

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, January 14, 2013, at 5:17 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Foxx presiding. Councilmembers present were John Autry; Michael Barnes; Patrick Cannon; Warren Cooksey; Andy Dulin; Claire Fallon; David Howard; Patsy Kinsey; LaWana Mayfield and Beth Pickering.

**ABSENT UNTIL NOTED: Councilmember James Mitchell**

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**ITEM 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

Councilmember Dulin said I have one, Item no. 38-B. The math is not right. It is off by \$100. The tax parcel value is \$61,800 and we're paying them \$61,900. We need to make sure that is not a clerical error.

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**ITEM NO. 2: CENTRALINA COUNCIL OF GOVERNMENTS: CONNECT BRIEFING**

Mayor Foxx said I think we've gotten some higher level briefings in the past on this initiative. This is a regional initiative funded by the federal government, a \$4.9 million dollar grant that's been awarded to us partly because of the thing that we were doing well to promote regionalism in the area. This grant gives us the opportunity to open a conversation with communities all across the 17 county region. Actually this is happening in other parts of the State as well to help formulate more understanding and potentially more collaboration on achieving regional goals. I am going to turn this over to Jim Prosser who is the Executive Director of the Centralina Council of Governments whose agency is leading this effort to hear more about it.

**Jim Prosser, Centralina Council of Governments,** said I appreciate the opportunity to talk to you a little bit tonight about CONNECT. I want to accomplish several things; first I want to thank the elected officials that have been involved so far and the staff for your leadership and commitment to this initiative. We're going to update the Council on the CONNECT Project status and most importantly I have some really important folks here to help me talk about what your involvement will be to really help us achieve the results for this, especially in the critically important area of public engagement. Our chair, Martha Sue Hall and Pat Riley are here to help me with that effort. Let me walk through, pretty rapidly, the presentation for you.

The need for developing regional plan is pretty apparent. You know that this youth center, the fastest growing region in this country with projections that would indicate that we could increase the population by 50% in two decades and double in four decades. And while I personally don't know that we're going to really grow quite as fast as that, it really doesn't matter; as a former city manager we spent a lot of time working on finance stuff. One of the things I know is that our cities, throughout this region, are really going to be challenged to provide the core of what our mission is and that is how to develop a framework to grow the economy jobs, control the cost of government and improve the quality of life. We're going to be challenged if we don't work together, in the region to accomplish those efforts. The effort here that we're initiating is really looking at solutions. Charlotte is nationally recognized for your planning leadership. I come from the Midwest and we used to copy you guys all the time. Your initiatives really were the best in class in many, many ways. But if I can, without permission, I'm going to paraphrase Mayor Foxx; that "while that may be true, at the same time Charlotte recognizes that as it grows, so does its interdependency with the rest of the communities throughout this region." And that's critical to understand and to get a handle on. Finally there's a real sense of urgency about doing this. The rate of growth that we're talking about, is coming at a time when there is clearly diminishing resources that are going to be available to us from the State and the federal government. So we've got to work smarter and faster in order to stay ahead of this curve.

CONNECT is a process but it is a purpose driven process that is focused on developing a regional framework in strategies. Also what's important about this is that we're not starting

something new nor are we going to necessarily create something that is going to require new organizations, new systems or structures per se. This builds on work that was started really by former Mayor Pat McCrory, the sequel work, it extends to the work that was done on the 2008 CONNECT vision effort; so it was built on a lot of work that you've done here and started in this area. And again it's about coordinating and aligning efforts. It's not developing a new system and structure altogether but it really is looking at how can we work and help the communities, organizations and initiatives. How can we help identify what are the most effective strategies to help us achieve our goals and what are the system changes and improvements we need to make for that purpose.

What is the Consortium? That's really the organization that has been designed to incorporate the political leadership throughout this region. And that's really critical because one of the concerns that has been expressed and one of the things we want to make sure we accomplish here is that at the end of the day we can have the best framework for growth and the best strategies for that regional growth in the galaxy. But if we don't have the political bind, if we don't have the political leadership to help us achieve that then all that planning work is for naught. So we are building this with the understanding that your demands of us are to make sure that the residents throughout this region are consulted early and often and in a very systematic way. That's critical. You've also directed that we make sure that we incorporate and build a private public partnership and Pat Riley is going to talk a little bit later about why that's important from his perspective as a business leader in this region. The flow of this again emphasizes that this is a collaborative process with elected leaders at the helm of this process. In Centralina Council of Governments, and your representative, Patsy Kinsey is a part of that and helping to lead that. But also the Consortium with your representatives Patsy Kinsey and David Howard are also going to be at the helm when the critical decisions are made. And even when those decisions are made, they're going to come back to your city to the counties and throughout this entire region. You will determine which of the recommendations, what part of the framework fits your community. The process for this effort is outlined here and what's really remarkable about this process is that at this point in time, we've been able to get a lot done in a relatively short period of time. We've designed the process and that's been approved. We've exceeded the minimum participation requirements pretty readily. We now have 49 government agencies, 22 organizations participating, and we have scheduled 31 open houses for the region. We are one third of the way through the initial public engagement phase. The program workgroups have been formed and are operating. We've completed the Comprehensive Economic Development Strategy which is a centerpiece for this because if we don't have the strategies to grow over the economy and jobs, then the rest of this isn't going to work. So we are building this around the Economic Development work and Councilmember Mayfield has been a leader in that effort and we really appreciate that effort as well. The Consortium is up and running and again we are moving quickly but we are moving very certainly as well. This slide is important only because of your accomplishments to date. The City of Charlotte is deeply invested in this process. Councilmembers Kinsey, Howard, and Mayfield; as well as Curt Walton; Ron Kimble; Julie Burch, and Rob Focus have been leaders in this effort. Mr. Prosser provided a list of names that have played a critical role in helping us to achieve our objections.

I would add that without hesitation Mayor Foxx keeps me on track as well. We meet on a relatively regular basis to get the feedback regarding those critical elements of success for this operation. This map represents the location of the open houses for this region and what's important to this and Martha Sue Hall is going to talk more about this later on, is that the open houses are critical to the success of this effort. They are absolutely critical. This is where we get the public engagement which gives you the feedback that you have asked for and really demanded that we include in this process. We are using a proven discipline approach to meaningful public engagement from the inception to actually obtaining the results. But this effort depends upon and relies heavily, principally upon political leadership. We need you to figuratively and if necessary, literally drive people to the open houses, especially those that maybe haven't been involved in the past, it is critical to the success. I'm going to turn it over to Martha Sue Hall and Pat Riley and they're going to talk more about your involvement and we will be pleased to respond to any questions you may have.

Mayor Foxx said Jim thank you I want to also acknowledge Councilmember Patsy Kinsey who is our representative on CONNECT as well as David Howard who has been involved in this. Just by way of observation, I'd like to make one comment on the open house schedule; there may be a reason why the number of open houses is what it is; but I see one happening in the east, north, south and center city and we strongly encourage an open house on the west side of the City if that can be done because you may get a different type of input on the west side then you would in some of the other parts of the City.

Mr. Prosser said it will be done.

**Martha Sue Hall, Centralina Council of Governments,** said I am on the City Council of Albemarle and I tell you that as a point of reference. I'm not too far away from home because I see folks that I see on a regular basis whether it be at COG or at the National League meetings or at other meetings not only this State but across the nation. And I feel like when I'm with Charlotte folks I'm almost home. I do serve as the COG Chair for the Centralina Council Government and I guess this is by default; maybe this is the third year. I was there at the very beginning of the CONNECT project and I'm thrilled we are where we are today. I am asking for your hands-on and your ears and just like Jim said if it means like we do when it comes time to vote, we have to go pick them up and bring them, we need to bring these folks out to these open houses. I cannot encourage that enough whether it be the civic or the community or the faith based community; whomever, we need the input from all walks of life. My daddy used to say he used to eat lunch with the "least of these", every day. I know that if he were still with me today, that I could get him to get the "least of these" and their input where other folks might not want to go out to get the "least of these" input. So I am just pleading with you to make sure that that happens. I will say to Patsy's credit and to the credit to each member of this City Council, last Wednesday night when we were down the street at the Executive Board meeting; Patsy said this and I'm paraphrasing not quoting her, our City Councilmembers are there when they have the meetings in their areas or in their districts. I may not be quoting that just like she said it. But they are there. They, meaning you all, the elected folks, just like me. Know your folks in your areas and districts and I plead with you to have them come out. I am saddened to say and I will be the first to admit it that out of the six or eight that we've had thus far in North Carolina; we have not had the turn out that I had hoped to have. I had high expectations. My expectations for the City of Charlotte continue to be high. We have one in Mooresville tomorrow. We had a great, a great, open house in Salisbury in Rowan County back a couple of weeks ago and I was thrilled to death with that. Michael Johnson, who is also on the Executive Board in Statesville, has said I am beating the bushes and I am making calls to the public folks to the private folks, to every civic club to get them to come out to the one in Statesville. Just as the Mayor referred to, there are four currently in the City of Charlotte and just as Jim heard and will heed those words Mayor, there will be a fifth one there so we can get that part of the city involved.

This CONNECT project extends not only in our 9 counties and 72 municipalities and cities and counties in the Centralina region; we cross over not just city and towns, but we cross over into South Carolina. So we got to show them folks in South Carolina that we can carry our end of the deal here in North Carolina. They are doing a bang up job down there as well. So I can just say as an elected person, thank you for what you've done thus far and I'm going to put money when Patsy said that you all will get the people out. Patsy thanks for saying that because you ignited the fire in me last week to be able to say this; I know they can do it. Thank you because that's what we're looking for is from the "least of these" to the "best of these" or to the "most of these". This entire project cannot just be done with the staff. We've got a great staff at COG, you all have a great staff but it's going to be up to us, the elected officials but it's not just that elected or that public body. Pat Riley has been a champion to quote Jim in this whole process from the beginning and Pat come on and talk about the input and why we need that private sector.

**Pat Riley, Centralina Council of Governments,** said the first 22 years of my professional career I spent up in Pennsylvania serving a Planning Commission for 8 or 9 years; chairing it and trying to undo all the things that were done not so right for years before. So my last 21 years I'm dedicated here to be part of this area to say you know what, we have a chance to create

something that 25 years from now we will look back and say we got it, we understood it, we worked together, we figured it out. I'm passionate this time to help do it right the first time. I have offices in all of these counties I have a vested interest, so when the opportunity came up to help, bring business in the private sector and chambers and the public to the table, that's my role here. To help make sure that this just isn't something that when done, just sits on the shelf and we look back and say we spent \$4.9 million, but for what? So our job is to bring those communities and to bring those counties along to have the vision and foresight to say I want to leave this place better than I found it. I pledge to you, the business leaders, that I'm assembling in all of these communities that they are going to give you the cover you need because the worst position to be in as an elected official and I was there, is that all of a sudden you don't have the cover you need to do some of the tough things that we are doing. We can't ignore South Carolina because everything we put in our streams goes down to South Carolina; everything in the air goes east, west, north and south. So we are in this together and we can't put up the gates which we hear in some of these counties. I want it to be like it was before. I'm telling you people are coming here no matter what. I'm in the business where I know it. The last three years of recession, thousands of people came here they will continue to come here, we have every reason for them to come here, we just got to make sure that we are ready for them and we do it in the very very best way. Yes I said it in the newspaper and they misquoted me a little bit in the Business Journal; I said we will be here to be your cover. And sometimes we'll be here to maybe pride some of the elected officials to move this final document and final work that's being done so well, along. They called it prodding, they called it poking bottom line is we're here to be both sides and thank you for your help in getting folks out there.

Mayor Foxx said thank you Pat. It's always great to have engaged corporate involvement on transportation issues and we look forward to having you involved not only on these growth issues that CONNECT deals with as well as others. Are there questions from Council? This is a massive deal because we have plans, Belmont has plans, and Gaston County has plans. Cabarrus has plans, but we haven't really figured out a way to connect those plans and that's part of what this conversation can yield so we will keep working with that and of course you can always reach out to Jim Prosser, Mary Sue or Pat Riley.

Councilmember Howard said just to let Council know this is just the first step in this whole CONNECT initiative. One of the first steps; there's a lot more money to be spent on actually doing the planning process once you get through the open house. Jim do you want to talk about that, I know there's some reality checks and some other things that are coming that are going to be even more fun than this has been so far.

