

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, February 23, 2016 at 5:16 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

ABSENT: Councilmembers Michael Barnes, Ed Driggs and Claire Fallon.

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Clodfelter said Madam Clerk, I have Item No. 28 has been pulled from tonight's agenda; do you have any other items?

Deputy City Clerk Emily Kunze said Councilmember Howard wanted to pull the following items for comment; Items No. 31, 33, 35 and 36.

Councilmember Mayfield said Ms. Campbell is working on Item Nos. 34 and 35 for me.

Mayor Clodfelter said Mr. Howard there were several items that you marked for comment and we didn't know whether you wanted to comment on them in here or out on the floor.

Mr. Howard said downstairs. I can tell you all that I am surprised to see the MWBE numbers, the DBE numbers and the SBE numbers and how great they were and I just think we should point that out on camera downstairs. In one situation I think the goal was seven and they got 23.

Mayor Clodfelter said do you want to do that on all four items or do you want to make one comment on one item relative to the four?

Mr. Howard said I will do it on the first one and then we can move approval on the rest of them.

Mayor Clodfelter said we will let you make your comment about the four items on Item 31 and then not pull Items No. 33, 35, and 36; and then Ms. Mayfield has Item No. 34 pulled.

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ITEM NO. 2: CODE OF ETHICS, GIFT POLICY, INVESTIGATION PROCESS AND DISCLOSURE REQUIREMENT

Councilmember Howard said we talk about this one an awful lot; probably more than anybody at this table knows. There have been a number of us that have been really taking seriously the ethics issue and to be honest was not something that I think we would have dealt with if it were not for the actions of one of our last March. You've heard parts of this and part of it started with us talking about what were the low hanging fruits of this conversation we could take on first and that was dealing with the hotline for employees which we will get somewhat of an update tonight from Greg with the internal audit, then there is the conversation we had about permitting and rezoning and the influences on those processes and we will get an update on that tonight as well. The last thing had to do with our own policies themselves. I am very pleased with this and I think this is probably the most far reaching, strongest ethics policy that Council has seen in a long time. I think Bob is going to give us a lot more on each one of them, but I think we should be proud of these; I'm hoping that we can get through this tonight. I've heard that there are some other issues that are of concern; I've heard it from you guys as well as from the media and if there are additional things that we want to take on to do that, but I would ask that we at least get through this first part tonight. Just so you know, the next thing up for the Committee will be looking at our Boards and Commissions and we also heard in those investigations last March is there seems to be some undue influence or insinuated issues dealing with some of our Committees. I won't name anyone in particular, but we will be looking at those next with an okay of the Council, looking at investigations if there is a complaint against a member of a Board or Commission, looking at what the gifts policy is around our Boards and Commissions, looking
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at what our disclosure is for our Boards and Commissions. That will be the next step so with that I will turn it over to Greg McDowell.

City Auditor Greg McDowell said I just have a couple slides to give you an update and communicate some information that has previously been provided to the Governance and Accountability Committee. We initiated a hotline just this last year and it was presented and proposed to the Governance and Accountability Committee who endorsed the recommendation back in April. We explained that it would promote high ethical standards and provide employees a reporting option. There are several benefits that are available; we believe that this can reduce fraud because early reporting of fraud tends to keep that loss down. It can deter fraud because when folks know that there is an option for people to report it, it can help them make the right decisions and we can identify control weaknesses through analyzing the data that comes in. We can find areas that we need to focus on in audits or in management policies and procedures.

The operations we decided to go with an outside firm, a third party firm who is very experienced with handling this and they can staff it 24/7 365, it is toll free, it is completely anonymous and confidential. In fact it is not possible for you to leave a name; we are still communicating that and getting that across to our employees that if you try to leave a name the third party will not take it down. Phone calls are not recorded; I get a written report with the details and it provides me the opportunity to either do further research, start an investigation or turn it over to Human Resources for their follow-up. The course of investigation is in my hands but I have committed to the Governance and Accountability Committee and to the City Manager to keep them up to date on the types of calls that come in and the level of effort we put into following up these calls. We will make periodic summaries and I will give you a summary of that just down below this slide. It became operational September 12th and in January we met with the Committee and provided them the results through year end which consisted of 12 calls and 11 of those were referred to Human Resources and one was a report that I followed up with a Department Head to address something that needed to be given attention in that Department. That is the overview of the hotline and without any questions I will turn it over to Anne Wall to take the next section.

Mr. Howard said I want to make sure the actual outreach to the employees and what we deal with that to make sure that get the word out to them that this option is there.

Mr. McDowell said it has been in our Employee Newsletters, it has been on line; we've communicated to Department Heads who I've spoken with several of them who have had meetings with literally hundreds of employees. It was featured in the Crown Magazine; the Mayor spoke to that in the Crown Magazine back in late October I believe when the Crown came out. We continue to communicate it; we are working with Corporate Communications to have an overall strategy that will go forward so we are just don't mention it from time to time or just when we think about it, but we will have a strategy to keep it in front of employees and I will use this to editorialize and in fact you can see that most of the calls that have come in have been Human Resources related. We tell folks that we are your third option really; your first option should be to work within your Chain of Command, your second would be to go directly to the City Human Resources for this type of call, the calls that are truly Human Resources, but third if you are not comfortable doing either of those that is obviously an option for the hotline that you can call and again maintain the anonymity and make sure that it gets attention.

City Manager Ron Carlee said I just wanted to add this is also part of new employee orientation.

Mr. Howard said they also showed us where the focus on the complaints were and just for Council knowledge, I don't think any of them had to do with Public Safety at all.

Assistant City Manager Ann Walls said this evening I wanted to speak to specifically about some work that Gartner has done related to inappropriate influence in our development and review process. This information was shared with the Council as part of the Government and Accountability Agenda that went out on Friday; there was a memo from Gartner, but I'm just going to speak to a few points made out in that memo. In May when the City and the County contracted with Gartner to do this work focusing on how we can improve the development and review process, we also asked Gartner to do two things. We asked Gartner to assess whether or

not they could determine if there were any inappropriate influences in our development and review process and also to identify some checks and balances that we could put in that process to insure that it stands up to that. I'm proud to say that as Gartner did their review that they did not find any evidence of any undue influence in our process. They gathered this through interviews and with the development community as well as with staff. They did suggest, as we asked them, to identify ways that we could further improve our process to insure that it is, as much as possible, discrete from influence and their two main points were; number one the best way to do that is to improve the transparency of the process and two, to insure that the process is consistent. With that, Gartner provided 29 recommendations to improve the entire development and review process and five specific recommendations really spoke to this process that this idea of improving transparency and process consistency.

The first item they talked about in which we have talked at length with the Council about is improving the overall governance of the development and review process. As you know a part of that process is overseen by the City and part is overseen by the County and the idea is that if we can improve the governance and it can speak with one voice that further insures that it is not a divide and conquer but we have one clear directive on governance. The second one talks about establishing a customer center, unified service delivery model, the idea is that we need to document and communicate our process from end to end so that all customers understand what the expectations are and how the process would go. That might take some of the mystery out of development review and make it more consistent, more predictable and more transparent. The third item relates to improving access to information and education; again a more informed consumer and a more informed application will understand what expectations are, how the process should work for them and what the roles and responsibilities in that development and review process would be. The fourth recommendation refers to consolidating the system, both permitting and plan review. Right now there is a City system and a County system and a couple of different City and County systems. The idea is to integrate that system together so a customer can track their process throughout the entire development and review process and it can also provide good historical data on what has occurred. The final recommendation relates to communicating building code implementation and City Ordinance application, how the ordinance is applied and if there are any changes. The idea is that if there are interpretations, if there are changes that we need to insure that the customers are aware of those because all customers should have access to all the most up to date information and decisions. What we have done as staff in working with the County, you will receive more information as we go along. The staff is working hard to implement these five recommendations as well as the full set of 29 recommendations that Gartner suggested to us to improve our development and review process.

Councilmember Smith said I just want to take the opportunity to publicly thank you; just the general process is a big deal for the development community in Charlotte and you guys have done an outstanding job sinking your teeth into trying to improve the process and trying to improve the transparency and I know staff put a lot of hours into it. So know that from where I sit that it is greatly appreciated. We fielded a lot of phone calls on this issues so know that your work does not go unrecognized.

Mayor Clodfelter said Councilmember Driggs and I have posed a series of meetings with the regulated community on these recommendations. Generally they are supportive of the Gartner recommendations and believe that they are focused on the right issues. I think it has also been very good to see the responses of the County in this effort; the County has participated in most of those meetings and has been very committed to the same goals.

Mr. Howard said one of the things I wanted to point out from an ethics standpoint is that what we just heard from a third part is that there does not seem to be areas where Councilmembers can have undue influence on the process. I think what was noteworthy is that this was a huge part of that whole investigation and what we got back is a report tonight saying that for the most part we can do some improvements to the process that will not only help us with ethics and transparency, but will make the process even leaner for the development community. The development community should know that they can count on the system to work for them and that is important to say tonight because this was a big part of this whole review.

Mayor Clodfelter said a little bit tongue in cheek, part of the problem with the current system is it is so fragmented and disjointed it is possible for anybody to have influence.

Mr. Howard said that is what came out of this report.

Councilmember Phipps said I think another thing that the development community is probably looking for is a reasonable timeline for implementation of these changes so I'm hopeful that it won't take a protracted amount of time to get this whole process implemented in a way that it can be used and effective by the users.

Mayor Clodfelter said some parts of the recommendations are already in implementation phases so there is not a lot of sitting around thumb twiddling. I think both our Manager and the County Manager have taken pieces of it that they are able to move ahead on without the governing body action and are implementing them right now.

Mr. Phipps said it is those other parts that I'm worried about.

City Attorney Bob Hagemann said what I'm going to do is go over very briefly the history of how we got to have what we have in place right now in the area of ethics for City Council, describe briefly the current approach and then I will walk you through the recommendations that came of Governance and Accountability. The current Code of Ethics was a result of a response to 2009 Legislation; there was an old City Code provision primarily dealing with gifts and disclosure. In 2009 the Legislature passed a law requiring every local elected governing board to have a Code of Ethics that addressed a number of subjects, several of which our then current ordinance did not address. The School of Government promulgated a Model Code and this was processed through a special committee, appointed by then Mayor Foxx, headed up by Mayor Pro Tem Susan Burgess. The Committee looked at the Model Code and adapted it, making some tweaks appropriately so I believe for the City of Charlotte, but essentially promulgated the Model Code that came from the School of Government. It was adopted by the Council in June of 2010. That Code is what I would describe, and many others have described as, an Aspirational Code of Ethics. It talked about principles that elected officials should seek to achieve and be inspired toward and I've forwarded here sort of the five principle principles in the Code. This is a very short summary of what these concepts were but obey the law, act with integrity and independence from improper influence, avoid impropriety and personal gain, using the office for personal gain, faithfully perform ones duties and act with transparency.

The Code also carried forward what has long been a Mayor and Council Disclosure Requirement that I think the Committee recognized when doing its work over the last year, is relatively thin. It requires City Councilmembers, elected officials to disclose on an annual basis certain business information, businesses of which you are either the owner, officer, director or an employee and that includes your spouse. Any real estate owned within the county other than your principle place or residence and any seats on non-profit boards that you might hold that might do business with the City. The Code also includes a provision for handling complaints and you will recall when we first started discussing this about 11 months ago, I raised a personal concern with this, the current Code puts that task of investigating complaints on the City Attorney and I indicated my discomfort with being charged with investigating allegations regarding by bosses. So the Committee has, as I indicated, been working for about 10 or 11 months; I want to acknowledge Sarah Hazel who did a lot of the background research and hard work in pulling up ordinances and approaches from other jurisdictions and we looked at a number of peer cities. We also looked and ultimately in many respects modeled ourselves on the approach taken by the State of North Carolina going back some years in a wake of some issues at the State level where the State really tightened down and the three areas of recommendation are gifts, enhanced disclosure and how we handle investigations and particular the recommendation I'll describe that investigations be done through an independent investigator and not the City Attorney.

On the gift provision, the policy as proposed states that you do not accept gifts unless the gift falls within at least one of ten exceptions and I will run through those ten exceptions real quickly. One, you would be able to accept gifts from your extended family and members of your own household; the intent here is not to kill Christmas and birthdays for each of you. Number two, and again many of these are modeled and carried forward from the state approach; you can
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accept gifts from relationships that are business, civic, religious, fraternal, personnel or commercial relationships when under the circumstances a reasonable person would conclude that the purpose of the gift is not to influence your official conduct. It is a recognition that you have a life that pre-existed your service on City Council that runs parallel to your service on City Council and that you can continue to live that life. Number three is an exception for nominal gifts having a value of less than \$50. Number four is that you can accept anything that is generally made available to the public; if someone is offering something free to the general public you are also a member of the public and you would be able to accept it as well. Number five is a memento related to a civic event; these are the trinkets and other things that come along with ribbon cutting ceremonies whether it is a commemorative shovel or a little memento that you might put on your shelf. Number six is informational material related to your work; people can provide you material to help inform you about decisions that you are charged with making. Number seven food and beverages for immediate consumption at among other things, business meetings so long as the food and beverage is of nominal value as well as neighborhood and community meetings. I think this is a recognition that you are out and about in the community with your constituents and often times food and beverages are often served in those environments and you could get some substance. Number eight, tickets, admittance, food and beverages for events where you would be representing the City and there is a legitimate City purpose in your doing so. Again, you are ambassadors in the community and there are numerous events; the policy actually lists a number of organizations as illustrations, not an exclusive list, the civic partners that we have in this community that hold events during the course of a year where I think it is generally recognized that it is very appropriate for the City to be represented and to be represented by you. Number nine, food and beverage for immediate consumption when serving as a board member for an entity other than the City of Charlotte. This again is a recognition that you can continue to serve this community in civic roles other than being a member of City Council and that when you go to the meetings of those entities and food and beverages are served for the board members it is not a problem for you to accept it. Finally, you can accept something that would if an expense submitted for reimbursement to the City would be reimbursable by the City. Let me give you an illustration; let's say that you were at a National League of Cities conference and the City of course is going to pay your reasonable expenses, your travel, your lodging and your meals, and somebody offers to pick up the meals and you are not getting anything that you would not have gotten had you put that in for reimbursement to the City. There is no gift above and beyond the reimbursement that you would have gotten or the meal that you have gotten paid for by the City. The thinking is that the payment by a private sector partner is in essence a civic gift to the City. It defrays a cost that the City otherwise would have occurred and does not provide a gift to you. Let me pause there on the gift section.

Mr. Howard said can you finish the whole thing and then come back?

Mayor Clodfelter said Mr. Hagemann wanted to pause, but let's continue because you are not getting any immediate questions.

Mr. Hagemann said as I indicated before your current disclosure requirement which I believe dates back several decades is relatively thin. The Committee looked at in particular the statement of economic interest that covered state officials are required to file on an annual basis and I think there was a certain appeal to following the lead of the state and we worked through very carefully what is required under the state form and adapted it in ways that the Committee believed made sense for the City Council. Not all of what was in the state form made a whole lot of sense for the City Council so it is a much more robust disclosure than is currently required. The first category of disclosures is what I would call the \$10,000 plus and that is if you have an interest of value of more than \$10,000 then you would need to disclose. It is not a disclosure of the actual value of your interest, but if you have real estate holdings within the City or the City's ETJ where we exercise land use regulatory authority that would need to be disclosed. Real estate leased to or from the City, and we recognize that many of things will not occur; that you will not have these interests necessarily, but in the event that you did, it is something that should be disclosed. Real estate leased to or from the City, real estate bought from or sold to the City and then personal property leased to or from the City, any of those with a value of more than \$10,000 would have to be disclosed.

Ownership interest in companies; again if an ownership interest exceed \$10,000 then you not be required to disclose the actual value, just that you have an interest that exceeds \$10,000. Stock or stock options in a company that you have reason to believe is currently doing or seeking to do business with the City or benefits from the decisions of the City Council fanatically in ways that differ from the general public. Ownership in non-publicly owned companies that similarly are doing or seeking to do business with the City or would benefit financially in ways that differ significantly from the general public. Other disclosures, if you serve as a director, officer or employee of a non-profit that does or seeks to do business with the City or benefits financially from decisions of the City Council in ways that differ from the general public. Any felony convictions and if you are the employer, director, officer of a company doing or seeking to do business with the City or again would benefit financially from decisions of the City Council. That is the disclosure requirements, the intent would be similar to the current requirements; it would be annual disclosure by February 1 of each year. If Council adopts this tonight or when you get comfortable with the proposal, if you do adopt this disclosure requirement it will begin next February 1. Disclosures have already been filed this year under the current policy.

The last category of recommendations from the Committee involved handling of complaints, including investigations and possible sanctions. In order for a complaint to be a valid complaint, and it would be my role to be the gatekeeper to make sure that a complaint is in fact a sufficient complaint worthy of investigation. Number one, the complainant must identify themselves, and I know this has been the subject of some reporting and I think there are some good reasons for requiring the identification in this context of a complainant unlike the anonymous employee hotline. It is hard to think of a situation where any or one of you since you act as a body, would be able to directly retaliate against somebody who complained against you and therefore the built in protection with the employee hot line does not appear to be present with complaints against elected official misconduct. Perhaps more importantly is to avoid the abuse of this process that some might be tempted to abuse if they could complain anonymously and that is to make frivolous or made up complaints to embarrass or to cause political damage or to seek political advantage. If somebody ones to accuse one of our elected representatives of acting unethically the thinking was that they should be accountable for that, stand up and own it.

Second the complainant would need to state facts with particularity and third cite the provision of the code that has been allegedly violated. If a complaint comes in I would review it to make sure that is satisfactory under each of those three categories, if not it would be returned to the complainant with an explanation of why it was deficient. If the complaint ultimately is a valid complaint I would then refer it to an independent investigator who would make a threshold determination of whether the complaint was frivolous or fails to stay a claim. Fail to state a claim is sort of akin to a legal standard that even if the facts are true it really doesn't state a level of conduct that arises to the level of being potentially unethical. There is a way through this proposal to weed out frivolous or non-serious or non-real complaints through a relatively succinct and short process. If a complaint is non-frivolous and if the facts alleged are in fact true could rise to the level of unethical behavior, the investigator would do an appropriate investigation, interview the appropriate people, look at documents and other evidence and then ultimately reach a conclusion to decision in writing by making written findings and conclusions which would be provided to me and then through me to you, the Mayor and the City Council. Ultimately, what if anything to do with the findings of the investigator would be for the body, generally your only power over your colleagues is public censure which is a public sanction or statement of disapproval of conduct and that is what is contemplated by the proposed policy.

