor's Office; Jennifer Smith, Storm Water Services; Sandra Thiry, Charlotte Fire Fighters Retirement; City Clerk Stephanie Kelly and John Muth, Transit.

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WELCOME AND INTRODUCTIONS

Mayor Clodfelter said thank everybody for coming so early on a Monday morning in December. We are doing this in December as we have done once or twice before because we know as you guys get into January how chaotic it gets and from what a couple of you have told me, it is getting a little frantic already in December so maybe we will have to move this back to November next year just to stay a little bit ahead of the pace of things. We thank you for coming and giving up your morning. I know you've got an awful lot ahead of you and we appreciate everything that you do for us and we appreciate what you are facing going into the new session in 2015 and 2016. We hope that maybe one of the things we can do for you in the next two years is be a little less of a headache for you than we were the last session and try to keep our profile a little bit lower and let you worry about other things rather than Charlotte. That is one of our objectives at least this morning.

We've got a fairly straightforward Legislative Agenda and I think most of you know and those of you who are newly elected will get to know, if you haven't already, Dana Fenton is our right hand man on keeping a flow of information going and the flow of communication going. We want you to treat Dana Fenton as if he is an assistant to you as well as he is to us here in Charlotte. I think that is a great way for the relationship to work and you know how pressed you are for staff support on things so if there ever happens to be issues that come up, especially issues involving local government and you need to get some information, you need to ask some questions or you need to run something down, please call on Dana Fenton and use him. I don't think anybody else in North Carolina really has a dedicated Intergovernmental Liaison person like Dana so he is invaluable to us and he can be valuable to you too and hope you will use him. Before he presents let me tell you what we are going to do; we are going to have the presentation and after that we want to have an open mic kind of discussion of anything that is on your minds, City Councilmember or Legislator, either one, anything that you think we ought to be thinking about as we go into the holidays and get ready for the session.

Before we start all of that we get introductions and we are not only going to introduce ourselves but I want to be sure we get all the introductions of the City staff so you know who the point people are in the City Organization and again these are people that you should feel free to call on from time to time. They are here to help you as well as to help us.

Mayor Clodfelter said before Mr. Fenton starts on the presentation let me share with you one bit of news and also join that with a word of thanks. We learned that in the federal budget that this finally got passed over the weekend that there is funding for the next stage of the federal

commitment to the Blue Line Extension and with the support that you guys in the Legislature gave us last session, which we greatly appreciate, that means we are on schedule and that calls for an opening of the Blue Line Extension in the early part of 2017 and it looks like barring some problems we are having with some construction delays, at least the funding side is there and we really deeply appreciate the support you have given us over the years. Now the feds have come through for us it and it was touch and go for a little while there, but thank you again for that and we look forward to inviting you all to the opening in April 2017.

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2015-2016 STATE LEGISLATIVE AGENDA

Senior Executive Assistant to the City Manager Dana Fenton said thank you for that very nice introduction during your time when you were speaking before. On behalf of my colleagues thank you for being with us this morning. I'm looking forward to working with each and every one of you in the next session of the General Assembly and just so you know I view today as the first step in a process. We understand you will have many questions about the City's Legislative Agenda and also by working with department staff we are going to get those questions answered for you. We will try to have them today and if we don't have them today we will get them to you at some point very soon. We understand also that over the next several weeks you are going to have a lot more questions come up by way of talking with your colleagues up in Raleigh and you are also going to have some perspectives to express. I just want to let you know that we are here to listen, to answer your questions and to also let you know that we respect everybody's perspectives on the issues. Without further ado I'm going to go right into the Legislative Agenda.

I'm going to try the PowerPoint this year and we've got lots of points on the PowerPoint but I will try to add some more to them as well. The first issue is a Replacement Source of Revenue for the Privilege License Tax. We were really gratified last year when the Governor and many Legislative Leaders came out and publically committed to finding a replacement source of revenue for that tax. In fact the Governor reiterated his commitment to that this past Thursday at the North Carolina League of Municipalities Advocacy Goals Conference in Raleigh. As I am sure most of you know the repeal is effective July 1, 2015; it is an \$18 million source of revenue that goes to the General Fund which of courses funds Police, Fire, Solid Waste, local roads and streets and other programs. It is about 3.5% of our General Fund net revenues and the choices that the City Council is going to have to consider is to reduce services, find further efficiencies or even look at a property tax increase which would be about two cents at \$18 million. We are working very closely with our partners at the League of Municipalities and the Metropolitan Mayor's Coalition to look at other revenue options.

Mr. Fenton said I will pause after each of these slides in the event that anybody has any questions.

Mayor Clodfelter said we don't have a specific proposal for you on this; it is just a generic issue that was left over from last session and we are committed to working along with you and the leadership of the General Assembly on how to approach it. Again it is an important issue for us and that that is why we had on the agenda.

Senator Jeff Tarte said Mayor just so you know I was on the recent Senate Caucus last week and this was a topic we recognize has to be discussed. I don't know if there are any solutions or proposals but everybody is open to conversation around it.