Mr. Prosser said there are really three basic phases to this effort. The first is as previously indicated, is really putting together what we call the "as built" what do all the communities, counties within this region, what do their current plans look like? And then we take a look at what are some opportunities to improve the overall framework for growth given those plans. What are the different options and then evaluating the options? We're going to evaluate the options based upon the feedback we get from this first phase. We're going to have a reality check June 6, and we're looking for membership there but that's already scheduled at your convention center. Your staff's been great to work with for that. And then after that work is done that is going to feed into again evaluating the different options. And then finally we will put together the preferred framework for growth and strategies and again we will receive feedback on that from the general community and we will communicate that to all of our participants as well. Even that is just the end of the beginning. Because this doesn't stop. This isn't a plan that sits on a shelf as Pat Riley said. This is a change in how we do business. This is a collaborative effort that looks forward to again a private-public partnership that works together on growing the economy jobs, controlling cost of government and improving the quality of life.

Mr. Howard said how many reality checks are you guys doing total?

Mr. Prosser said there is just going to be one all day. We are looking for 400 people for that reality check.

Mr. Howard said that's what I wanted. This is a ULI thing by the way and I know we have all dealt with ULI over the last couple of years. Now in the ULI, the national body comes in and they do this huge regional push where they bring leaders together and at the end of it you usually wind up with a plan like Jim was talking about and I guess that will be a big part of what we're doing with CONNECT. That's just something we should all look forward to.

Mayor Foxx said thank you very much, great presentation. We look forward to more as we go along.

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### **ITEM NO. 3: I-277/I-77 LOOP STUDY**

**Vivian Colman, Pedestrian Coordinator,** said last month I talked to you about the inside of the loop which were the surface streets and today we will talk about the freeway system. What we're going to be talking about today is the loop study and over the past year city staff and consultants and center city partners have been working on a study of the loop. We're going to talk about why we've done that, the purposes and some of the actual conclusions and recommendations. The loop itself, if you're driven on portions of it or the whole loop you understand that sometimes during the day it's pretty congested. It's a little difficult to maneuver. You're crossing through different lanes. A little bit confusing and unpredictable driving. The loop really is a 60-year old idea. So 50 years ago the loop was started in construction. Portions of it are really outdated and need some assistance. So it does not function as intended for today's traffic counts and for today's motoring public. The loop study itself, why we're doing it, one is obviously for the out datedness but there are other opportunities here, the 20/20 Center City Vision Plan actually called for a comprehensive study of the loop. So this was great timing for this. The federal highway administration is requiring us to do a study at this point since we've done some modifications to the loop over time, over the past ten years or so, Caldwell and S. Blvd. is the perfect opportunity there that we did some improvements. And if we do anything additional we've got to do a study of the loop; so again another good opportunity. This is the first comprehensive analysis in 50 years so it's great timing to look at the loop as a whole.

Just to point out the loop and what we have. I-77 is roughly 2.5 miles and the Belk and Brookshire portions are 4.5 miles. And they carry roughly 108,000 cars a day on the I-277 portion; and the I-77 portion carries roughly 170,000 cars a day so it's reaching our peak in capacity in some of these locations. If you look at it from the grand scale, it really is a regional facility it's not just for our resident's in-through town and the workers in-through town it serves both purposes. So if people are coming from the south, the west, and the north they need to use the loop to get through our city, so that's the high level look at it. Effectively it's one big interchange when you look at it in its holistic fashion. There was a committee established and again our consultant, city staff from various departments, Center City Partners and NCDOT that worked on the study for the past year and they defined a number of the current future functions of the loop. We spent a better part of the year trying to look at opportunities for concepts to make it better for the motoring public through freeway changes. And the projects that we will be talking about today are really in concept form at this point. We have to remember that we haven't designed all the solutions for these; that would come during the design phase later down the road. The projects nominated will not be constructed tomorrow either. It will take some time so we want to make sure that Council understands that what we are going to be nominating for the long range transportation plan over the course of the next few months will not happen in a day or a few years. The NCDOT process does take roughly 5 to 20 years to get some of these improvements done depending on the types of improvements, the cost of the improvements and the magnitude of them. So just a subtle reminder that this isn't going to happen tomorrow, but the study is in place to make it happen over time. This also comes with some policy and some vision of the Center City. The 2020 Vision Plan again called for a comprehensive look at the study and you see these little guys crossing the street; one of our main goals is just to calm center city streets so the traffic is moving more slowly and to facilitate walking and bicycling in our City. So that's just the bigger goals of the Center City Vision Plan, and then there's a Part II to this, the Center City Transportation Plan was adopted back in 2006. It calls for center city to be a destination and that the freeway would actually be a distributor of the traffic flow. So those

that don't have to come into the center city could flow around center city and aren't adding to the volumes and the speed. So the high speed traffic flow really is inconsistent in Center City.

Mayor Foxx said I hate to interrupt you but can you go back to the background page where you showed kind of a map of the area, how long has the Belk Freeway been in place?

Ms. Coleman said the Brookshire was built in the 60's, I-77 in the 70's and the Belk in the 80's. So it kind of goes counter-clockwise to where we had the construction at the time, so roughly 30 years of construction.

Mayor Foxx said and when you look at the Belk Freeway, what was there before.

Ms. Coleman said I was going to bring an aerial back from 1966 but it was a little difficult to see; but there were a number of surface streets where the Belk was. So the Belk was a new facility that was created through 2<sup>nd</sup> Ward.

Mayor Foxx said and before those surface streets were there; what was there?

Ms. Coleman said I'd have to get some clarification on that and go back and look at the maps. US-74 carries through there to Wilkinson.

Mayor Foxx said my recollection is that before Belk was there, I'm actually old enough to remember driving before we had Belk Freeway my recollection is that part of the Belk Freeway ran through the 2<sup>nd</sup> Ward neighborhood. Is that correct?

Ms. Coleman said that is correct.

Mayor Foxx said and the property was then taken under the Urban Renewal policies of the federal government and it's now a freeway?

Ms. Coleman said also correct.

Mayor Foxx said I'm just pausing here because a lot of times we talk about infrastructure and putting this infrastructure into communities and sometimes the response from that community is a little tepid because of the history of infrastructure projects in certain parts of our city and as we talk about I-277 I think we need to be reminded that there's a lot of pain associated with the history of this area that we're talking about that may enter into some of the conversations we have about other infrastructure projects too.

Ms. Coleman said I appreciate your comments on that. So in the team's one year review of this we came to some general conclusions and as I walk you around the loop we will talk a little more in depth about that. Generally the Belk Freeway, built in the 80's, is functioning quite well there's a lot of capacity except approaching U.S. Highway 74. And then on I-77 we do have some capacity operational issues and the main deficiencies of the Brookshire really are with weaving. So there are no real concerns on most of the loop except for the Belk and the idea really is to replicate what's happening on the Belk throughout the loop itself. I-77 is running here, Brookshire down to U.S. Highway 74 and then the Belk around. We're going to start with the Belk because that really again, is the area that has the least problems. There are really no problems on the Belk as it is constructed. The segment is going to work very well for years to come. If we can replicate that and its design throughout the whole route then we're in a good place to take on other opportunities. So it's really an opportunity to look at other segments. We have good urban form here. We have a great grid system throughout the center city and so it respects the block structure on the Belk as it was created. There are many connections into uptown and we will talk about the connections in a minute. Some may need an enhancement for bicycling or for walking to make it better for all those types of modes. What I wanted to point out here is there is a lot of capacity, they are generally taken mid-day but it does have a lot of capacity during the peak hours. But what's happening on the Belk here is we are creating some parallel road systems which will allow for more capacity and for the ramps and configuration to

work better between this grid systems. So in some respect we're looking at that on the Belk and then there was, a few years back, an idea to do a Cap over the Belk so that is also referenced in the report that will come out roughly in about a month, we hope. We're getting our chapters fine-tuned. The 2020 Vision Plan called for a Cap, recommends a Cap over the Belk freeway roughly from light rail up to Church Street. So light rail here and then up through Church for recreational type purposes. It's a great vision, an idea for the City. The construction would be feasible because you are going over the freeway system and it carries a very high cost, roughly \$330 million dollars. It's an Economic Development opportunity but it wouldn't really serve for transportation benefits. So if we were to nominate this type of project it wouldn't score very well with the long-range transportation plan ranking system. So we wouldn't recommend this for that type of project. But it is a great vision and idea and if the cost and funding comes up over time it's something to consider.

Councilmember Howard said part of preparing for this meeting today and it's presentation, I actually talked to Vivian and had about four questions and this was one of them and I wanted to thank you for that information. So the estimate back in 2008 to do this project was about \$330 million dollars? And the only reason I bring that up to Council is that it's not because of the size of the number but to, I don't know if we want to look at this again but I think you would take that and weigh it against the possibilities of getting public-private partnerships to participate when you take that much land back into consideration for revenue in the center city and that amount of open space. So somewhere along the line Vivian just shared how the state would evaluate that but I'm not sure how the city should evaluate that when you have that much development potential. It may just be worth a conversation or referral to a committee, I'm not suggesting it right now. But to me what happened with that when it got in the last center city plan is that no one ever took it and tried to see whether or not it could work and what framework it would take to make it work.

**Councilmember Mitchell arrived at 5:55.**

Mayor Foxx said has a cost study been done of that?

Ms. Coleman said just the 2008 study. And they base that on other Caps around the nation. So it wasn't really apples to apples in terms of the unit cost, but a general cost comparison. So \$330 million is the figure that was come up with and with the fluctuations in the economy we don't expect that it would have changed too much at this point.

Mr. Howard said and I'm not suggesting that we add anything other than maybe as a public-private in this situation.

Ms. Coleman said so as we walk around the loop. We just talked about Area A here, we're moving on to Area B. This is an area at the Belk and I-77 interchange that we will nominate for long-range transportation plan and if you've actually taken any of the ramps and tried to get off them at peak hours it's pretty difficult. It's pretty congested, it's a lot of safety problems. This has the highest crashes on the loop so we are looking at a complete reconfiguration of this interchange. And we have some ideas what that could look like but we don't know exactly how to fix this yet. So the concepts are out there and again if this gets nominated, gets into the plan, gets to that design phase, we are really looking deep and down as to what these solutions are. We know there are a lot of options for that. Another area we plan to nominate is I-77 and the area between the Belk and the Brookshire. We talked about replication of the Belk and this is another opportunity. The freeway system was really constructed with a rural style design. The off ramps that you see here are pretty long and wide and there's opportunity to recapture some land for economic development. On the west side of town, the idea was to recapture some of this land, reconfigure the ramps in such a way that we could have some opportunities to have land mass. We don't know how much but there are opportunities to investigate that.

Mr. Howard said that was actually my first question and that had to do with the fact that around the Hall of Fame, we had a similar situation and they reconfigured those ramps to make them more modern so we could reclaim some of the land. I think northwest of that, that's the Trade

Street Bridge. And we all know that Johnson C. Smith and the ULI study, there's been a lot of talk about what we need to do to bridge that gap but those cloverleaf's are some of the main reasons why there's so much divide between both sides of that freeway. So I'm really interested in what we can do now. I know you said earlier Vivian that this is part of the 2040 LRTP; but if for some reason again there was some energy around this, we saw how fast the redo of the interchange around the Hall of Fame happened when there was some energy around it. So again I'm just pointing out to Council and yet another opportunity in the Center City to reclaim land to put back on the tax rolls if we are willing to put the time in and study this.

Ms. Coleman said we appreciate those comments. There's a lot of land that can be recaptured when you look at all of the rural type of loops that we have built over time. Moving on to the Brookshire and this is the interchange of Brookshire and I-77; this one's a little more tricky because we are working with the NCDOT right now on their managed lanes concepts and we don't know exactly what that means quite yet. However coming from I-77 into the Brookshire, we're anticipating that's where the managed lanes would go and how they actually go in in terms of a design is unclear at this point. So there are congestions and safety problems with this interchange, but a solution is depended on the outcomes of the managed lanes. So we've got some time that we need to take to work with NCDOT a little more closely over the next few months to a year; as they work through and look at the P-3 Project, the private-partnership that they're evaluating right now. So we will continue to work with them. We will not nominate this one at this time; but still opportunities for that in the future.

The Brookshire itself was the first piece to be built in the 60's, and again weaving and safety problems. It does have some of the lower crash rates on the loop, but there are so many short and many ramps in these areas, that as you see the Brookshire here and you see the ramps coming in; there are so many of them that as people are coming on and off the freeway it's really unpredictable as people are trying to cross and maneuver. There's a lot of safety and caution that you have to take as a driver in this area of the freeway. We have some ideas again on how we would go about fixing it but we don't know the ultimate solution. Again when the design comes up we will get into that.

Mr. Howard said would you take some time maybe and explain what you mean by the weave, basically it's the fact that we have bridges, we have crossing grades, but then we have bridges that go over our roads to.