Mayor Clodfelter said again you can say here to, as with the other two items, that accounting for the difference in authority, this also tracks very close to the 2006 State Legislation.

Mr. Hagemann said correct.

Councilmember Phipps said to be clear if a complaint against a Councilmember comes in through the hotline it is thrown out as invalid information?

Mr. Hagemann said if a complaint against one of you came in through the hotline correct, we would not process it, we would refer the individual I think through the hotline process, we would

refer them to me and I could help the individual understand what they would have to provide for it to be a complaint that we would pursue.

Mr. Howard said but if it comes through the regular employee process of grievance complaining to the City Manager they are protected as an employee?

Mr. Hagemann said if it is an employee who files a complaint against one of you?

Mr. Howard said and it goes through the regular employment process of filing it with their boss and with the City HR Department.

Mr. Hagemann said if it is a complaint against one of you we would not process it through the hotline process. They would have to avail themselves of this policy if you adopt it.

Councilmember Austin said are we made aware of who that individual is; you would be briefing us on that?

Mr. Hagemann said yes; the individual complained of would immediately be notified of the complaint, be provided a copy of the written complaint and you would know who it is that is complaining of you and the nature of the allegations. Certainly if an investigator deems it worthy of investigation, I cannot imagine a circumstance where that investigation would not allow an opportunity for you to state your case and your perspective on the allegations. You would be afforded an opportunity to respond and defend yourself.

Mr. Howard said remember one of the things that drove this whole conversation is that anything dealing with us would be public record. We have no confidentiality, we have no possibility of being able to respond to this in private like an employee does, so just know because it is public the idea was if it is going to be public we should have the clear opportunity to know exactly what is being said about us and be able to defend ourselves.

Mr. Austin said we talked about the nature; sometimes we have full-time jobs and I will zero in on mine. My job is one of cultivation, donors and gift prospects and going to events and those sorts of things. How does this work if your job is these types of events and going to that and the gifts and all of that. How does that work; it is more personal guys, I'm just trying to be clear.

Mayor Clodfelter said if you were going as a representative of Johnson C. Smith University, this would not apply.

Mr. Austin said I get it, but it is not like I show up with two different faces; I show up with the face of Al Austin and that face is Johnson C. Smith as well as City Councilman so it is not like I have a split personality.

Mr. Hagemann said I don't believe it is the intent of Committee with these recommendations to make it difficult for you to continue to have a private life and be a professional life apart from your role on City Council. I think built into this are some protections that recognize that and I would point to the first two exceptions on the gift ban. Again you continue to have a family life, a personal life and you allowed to take gifts from family members of that sort and with the second exception there is a recognition that you have a professional life, you may have civic relationships unrelated to being on the City Council, religious associations, fraternal, personal, etc. The test is one of a reasonable person; would a reasonable person with the understanding of all the facts conclude that what is being offered to you, is it being done in an attempt to influence a decision that you might be making as a City Councilmember. That is kind of filter that you would need to run those things through. I would still be available to help you at the front end in giving you advice and to help you think through it and work through the policy. It can be difficult and we appreciate that but it can be difficult at times to separate your roles, but there is an attempt in this policy to allow for a separation of those roles.

Mr. Howard said I think it is important to make sure that we understood that there were so many different scenarios, as a matter of fact the media tried to get both of us to reply to hypotheticals and we were clear you can't do that because every situation is going to be different. That is
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where the interpretation of the City Attorney is going to be key. As a matter of fact, just to back up a little bit, the disclosure form is going from one page, as we all saw, to six or seven; understanding that next February there will need to be an orientation and probably a lot of leaning on Bob to say now what does this mean? Should I put this down? We understand that we are going to go through that this first year as we go through this form. I've filled this form out two or three times and I know I'm still going to have to go talk to Bob just because it is going to be difficult. We intend to do a more robust orientation for new Councilmembers as well because all of this will be different than what Councils in the past have had to deal with.

Mayor Clodfelter said that is the important point about Mr. Hagemann's availability. There was discussion about the idea of having an ombudsman under advice; that is what started the study. The consensus was made that Mr. Hagemann can fulfill that role, will fulfill that role of giving you guidance on even if you've got a question in your head about how something might apply or might not apply to you and since he is no longer going to be the prosecutor on these things he is better able to give you independent advice. He doesn't have to worry about whether he is going to be acting as I say the investigating prosecutor. His role has really transitioned and transformed to that of a counselor on helping you interpret these things.

Councilmember Smith said just a heads up or word to my colleague I will be making a sub-motion when we get down in the Chamber tonight under the gift policy in Section eight for tickets. I firmly believe that we need to exclude tickets to sporting events, concerts, cultural events and other entertainment events and plan to make a motion downstairs and I imagine that we will have some party discussion down there regarding that. I am happy to have it now; I know that we have some time constraints over recipient to getting a Key to the City and he can tackle me.

Councilmember Lyles said I actually think it is important for us to take some time and do it now. I didn't see this until a few minutes ago and I was mentioning to Councilmember Smith that I looked at this and I really had some concern about it and as you said this can sometimes be very personal because as a member of a number of boards and institutions and have a number of extensive relationships prior to being elected, I was telling Mr. Smith I wish I had more time to attend events like this, that I did have at one point in my life. I have a question about this and it may be something that can be handled in a different way; Section Nine on Page five it says the official is a director, officer, governing board member, employee, independent contractor; so I Chair the Presbyterian Hospital Board of Directors and as a former President of that Board I am often invited to participate in what I would call a President's Council with a number of events and things that we do as a part of our presence in the healthcare community. I'm not quite sure how this works when you actually have a relationship that has been ... very strongly with an institution that is not for profit, that is governed by a volunteer board in this community. How do you deal with that under this because it says the official is a. I don't know if that means is current or has a continuous relationship, I'm just quite sure how to fit things in like that. I wish that I actually had more time to read a book at home often, but many of these things I'm invited or many of us are invited, not only as Councilmembers and perhaps we are on the Council because we did serve on those boards, but I'm just curious how to address that. It is not just a hypothetical I think in this situation.

Mayor Clodfelter said Mr. Hagemann do you want to comment?

Mr. Howard said I'll try while he is trying to figure it out; it would seem to me that number two would take care of that because it says personal business, civic, fraternal, personal so you are covered with that one. That is acknowledging that we have lives outside of Council, most people don't believe that we do, but we try real hard to so I think you are covered under that one. Again, remember all of this was done from a standpoint that this is about doing work as a Councilmember so even with what Mr. Smith is talking about, and we've had this conversation, if there were tickets it would be under the auspices of us doing our official capacity as Councilmember and if it goes beyond that, which I guess it could, that is where we have Bob to give us an interpretation of whether that is or not. I know we are not going to agree on this. We've actually talked about this one already a lot, but this is one of those where doing our job as Councilmembers; one to go back to what Ms. Lyles said, it takes up a lot of time but to give even more undue burden on Councilmembers now to have to deal with situations where people, and

the Mayor talked about this happening at the State, people with resources now can continue to do that, people without the resources as Councilmembers are now burdened with not being able to do that. That is why we wanted to make sure that the definition wasn't around a type of event, it was around doing business as a City Councilmember.

Mr. Smith said the goal is not to have those with means and those with not means have access to events; the goal for me is to hopefully stop the peddling of influence and I think a way to do that is to eliminate situations in which that can arise. I can think of no City business that I need to do at Panther Stadium in which somebody that falls under the guides of wanting to do business with the City that doesn't fall under one of those things. A friend is not inviting me, a member at church is not inviting me, I can think of no reason I need to do business at Panther Stadium that I can't do here on the 15th floor at the Government Center. My personal opinion, and we will see if I have second, Mr. Driggs isn't here yet so I may not even have a second on this but my intent is as I think if we are going to enact an ethics policy I think we need to have one that does have some teeth and does show the public that we are above reproach and that we are looking to fetter out some of perks that go along with service. The events that I laid out I can't think of a purpose that I would be doing City business there that another arena wouldn't cover. I feel incredibly strong about this and I think the work you did in most other arenas is good. We've have some hubbub and some other stuff from the media that I disagree with some of their assertions on it, but this one I feel pretty strongly about. I will say this in closing that it came again this week-end when the Knights' tickets went on sale and they showed the long lines of folks trying to get individual tickets. We were invited as a body last year to the opening of the stadium, I was not on Council when any of that was passed; I had nothing to do with it. I had friends that waited in line for four hours to buy tickets to that game. Do I think you are going to be swayed over a \$15 ticket, of course not, but do I think that is an access that your average citizen would not have and I think the average citizen would argue that you are not really doing their business when they are waiting in line to go see the ball game.

Mayor Clodfelter said the motion that I think you intend to make as I read it would be if a major vendor to the City with whom you have no prior relationship or connection invites you in their suite.

Mr. Smith said the intent is not to keep members of the Council that serve in other areas from attending or doing the functions of that service.

Mayor Clodfelter said this was a very contentious issue in the 2006 Legislation; it was a hot topic there, it promises to be a hot topic here.

Mr. Howard said just so you know Mr. Smith and I have had this conversation a lot so this is not new and I spoke with the City Attorney about whether or not we could divide this into three different votes because I would like to get his vote on the things he does agree with so that means that downstairs if it is okay we can divide the question around investigations around the disclosure form and then around the gift policy so that I can get Mr. Smith's vote on things that he does agree with. I think often times when we go to these types of events, my wife will tell you that I am very much on official business because you can't walk three feet until somebody is stopping and asking you something or tell you something. It is not personally enjoying so let's be clear I don't think this – I don't say that I look forward to getting a \$15 ticket so I can go to a Knights' game. That is not it; it is official capacity and we shouldn't pass that burden on to this Council or the future Councilmembers when we are doing official business. It is that simple for me.

Mayor Clodfelter said I think that is a useful suggestion because I think we may have Councilmembers who may feel very strongly about a couple of these issues and we also have a proposal from Councilmember Phipps and it would be nice to give folks a chance to vote on those items they agree with and descent only where they decent. Can you work out a condition on the matter for us between now and the Chamber time?

Mr. Hagemann said yes sir.

Councilmember Mayfield said specifically addressing the amendment number eight, I hear the concern that you have Mr. Smith but on the same side of that I'm only going to speak for in the I; so in the 3 ½ years to four years that I have served on Council I know people prior to this life, I've met people during this life and I'm going to know people after this life, but I've also noticed that in order for us to be successful around this table and in order for me to be successful in my role with representing my community, I need to build relationships, I need to build relationship throughout the community when I'm looking at economic development, when I'm looking at opportunities, everything which we all know is done based off of relationship. I do have a concern where I'm not in a space because of certain limitations that I may have whereas my colleagues who may be retired, independently wealthy, executives and they already have a suite and they are inviting their friends who are members of the business community or I'm at an event just attending the event outside of Council hat, of which there is no such thing outside of Council hat because the moment we ran for office it became Council 24/7 so anyone can check my calendar to see the seven days a week that I'm out serving in the community, but if I walk by and I see where I'm at a lower level in this suite someone who is also an elected body, I'm not questioning whether or not that is their suite where they are in that room having conversations or whether or not they are invited into that space because based on their corporate relationships and their personal circles, they are either way in that space. Whether or not I have the same opportunity to build relationships that I need to build up, not just District 3, but the entire community where everyone knows for the three to four years I've been here my focus is the community that has been historically disenfranchised and has been more challenged than others because the rest of it is pretty much self-sustaining and is doing great work on its own. There is not as much massaging that I need to do when I'm building that relationship.

Yes, I have a lot of meetings at this building, but I also have a lot of meetings out in the community and that includes Sunday services multiple times or it is Saturday evening or Saturday mornings. Multiple times I'm out in the community at events. I think that there is an unrealistic expectation that is longstanding that only certain people should be able to serve and those that should be able to serve are those that are in a certain financial demographic window. When you are talking about having access and the perception of someone standing in line; when ... tickets went on sale I didn't stand in line, I didn't spend overnight to buy my ... ticket because I was already a Blumenthal season ticket holder so the day they went on sale I contacted my rep and let them know that in back in 2008 yes, I'm going to get my ticket. So whether you stand in line and choose to do that, but you go on line that is not a comparison of the amount of service or whether or not I am going to let this \$10 or \$1,500 ticket sway my vote or my decision when it comes to the decision.

The fear that I think that has been placed in the middle of this room is because one individual had conversations with people in their circle and they took advantage of the role of service. We are all in this role of public service so no, I'm not going to live in someone's home for six-months rent free; no I'm not going to have access to a condo. First of all I'm not going to be able to explain that to my mate when I get home where I have a whole other home that I'm spending time at. So for me and the work that I do there is a different conversation that has happening from one individual having access and taking advantage of that access and then we are all not in this it seems like space of fear trying to create new legislation to help this not to happen again. If you in your heart have a desire to do more than positive with the opportunities that you have then you are going to find a way to do negative with it. No matter what ordinances we create, no matter how many addendums that we make if you are interested in not being of public service, if you are interested in your own personal spotlight then you will figure out a way to take advantage but I just think we are going above and beyond with trying to stop something based on one individual's misstep, but that is just one individual locally. A lot of these things have happened forever, but individuals still have a responsibility and when we go before the community and ask for the community to vote for us and to support us and trust us to make decisions around this body, that includes when we are having discussions about the potential invitation to an event or whether that event falls under tickets to sporting events, concerts, cultural events or other entertainment because we have a lot of cultural events and to be perfectly honest I personal, again speaking I, I am not going to continue to try to figure out a way to pay \$110, \$150 or \$95 or \$75 to try to support your events to be in community so that means that there are a lot of events that I'm not going to be attending to show support because I'm going to tell you, no I cannot accept you donating a ticket but I also am not in a position to purchase this

ticket but then someone else who may be in that particular financial position is able to buy the ticket so whether they care about the issue or not they will be in attendance because they wrote a check for it.

Mayor Clodfelter said we've not Mr. Davis downstairs and I want to give him the courtesy of not being late. I see two hands and if you want to try to respond you can but the second thing I'm going to do is recognize Councilmember Austin who is waiting and the third thing I'm going to do is ask the Governance and Accountability to look at a ... rule for City Council.

Mr. Smith said I think a simple litmus test that I can apply and I think can be applied is how many invitations will come into some of these events once we are not elected and that furthers my point that it is the opportunity for influence peddling and speaking on behalf of District 6 we will talk downstairs.

Mayor Clodfelter said you guys are not going to agree on this.

Mr. Austin said Just want to say amen to Ms. Mayfield and it could be that I'm just a junior member of Council. I haven't seen a whole lot perks come my way; I don't know what you all are getting but I don't get them. The other thing and to tag onto what Ms. Lyles said we don't have the time; we are getting packets, we are doing community work, we are out in the community trying to serve, I don't know where the perception is that we get all of these perks because I'm working.

Ms. Mayfield said I have a non-related question; I'm just trying to get an understanding because we are getting ready to do the Key. I would just like to get some background on that whole piece because the fact that we are doing the Key to the City, I don't have any background on that because for the last three plus years that was not a part of our process so I don't know if it was a part of the process years ago. We don't have to do it now, but it would be helpful and I don't know if anybody else cares but it seems like we have done in a short period of time a number of Keys to the City for different reasons and I would just like to know the background on when did we start doing this and why.

Mayor Clodfelter said maybe Ms. Jennings could give us the history. There are times in the City's history where they were given away like water. Individual Councilmembers could give them away freely all the time and there have been other times when they didn't even exist and then here recently I think this is only the second one that I can remember. There were times in the past when they were freely given away to virtually to anybody, everyday all the time. It is a good question and Ms. Jennings you have seen the span of that so maybe you can give us some history about Keys to The City.

Chief of Staff Carol Jennings said I will work on that.

The Dinner Briefing was recessed at 6:15 p.m. to attend a brief reception in CH-14 honoring Mr. Thomas Davis and then to move to the Council Chambers for the regularly scheduled Business Meeting.

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BUSINESS MEETING

The City Council of the City of Charlotte, North Carolina convened for the Citizens' Forum and Business Meeting on Monday February 23, 2015 at 6:53 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kinney Smith.

ABSENT: Councilmembers Michael Barnes, Ed Driggs and Claire Fallon.

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INTRODUCTION OF THE ZONING COMMITTEE

Tracy Dodson, Chair of the Zoning Committee introduced the Zoning Committee.

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INVOCATION AND PLEDGE

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

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AWARDS AND RECOGNITIONS

Mayor Clodfelter recognized Thomas Davis and asked him to come to the podium and said we are really excited and very pleased tonight to recognize Thomas Davis, one of our very own Carolina Panthers and more importantly the NFL's Walter Peyton Man of the Year. As we make this special recognition tonight I want to share a brief quote from the Panther's Head Coach Ron Rivera, who I think is also with us, along with Danny Morrison and other Team Officials. Mr. Rivera said about Thomas Davis, "Thomas lives his life the way Walter Peyton did, family and community first. His commitment as a husband and a father reflected Walter's loving spirit and his strength to come back from three major knee surgeries was indicative of Walter's toughness on the field. I can think of no other player who is as deserving as Thomas Davis."

Mr. Davis was the 14th overall pick in the 2005 draft from the University of Georgia and he has made a major impact both on and off the field and it is his impact, especially tonight off the field for which we recognize him. His leadership is evidence in serving as the Team Captain for four of his ten years with the Carolina Panthers. In 2008 Mr. Davis and his wife, Kelly who is also with us tonight, started the Thomas Davis Defending Dreams Foundation. The Foundation is a non-profit organization dedicated to providing and promoting programs that enhance the quality of life for more than 2,000 under privileged children and their families annually. Since the inception the Foundation has distributed more than \$500,000, most of it in personal contributions made by Mr. Davis himself, but Mr. Davis is much more than just a check writer, he is 100% hands on with every aspect of the Defending Dreams Foundation, attending each board meeting and fund raiser and assisting with the coordination of every event. Based on the principles of educate, empower, defend the Foundation's corner stone program is the Thomas Davis Youth Leadership Academy, a 14-week after school mentoring program for low income middle school students. The program is offered every Monday throughout the school year and is led by Mr. and Mrs. Davis. Class sizes are limited to ensure a direct impact on each student. The Academy emphasis etiquette, public speaking, leadership and community involvement and in addition the Foundation provides meals for the homeless, gifts during Christmas, school supplies and a football camp for youth in Charlotte. I think we have a number of the Leadership Academy here with us tonight lined up on the front rows. Raise your hands so we will know who you are.