Mayor Clodfelter said and we are open to engaging in those conversations with you.

Councilmember Driggs said we are working with the League of Municipalities on a solution, a coordinated approach to try to recommend some solutions so that you don't get input from all over the place that is contradictory and hope to have a unified recommendations with them.

Councilmember Howard said a question for Senator Tarte, is that happening on both sides of the Legislature; is the House talking about it as well?

Senator Tarte said I didn't get the chance to sit in on the House Caucus so I will defer to my colleagues on the other Chamber.

Representative William Brawley said I think Senator Rucho is driving that issue; I may have some opportunity to weigh in on it, but won't speak about that further for fear of jinxing it.

Mr. Fenton said the next issue, Storm Water Management: in the last session the General Assembly granted Mecklenburg and Wake Counties the authority to undertake cost effective flood control solutions on private property and the sponsors of that legislation included Representatives Jeter, Samuelson and Moore. What particularly the County was looking for was the ability to go onto private property with the property owner's permission and do things other than just purchase the property and demolish the structures, but also look at elevating structures and retrofitting structures so that these would be more cost effective solutions; you wouldn't have to spend as much money to make these improvements. You could also keep that property on the tax rolls. It turns out that the City operates a storm water utility just like the County does and I think you are going to see this replicated around the State as well, especially in Mecklenburg and Wake Counties. Our storm water authority is under a different part of the statute, but it is nearly identical for all intensive purposes. In order to minimize any challenges there may be to our undertaking these cost effective solutions on private property, we are asking for the same authority as was granted to those two counties last year. You will see in the package that we are asking for that authority for the City of Charlotte; by saying that we are not saying that other cities should not have the same powers and I know that some other cities may desire to have this same authority as well. I do understand that there was quite a bit of discussion two years ago in both the House and Senate about how far to go with this and it was decided to keep it just for Mecklenburg and Wake Counties. We would be glad to work with you if you would like us to get together with the other towns and cities to see whether they would like to be part of this, we would be glad to undertake that for you.

Representative Elect Dan Bishop said I recall from serving on County Commission that there was some sort of functional consolidations in the Storm Water work between County and City so that the County handled major projects and the City did minor property specific ones. How does that play into this and if you are seeking the same authority that the County already has; are you not talking about duplicating something that you have previously taken care to separate?

Mayor Clodfelter said the division of responsibility is based on the size of the stream and in laymen's terms it's more technical in that the way it is allocated, but essentially the County handles the larger streams and major branches, the City the smaller ones, so there is a geographic break in authority essentially, but we would like to be able to do the same thing the County can do in their areas. Right now the only authority we have if we've got a structure that in a flood prone area the only thing we can do is buy it and tear it down. The legislation we are asking for would give us the option if the property owner wanted to stay and all they really needed to do was to get the foundation of the house raised up a little bit and that would make it immune from flood damage. This would give us the authority to do that rather than go the property and tear it down. That is essentially what the County was asking for. On the streams that we manage we would like to be able to do the same thing.

Mr. Bishop said so it is a question with the County's authority and what the County has previously been tasked to do, handle the major streams and it is only going to apply this solution on major stream related properties and therefore a smaller stream the City would typically handle cannot but you are going to maintain the same division of responsibilities going forward even if you both have this authority.

Mayor Clodfelter said it has worked pretty well, the allocation of authority has worked pretty well; that was worked out about 25-years ago and it has worked pretty well, but this is just a tool, a more cost effective tool and a lot of property owners would prefer this than having their houses bought and torn down so we just want to be able to offer that same option.

Mr. Fenton said moving on to the next issue - Street Gang Nuisance Abatement; back in 2012 the General Assembly passed the North Carolina Street Gang Nuisance Abatement Act and three of
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the co-sponsors are members of our Delegation; Representative Brawley, Representative Cotham and Representative Moore and we thank you for your support of that legislation. What this legislation allows is for the courts to place a temporary injunction upon street gang or criminal street gang activity. It was first used in the State of North Carolina in the City of Charlotte in the year 2013 and we found there is a short coming in the law that states that the injunctions shall expire one year after entry. That meant that the injunction that was secured in 2013 expired exactly one year later, probably too soon for the good of that neighborhood. We are requesting that the Courts be given the requirement to review these gang injunctions one year after being issued. It also authorized the Courts to extend the injunction upon good cause shown by one of the parties and that is in addition to the current list of authorizations for the Court to modify, rescind or vacate the injunction. More specifically here in Charlotte, we were able to secure this injunction in the Hidden Valley Neighborhood and that action was supported by the neighborhood and I think there are probably quite a few people who would have liked to see this injunction extended because there is a public nuisance lawsuit proceeding right now against that criminal street gang. It would be nice if the injunction were to be in place for as long as that nuisance lawsuit is pending.