Ms. Coleman said yes we have a series of underpasses and then there are some overpasses. If you look at the grid system here that's coming into uptown overpass here, underpass here, the natural freeway undulates up and down so it's going to take a little more time to study that piece of the loop and determine what's the best solution for it. But we do think there are some pretty good opportunities once we again, figure out what NCDOT is thinking about with the managed lanes because they would actually come into the Brookshire into some way shape or form here. So short ramps, lot of weaving, a lot of unpredictable driving and then undulating between the overpasses and the underpasses which is causing us to take a little more time to study.

Mr. Howard said compare that if you will to the Belk. The Belk works better because everything is on grade where this is not.

Ms. Coleman said you have so many overpasses on the Belk that the freeway system is really on one grade if you will and alignment. It works a lot better. So the idea is to replace these short ramps in some way shape or form and kind of expand the street network. You kind of lose some of the grid system as you go off to the north, so those are some of the ideas as well. The Brookshire at U.S. Highway 74 interchange is another opportunity where we'd like to nominate some projects or project for the long-range transportation plan. Really looking at again, these opportunities to recapture some land with the rural style loops, similar to I-77 in this area of the loop when you're coming onto U.S. Highway 74 or when you're driving in this area, lots of weaving, lots of lane congestion and unpredictable driving. So it's really a series of confusing off ramps for our drivers. With the opportunity to recapture some of the rural style connectors and ramps, we have an opportunity to look at this, nominate it and make it look and feel like



portions of the Belk around the Caldwell area. If you're driven through this 4<sup>th</sup> Street area, you know that it's pretty difficult to maneuver; you've got to turn around to get back on the freeway. We'd like to change that so that will be a nomination in the long-range transportation plan.

Another important point is the gateways around the loop. We just talked about the under and overpasses. There are 34 of those around the center city so we have some great connectivity. However they don't all look like South Tryon. South Tryon's bridge, if you have had the opportunity to walk over it I encourage you to do that or take a bicycle. It's a much more comfortable facility now than it was a year and a half ago before we actually put the design in. We spent roughly \$1.5 million dollars on a capital improvement project to enhance a true gateway into our uptown. We've got 12 foot sidewalks on both sides, bike lanes, we've reduced the number of travel lanes because they weren't needed to get into uptown and South Tryon is our signature street. Capital projects don't come every day for these underpasses and overpasses but we're hopeful that over time we will be able to do more of these around the center city. Trade Street is a great example with the lighting project. South Tryon is a great example with the overpass here and what we've done to accommodate all modes of traffic. When you hit South McDowell here, just to give you an idea of some of the other things we're working on; we have a little bit of funds in the Center City programs and we're going to be widening some of these sidewalks and improving the lighting which is out in some cases and doing some other enhancements.

Councilmember Pickering said I've always been interested in getting the street name on the side of the overpass so that when you're on the 277 I know that it's Tryon here and I know that it's College or whatever, is that passable?

Ms. Coleman said I can check into that and we can talk to NCDOT to see if that's a possibility. So with McDowell in the next year and a half or so there will be a retaining wall, wider sidewalks, improved lighting, taking some of the vegetation that's overgrowing the sidewalks and removing that. So those are the types of enhancements we're looking at; widening sidewalks, bicycle facilities, extending trails, greenways with the underpasses and overpasses, really making it much more comfortable and safe for pedestrians and bicyclists to get into and out of our center city. So the next steps are to nominate those three projects I described and reconfiguration of I-77 at the Belk looking at the land mass here along I-77 and then down on the Belk side near U.S. Highway 74, reconstructing that in some way shape or form. So we've got three projects that will be nominated. Nominations are due January 18<sup>th</sup>, coming right up. Ranking those nominations runs through the summer of 2013 and then hopefully as we compete against so many other projects in the region with the MUMPO group, we'll hope that some of the projects are included in the long range transportation plan by spring of 2014. In the meantime we will continue to work with NCDOT to incorporate managed lanes into some of the projects and look at other opportunities for funding some of those other projects to. With that I will be glad to entertain any more questions you may have.

Councilmember Cannon said what betters some of our opportunities to be able to get those approvals through the competition process in your opinion?

Ms. Coleman said the competition process is pretty fierce. Since we are in the groups with the rest of the towns of MUMPO, but we feel that these projects will rank pretty well among others because of their true need and safety issues. So in competing against other projects, we're not sure will that will all fall out, but again we're hopeful that these will score well against the others. There's no way to truly know yet.

Mr. Cannon said o.k. we will work with Councilmember Howard to see this true, giving his representation on there for us.

Ms. Coleman said that would be a great help Councilmember.

Mr. Howard said just to follow up Mayor Pro Tem there are some conversations going on right now at MUMPO about weighted voting and some other things. My committee has heard more than they want to know about, but just so that you know there is some conversation going on

about our influence on votes and things going forward on MUMPO so that will be back sooner than later and it affects our influence on things like that I think. The last thing is all of the committees have more than they know what to do with, before I refer the two issues that I brought up, what will be the next steps for us hearing back from you on this? What happens next after this?

Ms. Coleman said as you go back to the schedule here, by summer of 2013 we will have a much better idea of where the ranking of nominations are so we have to wait about six months to see what projects are going to score the highest.

Mr. Howard said you will come back here?

Ms. Coleman said if that's the referral.

Mr. Howard said well the referral was that you're not going to nominate the Cap or, the Johnson C. Smith/Trade Street area will be one of them?

Ms. Coleman said right. That will be one, I-77 at the Belk with the other, freeway reconfiguration; and then reconfigurations on the Southern portion of the Belk.

Mr. Howard said Mr. Mayor help me out, I don't want to lose the Cap conversation and the one about Johnson C. Smith and I don't necessarily want to overdo it with referring stuff to committees but I have a feeling what will happen is that it will be 40 years from now and then we will talk about the Cap again and talk about this and that and nobody ever really looked to see if it was realistic.

Mayor Foxx said just send it to committee and work it in.

Mr. Howard said well I think the one around Johnson C. Smith is probably a transportation one, and we will just queue that way out; the one about the Cap though is an Economic Development conversation I believe because it's more about public-private partnership so unless Mr. Mitchell has a problem with that?

Councilmember Mitchell said no sir.

Mr. Howard said may I actually recommend we refer those not to come back anytime soon because I know the committees are real busy but I don't want to lose those.

Motion was made by Councilmember Howard second by Councilmember Mitchell and carried unanimously to refer the Johnson C. Smith issue to the Transportation committee and the Cap issue to the Economic Development committee for further consideration.
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Mayor Foxx said I will just say this first of all Vivian we really appreciate your work. You've got a really good handle on what this city needs in your former role and now in this one.

Ms. Coleman said I appreciate that Mayor.

Mayor Foxx said I want to say something that may not be particularly on point but I'm going to come back to this I think a lot. It amazes me how amazing work can happen when there's momentum already there. Our center city is a huge attraction for visitors, for business and various things. We've got other nodes in our City that are also very attractive; University City areas is obviously an attractive place for a business and higher education and other things and it's improving; SouthPark and Ballantyne. But I'm going to end up where I started out. Before Belk Freeway was there, there were thousands of people who lived right there in the center city of our City. And I know what happened to those people because I grew up near a lot of them. They ended up moving up Beatties Ford Road, out West Blvd., having to restart their businesses, get their homes established and so forth and I don't know that we have as many good examples as we should of where we've placed infrastructure or revitalization activity that's actually helped to

revitalize a community in this city where those folks and their grandchildren and great grandchildren live. And I think that's a problem for the City and furthermore I'm increasingly growing a little more cranky with continuing to grease the wheels of parts of our City that seem to be doing quite well when we've got these problems that are creaking in the corner. So this is not applicable of you Vivian, but I'm saying we've got to figure this out. Because what we're sitting ourselves up for is being a great employment center that no one wants to live in and that is not the right answer for this city. So I'm going to keep coming back to that I think over the coming months but this is a good example of forward thinking, but we need some forward thinking everywhere.

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#### **ITEM NO. 4: SNOW AND ICE CONTROL PROGRAM**

**Interim City Manager, Julie Burch** said Mayor we had originally planned to do this last week at the workshop and ran out of time so we are here before you again this evening, and despite the fact that we had 75 degree weather over the weekend, we want you to know that we're ready and prepared, if and when, it's probably a matter of when as oppose to if, snow and ice comes this particular winter. So I'd like to ask Phil Reiger with our Charlotte Department of Transportation to make his presentation this evening. Just for information, no action being requested.

**Phil Reiger, Charlotte Department of Transportation,** said originally I'd hope to stand here and introduce to you our new street superintendent. Unfortunately he's been called away to deal with some urgent family matters so you get me. So I'm privileged to be able to give you a quick overview of our snow and ice control program. It's been well tested in years past, but I wanted to remind everyone of the details in the event that we have a snow and ice event. I can't take credit for the 70 degree weather while I'd like to; but we don't send around "let it snow" Christmas cards in the Department of Transportation let's put it that way. Aside from being able to introduce our street superintendent to you in person, I wanted to do a virtual introduction because it's important that you recognize this person because when we have a snow and ice event it's not uncommon that our street superintendent will do interviews with the media and what not. So we didn't want that face to not be familiar to you.

Saleem Khattak came to us in June of last year after a national recruitment search for a new superintendent. Saleem's a civil engineer; he has over 25 years of public works experience both at the state and local levels and most recently he was the maintenance superintendent for the other CDOT, the Colorado CDOT where he was responsible for the Denver region. So we have a high confidence that Saleem knows how to handle snow. Half of his year is dealing with snow in Colorado. Let me just give you a quick overview. I'm going to sort of discuss the objectives and the scope of the program, talk a little bit about how we obtain weather information, talk a bit about the treatment methods that we use; the equipment facilities that we have; the preparation that we've already been through and the coordination communication that takes place around a snow event. Then talk about how we actually respond to different severities of storms, the service levels that we provide and then a little bit around the budget that we have for emergency operations.

As I clearly stated our objective is to restore and maintain mobility in the City. We do that primarily by focusing on major corridors, key employment areas and we work really closely with the schools, hospitals, and first responder facilities to make sure that those folks that need those services can get them during the snow event. When we go into a snow operation, it's a 24-7 operation and so we work around the clock to keep those streets clear and open. Our plan covers about 1,830 lane miles of city maintained streets and we also maintain about 390 or approximately 400 miles for the state. The state reimburses us for that work, but we found that it's better that we do that on their behalf because they are mainly focusing on the interstate and freeways. Important to note is that we have 159 bridges and culverts in the city and of course bridges and culverts are your first pieces of infrastructure that will likely freeze in a snow and ice event and so they are very important to us.

Councilmember Mayfield said when we are looking at those lane miles, how often is that updated? Because I know we have some areas over the last few years that we have annexed in and want to make sure that they are receiving services and if not to at least have a good idea of how we identify where our geographical area.

Mr. Reiger said great question. Every year we evaluate our snow program and we update the plan and so this is the most current update. We use multiple sources of information to determine what type of response we want to deliver. We use national weather service information, rely a lot of the local media and rely heavily on our private weather service, it's DTN; to help us understand better what type of storm we might be dealing with and what type of response we might need to deploy. During the snow event, we also have city owned weather monitoring locations so that we know specifically what's going on in different parts of our city. They are normally sort of north, center and south and you all can relate that a winter event can be very different in the south part of our city than the north part of our city. So we really need to have that information to know where we need to deploy our resources and how. We have a variety of treatment methods that we use depending on the type of storm that we're going to have. We're very sensitive to the environmental impact that these treatments could have, particularly on streams. Generally when we have a light storm or freezing rain event we use a salt brine, which is essentially salt water and it has a very low cost but highly effective way to treat freezing black ice, those sorts of things that you might see in a light winter event. It's pretty calm here in Charlotte. When we get into a large snow event, you will see us move to a salt application and then in cases where we get temperatures below 20 degrees, it's not often but occasionally it happens, where salt isn't effective, we will use a calcium chloride. But that's really a rare occurrence.

We have various types of equipment that we use. We use spreader and plows. We have 32 trucks that we deploy. We have three smaller spreader trucks that are generally emergency responder trucks. These trucks are actually used for cold mornings when there might have been a water leak and we saw just some flash freezing on the roads. We will deploy these trucks to go out and put salt down before rush hour to make sure that those thoroughfares and major collectors are safe. In large snow events we have motor graders and loaders and of course our brine trucks are our first line of defense in some of those smaller storms. We have three satellite facilities. Those facilities all have salt storage sheds and the total capacity of salt is about 7,000 tons combined. That's a lot of salt and they're full so we're ready to go. Finally if we really get into a major snow event, where 8 or more inches of snow is accumulating and it is expected that it's going to stay around for a while. There are times when we actually have to go in with our loaders and backhoes and dig the snow out and remove it from areas. We have a snow dump site located off of W. Mont Drive where we would take that and that snow would melt away.