In addition to his work with the Defending Dreams Foundation Thomas Davis is an enthusiastic participant in the Panthers' community outreach efforts including NFL Play 60 and he makes regular visits to local children's hospitals. Joining us for tonight's presentation are members of the Thomas Davis Defending Dreams Foundation Board, Carolina Panther's Coach Ron Rivera, his wife Stephanie, Danny Morrison, President of the Panthers and of course standing there with him, his wife Kelly Davis and his four children. We are also glad to have them with us tonight.

In recognition of Mr. Davis' contributions and his extraordinary generosity it is my pleasure at this point to present to him on behalf of the City Council, with the Key to The City. This is presented to you as esteemed citizen and a trusted friend for all of the City's residents.

Thomas Davis, Defending Dreams Foundation said I want to start by thanking Mayor Clodfelter and the members of the City Council for presenting us with the Key to The City and if you note when I said that, I said "us" because I'm very understanding that everything that we do in the community, everything that happens, all of the lives we've been able to impact it hasn't been just me. I'm the guy that gets the recognition but there are so many others that put in

countless hours to make sure that everything that we do goes according to plan, goes smoothly. My Board Members are huge in everything that we do.

I want to take this time to thank Mr. Jerry Richardson and Ms. Rosalind for bringing me to the City of Charlotte in 2005. When I came in a young 21-year old, didn't really know anything about the City, had only been there twice. The City embraced me and that was a good feeling because when I came in it felt like home and here I am now ten years later and Charlotte will forever be home to us. We are planning on doing so much more with my Foundation and the youth in this community. Next I want to thank Ms. Beth, and she didn't know I was going to say that. She sent in a letter last year asking for this night to come true, asking for this night to happen. I don't know if you all read the letter, but I just want thank her for being a part of our Foundation and for being a part of our Youth Leadership Academy. She is a very devoted mother; she brings her kids in every week and makes sure they have been there. She is one of the parents that allows us to see the work that we've been able to do with the kids because she talks to us all the time about how much of an improvement their kids have made. For us, if we can't change the lives of every student that comes through our Youth Leadership Academy or that we do work within our Foundation just to know that we've made the difference in the life of one child is well worth it for us. Thank you again for this award and I look forward to doing more in the community. Thank you.

Mayor Clodfelter said Mr. Davis and all the members of your Leadership Academy, you do us a great honor by coming tonight and we thank you for it. You truly are the Spirit of Charlotte and we thank you for being so.

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CITIZENS' FORUM

Honesty Day

Larry Bumgarner, 9201 Morgan Glenn Drive said I'm sure most of you all remember me; I've been here before. Let me just ask this one thing; all I'm asking is that you proclaim March 22nd as Honesty Day. You can find out more information at honestyday.com. I'm not here asking you for a \$1,000 for a plaque to put on your wall that says you are honest; I'm not asking you to go to an event that you have to pay ticket price for to show that you are part of us to be honest. In fact let's show you how many honest people are here tonight; everybody that is honest raise your hand. Well, we have some dishonest people and they are willing to admit it. They probably didn't raise their hand because they probably get paid by the hour. Let's just say we do need to have that because I think we've all seen what has happened over the time. I know I've been down here asking for this before, but wouldn't it be something; I know that comes on a Sunday this year so at least we know the Banks and all that are going to help celebrate it by being closed. Next year it will be on a Thursday or a Friday and I'm not cutting banks, they provide us great employment. I'm not one of those "I hate rich people" people and in fact I've never gotten a rich person that's always given me a job so that is the way it works. I hope you will look at that honestyday.com and come up with it and maybe can actually show that if people feel on that day that they see something amiss then what they can do if they want to send it to us or if they want to become a whistle blower we can help them do that because if there is something out there folks we know that not everybody is going to be as honest as us. I think we've got a pretty good bunch so far up here, it is working out pretty well. I'm pretty happy with you all so far but then again next year I may be down here asking for two honesty days.

Water Fluoridation Program in Charlotte

Phillip Alexander, 426 Marsh Road said tonight I wanted to address the briefing on fluoridation given by the Health Department on September 28th of last year. I was very disappointed, I expected an unbiased discussion on both sides of the issue, instead Dr. ... said that he thought there was no scientific evidence for any of the concerns that have been raised, even though there have been over 500 studies linking fluoride to adverse health effects since 2000. The Dr. basically said this is what we think and we are right. The ... studies from other countries saying they are not somehow applicable to this country. The doctors say that fluoride is naturally occurring; I can assure you that hydrofluoric acid is not naturally occurring, it is

manmade hazardous waste. Just have a look at the safety sheet that I have provided; it states that hydrofluoric acid may be fatal if ingested. Dr. Plescia says that the scientific community strongly supports fluoridation and names the AMA, the ADA, the WHO, the CDC; let's look at what some of these agencies have to say about fluoride. The CDC states that children under eight are at risk of developing central fluorosis by consuming fluoride during the time when teeth are developing under the gums. The ADA, the AMA, the American Academy of Pediatrics and the National Academy of Science all agree with this statement. I guess the doctors don't think that is an important thing to tell parents. Why does a baby with no teeth need fluoride in their water anyway? The WHO statistics show that since 1970 tooth decay has fallen at the same rate in fluoridated and non-fluoridated communities. In 1944 when fluoride was first being introduced the ADA said fluoridation is not worth the health risk. The FDA has never approved a fluoride supplement for prescription or over the counter drug. After more than 50 years of fluoridation the EPA has never conducted any chronic health studies on the effects of hydrofluoric acid. The doctors only discuss the pro-fluoride statements made by these agencies. These are the very doctors who concerned citizens would be directed to with their questions. What kind of response do you think someone would get; they would be told it is perfectly safe and there is no reason for concern, and no way that anyone could get too much fluoride even though there is no way to regulate the amount that any person gets since all the food and beverage is made with tap water. There is a long list of doctors and chemists who would disagree with these statements; one is Dr. William Marcus a former senior science advisor at the EPA and a board certified toxicologist. Dr. Marcus believes fluoride is a problem with human carcinogen because of studies he conducted where fluoride administered to rats caused liver and bone cancer. How can these people be dismissed? I guess the toxicologist causing cancer with fluoride is not valid science. Fluorides are used in pesticides and Dr. Plescia and Dr. Davenport would have you believe that there is no reason to be concerned about drinking poison, then Dr. Plescia has the gall to say that if you don't like fluoride you can simply filter it out.

Mayor Clodfelter said Mr. Alexander keep trying; you don't have a majority yet, but keep trying.

Note: The next two speakers arrived after the Citizens' Forum had concluded, but were given the opportunity to speak later during the meeting.

Employment Barriers Facing for Ex-Offender

Nelson Herron, 4140 Canyon Creek Lane, said I was born and raised here in Charlotte and my issue is that I feel discriminated against and I didn't know who to bring it to other than the people I voted for. My issue is that I've done things in my past that I'm not proud of and a combine of I want to say nine years, but I feel I have served my time. The reason for the discrimination I'm feeling since my incarceration I've obtained Class A CDL license, I've been through rehabilitation, I got an Associates Art Degree from college. I've been able to do all these things and when I go to a job site I meet all the qualifications every time, but my background. When I'm discussing with the employer my qualifications they are happy up until the point I say yes, I do have something on my record. Nine to ten years ago, it is still not long enough for them. I feel like I've done my time and it is not fair to me after coming home, doing everything I needed to do to prove to my City that I made a mistake, I'm apologizing for my mistake, I'm doing everything I feel I need to do and can do to correct my mistake, but it is still difficult and hard for me to be able to take care of my family. I brought my family with me tonight and it is hard for me to take care of them and also myself. That is my issue; I wanted to bring it to the forefront and see what it is that I can do or we can do as a City to change this. I'm not the only one in this situation but I feel like we are two of the few that are willing to come down here and bring it to the people that we voted for.

Derwin McNeill, 3300 Timberbrook Drive said my situation is similar to Mr. Herron's. The last time that I've been employed at a steady job was in 2008 and I can't really say it was steady. I was working at an I-HOP serving. It was \$2.15 per hour plus tips and I really didn't get tips much because of my appearance maybe. I got a job in August 2014 working at Pizza Hut and although it is steady it is still not enough for me to manage my four children, pay my bills, I have \$500 rent, I have \$300 plus that I have to give every month to Duke Power and then there are the things that my kids may need to keep them occupied and satisfied, whether it is for schools, whether it is books, clothes and currently I'm getting paid \$7.25 per hour and this was just by

chance because Pizza Hut that I'm going to happen to be a franchise that can hire without a corporate decision, which has been part of the problem since 2008 until now. Corporate making decision on hiring based on past mistakes so to speak. The last time I've been in trouble was 2002 and I really can't say I was in trouble because I didn't do too much. I was caught with a concealed weapon which means I had a firearm and I didn't have proper papers to carry a firearm. I shouldn't have to go get a criminal record just to be told how to do this the right way. I was in rough neighborhood at the time; I had a family to take care of, I wasn't caught doing any kind of criminal activity, I was what he said, at the wrong place at the wrong time. These things have affected me for a long time. I have three sons and a daughter; I'm not with their mother but she is doing well and I'm struggling, but with all of that being said I have primary custody of my oldest two; my oldest daughter is currently staying with me for school and my youngest son, his mom worked some things out where I can see him every other week-end but that is difficult now because I have to work almost every day just so I can sustain where I'm at.

Mayor Clodfelter said Mr. McNeill I'm going to have to call time on you but we've got some groups in town that might be able to help both of you and I've got your addresses and your phone numbers and we are going to try to get you in touch with some folks that are working on the very situation that you are facing in Charlotte.

Mr. McNeill said thank you Mayor I definitely appreciate that.

Councilmember Mayfield said Council I don't know if you remember or if you've had a chance to research it, for the City of Charlotte we did pass ban the box but that is specifically for the City of Charlotte. If nothing else the biggest call that our business community should be hearing from these two gentlemen is the fact that we need access to opportunities to quality employment. There is a lot of training that is given out through programs, Exodus Foundations, so many other organizations that do really great work but unless we get to a place where we are able to actually help create employment opportunities we are going to continue to hear stories like the both of you so thank you both for coming to your Council to have discussions. I actually had a meeting last week with Dr. Seller talking about an upcoming meeting she is going to be having in Washington, DC with Secretary Foxx on transportation and looking at some things that may be able to happen nationally when we are looking at jobs, when we are looking at what we are doing within the City. I don't think we ever had a real conversation Mr. Manager and that is something for us to think about when we are looking at our construction jobs and we are looking at those companies and those businesses and we are again looking at our upward mobility and lack of, what are we doing as the leadership for the City and in partnership with the leadership of the County to actually making a difference opposed to paying lip service. It wasn't a question; it was more a statement to let you know that people are hearing, we are listening. We are limited in what we can do, but we are having some conversations with those that are in the job creation area to look at how do we really address this, but the more of you that show and have a voice the more pressure you put on us, as you said, those that you elected.

Mayor Clodfelter said there are some private employers in the City who are working specifically with folks like you and we will get you connected.

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CONSENT AGENDA

Mayor Clodfelter said the next item we have is the Consent Agenda; Items 21 through 49 with the exception of Item No. 28 that was pulled by staff and Item Nos. 31 and 34 that were pulled for comment.

Motion was made by Councilmember Autry, seconded by Councilmember Kinsey, and carried unanimously to approve the Consent Agenda as presented with the exception Item 28 which was pulled by staff and Items 31 and 34 which were pulled for comment.
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The following items were approved:

Item No. 21: Planning Director Profile

Approve the Position Profile for the Charlotte-Mecklenburg Planning Director.

Item No. 22: Animal Licensing and Registration Program

Approve a contract in the amount of \$250,000 with PetData Inc. for the administration of the City's animal registration and licensing program for a term of one year.

Item No. 23: Crime Analysis Capability Project Grant

Authorize the City Manager to accept the grant award in the amount of \$295,945 for the Crime Analysis Capability Project.

Item No. 24: Police Motorcycles Lease

(A) Authorize the City Manager to negotiate a unit price contract to Mears Leasing for the lease of Harley Davidson motorcycles for the term of three years. (B) Authorize the City Manager to approve the purchase of leased motorcycles at the end of the three-year lease term, (C) Authorize the City Manager to approve the purchase of additional motorcycles for the term of three years with possible price adjustments as authorized by the contract, and (D) Award a unit price, low-bid contract with Harley Davidson for the purchase of motorcycles for the term of three years.

Summary of Bids

<u>Vendor</u>	<u>Annual Lease Amount</u>	<u>End of Lease Purchase Option</u>	<u>Purchase Unit Price Year One</u>
Harley Davidson of Charlotte	\$66,660.00	\$8,500.00	\$23,459.83
US Bancorp Government Leasing and Finance	N/A Finance Option only	N/A Finance Option only	N/A

Item No. 25: Agreement with the Charlotte-Mecklenburg Board of Education for Infrastructure Improvements

(A) Authorize the City Manager to execute an Interlocal agreement with the Charlotte-Mecklenburg Board of Education for infrastructure improvements in the amount of \$152,355, and (B) Adopt Budget Ordinance No. 5581-X appropriating \$152,355 from the Charlotte-Mecklenburg Board of Education to the Johnston-Oehler Road Farm-to-Market Project.

The ordinance is recorded in full in Ordinance Book 59, at Page 271.

Item No. 26: Celia Avenue Storm Drainage Improvement Project

Award the low-bid contract of \$442,060 to United Construction, Inc. for the Celia Avenue Storm Drainage Improvement project.

Summary of Bids

United Construction, Inc.	\$442,060.00
Sealand Contractors Corp.	\$518,100.30
Carolina Cajun Concrete, Inc.	\$597,097.25
D. E. Walker Construction Co.	\$619,325.03
Blythe Development Company	\$689,931.00
Ferebee Corporation	\$697,491.23
Blythe Construction, Inc.	\$720,272.37
Zoladz Construction Co., Inc.	\$824,435.00

Item No. 27: Storm Water Maintenance Contract

(A) Award the low-bid contract of \$1,485,249.75 to Onsite Development LLC for Storm Water Maintenance Contract FY2015-C, and (B) Authorize the City Manager to extend the contract for two additional, one-year terms in the amount not to exceed the original contract amount.

Summary of Bids

Onsite Development LLC	\$1,485,249.75
D. E. Walker Construction Co.	\$1,608,616.75
Blythe Development Company	\$1,629,716.25
Showalter Construction Company, Inc.	\$1,880,880.00

Item No. 29: Old City Hall – Americans with Disability Act Renovations

Award the low-bid contract of \$183,122.50 to D. E. Brown Construction, Inc. for the Old City Hall Americans with Disability Act Renovations project.

Summary of Bids

C. E. Brown Company, Inc. \$183,122.50*

* Only one bid was received.

Item No. 30: LYNX Blue Line Capacity Expansion Change Order

Approve change order #1 in the amount of \$857,000 to the LYNX Blue Line Capacity Expansion Track & Systems contract with Balfour Beatty Infrastructure, Inc. for the expansion of the Woodlawn Station platform.

Item No. 32: Airport Checked Baggage In-Line System Owners' Contingency

(A) Authorize the establishment of an owners' contingency in the amount of \$3,800,000 with Pteris Global (USA) Inc. to fund anticipated change order for additional secondary screening areas associated with the Checked Baggage In-Line System, (B) Adopt Budget Ordinance No. 5583-X appropriating \$3,800,000 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund, and (C) Authorize the City Manager to approve and execute as needed change orders to the existing contract with Pteris Global (USA) Inc., not to exceed the owner's contingency established in Action A.

The ordinance is recorded in full in Ordinance Book 59, at Page 273.

Item No. 33: Airport Remote Rental Car Storage Facility Change Order and Contract Amendments

(A) Approve amendments to the City's Automobile Rental Concession Agreements with Enterprise, Hertz/Dollar, Avis/Budget, and Advantage in a total amount of \$2,575,446 for expansion of the Remote Storage Facilities, (B) Approve change order #1 in the amount of \$2,575,446 with Messer Construction Co. to provide additional paved storage for the remote rental car storage facility, (C) Approve contract amendment #1 in the amount of \$99,742 with Baker LPA Architects, PC to provide additional design services, and (D) Adopt Budget Ordinance No. 5584-X appropriating \$2,575,446 from the proceeds from the Rental Car Companies to the Aviation Community Investment Plan Fund and appropriating \$99,742 from the Contract Facility Charge Fund to the Aviation Community Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 59, at Page 274.

Item No. 35: Airport Long-Term Parking Toll Plazas

(A) Award a low-bid contract of \$1,810,600 to Messer Construction Co. for construction of toll plazas in the long-term parking lots, (B) Approve a contract with Duke Energy in the amount of \$26,736.55 for the installation of LED street lights in Long Term 1 and new Cell Phone Lot, and (C) Adopt Budget Ordinance No. 5586-X appropriating \$1,837,336.55 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Summary of Bids

Messer Construction Co.	\$1,810,600.00
EVS Construction & Development	\$1,833,700.00
Edison Foard, Inc.	\$1,909,600.00
Hotstetter & Keach, Inc.	\$2,131,900.00
BMP Construction, Inc.	\$2,333,100.00
Dakota Contracting Co.	\$2,656,874.00

The ordinance is recorded in full in Ordinance Book 59, at Page 276.

Item No. 36: Airport Runway 18L Repairs

Award a low-bid contract of \$5,420,020.20 to Cedar Peaks Enterprises, Inc. for repairs to Runway 18L.