Representative Carla Cunningham said because I'm covering Hidden Valley, that is in my district and we have spoken about this piece of legislation and I support the piece of legislation but additionally I am happy to see that it not only will be looking at Hidden Valley, the scope will be way beyond that so that not one community is getting that label. I really appreciate you all working on that.

Mr. Bishop said what is the practical import of this? It seems a little strange to me for a lawyer getting an injunction against a street gang from doing things that are illegal. How does this work, and what benefit does it provide?

City Attorney Bob Hagemann said my understanding is that actual individuals are named in the injunction so the order is attached to particular people who have been engaged in street crime on criminal gang activity. They are prohibited from congregating as a group is one of the key tools. You are right it does prohibit criminal activity that could be prosecuted directly if proven but it creates sort of a prophylactic court order to not engage in that kind of activity within a geographic area. We've used it once is my understanding and I believe the Police believe it to have been effective.

Representative Elect Bishop said I saw Senator Ford's brow furring in some of that and mine was too and folks who are subject to these injunctions already been convicted or are they people who have not been convicted of a crime who are having otherwise their civil rights restrained by the force of an injunction?

Mr. Hagemann said I did not work on this personally; let me get the people who know more specifically how we did this and we will get you that information.

Mayor Clodfelter said my understand is that you all have not yet organized officially as the delegation and elected your officers, but at such time as you do, if you would like to get follow-up presentations at any of your delegation meetings you know we will make the people available and on this one for example, it may be Dana or we might want to have the Chief or someone from the Department offer to give a supplemental briefing to the delegation.

Representative Elect Bishop said I apologize in advance; I'm a newbie so these issues are new to me. I'm sure some of the folks sitting around the table, it is old hat.

Mr. Howard said just to point out following Representative Cunningham's comments, when we talk about this in Committee I also wanted to make sure that when you say "extend" and do that for certain increments and not have it open ended. Part of this if you delve into it a little bit more is actually saying either six months or one year increments so that a neighborhood doesn't continue to have that label just ongoing. When they start to improve, they lose it or a judge recommends that you not do it because there are improvements so that is another piece of that if you go into that a little bit more.

Councilmember Phipps said one of the ironies that I found with this particular law or ordinance was that in as much as you have this one year period where the injunction has proven effective, then when it is time to expire I think it is sort of hard to show reasonable cause to extend if you don't have any incidents to show for it because it has proven so effective. That was one of the things if we could somehow get to a point where we could correlate the time to if there is a criminal complaint being investigated against the gang activity then that would be good, but I always thought it was almost like a circle to the extent that the law is effective, that you don't have any incidents to show reasonable cause to extent, then that becomes a challenge. Hopefully this will be something that would alleviate some of those concerns.

Mr. Fenton said we are working with the Metropolitan Police Chief's Association as well on this.

Moving on to the next one we now have two local issues we would like to bring to your attention. The first one is the Civil Service Board; the Civil Service Board was established in 1929. It is a seven member Board that reviews and approves appointments, promotions and disciplinary actions for sworn police officers and uniformed firefighters. It meets monthly to consider those appointments and promotions and meets as needed to hear appeals of disciplinary actions from police officers and uniformed firefighters. These appeals usually last about two to three days and this is where we get into a little bit of a fix; because the hearings do take a lot of time out of somebody's schedule you can't always get enough Civil Service Board Members to attend the hearings so it takes a long time to get the hearing scheduled. At the same time you have to figure into the schedule the availability of the police officer or firefighter, their attorneys, department staff and others as well. The upshot is that the hearings are being held on average five months longer than what is required by the City Charter. We believe a good solution for this is to enlarge the membership of the Civil Service Board so that we have a larger pool of members to choose from for these hearings. Some of you may think well, haven't I seen this before and yes, it was raised two years ago.

Mayor Clodfelter said I think it passed the House if I remember right; no, I thought it passed one Chamber or the other.

Mr. Fenton said this one was introduced in the Senate, but I don't think it was considered at all.

Senator Tarte said I guess the question is are the hearings a subset of these Boards or they require a quorum, so if it is quorum are you assuming getting five members out of nine is easier than getting four out of seven?

Mr. Fenton said yes, right now the requirement I believe is three for disciplinary actions and how many for –

City Clerk Stephanie Kelly said five for discharge.

Mr. Fenton said five for discharge and three for suspensions. We would actually request that those quorum numbers remain the same for the hearings and for the suspensions three out of nine and for terminations five out of nine.

Senator Tarte said who appoints; is this a City Council appoints?

Mr. Fenton said Mayor and Council.

Mayor Clodfelter said Representative Jeter joins us and has a question.

Representative Charles Jeter said sorry I'm late the toll roads aren't built yet. My question is if we are only get one bite at this apple for the lack of a better term, are you sure that nine is enough? My only question is if you have to have five for discharges, if you've got to have all these other things should we not look at 11 to make sure we don't have to come back in two years and do this again. I just want to make sure we only do this once.