We've already been through what we call snow days, which is a two day training opportunity for employees. During that time we load our equipment, test our equipment, calibrate all of the equipment to make sure that it applies the right rate of salt and salt brine. We ride our routes, make sure that they are updated and make sure we know where all of the new poles and anything that might be in or around that we could snag a snowplow on we sort of make note of those so we can have as minimal impact as we can on the right-of-way. We do a lot of coordination and communication with our partners. Our corporate communications help us with our media during the events. We rely heavily on our equipment services division; of course we work very closely with police, fire and medic, NCDOT, CATS, 311, Solid Waste Services and of course not on the list is the school and hospital systems.

If we get into a snow event and we get information that something is coming, we can usually classify those in three categories. We call it Condition A, B or C. Condition A is a light snow event could be possible freezing on bridges and culverts; maybe light accumulation of snow; typically these events happen in the evening, overnight or early morning. This is when we would deploy our salt brine trucks. We make sure we pre-treat those bridges so that the ice wouldn't form on the bridges and culverts and it allows any participation to break up as traffic moves across it rather than freeze. Condition B, you're going to see some accumulation maybe up to 8 inches. The difference between a condition B and a Condition C however is that we're likely

going to get warm weather shortly after we get the snow. Warm weather typically melts it by noon or by the end of the day and probably didn't use snow plows in this condition. Although we can but we try not to of course when we drop the plows too early then you create berms of snow that close in people's driveways and then you have a snow melt event so you have a freeze thaw, freeze thaws we try to prevent if we can. A severe storm, Condition C, is over 8 inches of snow we're calling out everything that we've got. We likely are going to have multiple days of work and we might even need to call in contractors to deal with Condition C.

If you look at the service levels that we provide for each condition, again Condition A we're going to be focusing on bridges and culverts; hospital entrances and responding to emergencies. Condition B, we're trying to get to 90% of the major and minor thoroughfares within 48 hours and 80% of the collector streets which would include bus routes, would be made passable in 48 hours and Condition C, we're trying to get 75% of the neighborhood streets, not including cul-de-sacs to make sure that they're passable within 72 hours. Again Condition C is a full blown storm and multiple days of accumulation and not a lot of melting going on. We will have our full forces out and may need to call in contractors that are on standby if we need them.

Finally just a little bit about the budget. The budget is always of interest to many when we go into emergency response situations. Generally you, through the regular budget process, allocate funds in the general fund, to handle snow operations. They are wrapped up in regular operational budget dollars. Our philosophy is if our guys are fighting snow, they're not doing the other work that they would be doing on that day. So the salaries and the equipment budget is there. Typically what we experience when we have a snow event is the need to buy a little more material that might be salt. Maybe there's a little more equipment maintenance and in those bigger snow events we might have some overtime that is necessary. But all of that is accounted for. I will tell you that if needed, there is a modest amount of Powell Bill fund balance available specifically for rainy day purposes, no pun intended. It is available for you all to consider if we need to. The last time we needed to do that was in the ice storm in the early 2000's and that event was specifically a FEMA event and that was why we needed to do that was to be able to functionally facilitate the FEMA reimbursement process. So it's not a common occurrence where we have to go after the budget's adopted and appropriate additional dollars for snow and ice. It's already included in the normal appropriations. That's all I have for you tonight, if you have any questions, I'll be glad to answer them.

Mayor Foxx said I will be very blunt with you. I never look forward to this report. But it is one of those reports where you know when you need this stuff it needs to be there. So we are glad that we have this report and appreciate all the work that you all are doing. I think we're starting to see some very disruptive weather events that are beyond ice. I mean we might see more snow and ice than we historically have seen in the past. We had a tornado hit us last year and I don't know all the implications of what weather pattern disruption means for our City but we may need to think in terms of whether it's updating building codes or whatever. But I sense that we're going to see some weather events that we typically haven't had to worry about in the future and it may be huge amounts of snow, it may be some other things but I would love, at some point, get some thought around what some of these patterns may mean. We may need to wait it out a little longer but when that tornado hit us; that reminded me of Hugo and Hugo was much worse than the tornado was but it was devastating to a community that's kind of flat footed and not ready for something like that to happen so. It's just something for our emergency team to be thinking about as we go along.

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

**Interim City Manager, Julie Burch** said I believe Councilmember Dulin raised a question about Item 38-B. And we do have a math calculation matter there and we, staff, are going to pull that item and bring it back.

Mr. Dulin said thank you.

Ms. Burch said Mayor we do have a closed session scheduled for the dinner hour, we don't think this will take long at all. But we would need a motion to do that.

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#### **ITEM NO. 6: CLOSED SESSION**

Motion was made by Councilmember Dulin, seconded by Councilmember Kinsey and carried unanimously to adopt a motion pursuant to North Carolina General Statute 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling of the case Athanasios Koutsaftis v. City of Charlotte (12-CVS-6064).

**The meeting was recessed at 6:29 p.m. in order for Council to go into Closed Session.**

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#### **BUSINESS MEETING**

The City reconvened in open session at 6:41 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Foxx presiding. Councilmembers present were Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, LaWana Mayfield, & Beth Pickering.

**ABSENT UNTIL NOTED:** Councilmembers Autry, Barnes, Mitchell and Kinsey

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#### **INVOCATION AND PLEDGE**

Mayor Foxx gave the Invocation, followed by the Pledge of Allegiance led by Myer's Park United Methodist Church Troop #3.

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#### **AWARDS AND RECOGNITIONS**

#### **ITEM NO. 7: CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT AWARD**

Mayor Foxx said in November 2012 the Charlotte-Mecklenburg Utility Department received an award for having the "Best-Tasting Water in North Carolina". This award is given by the North Carolina American Water Works Association and the North Carolina Water Environment Association. A panel of judges determined that CMUD and the City of Charlotte had the best tasting water in North Carolina. We want to recognize them and you will get a chance to see the plaque that they were awarded. Barry Shearin is here and will introduce our CMUD staff.

**Don Garbric, Vice President of Pease Engineering & Architecture,** said I'm here representing the North Carolina American Water Works Association. We are a membership of over 50,000 professional members throughout the world. In the United States we have 43 sections of which North Carolina is one of the sections. In our annual meeting which is a conference that we hold we offer a program that allows for the completion to the best tasting water in North Carolina. As the Mayor indicated I'm presenting a plaque tonight indicating that the City of Charlotte has won that. But we go through a process and the process is that we have a panel of judges from all over the State of North Carolina sample the waters and they don't know who the samples are coming from, and they rank those samples. And the way they do it is they sip the water, they swirl the water, they swoosh it and swallow it and that's what they go through with every sample. In between samples they will take an unsalted cracker to clean the palate and some distilled water. So it's a very detailed process that we go through. I've been doing it for 28 years now and I've noticed a common thread through all the winners of the best

tasting water and the City of Charlotte has won it in previous years. But the common thread is, there are really three elements and the first element is typically a group like yourself. The Council has the wisdom and the ability to bring sufficient funding to the process to where you can build the facilities that will treat the water to the best technology that we have available. The second thing that I see in common is the management team like Barry Gullet and Barry Shearin who have the vision of providing a master plan that will develop over a period of time that you can plan rather than react to situations and third and probably, one of the most important, is the staff members. The pride they take in what they're doing. If they're presenting the water at a state convention, they are proud of what they do. And so with that I would like to go ahead and present the plaque and this gives you the right to brag for the next year about the fact that the City of Charlotte has the best tasting water in the State of North Carolina.

**Councilmembers Autry, Barnes, Kinsey and Mitchell arrived at 6:44 p.m.**

**Barry Shearin, CMUD Engineering,** said we are pretty excited to have been selected this year. It's not often that the City gets selected for best tasting water. We appreciate City Council's support so that we can run the facilities the way we need too, but mainly also we want to say our appreciation for over 100 employees that work day and night 24-7 to keep those plants operating and give us that quality of water. There are a lot of countries and a lot of cities that just don't understand that every time they touch their tap that something's going to come out of it and we have some dedicated groups to make sure that that happens. We have four of them here tonight that I would like to introduce; John Hebron, Water Treatment Superintendent; Randy Hawkins, Water Treatment Supervisor; Gabe Sasser, Water Quality Team, and Rusty Campbell with our Water Quality Team. We are glad they are able to join us tonight and we appreciate their level of effort on this award.

Mayor Foxx said that is just another great thing to celebrate about Charlotte and now we have the Best Tasting Water in North Carolina.

Mayor Foxx said I have an acknowledgement before our next announcement, we have our Mailroom Supervisor in the building, Mr. Robert Turner is retiring after 26 years of service. He started working on October 8, 1986 as Supervisor of the Mail Courier Service and Loading Dock Activities. His retirement date was actually January 1, 2013. He is a very talented guy and really nice guy if you all haven't had a chance to say hello to him. He graduated from North Carolina School of the Arts in 1974, a Bachelor of Fine Arts in Acting and English. And I'm sure as the Mailroom Supervisor he had to do a lot of acting in the course of his time here. The mailroom processes over 450,000 pieces of incoming mail in a year; 575,000 pieces of outgoing mail and 32,000 interoffice. Communications to 89 locations, 48 of which are courier stops. This is the same gentleman who I think delivers our packets to us on a weekly basis and so all the councilmembers over the last 26 years have had an interaction with Robert so we just want to say congratulations to Robert and congratulations on your retirement. It's very well earned and we're thinking about you.

Councilmember Barnes said by the way Mr. Turner is a fine constituent of District 4. He's a good man.

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**ITEM NO. 8: BOY SCOUTS FOOD COLLECTION DAY**

Councilmember Barnes read a proclamation recognizing the Boy Scouts in Mecklenburg County for their upcoming food collection day on February 2, 2013.

Mayor Foxx said with us tonight are several members of Boy Scout Troup 3 including the Senior Patrol Leader, Tripp Mayland and the Scoutmaster is also with them but I think he's turning the responsibility of speaking over to the young men. So why don't you come receive the proclamation and then you can say a word after that. It is appropriate that we had Mr. Barnes do this because I remember several years ago you made a motion to give money over to the 2<sup>nd</sup> Harvest Food Bank at a time when many people in our community were starving, so I wanted to make sure we did that.





**Item No. 24: Street Maintenance Mini-Excavators**

(A) Approve the purchase of three mini-excavators as authorized by the North Carolina Department of Transportation (NCDOT) contract exception of G.S. 143-129(e)(9), and (B) Approve a contract with Carolina Caterpillar in the amount of \$251,904.

**Item No. 25: Railroad Agreement for Louise Avenue Storm Drainage Improvements**

Approve an agreement with CSX Transportation, Inc. in the amount of \$109,034 for inspection and flagging services.

**Item No. 26: Highway 51 Median Landscaping**

Approve a low bid contract with Southern Shade Tree in the amount of \$110,432.03 for landscaping services.

**Summary of Bids:**

Southern Shade Tree Company, Inc.	\$110,432.03
Taylor's Landscaping Service, Inc.	\$130,662.47

**Item No. 27: Watershed Restoration Projects Grants**

(A) Approve a grant application for \$600,000 from the North Carolina Clean Water Management Trust Fund (NCCWMTF) to fund 39% of the construction cost of the Briar Creek-Chantilly Water Quality Enhancement project; (B) Approve a grant application for \$300,000 from the NCCWMTF to fund 85% of the construction cost of the Ashley Pond Water Quality Enhancement project; (C) Authorize the City Manager to accept the NCCWMTF grants, and (D) Ordinance No. 5024-X appropriating up to \$900,000 in grant funds to the Storm Water Capital Investment Plan.

The Ordinance is recorded in full in Ordinance Book 58 at Page(s) 26.

**Item No. 28: Landscape Maintenance Services**

Approve the following landscape maintenance contracts in the total amount up to \$1,328,981.96 over a three-year term: 1. Napper Services, LLC, \$193,500; 2. Roundtree Companies, LLC, \$144,450; 3. Samson Grounds Management, LLC, \$123,300; 4. Taylor's Landscaping Services, Inc., \$232,271; 5. Taylor's Landscaping Services, Inc., \$249,549.59, and 6. Taylor's Landscaping Services, Inc., \$385,911.37.