Summary of Bids

Cedar Peaks Enterprises, Inc.	\$5,420,020.20
Blythe Brothers Asphalt	\$6,556,165.00
Blythe Construction	\$9,852,599.00

Item No. 37: Airport Rental Car Facility and Hourly Parking Deck Change Order

Approve change order #13 in the amount of \$487,122.32 to Archer Western Contractors, LTD for modifications required by code officials and modification to accommodate rental car agencies.

Item No. 38: American Airlines Federal Credit Union Lease

Approve a lease with American Airlines Federal Credit Union.

Item No. 39: JetBlue Leased Premises Relocation

Award a low-bid contract of \$158,180 to Metro Landmarks Construction to relocate JetBlue Airlines.

Summary of Bids

Metro Landmarks	\$158,180.00
Foard Construction Co.	\$163,416.00
The Bowers Group, LLC	\$164,450.00
Edison Foard Construction Services	\$168,190.00

Item No. 40: Irwin Creek Wastewater Treatment Facility Polymers

(A) Award the performance based low-bid, unit price contracts to Solenis, LLC and Polydyne, Inc. for the purchase of polymer chemicals for solids thickening and dewatering operations for one year, and (B) Authorize the City manager to extend the contract for up to two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the terms of the contract.

Summary of Bids

<u>Vendor</u>	<u>Polymer</u>	<u>Total Price \$/Dry Ton Solids Basis Of Award</u>	<u>Bid Price \$/Lb. Of Polymer Unit Cost Used To Calculate Total</u>
<u>Price</u>			
Solenis, LLC	Thickening	\$112.69	\$ 95/lb.
Solenis, LLC	Dewatering	\$194.38	\$.95/lb.
Polydyne	Thickening	\$115.16	\$.90/lb.
Polydyne	Dewatering	\$183.05	\$.90/lb.

Item No. 41: Charlotte Water Uniforms

(A) Award the low-bid, unit price contract to Impact Plus for the purchase of work uniforms for the term of one year, and (B) Authorize the City manager to extend the contract for up to two additional, one –year terms.

Item No. 42: Walkers Ferry Road Water Line Phase 4

(A) Authorize the City Manager to accept a Community Development Block Grant in the amount of \$200,000 from Mecklenburg County for the design and construction of the Walkers Ferry Road water line, and (B) Adopt Budget Ordinance No. 5587-X appropriating \$200,000 to Charlotte Water Community Investment Plan.

The ordinance is recorded in full in Ordinance Book 59, at Page 277.

Item No. 43: Fire Apparatus Parts and Warranty Service

(A) Approve the purchase of Fire Apparatus original equipment manufacturer parts and warranty service as authorized by the sole source exemption of G.S. 143-129(e)(6), (B) Approve a contract with Atlantic Coast Fire Trucks for the purchase Fire Apparatus original equipment manufacturer parts and warranty service for the term of five years, and (C) Authorize the City Manager to approve possible price adjustments as deemed reasonable and appropriate by the City Manager.

Item No. 44: Medical Gloves

(A) Reject the low-bid contract submitted by Dotcom for medical gloves, (B) Award a low-bid, unit price contract to the second lowest responsive, responsible bidder Performance Safety Group for the purchase of medical gloves for the term of three years, and (C) Authorize the City Manager to extend the contract for up to two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the terms of the contract.

Summary of Bids

Dotcom	Freemont, CA	\$37,824.00
Performance Safety Group	Fenton, MO	\$60,081.89
Henry Schein	Irmo, SC	\$62,280.00
MMS Medical	Earth City, MO	\$64,331.40
Bound Tree Medical	Dublin, OH	\$66,000.00
Southeaster Emergency Equip.	Youngsville, NC	\$88,800.00
Glove Box	Charlotte, NC	\$92,040.00
Synergy Medical	Charlotte, NC	\$94,320.00
Progressive Industries	Chicago, IL	\$94,680.00
AOSS Medical	Monroe, LA	\$94,968.00
Medtec, Inc.	Pittsburgh, PA	\$95,400.00

Item No. 45: 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 \$5,603.66, and (B) Adopt a resolution authorizing the refund of business privilege license payments in the amount of \$10,671.49.

The resolutions are recorded in full in Resolution Book 46, at Page 536-537 and 538-539.

Item No. 46: Resolution of Intent to abandon a portion of Woodard Avenue and Eli Street.

(A) Adopt a Resolution of intent to abandon portions of Woodard Avenue and Eli Street, and (B) Set a public hearing for March 23, 2015.

The resolution is recorded in full in Resolution Book 46, at Page 540-545.

Item No. 47: Meeting Minutes

Approve titles, motions and votes reflected in the Clerk's record as the minutes of January 12, 2015 Council Business Meeting.

Item No. 48: Property Lease for the Charlotte-Mecklenburg Police Department North Division.

Approve an eight-year lease with two additional, one-year options beginning May 2, 2015, for North Division Station, Charlotte-Mecklenburg Police Department.

Item No. 49: Property Transactions

Item No. 49-A: 8025 Nations Ford Road

Acquisition of 1,260 square feet in Sidewalk and Utility Easement, plus 6,351 square feet in Temporary Construction Easement, plus 3,447 square feet in Utility Easement, plus 3,392 square feet in Right of Way Easement at 8925 Nations Ford Road from Sam's Mart, LLC for \$102,225 for Arrowood/Nations Ford Road Intersection Improvements, Parcel #6.

Item No. 49-B: 6509 Somersworth Drive

Acquisition of 3,118 square feet in Sanitary Sewer Easement, plus 2,649 square feet in Temporary Construction Easement at 6509 Somersworth Drive from James L. Lindler and Carolyn M. Lindler for \$10,582 for Briar Creek Relief Sewer Phase III, Parcel #104.

Item No. 49-C: Huntersville-Concord Road

Acquisition of 57,212 square feet in Sanitary Sewer Easement, plus 39,469 square feet in Temporary Construction Easement at Huntersville-Concord Road from One Half Undivided Interest: William O. Bradford, Jr., Ross M. Bradford, John Scott Bradford, Barry Lee Bradford, Patricia A. Bradford, and One Half Undivided Interest: Cecil D. Bradford, III, Beverly Bradford

Woods, Smith Cross Bradford, and Melanie Bradford Frear for \$18,304 for Charlotte Water – Sanitary Sewer to serve Clarke Creek Area, Parcel #1.

Item No. 49-D: 1701 Tappa Avenue

Acquisition of 2,831 square feet in Storm Drainage Easement, plus 1,095 square feet in Temporary Construction Easement at 1701 Tappa Avenue from Andrew S. Hubbard and Leah Atfeld Hubbard for \$12,875 for Lyon Court Storm Drainage Improvement project, Parcel #143.

Item No. 49-E: 1051 Scaleybark Road

Acquisition of 1,009 square feet in Temporary Construction Easement, plus 1,076 square feet in Right of Way Easement at 1051 Scaleybark Road from Chester Eugene Callaway for \$15,000 for Scaleybark Road Traffic Calming, Parcel #6.

Item No. 49-F: 1029 Scaleybark Road

Acquisition of 769 square feet in Temporary Construction Easement, 1,813 square feet in Fee Simple, plus 1,352 square feet in Fee Simple within Existing Right-of-Way from J. Clegg Almond, Jr. and Brita S. Almond for \$12,225 for Scaleybark Road Traffic Calming, Parcel #8.

Item No. 49-G: 12150 Hambright Road

Resolution of condemnation of 6,162 square feet in Sanitary Sewer Easement, plus 11,763 square feet in Temporary Construction Easement at 12150 Hambright Road from Theodore C. Dellinger, Daisy Lou Dellinger, William Joseph Dellinger, Brenda Dellinger, Johnny Watt Dellinger, A. Scott Dellinger, Laura Roberta Dellinger a/k/a Laura Roberta Meyer, Dana Dellinger Minshew, William Joseph Dellinger, Jr., Walter Jason Dellinger and the Estate of Robert C. Dellinger and any other parties of interest for \$6,875 for Charlotte Water Hambright Road 11725 8” Sanitary Sewer, Parcel #1.

The resolution is recorded in full in Resolution Book 46, at Page 546.

Item No. 49-H: 1300 Caldwell Williams Road

Resolution of condemnation of 951.79 square feet in Storm Drainage Easement plus 9,863.09 square feet in Temporary Construction Easement, plus 17,546.6 square feet in Fee Simple, plus 6,834.15 square feet in Fee Simple within Existing Right-of-Way at 1300 Caldwell Williams Road from Estate of James E. Davis and any other parties of interest for \$21,125 for Pressley Road Extension project, Parcel #3.

The resolution is recorded in full in Resolution Book 46, at Page 547.

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ITEM NO. 31: AIRPORT BAGGAGE TRANSFER FACILITY DESIGN SERVICES

Councilmember Howard said there are actually a number of items tonight dealing with spending for the Airport and I think Mr. Cagle and Mr. Christine are here; I just wanted to publicly thank them for their efforts when it comes to our MWBE our SBE and DBE Programs because if you look on each one of these issues they’ve actually met or exceeded their goal. As a matter of fact on Item No. 35 they had an SBE goal of 8% and the construction company is going to come in at 23%. In an era where we are actually spending so much money on construction and expansion at the Airport I just wanted to make sure that we acknowledged their efforts to actually make sure we spend money throughout our community, especially with our small businesses and our disadvantaged enterprise businesses.

Motion was made by Councilmember Howard, seconded by Councilmember Mayfield, and carried unanimously to approve (A) Approve a contract in the amount of \$630,828 with RS&H Architects-Engineers-Planners, Inc. for design services for a baggage transfer facility, and (B) adopt Budget Ordinance No. 5582-X appropriating \$630,828 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 59, at Page 272.

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ITEM NO. 34: JOSH BIRMINGHAM PARKWAY IMPROVEMENTS

Councilmember Mayfield said it is kind of interesting to follow my colleague where he gave accolades whereas on Item No. 34 I am the opposite; I want to see more. At the end of the day I like the fact that we have goals but percentages can fall either way and I think percentages give false numbers. When you look at the actual dollars I had staff to check for me because I want consistency and in some of our proposals we have the actually dollar amount that our MWSBEs and our DBEs are actually having access to and in others we just have the companies listed and we have a percentage. When you are looking at a contract that is \$1.8 million for me if the total going to minority businesses is less than \$100,000 and that is split between four of five companies I'm still going to question it. It would be helpful to know outside of the numbers the actual breakdown and when the RFP goes out, are we breaking the RFP out in a way where more minority businesses have an opportunity to bid on them or is it still difficult. We have some companies that don't have access so out of \$1.8 million \$390,000 is a good amount, but when you are splitting that between six plus companies then what are the real opportunities when we are talking about growth, especially hitting our Charlotte INclusion goals and looking at our upward mobility numbers within the City? How are we really making sure that minority businesses are having a true opportunity to get a piece of that pie and not \$10,000, \$15,000 or \$20,000 worth of it? I applaud what we are doing; we've had great strides I just want to see us do a lot more.

Mayor Clodfelter said I think that is a suggestion for the future Mr. Manager; you've captured that.

Mr. Howard said Ms. Mayfield you know a lot of us have been and the reason I'm giving them kudos is because we have given them such a hard time for so long about doing more. In this particular situation on Item No. 34, I looked at each one of these and these seem to be opportunities that only for instance Duke Energy could do and it was a one contract. I looked at each one of them for that reason; can we do better, I'm sure but when we do good I want to recognize that too. That was my reason for doing it because we have been so hard at times on them to meet their numbers.

Motion was made by Councilmember Mayfield, seconded by Councilmember Howard, and carried unanimously to (A) Award a low-bid contract of \$202,372.08 to The Earth Scape Company, Inc. for the installation of landscaping improvements for the Realignment of Josh Birmingham Parkway Project, (B) Approve a series of Duke Energy Street Lighting contracts in the amount of \$95,553.20 for the installation of LED street lights along Josh Birmingham Parkway, (C) Approve a reimbursement in the amount of \$132,186.59 to the Charlotte Department of Transportation for traffic signalization work, and (D) Adopt Budget Ordinance No. 5585-X appropriating \$430,111.87 from the Aviation Discretionary Fund to the Aviation Community Investment Fund.

Summary of Bids

The Earth Scape Company	\$200,372.08
Distinctive Naturescapes	\$209,469.23
Country Boy Landscaping	\$241,899.80

The ordinance is recorded in full in Ordinance Book 59, at Page 275.

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ITEM 19: CONCLUSION OF CONSENT AGENDA

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ZONING PUBLIC HEARINGS

Mayor Clodfelter said we will have a series of Zoning Petitions; we don't normally do this on the Business Meeting so let me talk a little bit about what we are going to do tonight. We've got five rezoning petitions where we will conduct public hearings tonight; after we conduct the public hearing and close the hearing the petition will be referred to the Zoning Committee for their decision. Ms. Dodson is going to tell you when they will meet and make a recommendation; after their recommendation the petition will come back to the City Council for a decision at a later meeting. This will be the only opportunity for public comment and there will be no future opportunity for public comment.

Tracy Dodson Chair of the Zoning Committee said the Zoning Committee will meet Wednesday at 4:30 p.m. in the Government Center. This will not be a continuation of the public hearing but we would invite you to give us any comments that you may have. You can find our contact information at charlotteplanning.org.

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ITEM NO. 6: HEARING ON PETITION NO. 2015-027 CHARLOTTE HOUSING AUTHORITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.031 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF CHERRY STREET AND EAST 1ST STREET FROM R-22MF (MULTIFAMILY RESIDENTIAL) TO UR-C(CD) (URBAN RESIDENTIAL – COMMERCIAL CONDITIONAL).

Mayor Clodfelter said there has been a request to defer that Petition 2015-027 until our Zoning Meeting in April.

Motion was made by Councilmember Kinsey, seconded by Councilmember Howard, and carried unanimously to defer Petition No. 2015-027 to the April Zoning meeting.

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ITEM NO. 7: HEARING ON PETITION NO. 2015-028 BY CHARLOTTE HOUSING AUTHORITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.035 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF BALDWIN AVENUE AND LUTHER STREET FROM R-8 (SINGLE FAMILY RESIDENTIAL) TO R-22MF(CD) MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Clodfelter declared the hearing open.

Tammie Keplinger, Planning said I want to show the Council and the Zoning Committee the area that we are going to be talking about tonight. Actually you can see it on the screen overhead and I have also put copies of this on the dais for you. You will see the five petitions; Petition No. 2015-027 which you deferred earlier. All of these petitions are by the Charlotte Housing Authority. I felt it was important for you to see the relationship of these petitions to one another. We are going to go in order Petition No. 2015-028, 2015-029, 2015-030 and 2015-032. I wanted to show you what these rezonings together mean. If you look on the left side you will see the petition numbers, the residential units, the density and the zoning that is proposed. The main thing that I would like for you to look at is the number of units. Currently on these four properties there are 16 dwelling units. If all of these rezonings are approved there is a net gain of 26 units. Although when we go through these you will see densities that are 22 units per acre, 18 units, 14 units and 13 units per acre the overall density still remains low.

This is a request from R-8 single family residential to R-22MF(CD); just to orient everyone this is Charlottetowne Avenue, Cherry Street, Luther Street and Main Street and the property is located off of Baldwin Avenue. You can see from this map the single family residential is in yellow and multifamily in various zoning districts is in orange and then some office on the outskirts of the Cherry Neighborhood. From the aerial photo you can see there are several

buildings on this property; there are four duplex units and a leasing office that are currently there.

I want to talk briefly about the site plan; the petition is to allow up to 22 multifamily dwelling units per acre and a club house; the maximum building height is 40-feet and there are specifications on the building materials and the elevations that are provided. They are providing open space and a playground, the club house will be located here with units above it then they have two additional apartment buildings. Again this is Baldwin Avenue, Luther Street and Main Street. There is a 14-foot buffer along the eastern property line for the adjacent single family residential and then the parking is located in this area.

These are the building elevations that are proposed; these are the end elevations along Luther Street and Main Street and this would be the main elevation that you would see from Baldwin Avenue. I want to talk briefing about the building elevations and the site plan. Staff has several concerns about the design of the apartments in this proposal. The buildings are oriented more toward Baldwin Avenue which is an open playground area; staff feels that they should be oriented toward Luther and Main Streets where we have other single family residential development. There is also exposure of the parking lot along Main and Luther Streets; we feel like this could be better accommodated with another layout. There is also the close spacing and massing of the building with the buildings that are attached with the stairways. It creates the appearance of a really massive building that is very large and that is not consistent with other structures we find in the neighborhood. The overall height of the building being three-story and a massing, that again does not transition into the adjacent residential neighborhood very well.

In terms of the future land use this property is located in the Midtown/Morehead/Cherry Area Plan which was adopted in 2012. The proposed density is 21.26 units per acre or right at 22 and that is inconsistent with what the Area Plan recommends which is eight dwelling units per acre. Staff does not recommend approval of this petition in its current form. As I mentioned it is inconsistent with the Area Plan's density; we also have a number of outstanding design issues and in addition there are some other technical issues that also need to be addressed.

Councilmember Lyles said Ms. Keplinger, can you orient the building for us where the park is in Cherry; show us a connection between the sites?

Ms. Keplinger said this is the park area right here; this is Baldwin Avenue; this is what would be facing the park.

Fulton Meachem, 400 East Boulevard said I am the CEO of the Charlotte Housing Authority; we are here this evening to discuss the rezoning petition for the redevelopment of Tall Oaks. Before we get started I would like to introduce our team; we have Janelle Brown, Daniel McNamee, our Architect of Neighboring Concepts and Ms. Nina Wilson one of our great residents of Tall Oaks.