Mr. Fenton said it is always a balance between when you create these Boards how many members to put on there and then in this case how many members you need to have for a quorum

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for these hearings. We've talked a lot about this over the last couple of years and we believe that actually nine is a good start. In the event you would like us to take a look at a higher number we would be glad to take a look at it.

Representative Jeter said it is feasible to do; my only concern is it is going to take us two sessions, assuming we get this done it is going to take us two legislative sessions to get this done, going from seven to nine. What I don't want to do is have a situation where you need to be at 11 and it takes another four years to get it done. Perhaps whoever is thinking about this Bill and drafting it could do nine with an option of 11 or something that would allow the City to do that without legislative approval or something to that effect, just give them the option should they determine, and I'm sure there is some legal way to do that. I don't know law, but I just want to make sure we cover our bases if we are going to do it.

Representative Becky Carney said Dana what was the problem with this Bill in the Senate?

Mr. Fenton said I think it was timing.

Representative Carney said did it go before a Committee, was it heard?

Mr. Fenton said no the Bill was filed but the Bill was never heard in Committee.

Senator Tarte said who filled it, do you know?

Mr. Fenton said I don't remember exactly, I think it might have been Senator Ford or Senator Graham.

Senator Joel Ford said you need to check that; normally when I filed something it at least gets heard; I can't promise you it will pass.

Representative Carney said the reason I ask if it wasn't a problem, if there had been a problem within the Committee, it seems like it is one of those things and I agree with Representative Jeter that if you are going to increase your number increase it so that it works for you and not have a problem going forward.

Representative Cotham said just some background information since this will be before us so that I understand; I recall this being a pretty contentious issue last session and getting a lot of e-mails over this Board. Remind us, when the City Council goes to appoint do you have certain people that you are looking for; how does that process work so that we make sure that everyone in the community is being represented on these types of issues.

Mr. Fenton said for that question I will turn it over to Stephanie Kelly who staffs the Committee.

City Clerk Stephanie Kelly said the membership, there are no special qualifications; only for the Citizens' Review Board are members required to have completed the City's Citizens' Academy. It is open to any citizen that is a registered voter in Mecklenburg County and they are notified in various ways, by our website and we also have the ability for people to be notified when there are Board vacancies and also we try to publicize in the Charlotte Observer. We get the word out and the applications come to our office and are forwarded to the Mayor's Office and/or to the City Council whichever ones are making the appointments for their review and consideration.

Representative Cotham said you said voters within the County so not just specific to the City of Charlotte?

Ms. Kelly said right.

Mr. Fenton said also Representative Cotham there was some discussion last year around the Citizens' Review Board.

Representative Cotham said yes, I think I was in error there, I apologize, but thank you, this is helpful.

Representative Elect Bishop said out of curiosity, you said the hearings are being held five months late; what is the requirement in the Charter?

Mr. Fenton said not less than 15 days nor more than 30 days.

Representative Rob Bryan are these folks paid like a per diem, are these members compensated at all?

Ms. Kelly said they are not compensated; they are all volunteers. Some of them, for example we have one Board Member that is a private attorney, private practice so if he is not in his office for two to three days it has an impact on his business and there are others that have jobs that they have to juggle as well.

Representative Bryan said try being a Legislator.

Representative Cunningham said one last question about the diversity of this Board; how diverse is this Board and I'm not just looking at gender I'm also looking at all things that are diversity as far as profession. It is just anybody can be on this Board and are they effective by just having anybody on this Board?

Mayor Clodfelter said we can get you a list of membership that shows also; I think every time I get an open appointment I get a whole bunch of criteria about the composition of the Board, who is on it now and what kinds of people are on it and their backgrounds and we can get that for you. Dana, I guess we can distribute that as a follow-up?

Mr. Fenton said we can do that.

Representative Bryan said whether it is nine or 11 or anything else that will help make sure that the process happens in a faster way and that we don't have to revisit it I think would be great.

Representative Carney said has this request been made prior to the 2013/2014 session?

Mr. Fenton said I believe there was a request several years ago to increase it from five to seven members and also there was something with alternates. At one time there were alternate members and the City did request that the alternate members just become regular members of the Board.

Mayor Clodfelter said to Representative Jeter's point, that didn't work.

Representative Carney said I think if we could find out; I was trying to go back in my mind, I thought we had this before and it would be nice to know what the problems were, but I'm sure we are going to find out what they were when we file this.

Mr. Howard said I know a member of the Board and I actually texted them while I was sitting here but the response was there is too many different combinations, if you go more than two, too many different combinations and inconsistency in decisions. If you've got too many people then you have too many alternates that you can go to and you don't have consistency from case to case. I think they are asking for two just because they need a little leeway but not so much that it becomes, you just kind of grab five at a time and now you don't have consistency.

Mayor Clodfelter said as Dana said this is the beginning of our conversation and I suspect we are going to be talking about some of these with you more at delegation meetings. I don't know what your filing deadlines will be, but we will try to get these kind of questions ironed out before you are bumping up against any deadlines.