**Summary of Bids:**

Taylor's Landscaping Services	\$232,271.00
Roundtree Companies, LLC,	\$144,450.00
Napper Services, LLC,	\$193,500.00
Samson Grounds Management, LLC,	\$123,300.00
Taylor's Landscaping Services, Inc.,	\$249,549.59
Taylor's Landscaping Services, Inc.,	\$385,911.37

**Item No. 29: Utility Pump Parts Replacement**

Approve a unit price contract with Pete Duty & Associates, Inc. for the purchase of Allis Chalmers Pump Parts for a three-year term.

**Item No. 30: Franklin Water Treatment Plant Reservoir Change Order #1**

Approve change order #1 in the amount of \$405,000 to Thalle Construction for the Franklin Water Treatment Plant Reservoir Expansion Contract.

**Item No. 31: Airport Advertising Revenue Agreement**

Approve a one-year advertising agreement, to receive revenue in the amount of \$129,456, with Airport Marketing Income (AMI).

**Item No. 32: Airport Display Maintenance Contract Extension**

Approve a one-year contract extension with Signature Technologies, Inc. d/b/a ComNet in the amount of \$162,399 for maintenance of the Airport's Flight Information Display System.

**Item No. 33: Airport Conveyor and Passenger Loading Bridge Parts**

(A) Approve a three-year, low-bid contract with Kaman Industrial Technologies Corporation for conveyor systems and passenger loading bridges equipment and repair parts, and (B) Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments as authorized by the contract.

**Summary of Bids:**

Kaman Industrial Technologies Corporation	\$12,745.53
Applied Industrial Technologies	\$13,645.64
Motion Industries, Inc.	\$14,332.20
Vanderlande Industries Inc.	\$14,400.50
DXP Enterprises Inc.	\$15,501.54
BDI	\$15,722.85
Bearing Distributors and Drives, Inc.	\$16,330.00
Thyssenkrupp Airport Services, Inc.	\$17,526.00
Airport Technical Support, LLC	\$21,691.00

**Item No. 34: AT&T Telecommunications Services Agreement**

Approve a one year extension to the unit price contract with AT&T North Carolina for the continued provision of voice and data telecommunications services.

**Item No. 35: Printer Cartridges Contract**

(A) Award the low-bid unit price contract to SunBelt Office Suppliers, Inc. for the purchase of new and remanufactured printer cartridges for the term of two years, and (B) Authorize the City Manager to extend the contracts for three additional, one-year terms with possible price adjustments as authorized by the contract.

**Summary of Bids:**

<u>Vendor</u>	<u>OEM Cartridge</u>	<u>Premium Remanufactured Cartridges</u>	<u>Text Remanufactured Cartridges</u>
SunBelt Office Suppliers	\$433,224.33	\$270,980.89	\$225,572.79
ITD Print Solutions	\$350,589.43	\$153,943.02	\$0
ABC Laser USA	\$517,442.60	\$175,667.11	\$0
Office Depot	\$515,913.71	\$0	\$237,361.35
Dove Data Products	\$494,401.16	\$198,118.90	\$0
Forms and Supply	\$495,249.60	\$181,120.25	\$0

**Item No. 36: Property and Business Privilege License Taxes**

(A) Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$37.09, and (B) Resolution authorizing the refund of business privilege license payments made in the amount of \$1,800.85.

The Resolutions are recorded in full in Resolution Book 44 at Page (s) 115-116 and 117-118.

**Item No. 37 In Rem Remedy**

**A. 6241 I & J Billingsley Road**

Ordinance No. 5025-X authorizing the use of In Rem Remedy to demolish and remove the structure at 624 I & J Billingsley Road (Neighborhood Statistical Area 60 – Wendover Sedgewood Neighborhood).

The Ordinance is recorded in full in Ordinance Book 58 at Page(s) 27.

**B. 2801 McCombs Street**

Ordinance No. 5026-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2801 McCombs Street (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

The Ordinance is recorded in full in Ordinance Book 58 at Page(s) 28.

**Item No. 38: Property Transaction**

**A. 5021 Beatties Ford Road**

Acquisition of 4,214 sq. ft. (.097 ac.) in Fee Simple, plus 5,027 sq. ft. (.115 ac.) in Temporary Construction Easement at 5021 Beatties Ford Road from Currin Patterson Partners 1031 II, LLC for \$65,000 for Beatties Ford Road Widening Phase 4, Parcel # 55.

**C. 4125 Blenheim Road**

Acquisition of 10,003 sq. ft. (.23 ac.) in Fee Simple (TOTAL TAKE) at 4125 Blenheim Road from Antonio Montgomery and Geneva Cecil Montgomery for \$61,850 for Blenheim Storm Drainage Improvement Project, Parcel # 9.

**D. 4112 Blenheim Road**

Acquisition of 9,780 square feet in fee simple (TOTAL TAKE) at 4112 Blenheim Road from Richard Stikeleather for \$52,250 for Blenheim Storm Drainage Improvement Project, Parcel # 17.

**E. 430 Garfield Street**

Acquisition of 17,516 sq. ft. (.402 ac.) in Fee Simple (TOTAL TAKE) at 430 Garfield Street from Rhonda Michelle Washington and Tameka La'Faye Washington for \$57,750 for Blenheim Storm Drainage Improvement Project, Parcel # 19.

**F. 1431 Scotland Avenue**

Acquisition of 4,129 sq. ft. (.095 ac.) in Storm Drainage Easement, plus 3,419 sq. ft. (.078 ac.) in Temporary Construction Easement at 1431 Scotland Avenue from William N. Harris and Wife, Georgene L. Harris for \$151,350 for Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 16.

**G. 1425 Scotland Avenue**

Acquisition of 4,152 sq. ft. (.095 ac.) in Storm Drainage Easement, plus 74 sq. ft. (.002 ac.) in Temporary Construction Easement at 1425 Scotland Avenue from Raleigh A. Shoemaker and Wife, Kathryn L. Shoemaker for \$203,850 for Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 17.

**H. 919 Colville Road**

Acquisition of 2,080 sq. ft. (.048 ac.) in Storm Drainage Easement, plus 450 sq. ft. (.010 ac.) in Temporary Construction Easement at 919 Colville Road from Kurt E. Lindquist, II and Wife, Sherry C. Lindquist for \$37,075 for Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 19.

**I. 1101 Bolling Road**

Acquisition of 1,455 sq. ft. (.033 ac.) in Storm Drainage Easement, plus 20 sq. ft. ( ac.) in Sanitary Sewer Easement, plus 963 sq. ft. (.022 ac.) in Temporary Construction Easement at 1101 Bolling Road from Joseph E. Foster and Wife, Kristin M. Foster for \$64,219 for Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 30.

**J. 808 Queen Charlotte's Court**

Acquisition of 2,558 sq. ft. (.059 ac.) in Temporary Construction Easement at 808 Queen Charlotte's Court from Robert J. Brietz and Wife, Jane C. Brietz for \$36,275 for Gaynor Storm Drainage Improvement Project, Parcel # 14.

**K. 447 Hunter Lane**

Acquisition of 2,100 sq. ft. (.048 ac.) in Sanitary Sewer Easement, plus 1,001 sq. ft. (.023 ac.) in Temporary Construction Easement at 447 Hunter Lane from Tina C. Overcash for \$18,975 for Gaynor Storm Drainage Improvement Project, Parcel # 42.

**L. 4108 Park Road**

Acquisition of 1,939 sq. ft. (.045 ac.) in Sidewalk and Utility Easement, plus 2,344 sq. ft. (.054 ac.) in Temporary Construction Easement at 4108 Park Road from Park Road Office, LLC for \$43,675 for Park Road Pedestrian Crossing Sidewalk, Parcel # 5.

**M. Wilkinson Boulevard**

Acquisition of .77 acres at Wilkinson Boulevard from Matlock Family Trust for \$67,000 for Airport Master Plan Land Acquisition.

**N. 8011 North Tryon Street**

Resolution of Condemnation of 2,902 sq. ft. (.067 ac.) in Fee Simple, plus 5,248 sq. ft. (.12 ac.) in Temporary Construction Easement, plus 264 sq. ft. (.006 ac.) in Utility Easement at 8011 North Tryon Street from Allstates Construction Company, Inc. And Any Other Parties Of Interest for \$152,350 for Blue Line Extension, Parcel # 3151.

The Resolution is recorded in full in Resolution Book 44 at Page (s) 119.

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**ITEM NO. 38-O – 1111 BOLLING ROAD**

Acquisition of 2,533 square feet in Storm Drainage Easement, plus 57 square feet in Sanitary Sewer Easement, plus 964 square feet in Temporary Construction Easement at 1111 Bolling Road from Larry L. Martin, Jr. and wife, Jill Best Martin and any other parties of interest for \$122,075 for Cherokee/Scotland Storm Drainage Improvement Project, Parcel #29.

**Mr. Larry Martin, 1111 Bolling Road, 28207** said my wife Jell is here with me, we live at 1111 Bolling Road which is in Ms. Kinsey's district. We are in the middle of the Scotland Cherokee project and I'm not here so much to complain about the project because I know I don't have anything to say about that, but I want to first of all tell you the staff has been extraordinarily helpful with me on all those items to which they had any influence over. And I've been very pleased and satisfied at what they've done. What I'm not satisfied with is the way the project is designed and exactly where I am and the route that it takes. I put before you a sheet of paper that I have colored up some and it's probably different from what you have. I just want to bring your attention to it, so that you will see the pipe starts off as a 48 inch pipe and converts just before my yard to a 6 x 3 foot concrete precast culvert to accommodate a change and it's pretty obvious what's wrong with that design. The reason that the design is the way it is is the green dot that you will notice in the middle of the page is one single fully matured willow-oak tree.

Now I fully recognize that perhaps the apparent attempt on the Council to help one property owner's request; but the full cost of this impact dumped straight onto my yard as you will see. The full scope of the permanent easement sweeps across my backyard. It encroaches on the buildable footprint of my yard. The turns in the pipe, there are four bends in the pipe. They range from 38-47 degrees. Each one of those four bends requires a manhole in order to have access to that bend in the pipe. There's a 4 x 4 foot up raised concrete slab, two of which will have to go in my yard, to cover this problem. I note in your agenda that I object to the appraisal cost, I certainly do object to what the appraisal has been, given what's being done to my lot, and particularly why it's being done. So I'm here to go on record and formally ask you to request staff to redesign this and submit to me a new request for easement prior to sending me a condemnation letter. I think it's more of a rationale request and I've discussed this with all of your engineers and we've been discussing this for a long time now. This is a permanent loss to me and my wife. That tree is not a permanent tree. It may fall tomorrow, so I appreciate your consideration and I will continue to work with staff. I met with them this morning but this issue is beyond their control. So I ask for your consideration for my request.

Mayor Foxx said thank you very much, can we hear from staff on this?

**Laura Rushing, Real Estate,** said we met with him this morning mostly regarding the appraised value of it and to actually make sure we understood his concerns. I do know that we have met with him, the project managers, and designers and discussed this. They know his concerns and we've looked at it and I believe that we feel that this is the best design of this project.

**Jennifer Smith, Engineering & Property Management, Storm Water Services** said the main reason why we are going around is two very large mature trees; a 36 inch willow oak and a 30

inch willow oak. And that is the reason for the bend in the project. We have the room to go around them. There is also a Duke Power transmission pole between the two trees that Duke has said to us they recommend not moving that transmission pole. So that's the reason for the realignment. Mr. Martin had mentioned the pipe size was changing and there were bends. The pipe size is changing because of the bends. We have to go bigger when we have some of those losses in some of the bends. But if you have any other questions about the design I'd be more than happy to answer those.

Councilmember Barnes said is the pipe in his backyard or front?

Mr. Martin said it's both. It cuts across the backyard and runs between my house and my next door neighbor's and out the front yard to Bolling Road. And the pipe and the permanent easement are equally distributed on my house and my neighbor's in the front and fully distributed on mine in the back.

Mr. Barnes and to our staff people, if we didn't rearrange the pipe to avoid that tree or those trees, would we have to spend the proposed \$122,000?

Ms. Rushing said we would have to have it reappraised.

Mr. Barnes said okay here's my point. You guys know I love trees. I love protecting our tree canopy. But if we could take out those two trees and spend that \$122,000 buying maturing oak trees to replant not only near his house, but in other parts of the City, I'm not suggesting that we spend \$122,000 but my point is that we might be able to replace those trees with similar trees at least in terms of them being willow oaks in that area and other areas and supplement our tree canopy to some extent, one thought. Now I understand exactly what he's saying and I tend to agree with him, but I also understand what you're saying. How old are the trees?