We believe every child, woman and man deserves a place to call home. We recently opened our waiting list at the Housing Authority and we had 32,000 families apply; 4,000 homeless, 700 veterans, 16,000 working families so I don't think there is a question that there is a great need for affordable housing here in Charlotte. Specifically the Tall Oaks Community, we have been providing affordable housing there for the last 30-years. Presently this particular apartment complex needs to be overhauled, needs to be updated and this overall Community of Cherry is going through a transition as well, losing some affordable housing units. What we decided to do as a part of our development strategy is develop a plan that actually works for both Tall Oaks and the Cherry Community as well. Within this planning process that we went through, we had nine different meetings with stakeholders within this community to develop a plan that would also accentuate the charm and character of the Cherry Community. A really integral part of our process that we talked about was this new paradigm shift in public housing. Turning housing a last resort which we see over here to the left, the old Tall Oaks design that is very temporary looking in its structure, things that you can see that definitely make it look like it is public housing and turning that into what we will call housing of choice over here that looks like a piece of the property in which is stable, is permanent, mixed very well into the community and the other units that are there and houses that are there. The most important thing that we talked about

though was the transition from a housing community in which working was really less of an emphasis to a community in which now it is actually a requirement. This is more than a bricks and sticks project; this is actually an opportunity for our families to get a clean slate, start working their way into the American dream and moving up the ladder. What we have defined this community as upper mobility and that is a great concept for this community. Since Cherry was founded on the principle of providing housing options for working families, but those opportunities are quickly disappearing. Cherry is gentrifying and our plan provides a variety of quality affordable housing options for existing residents. Our plan is a two-phase plan, the first phase is 81 units for residents that are between \$38,000 and below. At this time I will turn it over to Daniel McNamee to go through the designs.

Daniel McNamee, 1230 West Morehead Street said I would like to start with this next slide just to show you a little bit of the character so the images on the left and the right are images of existing homes in the neighborhood. We took an opportunity to look through and pull from the design and what you see in the middle are the designs of the different building types we are proposing on the four sites. I just wanted to start and show you a little bit of the connection where you see a similar gable or similar brackets and the design of a dormer and how that is pulled into our architecture.

I also wanted to walk through with you and the way this is structured there will be three pages on this site. I wanted to show you as a reminder where Site B is with the park across the street, Pleasant Hill Church right there and Luther and Main Streets. Again this is 22 units with a club house, proposed R-22 multifamily. Currently there are four units on site and just for reference what Ms. Keplinger presented this was that design so after listening to their comments we created frontage on Luther Street; previously you see all the frontage was on Baldwin Avenue as she stated. The new frontage, we broken into four buildings, reducing the mass. We've also created frontage on Luther Street here and Main Street here and switched a drive here. Another change that we've done; these buildings are still three-story but we've stepped down along Luther Street and along Main Street to a two-story building as well. I just wanted to present some of those changes to you.

Nina Wilson, 1700-A Amherst Place said I am a resident in the Cherry Community of Tall Oaks for about seven years. Being a member of this community has meant so much to my daughter and me. Since living there I have received my Associates Degree in Business, recently received my real estate license and my daughter is currently going to school at one of the best Montessori schools in the City. If the Charlotte Housing Authority was not in this neighborhood these opportunities would have been left unattainable for us at this time. Over time I've seen a lot of affordable housing replaced by more expensive housing in the Cherry Neighborhood; the amenities surrounding the community have made life a lot easier for me and my child. When I was in school I had car trouble and was able to walk to school due to the close proximity of school and the Cherry Neighborhood. I have a piece of mind as I diligently strive to be independent and self-sufficient and providing a viable productive life for my child. The new development will be a great improvement to the Cherry Community. The additional supportive services will also assist me and others in the community to reach self-sufficiency faster than having to navigate through those challenges alone. I do encourage you to support the Housing Authority and their efforts to redevelop the Tall Oaks Community and continue to provide affordable housing options within the Cherry Neighborhood.

Mr. Fulton said I would like to end on saying thank you so much to the residents of Tall Oaks which you see in the background and the residents of the Housing Authority as well as the Cherry Leadership Organization; thank them so much for their support.

Councilmember Howard said Ms. Keplinger is this the first time you've seen the revised layout of the building on Baldwin?

Ms. Keplinger said we have been working with the petitioners and we did receive some preliminary revised site plan; this is very similar to some of the designs we worked with them on.

Mr. Howard said I thought it was; that is what I was wondering.

Councilmember Smith said point of clarification; what you presented was not what was presented the other night at the Community Meeting. Is that correct or incorrect?

Ms. Keplinger said I did not attend the Community Meeting, but I believe that is correct.

Mayor Clodfelter said what plan was presented at the Community Meeting, the original one or the revised one?

Mr. Meachem said the Community Meeting was the actual revised design, the one that you see in front of you.

Mayor Clodfelter said the one that you showed us tonight?

Mr. Meachem said yes.

Ms. Keplinger said Mr. Mayor, as you recall the Zoning Ordinance doesn't allow staff to accept a revised site plan less than four weeks prior to the hearing so that is why you see the difference in improvements.

Mr. Smith said what you showed is incorrect and what you showed is correct; I just wanted to make sure I understand.

Alexis Marteslo, 1440 Andover Road said I would like to apologize; I'm listed as against only because when you sign up to speak on line you must check for or against, so I apologize I really would have been a better "no opinion" vote because I'm not a resident of the Cherry Neighborhood so I feel like the vote on whether or not these projects are appropriate is really best left to the neighbors in Cherry. I am here as a concerned parent from Eastover Elementary so in addition to the petitions that are being discussed tonight plus No. 27, which was deferred as well as No. 18, which I believe has already been discussed and a petition that was approved in April 2014 which is 2014-024, all of those petitions are sending any children that will live in the buildings to Eastover Elementary. When I told the Rep what was in the rezoning petitions that is a total of 152 forecasted students to Eastover Elementary. According to those same rezoning petitions Eastover Elementary, as of September start of the school year was at 104% capacity. If 152 forecasted students attend Eastover it would put us at 131% capacity for the school, taking us from 484 students to 636. That is an additional 30 students per grade level if we are able to divide it equally which likely wouldn't happen; it basically means an extra classroom for every grade level. My concern is that it was only five years ago that the district boundaries for Eastover had to be redrawn and a new elementary school opened to help alleviate a severe overcrowding problem at Eastover where kindergarten classrooms are in the auditorium. Every spare space in the school is being used. I can tell you from speaking with parents who had to go through that, it was before my time, that they wouldn't wish either the overcrowding or the solution on any future parent. I appreciate the opportunity to speak to you and I apologize if this isn't quite the forum; I was told this would be a great place to just kind get my questions and concerns out, but just really want to make sure that the dots are being connected that in all seven of these petitions all of the students will go to Eastover Elementary and I want to make sure that both the City and CMS are working together to make sure that we are not unnecessarily swamping Eastover's boat and that there is a plan in place to help either eliminate the need for overcrowding or to put a place for how to handle it.

Mayor Clodfelter said Ms. Keplinger, I don't see a comment from the School System on this petition; is there one?

Ms. Keplinger said there is.

Mayor Clodfelter said I found it.

Karen Jensen, 311 Baldwin Avenue said I am very happy to have a reference to all seven petitions and there were other ones in the last couple of years prior to that, but this is just an immense amount of high density housing and I would say the same on all of these petitions. The one that has been pulled, plus the others, they are proposing to go from 51 units to 281 units. It

is not an issue for me whether this is low income housing or the fanciest, most expensive stuff in Charlotte, it is not appropriate to shove all of that into the middle of our residential neighborhood. Even the Planning Department mentioned that the Small Area Plan calls for eight units per acre, not close to 22. That is a lot of traffic, there is not one garage planned for any of this; this is all rental property. The Plan was to have residential and also for a portion of that to be affordable for low to medium income people. This proposal doesn't work toward that at all. Beside from the other children and traffic; I believe it is against the law to consider land use and to talk about how this is required and needed and why in Cherry always to have low income housing. If that is part of your consideration I don't believe that is permissible.

I would like to comment on the scale of the architectural drawings that were shown by the architect, but showing the houses that are already in Cherry versus the buildings, I believe that was just very misleading because they appear that whether that was the intention or not, but to clarify, they appear to be the same size, the houses and the proposed buildings and they clearly are not. There are many multiples of the size; maybe it was just a space issue on the paper, but I wanted to point that out. Also Mr. Meachem referenced that there were nine meetings with stakeholders; this is not true. They may have had nine meetings with some people who have an interest in this project, but there were not nine meetings with all of the stakeholders in the neighborhood. The first I heard was a few weeks ago; Ms. Kinsey was at the meeting the other night; I received a notice in the last couple of weeks about a meeting we had on I think Thursday evening which was the first I had seen or heard of any of this. There is a group saying that they are the Cherry Leadership Team of some sort; those people have not invited most of the people in the neighborhood to participate in any way and whether that is a decision from Planning or from the Housing Authority or because of interference from the people saying they represent the neighborhood I don't know, but I can tell you that many people who are very interested in this and have a stake have not had the opportunity to talk with any of the people Planning until maybe this past week. I know some people who also didn't receive those notices that should have. That is really the large issue; this is the same group of people who were very involved in several other rezonings and then came to you all and say hey we need an investigation into the money here and the deal that were made and you all responded saying you would. I haven't heard the results of any of that. There are some people who should be involved who aren't, but getting back to the specifics of the building; it calls for a density from R-8 up to R-22 which is specifically against the Small Area Plan that we all worked many hours on and that this City and taxpayers spent a lot of money on. Why that is thrown out to consider this I don't understand and I don't think it should be. Some of these buildings are five-stories high; that is not in keeping with residential character no matter what the design looks like and they are pretty designs for a building that size. They are just not appropriately sized.

We've been told in the past that other high density projects were an exception to what would be put in Cherry, that we just really need this one building for the seniors, or we just really this one building to have some retail or we really need something but all of that is opposed to the Plan that everyone agreed on. My objection again is not to low income housing; it is to the density of this housing and the size and the mass. I've been told from somebody in the Housing Authority group, well you wanted to live there and other people should get to live there too. That is not an excuse for throwing away all of the plans, the restrictions and the type of neighborhood that we have. I have no problem with anybody that wants to come live there; I have a problem with the building. I would just like to ask the question why is that nobody is coming up to say well we really need this high density and low income property in Elizabeth or Myers Park or Dilworth, the other neighborhoods that surround us? Nobody had a problem saying we really need it in Cherry and you are not supposed to consider land use in a zoning decision. You should be looking at the Small Area Plan and what is right for the neighborhood to continue to do well. I would love for there to be homes available for purchase for people with low and moderate income being built that are single family residential which is what the Plan called for. A mix of that with the market rate units would be wonderful, but these huge buildings are not what we deserve to have in the neighborhood.

Councilmember Austin said how long have you lived in the Cherry Community?

Ms. Jensen said I've been there for eight years working on my health and other things.

Mr. Austin said you said those people in leadership; are you not familiar with the people in leadership in your community. You spoke of it as just some separate group; are you not part of the community?

Ms. Jensen said yes sir I am and I'm signed up with the City to receive notices for what happens in Cherry. I have other people that are in a group and it is open to whoever wants to come. If we were to claim that we were representing the neighborhood in any kind of committee or discussion about property or anything else, a notice would go out to everybody. There are certain details I will leave out, but it seems to be specific to certain people who disagree that they are not invited; it is not only me. It is only the people who want to promote this project who say that they are a joint leadership team; I'm not aware of anyone who is opposed to that who was invited to participate and I did not know anything about any of these nine meetings or the Leadership Committee Team. There are no sign-up, no e-mails, no letter, nothing about that until this past week.

Mr. Austin said there is a process in place that letters go out to everybody, correct?

Ms. Keplinger said I think Ms. Jensen might be talking more about some of the things in the community and maybe some about the mail notices, but yes the Council does have a notice policy on rezonings. It is any property owner within 300 feet and any neighborhood organization that is registered with us within one mile. I don't have the information in front of me, but if Ms. Jensen signed up on that I'm going to check on that tomorrow to make sure that she is on there and if she received notice. The rest of the Cherry Organization; I know that several of those people are on there, I'm just not aware if Ms. Jensen is or not.

Councilmember Smith said I have a question about the schools; did you say 170 students?

Ms. Marteslo said when I counted up the seven total petitions I came out to 152 forecasted students for Eastover.

Ms. Smith said I was trying to look through because we've actually been very cognizant and we are trying to get more of that information on the petition; Councilmember Lyles has been pushing it. The math that I'm seeing doesn't equate to that; how did you calculate your numbers and are the numbers in our packet wrong?

Ms. Keplinger said the numbers in your packet are the ones that we received from the School System. On this particular case, Petition No. 2015-028 they estimated that under the current zoning there would be 16 children and under the proposed zoning there would be six so that is a decrease in the number of children. That is based on the way that the School System calculates single family residential versus multifamily. I can only give you some peripheral information on that. As far as the other petitions I haven't actually added that information up but that is something we will definitely go back and look at.

Mr. Smith said can we double check between now and the end of the week or the vote?

Ms. Marteslo said I just added up the numbers on the petitions that are posted on line and it shows how many students will go to Eastover, how many students will go to Alexander Graham and how many students will go to Myers Park.

Mr. Smith said I'm going to get a follow-up on that because it is not quite matching what I have right in front of me and I want to make sure that I have all that data.

Mayor Clodfelter said we will do that in the aggregate, not just the petitions that are on for hearing tonight.

Ms. Keplinger said we will do it for all of the petitions and the other ones that they mentioned.

Janelle Brown, 400 East Boulevard said I want to address the school issue and make sure that Council understands that the Housing Authority currently has 50 units in the Cherry Neighborhood and there are currently 66 children at school age that are attending the three
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schools that were mentioned, elementary, middle and high school, so when you take into account what CMS has provided as the data, there is also a number of students that are already within the School System that the School System is serving that are residents of the Housing Authority and there is only a net increase of 31 units when you look at the units that are currently within the project as far as what we are increasing in the neighborhood based on the petitions that you will hear tonight. I want to make sure that Council understands that.

Mayor Clodfelter said can you coordinate with Ms. Keplinger so we can get a combined report of all the data that you've got that the School System's got and bring it all together?

Mr. McNamee said I just wanted to address a few comments; first of all there was mention of 283 units. This site is 22 units and we are looking at a total of proposed sites tonight of 42. One of the reasons the large site was deferred is we want to continue to work with the community and find a resolution with that. In relation to the architecture, the scale, I wanted to point out the reason we put these sketches here of single family homes that are adjacent, those typically can range anywhere from the 25 to the ones with larger roofs to 31 feet. You can see the scale compared to our building; this is a two-story quad building. We did maintain a three-story building but to try to break that up we tried to add in some elements like bungalows, large overhangs, brackets and also three levels of different types of materials that pull from the existing architecture.

Motion was made by Councilmember Autry, seconded by Councilmember Kinsey, and carried unanimously to close the public hearing.

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ITEM NO. 8: HEARING ON PETITION NO. 2015-029 BY THE CHARLOTTE HOUSING AUTHORITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.43 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF LILLINGTON AVENUE AND AMHERST PLACE FROM R-8 (SINGLE FAMILY) TO R-22MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Clodfelter declared the public hearing open.

A protest petition has been filed and is sufficient to invoke the rule requiring affirmative vote of $\frac{3}{4}$ of the Mayor and Councilmembers, not excused or recused from voting, in order to rezone this property.

Tammie Keplinger Planning said to help orient everyone; this is Lillington Avenue and this is Amherst Place and Luther Street and the property is located at the corner. The rezoning request is from R-8 single family residential to R-22MF(CD) which is multifamily residential. Looking at the aerial you can see two buildings on the site; these are actually duplex units. The site plan is to allow eight multifamily dwelling units; the maximum building height is 40-feet; they have specifications on the building materials and the detached lighting is limited to 20-feet. You can see that they have two buildings as noted here; the parking is located to the rear and there is a ten-foot buffer along the parameter. Looking at the elevations, this is actually the side elevation and these are the front elevations for those two buildings.

Looking at the future land use plan the Midtown/Morehead/Cherry Area Plan recommends residential units at eight dwelling units per acre. The request will be at 18.60 dwelling units per acre. Staff does recommend approval of this petition upon the resolution of the outstanding issues, although it is inconsistent with the Area Plan recommendation in terms of density, it is consistent with the goals and objectives of the Area Plan and those are to have height, setbacks, building orientation and character that is consistent with the existing homes in the immediate area. The outstanding issues we have remaining are technical in nature.

Councilmember Lyles said can you review where the parking is for the building site?

Ms. Keplinger said this is Amherst Place, Lillington Avenue and the parking will be located to the rear of the building so they will have the main frontage will be along Amherst Place and as I indicated there will be a ten-foot buffer for the adjacent properties.

Councilmember Howard said can you go back to the site plan and orient me as to what is going on across the street? I'm trying to orient myself; that is the park.

Ms. Keplinger said this is Amherst Place, there is Lillington Avenue and that is Luther Street; the park is up there. This is the rezoning request we were just talking about.

Daniel McNamee, 1230 West Morehead Street said I am the architect and I just wanted to run you briefly through this; this is a view from Amherst Street and Lillington Avenue and again this is site C. You can see on the site plan this little triangle is where we are standing in this view, just to give you an idea and these are the two units that were single family character and we feel confident that we can solve the technical issues remaining that staff has told us. We would open it up to any questions you have.

Councilmember Smith said I have a question for Mr. Meachem. I apologize if I heard this incorrectly earlier, but earlier we had talked about the part of the issue as some of the loss of affordable that has occurred in the Cherry Neighborhood over the years. Was that single family or multifamily loss?

Mr. Meachem said I think those were multifamily.

Ms. Keplinger said late this afternoon we were made aware that there is a sufficient protest petition on this case.

Mr. Howard said the affordable housing that was publicly subsidized is being lost but the whole neighborhood at one was affordable so single family and multifamily.

Mr. Smith said the comment he made was about recent years and I wanted to see what had come down and if we were replacing that.

Councilmember Kinsey said I would just like for my colleagues on that end of the dais to speak so we could hear them on this end.

Mayor Clodfelter said it would be a good idea if everyone spoke into the microphones both here and at the podium.

Karen Jensen, 311 Baldwin Avenue I would just like to say briefly that I don't understand the comments from Planning that this is inconsistent with the Small Area Plan but consistent with the goal for the Plan. It is not single family, it is not for sale, I don't understand how that is consistent with the goals and I would love it if we had an answer to those questions about why they deem something consistent or inconsistent. Other than that I would just reiterate everything I said before.

Motion was made by Councilmember Mayfield, seconded by Councilmember Austin, and carried unanimously to close the public hearing.