Mr. Fenton said the last issue; Charlotte Firefighter's Retirement System; there is a separate Retirement System for Charlotte Firefighters, it was established in 1947 by the General
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Assembly and it covers just uniformed firefighters. Periodically we have to come back to the General Assembly to get some changes made to the Act in order to comply with Federal or State Law, with court decisions and other things like that. The last time we sought a change was back in 2010, my first year with the City, and in 2015 we need to seek some amendments to it as well in order to comply with three different Federal Acts, the Pension Protection Act, the Heroes Earnings and Relief Tax Act and the Worker, Retiree and Sponsor Recovery Act. The changes, we have been told, are technical in nature; there is no physical impact at all to the system from these changes and the IRS informs us that the changes need to be enacted by January 1, 2016 in order for the system to maintain conformance with the Internal Revenue Code and also maintain its status as a qualified pension plan.

Senator Tarte said I know this has been discussed in PED and Becky and I both sit on PED and it is one that is not going to be much of an issue. You never know until you get there, but it should be pretty straightforward.

Mayor Clodfelter said it is always the ones that you think are not going to be the issues that surprise you.

Mr. Fenton said thank you very much and again we will be glad to get answers to all the questions we couldn't answer now and again this is the beginning of the process and we will be working with you for over the next seven to eight months.

Mayor Clodfelter said it is a short list and I hope that is good for you because I know you've got a lot of big items that you've got to wrestle with statewide importance to us and to everybody else, but what we said we would do here is also if there are any other issues that any members of the Delegation want to get on the table for us to think about here or issues that members of the City Council want to surface now that may not be in the form of a Bill or anything like that, it is open mic time so that is part of the purpose for the breakfast.

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ROUNDTABLE DISCUSSIONS

Senator Jeff Tarte said one issue to throw out and again Becky and I were talking about it earlier this morning and Bill and I have been working on in some discussions is the reval and there is issues with property owners that where there is an increase in your property versus the \$22 million I believe we've refunded to date countywide on the reval where those were inappropriately overvalued. The ones that were undervalued that increased, we've got an anomaly where people who owned the property, the intent was always to be if you owned it from 2011 and any part of the year and you had an update you would be liable for the tax liability. Conversely if you'd paid the tax refund and you are no longer the owner, the person who paid the tax is the individual who will receive the refund, not the current property owner, while there is a little anomaly in that you've got people who didn't own the property in the year that was an up tic that are now getting assessed the increase and the intent is to go back. I've talked to Lions Gray in DOR and there is statue that he believes gives the County the flexibility not to issue that tax bill but there are some questions so we need to get that ruled on, but regardless we plan to put a technical correction in the Bill that will not allow a person who didn't own the property at the time of the increase in value to be taxed. We've got 2011, 2012 and 2013 most likely that would be affected; three tax years. The total amount of money is less than \$250,000 and we know some of those still own the property so it is less than \$250,000 and what most likely will happen is that will be uncollectable and non-billable taxes and that is how we will deal with it.

Councilmember Smith said what are they doing in the interim because I'm actually starting to get a handful –

Senator Tarte said in the interim I guess you could argue one way or the other and not pay it but then I don't know what the legal ramifications are. Probably the right answer is to pay it and then part of the answer will be in the legislation; we will require a refund with interest like we did with the rest.

Mayor Clodfelter said it never ends does it?

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Senator Tarte said no, there is always a little “gotcha”.

Councilmember Driggs said there are actually a bunch of topics that we could be talking about, two numerous to go into; design standards, protest petitions, economic development, sales tax allocation, STI, Digital Dispatch, Anti-Profiling, the Gardner Report. I say that just because each of these is a subject that we need to engage on and there will be a lot of conversations. I would like to mention, as the Chairman of the Intergovernmental Relations Committee, the general issue since we are all here and this is a rare opportunity of our working relationship between City Council and the General Assembly, I know from my trips to Raleigh in the course of the past year there are a lot of currents and tensions there, needless to say the Airport situation is stressful for everybody. I think there is a perception in Raleigh that Charlotte is arrogant, and I’m speaking plainly here, there is a perception in Charlotte that Raleigh is trying to undermine the local authority of municipalities. I would like to sort of put the general question out, what can we do to have a constructive relationship to recognize that we all serve the same people and are trying to achieve basically the same goals. We did talk in Committee about the need to have more personal engagement on the part of members of Council so that we are better acquainted with each other personally. Certainly from my own experience traveling back and forth between Raleigh and working with my colleagues on Council, I hear some of the things that people are saying and it just doesn’t fit with what I know about people on the other side and some of that possibly comes about because of a lack of kind of personal acquaintance and engagement so I would like to just throw that out and hear whether anybody has a comment on it.

Representative Charles Jeter said Councilmember Driggs I think you bring up a good point, but there are a couple things that we’ve got to understand; putting the Airport issue off to the side for a second. One of my concerns is and coming from City Government myself, is you made the comment and this is something I think goes to a broader idea how we approach each other, not only in these rooms, but in the media. You just made the comment that we are encroaching upon municipal rights. The reality is, and I’m not arguing whether it is good or bad, in North Carolina.