Ms. Smith said the trees are about 100, 110 years old.

Mr. Barnes said and when we talked with our arborists in the past about oak trees that old, at least as I recall, we've always been told that they are about to age out.

Ms. Smith said we have talked to the arborist that works with our projects and he said the age could last to about 150,

Mr. Barnes said or two more years.

Ms. Smith said yes or two more years. The trees are healthy, they are in good shape. We have fertilized them.

Mr. Barnes said are they on private property.

Ms. Smith said yes they are on private property. One other thing I'd like to share is that there are four parcels involved. The three parcels that surround this property have already signed easements with this alignment, so just one thing to note.

Mr. Barnes said because they bear the brunt of it. He does.

Ms. Smith said yes, and they want their tree saved.

Councilmember Kinsey said a green dot is one of the trees and its 36 inches in circumference.

Mr. Martin said while you're looking at that tree the permanent easement line runs right by the trunk of that tree. So the likelihood that it's going to survive well past this construction is suspect anyway.

Ms. Kinsey said and is that at your back.

Mr. Martin said that's in the lot behind me, in the rear of my property.

Ms. Kinsey said if it's a 36 inch, I've got a tree in my backyard that's 15 feet around. Now that's a big tree to me. One that's 36 inches round doesn't seem to be quite as large.

Ms. Smith said it's across, diameter. If you look at the PowerPoint presentation it shows where the 36 is and where the 30 is and also there are pictures of the two trees.

Ms. Kinsey said I just want to make sure I'm reading this right. The little gray spot here is your home right?

Mr. Martin said yes in yellow there is my home, but the yellow portion is the full building envelope available on my lot. My home is smaller than the available building envelope. This permanent easement does invade that envelope.

Ms. Kinsey said okay and that's the little lavender or purple section?

Mr. Martin said that's correct.

Councilmember Dulin said we do a lot of these projects Mr. Martin and I think you're correct. The City does a good job I've worked with Jennifer Smith on multiple projects. They do a good job of limiting the impact. On this one and Ms. Smith no offense from me please ma'am because I know you're a true professional; ma'am I don't know you very well if at all really, but this looks to me to be more impactful on these homes than need be. Mr. Barnes your idea of spending the money, the savings, we plant 2500 trees a year anyway people don't know that. We spend \$710,000 a year on trees but it doesn't mean we can't spend a little bit more and buy more trees to plant somewhere. I don't think we can plant them back on top of a project because of the roots system but this seems to be too impactful on this particular homeowner. Particularly I didn't realize and I just went and looked at your map sir, we're all looking at this, we all have good information about the manhole covers. Just popping two of those four would be on your lot and obviously the project has to come through there, it's a good project and unfortunately citizens are impacted. We tear things up but we are pretty good about putting it back too. With respect to the district representative, I'd really like for our folks to take another look at this and you know we fight over every tree in the City and we've made votes on this Council about increasing our tree canopy. But I'm more concerned about people than a tree. If I had an opportunity to vote on this I'd vote this down tonight at least from my seat and give the Martins an opportunity for our people to try and straighten that project out. By the way, Ms. Smith did you say that the City has fertilized these two trees?

Ms. Smith said yes we fertilized them in preparation of construction.

Mr. Dulin said trying to strengthen them up a little bit?

Ms. Smith said just to make sure that they survive, live and continue to be healthy.

Mr. Dulin said wow raise your hand if you have some trees in your yard y'all would like to see them come fertilize for you. Okay Mr. Mayor, thank you very much.

Mayor Foxx said thank you, was one of your questions to ask this gentlemen if he had any other questions or any other things to say?

Mr. Dulin said no sir.

Mayor Foxx said okay was it one of your questions Mr. Cooksey, that question?

Councilmember Cooksey said no I've got some other questions.

Mayor Foxx said would you have that question at the end of your questions?

Mr. Cooksey said if you'd like, I'll manage that, oh for Mr. Martin, okay. I'm trying to look with regards to this Duke pole, are the lines running to the Duke pole running through these two trees?

Mr. Martin said under them.

Mr. Cooksey said they're under them so does Duke have any recurring maintenance issues with these trees to keep the limbs away from the lines that are going to this pole?

Mr. Martin said well I've been living there for 17 years. I can tell you when we have ice storms out there yes, but that's true all over our neighborhood. I also sat and watch them put that pole up. The issue of it being an obstacle to this routing was only raised to me after I protested and questioned the routing to begin with. I saw them put that pole up, we were only out of power for a couple of hours and they switched it over. You can move a power pole certainly a residential pole.

Mr. Cooksey said I appreciate that Mr. Martin but actually I was more interested in staff's response since they are the ones that are developing the project and I presumed they had been coordinating with Duke and the likes. If I could hear from our staff, Jennifer, do you know about Duke's maintenance issue, if any, with regards to lines being supported by this pole and these two trees that are so near it.

Ms. Smith said I can't speak to that. I don't know what issues Duke may have with maintenance of those lines. All I know is that the comments they gave back to us when we shared information on the project was that they recommend not moving that pole. It would be very difficult.

Mr. Cooksey said how much is time of the essence with this project on this particular item?

Ms. Smith said the plans are pretty much done; we are down to our last few easements. We were hoping to start bid by the end of February or the beginning of March. If we have to go back to redesign, we can but redesign may delay the project about six months because we would also have to go back to the three property owners nearby and reacquire easements.

Mr. Cooksey said and in keeping with the Mayor's request, Mr. Martin if you had another 30 seconds or so was there something else you wanted to add about this proposal.

Mr. Martin said yes, there's another issue with those four open culverts or open manholes for lack of a better term; that becomes for us a permanent threat to us for each of those angles to get clogged up and it would require the City to come back in and repair them. That will be forever and when they do come in they will have to tear down the walls and the landscape and so forth that they are destroying. This project destroys my entire yard, backyard and half of my front yard. The City has agreed to fix that but haven't agreed to address this issue and to the point of the money, I mean what I want is to reconfigure it and give me a new easement request that's equal to the ones that are in the balance of the project and I wouldn't be here in the first place if that was the case.

Mr. Barnes said one final question to staff, maybe a statement. Did I hear one of you all say that the neighbors would be as upset about removing the tress as he is about the pipe being on his property? Did someone say that?

Ms. Smith said I did say that, the neighbor next door had said that they would be very upset if we removed the tree and would then not sign the easement.

Mr. Barnes said and can you go back to that opening slide and show us which house that would be?

Ms. Smith said it is the one to the left of the star.

Mr. Barnes said and the pipe line would go through where that small white building is on the corner back there?

Mr. Martin said I know that statement is not true. The house that started the original problem is Ms. Houser's house which has the largest tree directly behind me.

Mr. Barnes said can you identify the trees for us.

Ms. Smith identifies the trees on the PowerPoint.

Mr. Barnes said and that's not on Mr. Martin's property right. And then the pipeline would go through where?

Ms. Smith said the pipeline goes through here (identifies pipeline on PowerPoint); and there is an existing pipe through that area.

Mr. Barnes said so does the existing pipes go underneath those two trees?

Ms. Smith said it's around the two trees. There's an open section in there as well without pipe.

Mr. Barnes said is there any way to run it where the current pipe could replace the current pipe?

Ms. Smith said the new pipe is bigger and so in order to put in that bigger pipe the trench has to be larger and that's what takes out the two trees as you're going in a straight line.

Councilmember Mayfield said do you have the cost of the fertilizer that we have started applying to these trees to prep them and also who approved to move forward to start fertilizing these trees in order to help prepare them when we have not completely closed this particular easement discussion?

Ms. Smith said I do not have the exact cost I know it's not significant compared to the cost of the project or anything else, that's why we were doing it. And that's been an internal decision; the cost has been very low. We have contracts to do that type of work that is under the dollar amount that has to come to Council.

Ms. Mayfield said so we have a process that's in place when we are in discussion of a potential purchase for easement that if certain trees are in the right-of-way and we are attempting to go around them that we will start fertilizing them in order to strengthen them up before we actually complete negotiations?

Ms. Smith said it's not all trees; it's those trees that are within a certain distance of our project impacts.

Ms. Kinsey said show me again exactly the route of the pipeline and the "V" that you have drawn on here (points to map).

Ms. Smith said (points to PowerPoint) in here is this way and then cuts around this way and comes back in.

Ms. Kinsey said and if the tree were removed how would the pipeline go?

Ms. Smith said essentially it would go straight through.

Ms. Kinsey said would we have to remove two trees and a telephone pole?

Ms. Smith said yes it's a transmission power pole.



Councilmember Howard said Ms. Kinsey I was looking at the same thing. The two trees and the telephone pole all line up within the right-of-way of where you would go straight. I was sitting here wondering if you could take out one, but they are all right along the fence line, the property line. So it's either we take all three out, or take two out and remove the pole or we have to do this alignment.

Motion was made by Councilmember Cannon, seconded by Councilmember Dulin for staff to go back and take a look at some other designs to be considered and let the body weigh in on those designs.

Mr. Barnes said didn't you all say you had done that already?

Ms. Smith said we have not done a design that goes straight through.

Mr. Barnes said well you said it will either go straight through or make this turn. If it goes straight through the trees are coming down and the poles will be moved.

Ms. Smith said right. But to physically design it and put it on paper we don't have that completed.

Mr. Howard said why did you go onto his land and not go in the other direction, on the other two properties? What was more advantageous about staying on this side and not making the triangle on the other side and affecting the other two properties, is there any reason?

Ms. Smith said I do not know I would have to ask my project manager that question, you mean go further around this direction?

Mr. Howard said are there more trees on the other side?

Ms. Smith said no there are no more trees over on this side.

Mr. Howard said could you go the other way?

Ms. Smith said I don't know the reason why we went this direction like I said I would have to check with the project manager.

Mr. Cooksey said I'm thinking that one of the reasons might be there appears to be a back building on the property adjacent to 208 Huntley Place where if you flip the "V", it looks to me like it might, well what I'm seeing there doesn't quite match what I'm seeing here.

Ms. Smith said there have been changes I think on some of the properties throughout the past few years since some of those pictures were taken.

Mayor Foxx said alright well let's face it, if you flip the "V" then somebody else will come and make the same complaint. The question I have for Council is what is our expectation in terms of what we're going to get back because it strikes me that what you're going to get back is a plan to knock these trees down or go straight through or whatever; I mean are there any other options that you all looked at or thought about other than that?

Ms. Smith said no if we were going to go back and redesign we'd look at making it straight through and taking down the trees and having to deal with the additional property owners again and working with Duke Power on what has to move and how does that transmission line need to move.

Mayor Foxx said was there some cost reason why that wasn't your top option or was it truly the protecting of the trees that was the driving force?

Ms. Smith said it was truly the protecting of the trees and knowing that Duke didn't want to move that pole. We didn't have a cost for that.

Mayor Foxx said alright well there's a motion that's been made and seconded; I think the motion is to have the staff come back with some other options on this.

A vote was taken on the Motion and was recorded as follows:

YEAS: Councilmembers Cannon; Cooksey; Dulin; Fallon; Howard; Kinsey; Mayfield; Mitchell and Pickering.

NAYS: Councilmembers Autry and Barnes

Mayor Foxx said thank you very much and we will see this come back to us as soon as you all can do that. That concludes the consent items thank you all very much and sir thank you for coming down and making your case.

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### **PUBLIC HEARINGS**

#### **ITEM NO. 11: PUBLIC HEARING ON A RESOLUTION TO CLOSE A RESIDUAL PORTION OF STEELE CREEK ROAD**

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey to (A) Conduct a public hearing to close a residual portion of Steele Creek Road, and (B) Adopt a resolution to close.

The scheduled public hearing was held on the subject matter.

The Resolution is recorded in full in Resolution Book 44 at Page (s) 120-122.

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#### **ITEM NO. 12: CITY MANAGER'S REPORT**

Interim City Manager, Julie Burch did not have a City Manager's report.

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#### **ITEM NO. 13: UNION DUES PAYROLL DEDUCTIONS**

Approve the Governmental Affairs Committee's recommendation to authorize City employee payroll deductions for union dues subject to the union paying a \$1,000 annual fee.

Councilmember Dulin said we had lots of discussion in Committee about this. The vote was 4-1 to move this to full Council and tonight I don't know if we have more conversation around the dais or not. I would like to have someone from staff describe to us what this incurs. Cheryl if you could just take 60 seconds please and describe to Council and to folks watching on TV what we're talking about here I would appreciate it.

**Human Resources, Cheryl Brown** said we have five groups within the organization and we would be putting a process in place through Human Resources Management System to Payroll to deduct union dues for those five organizations and that would be done on a weekly basis just as we would payroll deduct any other type of contribution, like the United Way contribution or Arts & Science contributions.