ITEM NO. 9: HEARING ON PETITION NO. 2015-030 BY THE CHARLOTTE HOUSING AUTHORITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.562 ACRES LOCATED ON THE WEST SIDE OF LUTHER STREET BETWEEN BALDWIN AVENUE AND ELI STREET FROM R-8 SINGLE FAMILY RESIDENTIAL TO R-22MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Clodfelter declared the hearing open.

Tammie Keplinger, Planning said the rezoning request is to rezone R-8 single family residential to R-22MF (CD). The two cases that we just talked about, this was the first one and this was the second one and this is the property that we are talking about now. In terms of the current land use three buildings, six duplexes located on the site currently. In terms of the proposed site plan it allows eight multifamily dwelling units; maximum building height of 40-feet. Again the materials are specified as they are with all of these rezoning cases; they are all the same building materials. The maximum detached lighting is limited to 20-feet. You can see that the buildings front along Luther Street and there is parking that follows these arrows that comes in and it is angled parking and then it moves out over toward Morgan Park Drive and there are some parallel parking spaces here. We have six units in this building and two in this building.

There are the elevations for the six unit building and the two unit building and in terms of the Midtown/Morehead/Cherry Area Plan, it recommends residential at up to eight dwellings units per acre. The proposed density for this petition is 14.24 units per acre. Staff does not support this petition in its current form. It is inconsistent in terms of the density; it meets and is inconsistent with the goals and objectives of the Plan, but there are some design issues that need to be dealt with in this particular case. The attached townhome, this building, staff feels like the massing of this building is not appropriate for the area with the six units and we would like to see that modified and it seems to be out of character with the pattern that is currently in the area. Again, staff is not supporting this petition in its current form.

Councilmember Howard said what is there now; how many buildings?

Ms. Keplinger said three buildings, each with a duplex so six units.

Mr. Howard said that is the form that you had rather those six units be in?

Ms. Keplinger said with those six buildings, one of the challenges that the petitioner has had is there is a drainage easement through the property which has prevented them from dividing it up, but we have been working with them on some alternative designs and I believe they may present something to you.

Fulton Meachem, 400 East Boulevard said I just want to set this up and thank Planning for working with us. We have been working with them over the last couple weeks to improve the Plan and that was a part of the presentation we gave at the Community Meeting last week.

Daniel McNamee, 1230 West Morehead Street said you will see again on your board, we wanted to try to show you just for reference what was before and what was after. As Ms. Keplinger stated this was the previous design where we had the six unit townhome building and this is the perspective from the corner where this is showing on Luther Street and Morgan Park. Thought meetings with them and working with the neighborhood we are now proposing this revised design where we break up the massing. It is referred to as Site D. We have broken it into a four unit townhome building here which you see in the site plan and then a quad here. Similar parking and in listening to the neighborhood we've tried to increase the off-street parking to 13 units and the rate on this site is 1.6 spaces per unit.

Councilmember Lyles said on the building which you referred to as Morgan Park elevation, is that the two-bedroom flat building?

Mr. McNamee said that is correct; that is this building right here and you can in the perspective as well here so Morgan Park would be right off to your left in this perspective view. You are looking at the elevation facing Morgan Park.

Ms. Lyles said and there is no entrance off of the parking lot; you would walk around the building to the from on Morgan Park Drive?

Mr. McNamee said correct. Per the ordinance and in working with staff that is one of the requirements to have an entrance both off of Morgan Park as well as Luther Street.

Ms. Lyles said it is hard for me to get a sense of the size of that building in comparison to the duplex and it just looks to me big and boxy. I don't know how big it is.

Mr. McNamee said it is 31 feet tall, so when you referred to this as a sketch of a typical single family house to the adjacent right next to it on Luther Street, it is very similar in height, about 31-feet to the top. You can see this one is not quite as wide, but it is very similar.

Ms. Lyles said staff if you could give some proportion so I could figure out what that building looks like as compared to the others that would be very help.

Mr. McNamee said it is 60-feet deep as well.

Ms. Lyles said and windows on the side?

Mr. McNamee said correct; this is the elevation facing Luther Street so you can see windows to living spaces and kitchen here. The entrance facing Luther Street here and again as the building goes this building similar makeup of materials of brick and fiber siding as well.

Councilmember Phipps said is there a valid protest petition for this petition?

Ms. Keplinger said no sir, not on this one.

Motion was made by Councilmember Autry, seconded by Councilmember Kinsey, and carried unanimously to close the public hearing.

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ITEM NO. 10: HEARING ON PETITION NO. 2015-032 BY THE CHARLOTTE HOUSING AUTHORITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.305 ACRES LOCATED ON THE NORTH SIDE OF BAXTER STREET BETWEEN QUEENS ROAD AND ELI STREET FROM R-12MF (MULTIFAMILY RESIDENTIAL) TO R-8(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Clodfelter declared the hearing open.

A protest Petition has been filed and is found to be sufficient to invoke the rule requiring affirmative votes of $\frac{3}{4}$ of the Mayor and Councilmembers not excused or recused from voting in order to rezone this property.

Tammie Keplinger, Planning said we did find out late today that the Protest Petition is sufficient on this case. This is a rezoning from R-12MF multifamily residential to R-8(CD) single family residential. The property is located right off of Baxter Street and to help orient you, the last rezoning we looked at was right here.

One of the things I would like to talk to you about is a little bit unusual about this rezoning; first of all you can see on the site that there is a duplex that is currently there and they are requesting a quadplex so four units with a density of 13.1 units per acre. If you will recall the request is from R-12MF multifamily to R-8 (CD) single family and the reason the request is going from multifamily to single family and getting an increase in the density is because the Zoning Ordinance says for the R-8 District that if you have an existing plot of record that it can be used for a duplex, a triplex or a quadplex in an R-8 District and you do not have to comply with density. That provision is not allowed in the R-12 District, therefore they needed to rezone to R-8.

The request proposes a quadplex on the existing lot with a maximum height of 40-feet; we've got the same building materials and elevations. We have lighting limited to 20-feet. As you can see this is Baxter Street; the front of the building and the parking is located to the side and again to the rear. The building elevation is very similar many of the other homes within the Cherry Neighborhood.

In terms of the Midtown/Morehead/Cherry Area Plan it recommends up to 12 units per acre for this site. The density is at 13.1 so it is just a slight increase. The petition is consistent with the goals of the plan; the proposed residential buildings are consistent in terms of height, setbacks, building orientation and character and the outstanding issues that we have are technical in nature and staff does recommend approval upon resolution of those issues.

Councilmember Phipps said Ms. Keplinger did you say that this petition was inconsistent with the Plan?

Ms. Keplinger said it is inconsistent with the density proposed by the plan but consistent with the goals.

Mr. Phipps said is it safe to say that all four petitions are consistent with the goals of the Plan?

Ms. Keplinger said not yet because we still have some massing and some design issues on several of the other ones.

Daniel McNamee, 1230 West Morehead said again we just wanted to present the revised design to you, based on working with staff and the neighborhood, trying to bring in more character from the neighborhood. What you see there is a perspective of the new design and again this is the previous design. The site plan has stayed the same; we just changed the architecture so the previous design and again the revised design, trying to pull in more elements of the neighborhood.

Janelle Brown, 400 East Boulevard said I just to inform you once again that the reason that these changes are coming in late is that we are continuing to work with the community and Planning to make sure that we have a design that fits in with the Cherry Community and that is something that the residents could be proud of. I think through this entire process we have committed to doing that and taking their feedback and going back and making the appropriate changes to the design and any feedback that they have provided to us. That is the reason why this evening you are seeing changes in the design and what we are proposing for the site, even the ones that were being supported by Planning.

Kristen Moyer, 1922 Luther Street said my family and I live at 1922 Luther Street; we share a property line with Site F our backyards share a boundary. My husband and I bought our home on Luther Street in April of last year; we love the modest single family feel of the neighborhood as well as the proximity to uptown Charlotte. When we made the decision to buy our home we thought the newly developed Midtown/Morehead/Cherry Area Plan approved by City Council not long before we moved in provided us some protection from the encroachment of larger multifamily housing. We were unaware of the plans to extensively change the zoning throughout the neighborhood. From what I understood the Plan was to add 59 new units of affordable housing and 200 units of workforce housing in addition to the 52 current units. We are aware that the Cherry Leadership Team has voiced support for some of the rezoning petitions yet as an adjacent property owner to one of the sites in question our input has not been asked for. The Cherry Leadership Team does not speak for all of Cherry, but primarily for the longer term residents. There are many new homeowners in the neighborhood and the interest of all needs to be considered.

The property behind our home current consists of a duplex with driveways on either side of the building and a grassy backyard with four very large trees along the border of our properties. The new proposed development would turn this duplex into a fourplex with eight bedrooms and only four parking places down the side of the building and a lot in the backyard bordering our fence. We are very displeased with this plan. Despite the current zoning of R-12MF the lot is just 0.3 acres. The current structure, the duplex that is there now is of a size that allows for side driveways to accommodate the resident's cars. The new site plan would put a parking lot on what is currently a grass yard. Because of the high elevation of our lot on Luther we would be looking from our back deck and small yard right over to this parking lot. Furthermore the four large trees on the borders of our lot has significant root structures. What is the plan for these trees? Surely with the proposed parking lot the root structures would be irreparably damaged

and the trees would have to be removed or cause risk of significant injury or damage to people and property. The trees add beauty and shade to the neighboring properties and to lose them for the sake of a parking lot would be a major loss.

We would respectfully ask that the site plan be reconfigured so that a duplex rather fourplex or in the alternative four one-bedroom units be built on this lot. The size of the lot cannot accommodate both the housing and parking needs of the future residents. With the lot being so close to Queens Road street parking is not feasible. A duplex or a fourplex with one bedroom units and side drive parking would work better on this lot. Also we would request that additional trees be planted on the rear property line to provide additional privacy for all properties that share the border and that the root structure of the existing trees be protected from harm. The Plan as presented with the additional notations added goes beyond what this property and Baxter can accommodate. Last Wednesday during the public hearing Councilmembers Lyles and Mayfield expressed concern with the change in zoning which may set the course for what may happen to the residential character of residences along Baxter Street in the future. They further indicated that it is important that we get this right now; it is important and we must get it right.

There have been four rezoning petitions presented tonight for Cherry, one last Wednesday and one still to come. All seek to add affordable housing to Cherry and all ask for zoning changes modifications and/or uses that are not supported by the Midtown/Morehead/Cherry Plan of 2012. I ask you if these were not affordable housing petitions would the Council support the approval of these six petitions that violate the Plan that was approved just three years ago. While we absolutely do support affordable housing in Cherry my family and I are concerned about how quickly and dramatically the MMC Plan is not being followed and how the density of the neighborhood is increasing in just the ten months that we have been residents here. We relied on that Plan that you as members of the City Council approved when we made the choice to purchase a home in this neighborhood. If we had known that City Council may not uphold the Plan they had just approved we would not have purchased this home. If we knew that within a year the lot that our property over looks would be changed from a duplex with side parking to a fourplex with a parking lot in the backyard we would have bought a home elsewhere. Although the reduction in zoning has been moved in the right direction with this particular property, this rendition with its current conditions does not work on this parcel of land. We respectfully ask that the zoning petition be denied in its current form and that the plans be amended to address these concerns. I would like to add one thing in light of what Ms. Marteslo said; we are parents of young boys as well and our two boys were affected by the redistricting and overcrowding at Eastover the last time and were sent to Dilworth Elementary. One of our reasons for choosing this home as well was because we know what an excellent school Eastover is and because it was a designated elementary school for our home that was also a big factor in our decision. We would hate to be redistricted out of Eastover for a second time due to the massive influx of students that this school cannot provide for at this time.

Karen Jensen, 311 Baldwin Avenue said I just want to add on to everything else that has been said and I think it was Jason Harris, a resident of our neighborhood, but a young man that spoke last month about one of the other petitions for another 30 units of low income housing and he also mentioned that he relied on the Small Area Plan before his house and if it is meaningless then why are we doing this? Why are we spending all this money and hours and hours of time, I think it was a half-dozen meetings for two or three hours a piece and that is not counting any staff time and payment plus printing and everything else. If they are meaningless then why are we doing them? People are relying on them and on your word when you approve them.

Another thing I thought of as she was speaking is that many comments came from the people and this is not exclusive to this series of projects, but in the past they are apparently relying on sort of an element of danger when we mention that the streets are too narrow to accommodate as Luther particular is extremely narrow and to be putting more traffic out onto Luther Street, we were told oh, that will slow traffic down, it will be safer because you can fit two cars by at the same time and if people are parked there because of the parking issue with all of these projects, they said oh, that will actually improve things. I am not a fan of building in danger to try to slow traffic down. I think there are other better ways to do that. It sounds crazy, but I keep getting the same feedback from Planning and DOT and developers who claim, oh no, it will be better with a lot of cars parked on this narrow street. You can't get an emergency vehicle down the street. This

came up at our neighborhood meeting, you can't get one down and turn around some of them you can't actually fit next to a car that is parked there, on not just Luther, but Welker and Waco, other streets as well. Again, not one garage with these 251 for here and then 30 for the other project from last month. You know we already had 42 units added with the Senior and disabled housing which we were told was to replace the housing. I think people are double dipping on the count of how many housing units we are losing in order to try to make this seem less shocking, but it is still almost five times of what we had. I'm happy that tree save was brought up and I hope somebody looks really hard at that.

Councilmember Lyles said Ms. Keplinger could you give us some information on the amount of paved space on this lot compared to what is required and what has been submitted?

Mr. McNamee said thank you for your comments; we'd like to address some of them. First of all the trees, we also enjoy the beauty and the shade of the trees and it is our goal and we also worked with one of your neighbors behind this site to pull the parking off it at one of their earlier neighborhood meetings. We also are committed to keeping the trees back there; it helps our building as well. We also have a 12-foot buffer where there is a requirement for a certain percentage of trees that don't lose their leaves, evergreen trees as well as deciduous trees. In regards to the parking our goal for this whole project is based on the initial comments which we increased from the one to ratio for these properties; we increased to a one to three overall ratio for all of the projects. The height is a similar height to what is around this property and I believe that was most of the comments.

Ms. Brown said there has been a lot of talk about the Area Plan for the Cherry Neighborhood and I think it is important for the Council to be mindful that the Cherry Area Plan is one of the few plans that have come out that has talked specifically about affordable housing and the want to have affordable housing within the Cherry Neighborhood. I think when that Plan was created even though it talked about keeping the charm and character which we think that we have accomplished with the redesign for our project, it also talked about being able to maintain a mix of incomes within this community and to keep affordable housing present and thriving within the community and we think that the redesign and the redevelopment of our existing housing will help accomplish that goal and actually make the community better instead of take away from it.

Councilmember Phipps said I might be the only one that as a Planning Commissioner helped to craft and listened to the comments and the vetting of the Midtown/Cherry Plan when it was being developed. I recognized then that it was a very deliberate Plan, some of it was contentious in terms of the neighborhood involvement of it and I'm just surprised at the amount of seemingly inconsistency with the Plan that we have now with some of these petitions. I know that everyone recognizes the goal of affordable housing within Cherry, but I would like to have seen more, I didn't expect to see this much in the way of multifamily with this amount and more multifamily to come. I would have liked to see some more of owner occupied type structures to try to create some affordability in addition to trying to help residents build some wealth in their community. I would hope that over the next few weeks that I could get more comfortable with what I'm hearing with these different petitions and just to figure how best to proceed in my deliberations on these petitions. Right now I feel kind of uneasy with what I'm feeling right now so I'm hoping to be able to gain some comfort and I would hope that in working with Planning and in talking to Mr. Meachem and some of the other stakeholders that I could gain a better comfort level than I have right now with these.

Ms. Lyles said after looking at every one of the petitions that we've seen and seen the drawings for them I have a feeling it is almost like once we decided on the two-story structure we were just going to put it like hotels in a Monopoly Game on the board and I just feel like we are looking at the same product spaced around the block tonight and it gives me some concern. I understand the parking ratios, but it just feels a little bit sameness that that is not the character of the neighborhood completely. I think you've done a tremendous amount of work to get to that character, but I'm a little bit worried about the sense of the two-story, sixty-foot gap housing and the number of times it occurs. I don't know if that is something that can be worked out or worked through of it is something that is of interest to even work out or work through, but it is a concern for me.

Councilmember Howard said I'm hesitant to jump into this one and I think my colleague Mr. Austin was trying to allude to this earlier and I think I'm going to be a little bit more plain spoken with it. I then when I look at this issue and even looking into the audience tonight and hearing the different sides it is disturbing to me for a lot of social issues that I won't try to lecture everybody on tonight, but I sat here and I've gone through rezonings where I've had a certain group sitting here tonight mad at me because I thought that because of the closer in nature to Cherry that density and change was just going to be a part of Cherry's future. At the same time I'm sitting and talking to another crowd saying at the same time that because of the way that the residents that have been there for years have been good stewards of that neighborhood that you even have the opportunity. Tonight I'll be honest with you; I really wish there was more conversation about balance between both sides because this is happening over and over and over again in the City communities and I know that we ran for this and we'll figure it out in two weeks we will vote one way or the other, but the dynamic is just disturbing, I'll be honest with you. I wish that both sides would talk more because it is old and new; it happened in Wilmore a couple years ago, it was very uncomfortable. We got our way through it because the two sides came together, but we are going to continue to have this dynamic and I would hope that both sides learn how to talk to each other because what is going on here tonight is not making me feel good about kind of the future of our inner City communities for sure. I would hope between now and when we have to vote that the tweaks that need to be made to make everybody comfortable, we listened to is, but at the same time there is some respect to the people that came before all of us and made sure that these neighborhoods were preserved and kept together.

Mr. Austin said thank you for your comments; that is exactly where I was going. It is really one of the negative impacts of gentrifying communities that we begin to create these factions within neighborhoods and it is obvious that there is some clear division between these two factions in this community and I do hope that you guys can work together to come to a better understanding of how to move this community forward together because Cherry is an important part of Charlotte's history and we do recognize that there is some investments of people who have been there a long time. We do recognize that folks who are just arriving there, but you guys have got to work together, beneath you are stronger when you are together as opposed to being apart. That would be my comment to you and I think that will work towards that.