Mr. Driggs said I said it was a perception, but okay.

Representative Jeter said I’m sorry, but there are no municipal rights for the most part. There are very limited municipal rights in North Carolina under statute and I’m not arguing that it good or bad I’m just telling you that is the reality. What we need to do then is figure out language to address that instead of; we are guilty on both sides, both sides of government and both sides of the isle. If we really want to address how we are going to handle municipal rights, which as a former City Councilman I actually agree 100%, the answer is not the criticism on either side or the defense of it on one side; it is what are the resolutions and statutes to fix it. I think that is the one thing that I wish we were able to come together and figure out. What can we take away from State Statute to allow the municipalities to have some authority and have control over their own destiny that doesn’t currently exist? Too often we talk in generalities and we don’t talk in specifics and until we change the specifics of statute the reality is it is not going to change and it will probably get worse. So I would recommend some organization, perhaps a Task Force, perhaps working with other major cities and smaller cities across the State and figure out what is acceptable on both sides, because Tarte comes from the City, kind of, Cornelius; it’s a suburb of Huntersville. We’ve got Matthews over here; we’ve got a lot of people in this Delegation who understand the importance of cities and want to make cities add more autonomy. Where the rubber meets the road is talking in generalities for specificity and what I would challenge all of us to do is figure where there is common ground and let’s change the Statute instead of arguing over a global concept that the reality is North Carolina is a Dillon’s Rule State and the truth of the matter is that it probably is not going to change anytime soon. So how do we adjust it to make sure that cities like Charlotte, Huntersville and the others are protected? I think that is a legitimate concern, a legitimate issue, one that I fully support, but we’ve got to get specific. We can’t be arguing generalities and that is my biggest problem with that issue. I think if we do that we will find a lot more common ground on both sides of the isle and in both Chambers.

Representative Becky Carney said I’ll add one other comment. Last week at Revenue Laws in Raleigh, Representative Brawley and I serve on that from Mecklenburg as well as Senator Ford

and Representative Alexander. We had a presentation and at first I don't think we were quite sure why we had that presentation at that meeting, but it turned out that it was a very good presentation from the Institute of Government. It was about the very issue you are talking about; the responsibilities of the State, of the Counties and of the Cities, municipalities, and they had good charts, good graphics that laid out what those were. I think from the very beginning of what needs to happen is having come from local government here, for six years, is that understanding of what our roles are and where do they mesh together. When we understand that as different governing bodies, then we can start working together. I think there is a perception; when I was on the County Commission and local governments across this state, and maybe across the country, have the tendency to blame the state whenever something goes wrong locally, we blame the state and when I went to Raleigh I apologized to some of my colleagues that were there and said wow, some of this is not really the state's responsibility, some is the local government's. I think if we get off on the right foot this year with having a joint meeting, if you will, that we could have that presentation from the Institute of Government and a dialogue from there of where do we go forward and I think that was the point maybe of Revenue Laws hearing that as the T-up for something that we might be dealing with coming up this session. Whether it may be Bills that may be filed that say we are going to give locals the authority to take care of your roads, whether we go that direction or not if we are going in any of those more control to the local government, more responsibilities, I think we all need to have that understanding collectively at the table together of what it means right now.

Senator Jeff Jackson said Councilmember Driggs, your comment is absolutely accurate; that perception is alive and well. In what I saw every time someone stood up on the floor and reminded everyone that Charlotte is the economic engine, you could see everyone not from Charlotte bristle. The same thing with someone from Raleigh or Wake stood up and said we are an economic engine, everyone bristled. Despite the fact that it is obviously true, I think we need to watch our rhetoric because rural North Carolina is in charge in the General Assembly. That was the major political shift in 2010 by my likes and the more often we remind them that they depend heavily on us the more resentment we build, and like it or not, if they resent our proposals, our proposals are doomed. When we get there everyone at this table we will go on different sides and we will disagree a lot, but in this room we all stand for Mecklenburg, we all stand for Charlotte, we get it. There have to be a few key issues where we all come together. I think Representative Carney made a great point if we get our delegations formed sooner rather than later we can identify some of those key issues and we can develop some rhetoric that will go down a little easier and simply standing up and using the microphone at our desk and saying we are a very important county, all the surrounding counties depend on us, we need this transportation accommodation, we need this economic development accommodation, those arguments don't go over well. You've got to really be soft about it and that is going to take coordination. We can do it, we have the time and everybody is here already; we all care about these issues. I'm optimistic I think we can do this.