Mr. Dulin said we have added costs to the City; we had big discussions over the added cost. Would you mention that too please Ms. Brown.

Ms. Brown said there would be some cost incurred, mainly in staff time and Human Resources and IT and also in Finance. There would be some initial set up costs for programming, testing, interface and security, approximately \$31,000; the processing of annual changes related to tax updates, yearly enrollments approximately \$8400; payroll system upgrades every 3 to 4 years which we do, that's something that's fairly normal. Again staff time about \$19,500 and then our annualized weekly payroll processing if we were to put in place five union deductions is approximately \$5,000 per deduction. And that's any deduction that we have organizationally, so that would be at a cost of about \$25,000 for those five Unions.

Mr. Dulin said that's per year?

Ms. Brown said yes sir.

Councilmember Kinsey said I'm having a little problem with this because we didn't get this information until last Wednesday. I feel like we're being rushed. I have commented on this situation before I feel like it's bad government for something to come out of committee and come to Council that quick. I would like to defer it until February 11, 2013 so I will know exactly what I'm voting on. I want to make sure people understand that I do support our employees' rights to join a Union, I have absolutely no problem with that and that's not the issue right now. The issue is it has come to us very quickly and this is certainly something I think we should take some time on and discuss or at least know about it.

Motion was made by Councilmember Kinsey, seconded by Councilmember Cannon to defer Item Number 13, to the February 11, 2013 Business Meeting.
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Councilmember Pickering said this is an issue that many of our city workers have been requesting for quite a while. And again as Ms. Brown said this would simply mean that any city employee who happens to be a member of a Union would be able to have their union dues deducted from their paycheck. Just as we do for a number of other things here in the City; life insurance, health insurance, flex spending, 401K, United Way, Arts & Science Council, etc. etc. It's simply a convenience for these employees just as these other deductions are that the City offers. It would apply to our firefighters, police officers, sanitation workers, and others in CDOT, CMUD, CATS, etc. In my opinion folks this is not a lot to ask for these folks. In particular let's keep in mind many of these folks literally put their lives on the line for this City every day. We find lots of money around this dais for things outside, surely we can find the money for these City employees who are so important to us. Other cities have done it; Raleigh's doing it, Chapel Hill's doing it, Durham's doing it, so I say let's say yes to this. I don't support deferring although I understand completely what Ms. Kinsey is saying. I say let's say yes, let's say thank you to our city workers for all that they do for us. Let's say we appreciate you for all you do for us every single day and especially to those of you who risk your lives for us in the City and it is our pleasure to honor this request.

Councilmember Fallon said does United Way pay for all this or is that given them by us and Arts & Science Council when they deduct.

Ms. Brown said the way we do the United Way deductions and Arts & Science Council are each year that we have a campaign for those two organizations they pay a fee of \$1,000 per year to help offset the expenses for the administration of those deductions.

Ms. Fallon said isn't that what whomever gets this through the Union is going to pay to? That was my understanding on that committee that they would pay the \$1000 too. So in other words you incur it for private organizations like United Way and Arts & Science and that would be just following up in the same manner. So I don't see what the problem is.

Ms. Brown said I hate to speak for the committee but I believe you recommended that the same \$1000 fee,

Ms. Fallon said that's right so why does someone feel there's a difference giving this to them, that would be different than United Way or Arts & Science?

Councilmember Barnes said I have a couple of basic questions, one I want to express an opinion. I agree with Ms. Kinsey that in the time that I've been here we have typically not had something go to committee and come right back to the full Council without some discussion. And when a member has expressed a desire for more information, we have historically agreed to that in order to allow that person and anyone else to become more informed. And one of the issues that I would like to be more informed about is something that Ms. Fallon just raised which is the cost of doing it. Are we actually charging enough to do it? The United Way campaign and ASC campaign are fundraising campaigns. This is not a fundraising effort. And I don't mind that people, as I told some of you guys, if our employees want to have money sent to any entity that's fine. That's their business. The question is with respect to the cost to the City are we appropriately accounting for the cost that we incur. Ms. Brown just indicated that much of the cost is staff time, I mean are there any fees to ADP or any outside fees, paychecks or anything like that?

Ms. Brown said no sir.

Mr. Barnes said so it's mostly staff time which is a cost, no doubt. But we're not paying anyone else to transact this business?

Ms. Brown said no sir.

Mr. Barnes said okay I do support the idea of giving time for members of the body to become more informed and also to explore whether we are either charging enough or too much or whatever that might be. So I support the motion to defer it, not to not do it, but just to allow for the information.

Councilmember Howard said I'm also a supporter of deferral because I think I would like to know from the Committee members how do you choose which organizations you choose and which ones you don't? How far do we go? I mean if two employees want to give to their soccer club do we do that? How do we put a net around this so that we don't have a list of 200 organizations? I can hear my friends in the audience saying we're special, but everyone thinks that their organization is special. And if we follow this route that employees are all special which Ms. Pickering said, I what makes one better than the other? I think I want some more definition around how you're going to define that, going forward. I also would like to understand, it's not the first time we've heard this and each time that I've heard it I kind of come back to the whole idea that if you're going to be part of something, especially if its membership dues; how do we feel like we're not taking away what should be a personal responsibility? Anything that I'm a part of I send my own dues in. I don't understand how, I think there is a difference for me between fundraising and something that I should take care of myself. Why are we looking at auto draft? I mean right now I can auto draft into a bank account any place I want too. I have more questions and concerns about it especially about it getting out of hand. And if for some reason it does pass tonight I am going to ask for us to revisit this in a year just to see where we are going with it. I can tell you this it's a lot harder to put that genie back in the box than it is to let it out the first time so I'd like to get it right and I will be supporting the motion.

Councilmember Cannon said the action is to approve the Governmental Affairs Committee's recommendation to authorize City employee payroll deductions for union dues subject to the union paying a \$1,000 annual fee. So to Councilmember Fallon's question, obviously that's something in play consistently basically with what Arts & Science and I believe United Way must also pay annually.

I think the committee's thought was they wanted to be in concert with what was already taking place because to be honest with you, there was a suggestion that there be 0, that there be nothing on the table. And the committee thought from a practical standpoint, it just made some common sense for them to have to pay the same amount of what it would be for others as it should be for them. So we went back and forth over that spent some time on it, came to that conclusion. The other thing here is that relative to information coming to us. When we have business meetings or whatever kind of meeting it might be; we get our agendas a week before the meeting and not even a full week; they come out on those Wednesdays and you have between Wednesday and Monday to do your homework. Oftentimes, just like tonight, we have consent items where there is no detailed information, there are no details. You have to use your best judgment that staff is doing the right thing by way of this form of government and that being a Council-Management form of government to rest on their recommendation, to do what it is that they are asking. If you have questions beyond that, then you may as well be in a position to defer everything on your consent agenda item because again you're not getting anything detailed. It's all macro, all general so I hear and I understand wanting more time but we don't operate around this dais for the most part on a long period of time to digest information. I think either you support it or you don't and I think right now what we're hearing is that you, my thought process is we can defer it, but I think if we do that we're belaboring the point. I don't really understand based on how things come to us to date; what we'd really be trying to prove a point by. Knowing and understanding what I just stated.

The other thing is that we have an opportunity; well it's already been said so Mayor I don't want to repeat a lot of things that's been said already. I will yield there and there's a motion on the floor I believe Mr. Mayor? I would like to make a substitute.

Substitute motion was made by Councilmember Cannon, seconded by Councilmember Mayfield that the recommendation of the Government Affairs Committee be approved.
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Ms. Pickering said it is my understanding, and this did come up Mr. Howard in the committee meeting, that to the motion of other organizations that may want this service, I don't recall that there were others that were out there waiting is that correct?

Ms. Brown said no ma'am not at this point.

Ms. Pickering said and I understand the point about waiting for councilmembers to get more information and think about it more, my issue is that these folks have been asking for this for a long long time so that's why I am reluctant to delay further although I appreciate and respect what some councilmembers are saying. As to the issue of bank accounts, not all employees, believe it or not, have bank accounts. Some folks still do it the old fashion way with a paper check that they get cashed and even those that may have bank accounts; often there are fees that are charged to accommodate services like these. As far as the personal responsibility; some folks know that I work for Presbyterian Hospital as well, I'm not a great saver for retirement but fortunately the hospital takes out that 401K contribution for me and that's how I save for retirement. That is my way of personal responsibility and it's a convenience for me that the hospital offers and that we are offering in a number of ways to our city employees.

Mr. Barnes said I'm not fighting the idea. As a matter of courtesy you've had a member say I'd like more time and I'm simply saying we should allow that, that's all. I'm not suggesting that anything about our normal procedure of handling these things. We give people more time with some of the condemnations, we've taken additional time on a number of things I'm just saying as a matter of courtesy to our colleague and perhaps to me to allow that time, that's all.

Mr. Cannon said and you simply have the common courtesy of four members of a committee asking you to approve an action that they've set forth before you this day. Just a common courtesy. And I think we either decide that we're going to fall on one side or the other with that. I respect Ms. Kinsey's request I was only simply just making a point that we get a lot of things that come to us pretty quickly and when they do come to us we have to make a decision on them pretty quickly.

Councilmember Cooksey said I was torn on the deferral issue because I'm ready to vote "No" on it today and I guess I will get the opportunity to vote no with the substitute. To me it boils down to the fact that by North Carolina State Statute we are not permitted to bargain collectively with unions we are to be completely ignorant of their existence and not pay attention whatsoever and so I don't see the point in any deduction of dues. That is I agree with statements made earlier; that it's a matter of personal choice and personal responsibility. The deductions we do for retirement are part of a general employment package that we apply to everybody, the deductions for Arts & Science Council and United Way are for community benefit but when it comes to entities that we are prohibited from bargaining with I'm not interested in being a collection agency for them. And I don't think the people of Charlotte are either. So I'm going to vote no on the substitute.

Ms. Pickering said just one last point there are other cities in North Carolina that are doing it, Raleigh, Chapel Hill, Durham.

Mr. Cooksey said with all due respect if what other cities are doing is the defacto of standard, most cities do not. So a majority don't so why are we? I don't buy the argument about other cities doing it; because a majority of cities in North Carolina do not do this.

Mr. Cannon said just for clarity other cities do do it, you mentioned collective bargaining. That in itself may be prohibitive but that's not what we're talking about this evening. That's not what you're voting on.

Mr. Cooksey said I know that.

Mr. Cannon said well if you know that then you would not have made that comment because it's not applicable. Let me just ask the attorney if he would weigh in on what Mr. Cooksey stated relative to collective bargaining being prohibited versus what we are voting on this evening, where is the tie?

**City Attorney, Bob Hagemann** said I hesitate because it seems like I'm being invited to editorialize. State law does prohibit local governments from engaging in collective bargaining with unions. State law does not prohibit the action that is being proposed tonight.

Mr. Cannon said thank you that's the only point I was making.

Mr. Cooksey said the point is we prohibited by state law from bargaining collectively with unions ergo I am not interested in being a collection agency for an entity that we are prohibited from bargaining with. That's my point and that's the connection.

Ms. Fallon said this is not collective bargaining; this is just a common courtesy that we give to other organizations that we are collecting for from the people that work here so I don't see what the problem is.

Mayor Foxx said let me ask this question. What is our standard when someone comes and wants to do a dues deduction or some type of deduction? Is there a formal process that we go through or have we just casually done the Arts & Science Council and United Way and have cut it off there? Can you tell us?

Ms. Brown said yes sir. The City does have a solicitation policy and it's structured so that it does not allow for every small organization to be able to come in and solicit from the employees. In my opinion, there are so many solicitations out there that it would just become overwhelming for the employee. So the way our policy is written is very structured. The organizations have to be of a certain size with a board of directors; within the local area; so there are some standards there. At this point United Way and Arts & Science are the only two organizations that meet those standards.

Mr. Howard said you just named some criteria around why we did those two. Is there a list of criteria of how we do this going forward?

Ms. Brown said no sir.

Mr. Howard said so right now what we are limited to is just these five. Did the committee and I'm asking the committee, and I asked this earlier, did we talk about how we handle the request of other employees for other organizations, anybody on the committee. We've said a lot tonight did you guys talk about that at all?

Mr. Dulin said we went over that David and quite frankly I think you're correct we didn't come back with the clarity that that deferral might be able to bring to the committee. As you said "letting the genie out of the box" and you're absolutely right if someone comes up and wants you to send \$15 a week to the soccer academy or something would get out of hand in my opinion. The committee was not unanimous on its recommendations.