Mr. Howard said there are neighborhoods dying for this controversy to not see any type of investment of years so where you are getting it right I would hope that the two sides, four sides or whatever it is will try to work together because it is uncomfortable from this standpoint and it is not healthy for us.

Motion was made by Councilmember Howard, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing.

ITEM NO. 11: PUBLIC HEARING ON VOLUNTARY ANNEXATION

Mayor Clodfelter declared the public hearing open.

There being no speakers either for or against, a motion was made by Councilmember Howard, seconded by Councilmember Lyles, and carried unanimously to close the public hearing for the Woodfield Northlake II voluntary annexation and (B) Adopt Ordinance No. 5580-X with an effective date of February 23, 2015, to extend the corporate limits to include this property and assign it to the adjacent Council District 2.

The ordinance is recorded in full in Ordinance Book 59, at Page 268-270.

ITEM NO. CITY MANAGER'S REPORT

City Manager Ron Carlee said no report tonight Mr. Mayor.

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ITEM NO. 14: CITY PROTOCOL SOCIETY MEMBERSHIP

Motion was made by Councilmember Mayfield and seconded by Councilmember Lyles, to approve the Economic Development & Global Competitiveness Committee recommendation to (A) Submit an application for the City of Charlotte to join the City Protocol Society, (B) Submit the \$1,000 membership fee, and (C) Evaluate benefits of membership after one year.

Councilmember Lyles said this is a report from the Economic Development & Global Competitiveness Committee to bring this forward and the Committee recommended it, I believe it was unanimous. I wanted to ask Rob Phocas if he could talk to us and just review the cost of joining the program over the next 12 months before we come back with the membership evaluation.

Rob Phocas, Neighborhood and Business Services said the membership fee to join the City Protocol Society is \$1,000 for the year. Our plan, if approved by Council, would be to join the City Protocol Society, participate in the program and evaluate the benefits of the membership and come back to the ED and Global Competitiveness Committee with a report.

Councilmember Phipps said I sat in on that meeting of the ED Committee and I have some concerns about joining at this particular time. I'm concerned mostly about the relative lack of maturity of the organization inasmuch as it was created in 2012, the limited amount of cities that have joined since then, the fact that they are still negotiating with their headquarter city, which is in the United States and haven't seen fit yet to really join. I guess they are figuring out if it is what they really want to do. I know it is \$1,000 to use the kick-off amount that my friend Mr. Smith; that is his favorite number \$1,000 but just given that we are coming into our budget cycle I would very much rather see that we would vet and look at things in our budget as we go through this process and then take a look at this to see. I don't know if there is any real hurry right now to join this Society or is it something that we could defer for a few months until we go through this process. I know we've got some heavy things on our agenda, some fees that might have to be raised and things so I just throw it out to my colleagues to see if they would consider a deferral of a few months at least on this.

A substitute motion was made by Councilmember Phipps, seconded by Councilmember Kinsey, to defer this matter to an indefinite date.

Councilmember Smith said just for clarification, we would be the first City in the U.S. to join?

Mr. Phocas said yes.

Mr. Smith said we would be in a yearlong evaluation process at which time if we end up not thinking it is a benefit we would have no hooks to have to go forward?

Mr. Phocas said that is correct.

Mr. Smith said the \$1,000 membership fee is our maximum exposure to the organization; are we going to have other incremental costs that show up during that time period or are we are in for that amount and that is it?

Mr. Phocas said my understanding it is \$1,000 membership and that is the only cost to the City.

Mr. Smith said how did we become involved with this process? I don't recall and I'm not saying I'm against it, I'm just curious as to how we became involved with it and when the decision was made to get to this process?

Mr. Phocas said I believe Councilmember Howard has some information but I was introduced to the organization first by Councilmember Howard and then I was actually at a conference speaking about Envision Charlotte which is our Uptown Sustainability Program and was approached by the Director of City Protocol Society who is very impressed with the work we had done in the City. She spoke to me at the organization, thought that we had as a City in general, but particularly in reference to Envision Charlotte a lot to offer this organization which includes other cities from around the world, some major corporations that have a global reach too.

Councilmember Mayfield said Rob, this is not directed to you; I guess it is more in response to my colleague Mr. Phipps. When this was brought to the Economic Development and Global Competitiveness Committee the challenge that I had is now that we've created under previous leadership this Committee that is supposed to have a focus of global competitiveness it seems when the opportunity to actually step into that space arises there seems to be concern. We talked about it in Committee, we had multiple conversations, we vetted it, we all had the opportunity to go look up City Protocol, look up the organization's staff did their research on the organization. We as far as them not having an agreement in the state where their headquarters are, we have businesses right here in Charlotte that do business outside of Charlotte because they haven't won a grant within the City of Charlotte. It is kind of difficult for that to be a selling point because we have it right here in Charlotte where we have small, medium and large businesses that have never done work within the City because they didn't qualify or whatever the reason is, but they' done work in other communities. The \$1,000 I don't think is as much the concern as for some of my colleagues but I think we have an opportunity when you look at the work that we are doing with making ourselves more recognized internationally when we are looking at how our Airport is growing and the presences that the City of Charlotte now has on the international stage really post the Democratic National Convention. So here is an opportunity to continue those conversations but within that year if there are any other fees they will still have to come back to Council for us to determine whether or not we would sign off on it, but for the initial membership costs I'm thinking and I'm trusting that staff did their due diligence to see if this is a partnership that we want to consider. It seems like we are sending a mixed message; we want to be in our international stage and be in certain rooms when you look at the cities that are members, Amsterdam, Barcelona, Genoa, London, Dublin, Moscow, Quito and Dubal. Well, a couple of weeks ago we were excited about Google Fiber and saying oh now Charlotte is listed in the same sentence as all these international communities. That is going to be a lot more costly to the City of Charlotte than this investment today so I just think when we are having these discussions, especially when we are having the discussions around the dais it needs to be as balanced as possible as to what we are really saying and what we are interpreting it to be.

Councilmember Howard said this has come out of left field; I told Mr. Phipps if he had issues I wished he would have called me because we could have talked through some of this. First thing let's deal with this whole thing about the home city. Because a non-profit starts in a city doesn't mean that the city itself has to do anything with it until it pleases so. This effort actually didn't start in San Francisco; it started in Barcelona. It actually started at the Smart City Conference in 2012, the same conference that several of us attended this past November. What happened is that the young lady who has actually taken up the leadership of it lives in San Francisco. That is the only reason, no other reason. The major organizations that are part of it are actually all over the world and you just hear Ms. Mayfield list the cities. I think it was actually Mr. Phipps that mentioned when we had the Google announcement how great it was to be included in the same sentence with all these other cities that Google was in. I think this stands true for this as well. All you guys know that I have been extremely passionate about finding opportunities for us to be involved in anything global and everything global because I believe that is Charlotte's true future to be not associated with just the Atlanta's and Nashville's but to be in the sentence with the same cities that Ms. Mayfield just listed. This to me is a great opportunity, it is a cheap cost of entry and it is a great opportunity to get on the floor of something. Whereas this is a fairly new organization it grew out of something that is very well established and that is the Smart City Expo that is now I think in its 10th or 12th year and not only that but these organizations have looked for opportunities and what we didn't list is the corporate sponsors which is Cisco,

Microsoft and University of Chicago as well as University of Toronto and the University of Barcelona. UNC-Charlotte is considering the same opportunity. In a lot of ways this is an organization that I think is a lot like USGBC is to the environment, is that cusp was trying to put together common language and opportunities for us as cities around the world to talk about issues that concern us all. That is what the word protocol is all about; the fact that we have so many things that are similar and this is an opportunity for us to talk about it from an academic standpoint from a corporate standpoint and from a municipal standpoint. I think it is a great opportunity; we talk about the budget cycle, yet a couple weeks ago we approved \$9 million for something that wasn't in the budget. We do this when opportunities come up so I hope that the budget cycle is not the only reason why anybody would vote to delay this now. I think it is a great opportunity for the narrative of Charlotte to be that we were the first US City to join an international effort. To my understanding we are not members of any other organization that is global in nature; this would be a first for Charlotte.

Mayor Clodfelter said actually we are, but that is okay.

Councilmember Kinsey said I don't mean to further debate; I'm just making a couple comments. The \$1,000 is not a whole lot in the overall scheme of things, but that is really not all the costs because how are we going to participate? I expect some of our staff or perhaps somebody around this dais would be tapped to go to one of these meetings in Barcelona of Amsterdam or something. It is just a point that I make. The other is that I'm going to be consistent and yes \$1,000 we could wait a few weeks and maybe put in with the budget, but I'm being consistent about that. The third is, this is another example of us not knowing anything about this until we get this information. It is difficult for me to make a decision when I don't really have a lot of background. On the other hand if it passes tonight I'm fine with that, I seconded the motion to sort of make a point, but I would have liked to have had a little more information before hand.

Mayor Clodfelter said the item was reviewed by Committee and recommended by Committee; it has been vetted by the Committee and it is \$1,000. How much more do you want to talk? Are you ready to vote on the substitute motion?

Mr. Howard said Mr. Mayor, I just want to make sure you understand that I am displaced with the way that you stopped debate, just be on the record.

Mayor Clodfelter said I think was vetted by Committee and you guys have talked about it in Committee; it is \$1,000, you can learn about the organization or not but we have a very important agenda item that we need to do and that is the Ethics Policy of the City. I want to ask you if you are ready to vote on the substitute motion which is to defer action.

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

YEAS: Councilmembers Kinsey and Phipps

NAYS: Councilmembers Austin, Autry, Howard, Lyles, Mayfield and Smith.

Mayor Clodfelter said the substitute motion is defeated and we are back to the main motion which is to approve the application for a one year fee of \$1,000 with a re-evaluation at the end of the year.

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

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ITEM NO. 15: CODE OF ETHICS, GIFT POLICY, INVESTIGATION PROCESS AND DISCLOSURE REQUIREMENT.

Mayor Clodfelter said as requested at the Dinner Briefing there was a suggestion made to break this item into pieces and you don't have on the action statement a breaking up, but I'm going to suggest we break it this way after conferring with the City Attorney. You've got the General
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Principles and Part A; General Principles and Part A are largely your existing Ethics Policy and because we have a proposed amendment to that I think we ought to vote to ratify that and then see what you want to do with the amendment. Part B is the new Gifts Policy; we would vote that as a separate item. Part C is the Disclosure Statement of Economic Interest; we would vote that as a separate item, take any amendments we have to that. Part D the Complaints, Investigations and Sanctions Item, we will vote that as a separate item. If that proposal is okay I will recognize Committee Chair Mr. Howard to explain the Committee's work and the recommendation.

Councilmember Howard said first of all I would like to thank staff for working through what has been a very, very difficult situation for Council. Dealing with the Ethics Policy is not something that we asked for at this present time; it is something that was put on our agenda because of some really bad things that happened in the history of Charlotte last March. I can tell you that this Committee took this charge from the very beginning very seriously and we took our time to go through each and every one of the charges in this situation to make sure that we addressed to make sure that if there was a policy that allowed it, supported it or looked to be lenient on we decided to look at those first. I would like to thank the Committee; the Committee is Co-Chaired by Ms. Mayfield and on the Committee are Mr. Phipps, Ms. Kinsey and John Autry.

After looking at this and working with the City Attorney's Office as well as the Mayor and others we've come to this place tonight and we heard this at the Dinner Briefing and we don't have to do it again, but the City Attorney talked about how we divide this into three different areas, that being around the areas that the Mayor just mentioned. That being around gifts, a policy around data looking at Disclosure Form it was going from one page to six of seven pages and looking at Investigations of Complaints against Councilmembers. I won't go into a lot of that other than to say I'm not sure, and I think this is important for the public to know that there is not a lot we could do as a policy body that would have stopped what happened. When somebody is intent on doing wrong it is going to happen, but it is our intent to put forth policies that would make the public comfortable in knowing that we take putting ourselves above board and being transparent seriously.

Just so you know, the very next steps for the Committee beyond this is to start to look at our Boards and Commissions. Some of our Boards and Commissions have some final powers and several of them were actually listed and mentioned in the investigation last March so are the things that we will be looking at next, how to make sure we are making our Boards and Commissions as ethically responsible to the community as well. I would also be remiss if I didn't thank Bob Hagemann directly for all of his hard work; all the City Manager and more specifically Sarah Hazel who did a lot of the research, looking at cities across the nation, including San Antonio, Nashville, Indianapolis, Phoenix, Atlanta and Austin, so Sarah thank you for your hard work.

Motion was made by Councilmember Howard and seconded by Councilmember Mayfield, to approve the General Principles and Part A. Code of Ethics with an amendment by Councilmember Phipps.

Councilmember Phipps said I want to add a sentence to the existing guidelines we have in Section 3-A; the sentence that I want to add is "they should also not disclose confidential information, including the premature disclosure of what transpired in a closed session".

Councilmember Kinsey seconded the amendment to the motion.

Councilmember Mayfield said for those at home that do not have the paperwork in front of them, would either the Chair or Mr. Phipps like to read the actual ordinance or do you want me to read it since I have it up so that the people at home will know what we just amended?

Mayor Clodfelter said the existing section of the existing Code of Ethics in Section 3.a says "The Mayor and Council should avoid impropriety in the exercise of official duties; their official action should be above reproach and they should not use their official position for personal gain. Councilmember Phipps' amendment would then insert the additional sentence that he read; that

sentence that he is proposing to add is “They should also not disclose confidential information, including the premature disclosure of what transpired in a closed session”. That would be the additional sentence. You have the amendment before you; so you want to discuss the amendment?

Councilmember Lyles said I just wanted to check in with the City Attorney because there are rules and regulations surrounding our closed session discussions that would apply I think to all of us as a result of all of this. I just wanted to make sure that we are being consistent and I don’t know that the wording captures that consistency where we disclose the minutes of our closed session at an appropriate time and place. Can you help with that?

City Attorney Bob Hagemann said Councilmember Lyles, in working with Councilmember Phipps on this amendment there is really two parts to it; the first is if material is in fact truly confidential and should not at all be released that first part of the clause would cover that situation. The second is a little bit more subject which speaks to the premature disclosure; in other words it is something that could be disclosed, but the proposed amendment speaks to the premature disclosure which is much more subjective and it would take an analysis of the given circumstance to decide what in fact is premature. I can give you one example that you are all familiar with; an example would be when you have a closed session on an economic development transaction and ultimately once a decision has been made by a company and the Council that is public information, but when you go into closed session to discuss it, you typically vote on a tentative or an intent to support an economic development transaction, in my opinion that unless and until the company has made a decision and therefore we know it is going public, a Councilmember disclosing that you have done would be a premature disclosure. That is one example I can give you of how I think this proposed amendment would work.

Ms. Lyles said generally I like to put things in the what you should do instead of what you should not do statement. I think the statements generally in this section, they tell us to avoid impropriety and I think that Council; I get the intent of it but I’m not so sure it is clearly saying that what we do in executive session complies with our existing rules and regulations. As you said there is judgment and I wonder if it is more compliance with what we have in order. No problem with the statement and especially the intent. I wonder if there is a way to state this that talks about what we are required to do versus the premature disclosure of what has transpired in a closed session. If this is the wording that you have agreed upon that reflects that context then okay.

Mayor Clodfelter said do you want to offer perfecting language or where are we at this point?

Ms. Lyles said as a Council I would say that Council shall respect the confidentiality of matters before them and should not violate those. I also think that we have rules about what can be transpired. It is such an important item I don’t word smith it at the dais. If the City Attorney believes that we’ve captured it in that sentence I think we can accept that or we can send it back to the Committee with the idea this is what we want to accomplish and we want to do it in the correct language. I don’t hear Mr. Attorney would say this is the best language to capture that statement, then we will move forward.

Mr. Hagemann said Councilmember Lyles obviously there are numerous ways to word a proposal like this. I believe it is sufficiently clear in terms of the directive to Council but certainly it is your and the rest of Council’s prerogative to accept or reject language proposed.

Mr. Howard said I just wanted to put up that we will be happy to look at the language if there is some uneasiness, but the intent of what Mr. Phipps is putting forward I think we all have a concern about and that is the fact that way too many things that we talk about in closed session gets public and a lot of times it throws off really good decisions that we need to take time to make. I think the spirit of it is good, but if for some reason there is some uneasiness about it we will be happy to look at it in Committee.

Mr. Phipps said I would like to go on record as stating that I think the language is sufficiently clear.

Mayor Clodfelter said we have before us a motion to amend the main motion which is to adopt the principles in Section A and the proposed amendment is to add an additional sentence in Section 3.a.

Mr. Howard said because this is so important so it doesn't come down to an either or because I don't want to not vote for it and it come off like I'm against this. Is there uneasiness, if not I don't want it to go down; is Ms. Lyles the only one who has concern?

Mayor Clodfelter said I think she asked her question and I think we got the City Attorney's answer. If anyone has discomfort with this you are recognized to speak. If not let's see if the amendment becomes part of the motion.

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

Mayor Clodfelter said with the motion as amended, it is back before you on the General Principles and Section A. This is your existing policy with the additional language from the amendment.

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

Mayor Clodfelter said that takes us to Section B which is the proposed new Gift Policy.

Motion was made by Councilmember Howard and seconded by Councilmember Austin, to approve Section B. Gift Policy.
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Councilmember Smith said I would like to amend the proposed code by adding a sentence at the end of Exception 8 under the Gift Policy on Page 5 to read as follows: "This exception does not however apply to tickets, sporting events, concerts, cultural events or other entertainment events".

Mayor Clodfelter asked for a second.

Mr. Smith said protocol question; if there is no second do you still have opportunity to comment?

Mayor Clodfelter said why don't we do this, because folks watching do not have the paper in front of them, I will let you explain what your motion does so folks know what it is you are trying to do with your amendment and then we will see if we have a second.

Mr. Smith said what I'm trying to do with my amendment is eliminate opportunities for influence peddling and I think one way to do that, the primary way to do that and the best way to do that is to eliminate activities in which influence can be peddled. Therefore I made the motion and I will actually shift into conversation when duly recognized. That is the intent of this amendment.

Mayor Clodfelter asked if there was a second to the amendment. Hearing no second the amendment fails for lack of a second and that puts the main motion back before us which is to adopt Section B as recommended by the Committee.