Mayor Clodfelter said I want to pick up on that theme though, we do need your help on that dialogue and we do need to find a way to have that discussion with our colleagues across the state in a way that doesn't cause them to bristle because if we can't have a common understanding on the facts on that then we are at real risk, all of us. They are as well as us. At the end of the last session there was some discussion surfaced about the idea of redistributing revenues from large urban centers to rural and small towns in the state. I heard that and I listened to that and I understand where it is coming from. I do; I grew up in one of those communities and the economy of where I grew up is in shambles. It is destroyed, but it is not going to be remade or reenergized or repositioned by taking a little money from the urban areas of the state and redistributing it across hundreds of similar small towns and rural communities in North Carolina. It is not going to happen and if you take \$100 million of local revenue from Raleigh and Greensboro and Fayetteville and Ashville and Charlotte and you spread it out across those hundreds and hundreds of small communities in the state you will do nothing to remake their economies for the 21st century, but what you will do is you will ensure that the large urban areas no longer have the competitive edge to ensure that they can bring an Electrolux to North Carolina or a new Belgium Breweries to North Carolina or can build a support base for our healthy entrepreneurial growth in innovation industries in North Carolina and everybody loses there. That increment of money is not going to save the rural areas, but that increment of money is what gives us the competitive edge to put in that special piece of infrastructure or that special

support service that makes North Carolina attractive to the companies that want to locate here. That is a message that is vital for all of North Carolina, and if we say it the wrong way, you are right, it is a turn-off, but we do have to find ways to engage our colleagues from rural parts of the east and rural parts of the west so that they come to the same understanding of that. We are all going to lose and it can be a lose, lose fight. I hope it doesn't go that way.

Mr. Tarte said that is going to be the things I think collectively we need to figure out; what are the issues that are going to make significant impact. As you know better than anyone in here, the recognition and the difference between local bills and public bills is all the Legislators get with the 15 county difference. There are things that will have flexibility and ease and move quicker, things that we keep local, but sales tax redistribution or the redistribution of sale tax is definitely a topic. It feels like an ideological oxymoron or a shift here that all of a sudden our side of the isle is engaged in that conversation and it hasn't started, but it is going to start. I believe that is an issue that is going to come up again in this session so how do we become advocates for a sound solution that is workable for Mecklenburg County in a large urban area? I've heard things and I don't know the facts and I don't know the details, but part of the talking points of the messages are we need 100 strong counties, not 15 strong counties and I hear the way the formula is depending on what may be bantered about and I haven't seen any of it yet. It would actually help a region like Charlotte that would come out positive. I don't know how when you are saying you are going to be a tax exporter that is a positive, but those are things we need to understand and we are going to need resources locally that have expertise in those to help us understand those issues and implications and engage early. That is the key, engage early so we have some hand in crafting the direction rather than reacting at the end and then just making it a buy in area action which is vote and push the green button or the red button.

Mayor Clodfelter said it is a life critical issue; if the redistribution that has been under discussion occurs it will cost Mecklenburg County communities \$90 million. That is just kicking a hole in the bottom of the boat, but again if you distribute that across the state it is not going to solve the educational problems in Bertie County; it is not going to take care of mental health issues in New Hanover County; it is not going to recruit industry to Green County. It is not going to do it and that is the message we've got to be sure it gets through.

Representative Carla Cunningham said two things we probably should be thinking about is the Ferguson situation with young people in the community and economic development. One of the things that I've seen; and I've been around a while, maybe not a politician, but I've been a community activist and one of the things I've seen is that we zip code people economically and when incentives are given out we don't go back and look at those zip codes that people are economically not striving. We get the companies to come in and we give them so many million dollars to come in and they promise to fill so many jobs but we don't go back and say well these people over here have contributed tax dollars as well. We can have 50% of you all to come in and maybe we will give you 25% jobs but we are not looking back at those zip codes that are not economically striving. That is one of my concerns and last week I was at Leadership Charlotte and a Police Officer approached me and we had a good dialogue and one of the things he talked about is mental health, that we don't have enough beds in the County or the City to take care of our youth people. He talked about the time that the Police Officers have to spend transporting people to mental health, having to stay with them at mental health and he brought up the concept of possibly crisis intervention behavioral health sites. That is something that is strongly on my mind; I know that we would have to go to CMC or Novant and the Police and do dialogue but that may be an option so there is better understanding of mental health going on, even though the Police Officers are trained, everybody is not trained. Everybody does not have that expertise when they arrive at a home that is being challenged with an individual. That may be something that we can start looking at and thinking about and dialoguing with the Police Department about. That way their man hours are not spent not effectively and then the other people are resourced to the needs that they need to get to.

Mayor Clodfelter said what Representative Cunningham touched on reminds me of something we ought to share with the delegation. Some of you may be aware of it and some of you may not, but we ought to get you more closely plugged into it, regardless. That is the City, the County, the Foundation of the Carolinas and support from some other foundations have kicked off an effort to have a deep look in the Charlotte community at what I call the two lands of Charlotte;

the land of opportunity for the new comers, the relocated businesses and then the land of non-opportunity for the folks who are already here. The Mobility Task Force is going to be starting to work in January. We consider it a really crucial effort in the community and I want the members of the Delegation to have as much information and engagement and involvement in that because it is really your community too. We want to be sure you are engaged in that. It is a really important effort.

Senator Joel Ford said I just want to start out by saying thank you Manager Carlee for staff. As a first year Legislator it could have at times be overwhelming with the amount of information that is coming our way as a freshman Legislator and having different committees and at the speed and the pace it is good to get additional resources as legislation comes our way that does have an impact, whether that is going to be positive or potentially negative on the City of Charlotte and Mecklenburg County, so I want to encourage you and encourage your staff to continue to provide us with that information and where possible the historical context so that we can help articulate an argument to our colleagues around the state and in a manner hopefully, Senator Jackson, that our colleagues will be able to receive. I do know of some successes that we had last year in working with staff on some legislation that came about; it wasn't sexy work, but when you see legislation that is coming around that people are not thinking about because of the uniqueness of being an urban area that perhaps somebody who has good intensions are not thinking about. City Council, when you are making these decisions I want to continue to encourage you to do the best on behalf of the citizens of the City of Charlotte but I've seen too many times across this state when local folks don't get their way locally, they come to Raleigh. I've seen Legislators draft legislation in the middle of session to try to bring about a turn and so our Airport is an example. A zoning issue in Wake County, Durham is another example, Doreatha Dix is another example so I just want you guys when you are making these decisions to be conscious, and I hate to use this term, but big brother is watching and listening and I don't want the state unnecessarily to have to come in and I use this term often and I probably should watch it, but the state at times is micromanaging our cities and I really would like to try to get away from that. As you guys continue to do the work of the City, set these ordinances and policies that are going to affect citizens, just keep in mind as you continue to provide us with the communication and transparency so that you can empower us so that we will have this information and when constituents call us we will know what is going on. And again, not everybody may have my sentiments or the feelings that I have about the City of Charlotte because again everybody has different priorities and everybody has different issues that they are focusing on, but this is a home for me. I have a daughter who is in public school, my wife lives and we work here so I want to make sure that we create the kind of environment that everyone can be successful, but we can only do that with each other. I just want to say thank you again; I'm looking forward to the upcoming session and I'm also looking forward to working with the staff members of the various departments because what I do know is that I'm smart enough to know that some things are coming that we are not aware of yet so we are going to have to work together.

Mayor Clodfelter said I don't want to cut this off but we've held you past time; we will stay if you want to stay because this is important discussion for us and we are all on the same team here and we don't get enough chances to do this.

Councilmember Fallon said I want to go back to things that affect the City more than the rural areas and that is digital. I've had eight months of hearing as Chair of Public Safety on Uber and Lft and gotten nowhere. Now the State has not allowed us to make any rules for it; I'm waiting for you guys to decide how you are going to handle it because there is no point in me making rules that are going to be upset. It is an important thing for the larger cities; I don't think it impacts rural the same way, but it has become a problem because they are not only into cars they are into helicopters and renting apartments and it is going to go from there, things that we never even thought of. We have to have some kind of rule or ordinance in place that protects the public. I don't know if you have seen it; lately Uber is getting into a lot of trouble all across the country and we can't sit here and not have some kind of a way to handle things when it becomes a big problem for us. Bill, have you decided anything yet; do we know what committee it is going to?

Representative William Brawley said I thought I was being real good today. I've made the commitment to you; have the opportunity to weigh in on any draft Bill. Revenue Laws Committee received a presentation; there was a discussion by the Chairs that it is not a revenue issue, it is a regulatory reform issue. I do not know who the Chairman of the Regulatory Reform Committee will be; I'm pretty sure that I will be involved with that Bill. Other than that there is nothing I can tell you.

Ms. Fallon said we'll keep in touch and see where we are at. Do you know how soon that will be; will it be right after January when you get a Committee?

Mr. Brawley said I don't know what Committees I'm going to have, so I don't know.

Mayor Clodfelter said I think we've come about as far as we can get this morning.

Mr. Brawley said you have my personal word that I will involve you with any Bill with which I am involved. Beyond that there is no commitment I can make on behalf of the 120 members.

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CLOSING REMARKS

Mayor Clodfelter said we did a little different this morning and I hope this works for you; we didn't let you sit at little tables in clusters and I hope that works for you and we did have just an open-ended discussion at the end and I hope that works for you. Maybe we can do more of this; we really want to. I view the Airport situation as the exception that proves the rule, the rule being that this Delegation and this City Council for a generation have had a really strong partnership and sometimes you need a bump in the road to remind you of how good your relationship can be and why you don't want to really jeopardize it, so maybe that was our bump in the road and we want to kick it off with the new session of the General Assembly in the old partnership way; we are committed to that and we know you are. We thank you all for coming this morning and you will be seeing a lot more of Dana and I said use him as your own resource and hopefully you will see a lot more of us in good circumstances.

The meeting was adjourned at 9:43 a.m.



Stephanie C. Kelly, City Clerk

Length of Meeting: 1 Hour; 6 Minutes
Minutes Completed: December 17, 2014