Mr. Smith said if you look at Section 2, sentence 4, it says "remaining incorruptible, self-governing and unaffected by improper influence at the same time being able to consider opinions and ideas of others". To me the goal of the Ethics Policy should be to stop influence peddling; I think any policy that fails to fully eliminate areas where that may happen falls short of the goal. I cannot think of any City business that can be conducted in a sports stadium that cannot be conducted on the 15th Floor and therefore without my amendment, I oppose this section.

The vote was taken on the motion to add Section B to their current Ethics Policy and was recorded as follows:

YEAS: Councilmembers Austin, Autry, Howard, Kinsey, Lyles, Mayfield, and Phipps.

NAYS: Councilmember Smith.

Mayor Clodfelter said Section C is to adopt a new Statement of Economic Interest with new disclosure requirements.

Motion was made by Councilmember Howard and seconded by Councilmember Mayfield, to approve Section C. Disclosure Requirements.

Mr. Howard said just for the public, this is taking us from a one-page form to a multiple page form that was based on the State's disclosure form; just for the record.

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

Mayor Clodfelter said that takes us to Section D Complaints, Investigations and Sanctions and you heard that explained at dinner.

Motion was made by Councilmember Howard and seconded by Councilmember Austin, to approve Section D. Complaints, Investigations, and Sanctions.

Mr. Howard said right now when there is a complaint filed against any one of us the City Attorney is charged with determining whether or not there is a case and doing an investigation. What this does it takes it out of his hands which allows him to just facilitate a process that looks at the forms and makes sure everything was submitted correctly and then the right to ask an independent third party investigator to look at it to figure out if it was frivolous or not and if it was found not to be frivolous then the investigator can investigate it, give a report to Council and then we can decide whether or not we would like to sanction one of ourselves because that is the only thing we can do. We can remove each other but we can censor each other so that is what this does.

Councilmember Autry said it also takes the investigation process out of the hands of the City Attorney and puts that in the third party seat.

Mr. Smith said we hit the mark on three out of four; I think we missed one badly.

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

Mayor Clodfelter said I want to say, commendation to the Committee too, there has been some public discussion about what the Committee did not do. What I want people who are watching this to understand is that the Committee did exactly what it was charged to do and what the Council asked it to do which was to review and revise the existing Ethics Policy and to review and revise the existing disclosure requirements and the current process for handling complaints and investigations. The Committee discharged precisely the charge given it by Council and so criticisms that it didn't do what it wasn't asked to do I think, at least for the present, are off the mark. I really commend all the good hard work that was done over the last 12 months by the Committee. There has been some discussion among several of you; Councilmember Autry and Councilmember Howard had both had some discussion about whether the subject of lobbying activities should be investigated and considered.

Mr. Howard said investigated is a strong word.

Mayor Clodfelter said well, disclosed, explored, reviewed, analyzed, studied, whatever you want to do. I think it would be not inappropriate for the Committee Chair and the City Attorney to look at what issues might be appropriate for review by the Committee and then suggest to you where there is a scope of further review that the Committee might want to undertake and let the Council look at whether you want to do that. I don't think that is a matter you can just willy-nilly go off on, it is a fairly complicated subject so I would suggest that if you are interested in

doing so that we let the Committee Chair, Councilmember Howard, along with the Vice Chair and the City Attorney look at what issues might be examined further in Committee. Is there any willingness to do that? Is there any opposition to doing?

Mr. Autry said I would like to see that undertaken because we want to make sure that we have the best government possible and if lobbying disclosures are called for and warranted then we will certainly look into how we might do that, if we can do it, and bring it back to the full Council. I appreciate the recommendation and support it wholly.

Mr. Phipps said I think the North Carolina School of Government has indicated in certain articles that I've read that they are willing to look at this issue on behalf of municipalities if they get the invitation or assistance that they might want to provide in that area. That might be an avenue that we could certainly look into.

Ms. Mayfield said while we are having this discussion for it to go on record for full disclosure I think we are reaching for straws. I am not a fan of the fact that we have now in this post society come to a place where it seems like we are trying to make decisions for the "what if" possibilities based on one individual. We had an individual that made mistakes that made conscious decisions that led to those mistakes, but it seems like now we are trying to create all of these limitations and technically I was a lobbyists. When I was a Community Activists and I would come before Council long before setting behind this dais, when I would schedule meetings to meet with the then current body of Council or County Commissioner or in Raleigh, I was lobbying. Was I a paid lobbyists no, I was volunteering but I was still a lobbyists. The idea of the job of lobbyists is something that is really a fairly new phenomena as far as actually getting paid for it. Anyone that comes before us asking for our support whether it is community related, whether it is business related rezoning, they are all lobbying. We lobby every day in community; you are lobbying with your friends when you are trying to convince them with something that you are pretty sure of or that you need support on. It just seems like we are trying to create a fixer for what overwhelmingly is not a problem. An individual made some really bad decisions, but now it seems like we are trying to put in writing a way to make sure that is not going to happen again and there is no way to do that. If I as an individual have intentions of doing something negative or bad, regardless of what you put on paper, as a Council we have already proven through history and through previous Councilmembers that we don't have the authority to actually do anything bus possibly censor each other. Unless it is something that involves the courts and then the court system is going to do its job and they will get involved with that individual, it just seems like we are running from a place of fear and I understand with the experience and the years in this state where the state does certain things, that is just that. That is what the state does, the municipalities also have different rules. Yes, we can look at governance across the board, but I just think we are getting into this place of governing from fear opposed to really looking at the realities that surround us. Look at the history of the City of Charlotte, look at all of those that ever been elected, look at the rules and regulations that have been created along the way and let's be realistic about not trying to put handcuffs on ourselves when it comes to governing and making it even more difficult for those who are not retired, independently wealthy, have their own business when we keep saying we want to have people to be engaged whether they are on Boards or Commissions or run for office. Let's not make it ever more difficult for them where only those who are financially in a certain category has the ability to actually be at the table opposed to having a much more diverse voice of people that are at the table.

Mayor Clodfelter said I think the suggest is that we have the Committee Chair, Councilmember Howard and the City Attorney look at what might be studied in Committee and then let Council see if that is something you want to proceed with or not. That would not be something you would be foreclosed from deciding later.

Mr. Smith said I just want the record to reflect from a practical standpoint we have a \$50 gift plan in place and if we had gone forward with my motion on the tickets we wouldn't necessarily have to have lobbyist register because we would eliminate the opportunity to be influenced by them.

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ITEM NO. 16: MECKLENBURG LIVABLE COMMUNITIES PLAN SUPPORT

Councilmember Autry said back in May of 2013 the Council approved a recommendation that came out of the Environment Committee with a unanimous recommendation to move forward with the Sustainability Plan for the entire community. We decided that after a consultant was hired that we would collaborate with the County and the six surrounding towns on the prospects of creating a Sustainability Plan that involved the entire community. Through that process the City and the County and the Foundation for the Carolinas and the Knight Foundation helped fund the entire effort. For the last two years community meetings of working group meetings have been conducted all around the community, engagement with businesses, corporations, community building organizations, private citizens, all bringing together for a Sustainability Plan that has been branded as the Mecklenburg Livable Communities Plan. The resolution before you tonight is to express the support for the plan by the City of Charlotte. I believe the City of Davidson has already approved the plan; the Mecklenburg Board of County Commissioners has approved the plan and to just lay out what the Plan does and what the Plan doesn't do, it does identify community vision for us, facilitate community engagement, undertake planned symphysis, forces cross institutional collaboration, identifies strengths and weaknesses and plans measures and reports on the success of it.

It does not mandate or require any action, supplant City Administration plans of processes, take away City autonomy, require financial investment, strip uniqueness of each government body of the community. With that I would recommend that the Council approve this resolution and move on.

Motion was made by Councilmember Autry and seconded by Councilmember Howard, to approve the Resolution of Charlotte City Council for endorsement of Mecklenburg Livable Communities Plan Proceed, supporting the City's continued partnership with the Mecklenburg Livable Communities Plan.

Councilmember Smith said I support the motion; we debated it in Committee, but as Councilmember Driggs' proxy since he is not here, I just want to reiterate that we are not on the hook for anything. This is aspirational but it did come out of Committee unanimously, and I do support the motion.

Councilmember Howard said I think it is also worth pointing out in addition to the very hard work of the Chair who presented this concept a couple years ago and none of us was quite sure what it was. I'd like to thank him for his leadership as well Shannon Bends with Sustain Charlotte as well as Rob Phocas and Heidi Prius with the County for their hard work on this. There were some times when we all thought it would die and it kept going and now it could be the framework for the way that we vision for the future period, which says a lot about the process. Good job everybody involved.

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

The resolution is recorded in full in Resolution Book 46, at Page 535.

ITEM NO. 17: ULTRA-HIGH SPEED INTERNET READINESS

Motion was made by Councilmember Autry and seconded by Councilmember Mayfield, to authorize the City Manager to execute a Google Fiber, Inc. Network Hut License Agreement.

Councilmember Lyles said actually this is a statement; the person who invested the term on networking was on NPR today and one of the things that he said is; they asked him if anyone was doing this right and he said Kansas City and the interviewer asked why and he said it was because of the commitment that Google had made to that community for high speed internet, the ideal of being able to have services that were going to be affordable by the entire community that

he just felt like they were way out in front on net neutrality and that term and he invented it and he said Kansas City was doing it so I think Charlotte is well positioned and I'm looking forward to that opportunity.

Councilmember Phipps said I just want to make sure, do we have reasonable assurance that the availability of the fiber optic will be pretty much evenly distributed throughout the City or located in all areas of the City that we won't have any real dispirit outliers where it is not available?

City Manager Ron Carlee said I will ask Mr. Reiger to come down and discuss this a little bit more. It is not a traditional cable build; there is no obligation to build the entire City. The way Google has done their build out is based on people actually applying for the service and based on the thresholds that they set, it will go into the locations where they have the demand. We will be working aggressively with a number of partners to assist communities that are lower income to put together packages in order to bring Google throughout our City, but it will be dependent upon successfully putting together a subscriber base. Mr. Reiger did I get that mostly right?

Assistant Transportation Director Phil Reiger said you got that absolutely right Manager.

Councilmember Smith said for the network license agreement it says we have a 20-year term with unconstrained two-year renewal options. Unconstrained means continuous and ongoing?

Mr. Reiger said theoretically into perpetuity; at the 20-year mark Google and the City reserve the right to terminate the agreement if they so wish. If not the agreement would roll over for two more years.

Mr. Smith said should it be needed will we have options during those subsequent two-year periods to opt out or would only Google have those options?

Mr. Reiger said the options to terminate are both Google's and the City's.

Mr. Smith said I support this and I just want to make sure that the record reflects that I don't think we are doing anything here that we wouldn't do for other fiber providers that are doing business currently in the City.

Councilmember Austin said can you share with us so the general public understands, what are we looking at to do to address the digital divide internet and Google entry into the market place?

Mr. Reiger said that is a great question; we are in the very beginning stages of putting together a strategy for closing the digital divide here in Charlotte. Approximately 20% of residents in the Charlotte Mecklenburg area don't have access to internet at their home. Our Neighborhood and Business Services Department led by Tom Warshauer is engaging community partners from healthcare to school systems to County, City, non-profits and private organization, including neighborhoods in the development of that strategy. We have literally just kicked off that process and so those folks that are interested in getting involved will have that opportunity to do so.

Mr. Austin said when we are talking about these huts or hubs; they are positioned all throughout Charlotte, throughout all districts and all communities. Is that correct?

Mr. Reiger said that is correct; they will be evenly distributed within the Charlotte City Limits so that each hut connects about 20,000 homes, so each hut will have its own geographic area that it serves and Google will have to evenly distribute them in order to serve the entire community.

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

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ITEM NO. 18: BUSINESS INVESTMENT GRANT FOR FRITO-LAY INC.

Motion was made by Councilmember Mayfield and seconded by Councilmember Austin, to approve the City's share of a Business Investment Grant to Frito-Lay, Inc. for a total estimated amount of \$1,212,129 over five years. (Total City/County grant estimated to be \$3,221,651.

Councilmember Howard said it occurred to me whether or not in the future we could look at some practice that would ask companies that were going to do construction to use some type of commitment to our INCLUSION Program beforehand. It is just a question; it won't stop me from voting on this, but just a question.

Bob Hagemann City Attorney said I think that is a policy question for the Council; your current program does not have that component.

Councilmember Lyles said the Economic Development Committee is taking a look at this in regard to some INCLUSION both on employment and apprenticeship programs as well as participation and plan to come back to talk to Council about how does that feel and what does it look like in these grants.

Mr. Howard said let's vote on this and then I may want to refer that item to the Committee just to see.

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

YEAS: Councilmembers Austin, Autry, Howard, Kinsey, Lyles, Mayfield and Phipps.

NAY: Councilmember Smith.

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ITEM NO. 20: MAYOR AND CITY COUNCIL TOPICS

Councilmember Mayfield said I would like to congratulate the Charlotte Steering Committee for the Human Rights Campaign; the Human Rights Campaign celebrated their 20th anniversary this week-end and they had more than 1,300 in attendance at our Charlotte Convention Center and the economic impact between hotel, sales tax, shopping and just participating at the Convention Center as we will get those numbers through the CRVA at some point in the near future, but I wanted to congratulate all of those that were part of the Committee for pulling off an amazing 20th anniversary and all that were in attendance. A number of my colleagues around this dais were also in attendance and I will let them share their own experience and also I would like to thank the Rock Worship Center; on Sunday a number of community members and leaders both business and in neighborhood were recognized and I was one of those recognized for working community so I want to thank Pastor Jacobs and the Rock Worship Center's family. Last but not least our amazing staff, Saturday morning, even though we had some snow flurries and it was cold as I don't know what, we had my Town Hall for this year, specifically on gentrification with more than 60 residents in attendance so thank you all that attended. Thank you to Ms. Kim Oliver who helped to coordinate and Ms. Pam Wideman, our Executive Director Pat Mumford of Neighborhood and Business Services were there. We had representatives from our County both representing the appraisal process as well as our Assistant County Assessor was in attendance so I just wanted to thank all who helped to make Saturday's Town Hall very successful and informative and to the residents of District 3, you all were only the beginning of this conversation.

Councilmember Howard said I need to share some information about an event, but let me start with the referral. I would like to refer the item to the Economic Development & Global Competitiveness Committee to look at the issue I just brought up whether or not when we are looking at incentives for companies, especially when they have construction projects whether or not we can negotiate an INCLUSION goal for our INCLUSION Program.

Councilmember Smith said I assume part of that study is also going to figure out the legality?

Mayor Clodfelter said of course that would have to be part of it I think.

Mr. Howard said the second is an announcement; I am having a second in a series of conversations about Charlotte's Future at my Town Hall Meetings that all of us get to have and it will be this Thursday, February 26th at 8:30 a.m. in Room 267 in the Government Center. It will be a conversation about future opportunities from the government. It will be a panel discussion and then a resource fair for small business owners and entrepreneurs. On the panel will be Cachous Butts, Regional Administrator for SBA out of Atlanta, Toey Jessup, the Regional Administrator for the General Services Administration out of Atlanta, Kay Grant with the US Department of Transportation with their Small Business Center out of Durham and Natasha Warren from our own small business staff here. And we just added someone the I-77 Mobility Partners and that has to do with the expansion of I-77 and adding the hot lane and the opportunities for small businesses to participate in that project. There will be somebody on the panel and a resource table for that as well. It is Thursday at 8:30 and we will go to about 12:00 and it is free and open to the public and we will serve breakfast. If you are interested in attending you can call Alvin Burney at 704-336-4947.

Councilmember Lyles said I would like to say welcome to the CIAA this week; we are really excited to have you, glad to host you and everyone have a great time, be safe, but have a lot of fun.

Councilmember Autry said I believe all of you are familiar with the situation that we experienced in District 5 over the last couple months regarding the group home that was a transition house for those formerly incarcerated back into society and it was a unique situation, very different from what we are used to supporting of recovering alcoholics, recovering from drug addiction, homeless veterans, people with special physical needs, those kinds of group homes that we want to support and I want to support this faction also, but not necessarily in a single family residential neighborhood. I would like the Committee to charge the City Attorney with finding a way to make a recommendation and get that recommendation in front of the Intergovernmental Relations Committee as a referral to add to the Legislative Agenda whatever we need to do to be able to differentiate between all the other types of group homes that we are always supportive of, this new type of group home that was just introduced to us in December and find some way to get a differentiation between that and all the other groups in a way that we can deal with it in our residential ordinance or zoning or planning.

Ms. Mayfield said I have a friendly amendment to Councilmember Autry's motion and for the City Attorney; in some communities there is a designating warehouse area space for what is being asked and I think it would be helpful if we are looking at other communities where they have been successful to bring back to full Council some of the comparisons for other communities and utilizing that warehouse space location.

Mr. Autry said that is absolutely a part of what we are talking about here as to what best practices are in other communities. I want to thank Councilmember Lyles for bringing that to my attention as a way to deal with that. What we are dealing with here is that to get this moving we need to be a little robust in our approach with it because all new legislation has to be introduced by the end of March.

Mr. Smith said Mr. Autry has worked extremely hard on this issue.

Mayor Clodfelter said is there any disagreement with letting this go forward on this basis, if not we will take that as Council agreement to allow the City Attorney and the Committee to work on the issue. Is that okay?

Councilmember Austin said I just want to do a personal thank you to our Charlotte Mecklenburg Police Department; we made some significant strides this past week to make Beatties Ford Road and the LaSalle Community much, much safer, specifically Chief Monroe, Major Bruce Bellowme, Captain Harris and Lieutenant Cochrane. Over the last couple of months we've been working very, very hard to address some of the issues there and they have

dug in and they have committed to that community and we've got strong community support and on behalf of those community members just thank the Police Department for what they've done.

Mayor Clodfelter said my apologies to Councilmember Howard and to all the Council; I was literally not paying attention to your discussion, I was apologize for that and thought a period had been reached in the statement, so I will try to pay more close attention and my apologies for letting my mind drift onto another topic.

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ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

A handwritten signature in black ink that reads "Stephanie C. Kelly". The signature is written in a cursive, flowing style.

Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hours, 14 Minutes
Minutes Completed: March 19, 2015