Mr. Howard said then I should ask someone that voted for the recommendations because the chairman did not. Does someone who voted yes, have an idea of how we would limit it?

Ms. Fallon said we had talked about a 50 plus 1; 50% plus 1 and that did not go through. Personally I thought there should be some kind of a limit on it. That it had to be worth the City taking it out and going through the trouble of it. You can't do it with two employees and it would have limited it to basically the Fire and Police Departments but that was defeated.

Mr. Howard said let me push a little bit further. So Bob explain to me how we can limit it to five and not be sued because we didn't open it to other people.

Mr. Hagemann said Mr. Howard we did in our presentation to the committee early on; explain the different categories of possible payroll deductions. We did talk about the existing charitable solicitation policy that only United Way and Arts & Science Council qualified for. Ultimately we did put in front of the committee the policy choice of do you want to set some kind of minimum criteria; whether that's a minimum number of employees or some percentage of eligible employees. The committee came back with a recommendation that's before you that there not be a minimum requirement. In terms of other organizations if the Council approves the action before you in terms of other organizations I don't think it does open it up to anything other than employee unions. If other employee unions do surface, presumably if they paid the \$1000 dollars they could access the program, but I read this policy change as being limited only to employee union organizations.

Mr. Howard said how do we not get sued given what Mr. Cooksey said if we're recognizing just unions?

Mr. Hagemann said I can't promise you that we won't be sued. It would take some group that wants to access payroll deduction that comes in and request it and is denied. I am reasonably comfortable that we can articulate a legitimate basis for limiting access to employee union groups if that's what the Council chooses to do.

Mr. Howard said I would ask the maker of the substitute if you would,

Mr. Cannon said for your one year?

Mayor Foxx said let me say this; there is a substantial amount of un-readiness around this dais there is readiness and there is un-readiness and I've seen readiness and un-readiness before around this dais. I think where we're headed tonight is a very narrow vote on the substitute probably a very narrow vote on the underlying motion if that motion comes up for a vote. It strikes me that given some of the questions that have been asked and the fact that there will probably are some good answers to those questions that we could probably stand a presentation on this item. But if you guys want to go ahead and vote tonight, vote tonight and we will see which way it goes but it just strikes me that you have some colleagues that are asking for some time. I know there are folks here who want to see this decision get made tonight. I understand

why because they have been waiting for a long time and frankly when you get down to it, I totally get that but I'm actually enjoying seeing some different coalitions tonight. Seriously I think that you would probably see a stronger vote on this with some additional time; but I understand there are some folks that want to see this vote happen tonight.

Mr. Howard said I think I want to back you up on that. Because I do have some un-readiness about it and it's mainly how we proceed and being fair to everybody and If I could get some help with that I think I could get there but I'd like to make sure that once we let this genie out the box, we know what we're getting because we can't put it back. You cannot just go back and take this back, that's just not something that's going to be permissible under any circumstances. I think I agree with the Mayor some time may even help me with this one and you know I've been struggling with this one for a while.

Mayor Foxx said whether it's done tonight or done in a couple of weeks it's going to get done. I think I can read the temperature around Council tonight. There's a motion that's pending. Any further thoughts on the motion and there's a substitute to go ahead and accept the recommendation of the committee.

A vote was taken on the Substitute Motion to accept the Government Affairs Committee recommendation and was recorded as follows:

YEAS: Councilmembers Autry; Cannon Fallon; Mayfield; Mitchell and Pickering.  
NAYS: Councilmembers Barnes, Cooksey, Dulin, Howard & Kinsey

\* \* \* \* \*

#### **BUSINESS**

#### **ITEM NO. 14: CHARLOTTE-MECKLENBURG REGIONAL HOUSING CONSORTIUM GRANT**

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey and carried unanimously to authorize the City Manager to enter into a contract with the Town of Davidson in the amount of \$150,000 for the development of two affordable rental units.

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#### **ITEM NO. 15: CONCLUSION OF CONSENT AGENDA**

These items were handled earlier in the meeting.

\* \* \* \* \*

#### **ITEM NO. 16: NOMINATIONS TO BOARD AND COMMISSIONS**

##### **A. Bicycle Advisory Committee:**

The following nominations were made for one appointment for an unexpired term beginning immediately and ending December 31, 2013:

Matt Fowler, nominated by Councilmembers Dulin and Mayfield

Terry Lansdell, nominated by Councilmember Kinsey

Keith Sorensen, nominated by Councilmembers Autry, Cannon, Howard, Mayfield, Mitchell and Pickering

Michael van Zytow, nominated by Councilmember Cooksey

Martin Zimmerman, nominated by Councilmember Barnes and Fallon



**B. Business Advisory Committee:**

The following nominations were made for one appointment for an unexpired term beginning immediately and ending April 28, 2014: Applicants are required to be employed in the industry sectors of energy, financial services, healthcare, technology, and/or transportation/logistics.

Mary Boyd, nominated by Councilmembers Barnes, Cannon, Fallon and Pickering  
Robert Cox, nominated by Councilmembers Dulin and Mitchell  
Andrew Golomb, nominated by Councilmember Kinsey  
Nathaniel Lewis, nominated by Councilmember Cooksey  
Gregory Wiley, nominated by Councilmember Autry and Mayfield  
Steven Rosenburgh, nominated by Councilmember Howard

**C. Housing Appeals Board:**

The following nominations were made for one appointment for a representative of the housing industry for an unexpired term beginning immediately and ending December 31, 2013:

Timothy O'Neil, nominated by Councilmembers Autry, Barnes, Cooksey, Kinsey, Mayfield and Mitchell  
Delores Reid-Smith, nominated by Cannon, Fallon and Pickering

Motion was made by Councilmember Cannon, seconded by Councilmember Mayfield to appoint Mr. O'Neil to the Housing Appeals Board by acclamation.

Timothy O'Neil was appointed by acclamation.

**D. Keep Charlotte Beautiful:**

The following nominations were made for three appointments for unexpired terms beginning immediately with one ending June 30, 2013, and two ending June 30, 2015:

Larissa DiMaria, nominated by Councilmembers Autry, Kinsey and Mayfield  
Christine Edwards, nominated by Councilmembers Autry, Barnes, Cannon, Dulin, Fallon, Howard, Mayfield, Mitchell and Pickering  
Kelley Hyland, nominated by Councilmembers Barnes, Cooksey, Dulin, Fallon, Kinsey and Pickering  
Charles Jewett, nominated by Councilmembers Dulin, Fallon and Pickering  
Stephen Marcus, nominated by Councilmember Cooksey  
Eric Netter, nominated by Councilmember Mitchell  
Robert Rapp, nominated by Councilmembers Autry and Mayfield  
James Rhodes, nominated by Councilmembers Cooksey, Kinsey and Mitchell  
Joseph Franco, nominated by Councilmember Cannon

Motion was made by Councilmember Cannon, seconded by Councilmember Mitchell to appointment Christine Edwards by acclamation.

Councilmember Cooksey said I will be a no vote on that because for me a nomination is not a vote. Sometimes I nominate people but I wind up voting for someone else because I look at all the people nominated. Sometimes for me a nomination is to just to get somebody in the door, but I wind up voting for someone else. I will not support that at this time.

Councilmember Cannon said Mr. Mayor I stay loyal to the people I nominate in the beginning and I vote for them in the end. So I would ask that everyone else follow my lead.

Councilmember Kinsey said I'm uncomfortable with doing that tonight when we have so many that have been nominated. So I had rather take it forward.

Councilmember Howard said I feel like my other colleagues about, normally we do this when it's overwhelming. I mean when it's like almost all of us you do that but when it's close we should wait. Now I will still support Ms. Edwards but it's just so many of them, if it was done with the understanding that we would finalize it tonight that would be okay with me and I will do that next time, but not when it's so many people in the hunt. It needs to be like overwhelming, it needs to be like unanimous or something and that's what I've seen us normal do.

Mr. Cannon said the only reason I felt strongly about Ms. Edwards is because she received 9 nominations.

Mr. Howard said oh was it 9?

Mr. Cannon said yes sir, so it wasn't the norm that was the only reason.

Mr. Cooksey said it has been the tradition of this and previous Council only to appoint people on the same night as nominations when we are reappointing an incumbent or when there was only one person nominated. It is always within the prerogative of Council to change that tradition, I grant. But that's not something I'm going to vote for tonight.

A vote was taken on the motion to appointment Christine Edwards by acclamation and was recorded as follows:

YEAS: Councilmembers Autry, Cannon, Fallon, Howard, Mayfield, Mitchell, and Pickering

NAYS: Councilmembers Barnes, Cooksey, Dulin and Kinsey

Councilmember Barnes said I want to make a statement one, this whole experience tonight is bizarre to me, but let me say this, I support Ms. Edwards enthusiastically, but I don't like the process by which we are going about appointing her, so I'm not going to support the acclamation piece because Warren is right, David is right. We haven't done this in the past this way. So I'm not going to support it or I didn't support it but it passed anyway, but we're are starting to get,

Councilmember Fallon said I don't understand why if she got 9 votes, which is overwhelming, we have to do acclamation. Isn't that enough?

Mr. Barnes said well that's what's warrants the acclamation process but because there are so many applicants, I don't think you should do the acclamation.

Ms. Fallon said why can't we just vote on it?

Mr. Barnes said well we should move it to the next meeting, but,

Ms. Kinsey said we vote on it at the next meeting.

A second vote was taken on the Motion to appointment Christine Edwards by acclamation and was recorded as follows:

YEAS: Councilmembers Autry, Cannon, Fallon, Howard, Mayfield, Mitchell, and Pickering

NAYS: Councilmembers Barnes, Cooksey, Dulin and Kinsey

Christine Edwards was appointed by acclamation.

Mayor Foxx said very well so that acclamation will go forward. We have two other spots on this board that will be nominated based on what you've said.

Mr. Howard said is this worth a conversation with the Government Affairs Committee? Is it worth putting some framework around this or do we just want to leave it open where we can just do this?

Councilmember Mayfield said thinking about the conversation that we just had I would like to ask our City Attorney since there are concerns regarding how tonight's vote is going, is there a conflict or are we creating a conflict when you had 9 or 7 that voted in support when we are going through the nominations tonight. Are we creating a new precedent by the way we just handled the vote?

**City Attorney, Bob Hagemann** said it is certainly within the Council's discretion to make an appointment the night you do nominations. Whether you stick to a two night process or go on a case by case basis it's legal. It's within your discretion.

Mayor Foxx said let me just say I haven't weighed in on this but let me just say to you that I do think we are running the risk of being perceived as unfair to people because you have people in the pool. You have people that are seeking nominations, sometimes they want to call you and explain to you why they ought to be nominated to something and you know maybe you walk in thinking one thing but on the chance that you don't end up where you started out you lose the opportunity by doing these acclamations, to go this direction. But you all are grown folks, so you make the decisions you want to make but I'm just letting you know, this is how I'm thinking.

**E. Neighborhood Matching Grants Fund:**

The following nominations were made for one appointment for an unexpired term for a representative of a non-profit organization beginning immediately and ending April 15, 2014:

Kellie Anderson, nominated by Councilmember Barnes, Howard, Mayfield and Mitchell  
Ezekiel Burns, nominated by Councilmembers Autry, Fallon and Pickering  
Michael Ranken, nominated by Councilmembers Cooksey and Kinsey

Mr. Cooksey said Mayor I'll demonstrate the point. How many folks received nominations for Keep Charlotte Beautiful? How many individual names received nominations?

**Clerk, Stephanie Kelly** said three.

Mr. Cooksey said how many vacancies are there?

Ms. Kelly said three.

Mr. Cooksey said there's no reason to carry that over.

Motion was made by Councilmember Cooksey, seconded by Councilmember Mitchell to move appointment of those three. (No vote was taken on this Motion.)
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Ms. Kelly said I'm sorry; there is only one nomination for that one, Neighborhood Matching Grants.

Mr. Cooksey said oh I'm sorry I thought we were on Keep Charlotte Beautiful; my apologies.

Mr. Foxx said yes we've moved on. Let's make sure we are all on the same page, are we on PCAC?

Ms. Kelly said I am now.

**F. Privatization/Competition Advisory Committee:**

The following nominations were made for five appointments for a two-year term beginning March 2, 2013, and ending March 1, 2015:

Jaye Alexander, nominated by Councilmembers Autry, Barnes, Dulin, Fallon and Mayfield  
Antonio Briceno, nominated by Councilmembers Autry, Cooksey, Mitchell and Pickering  
Christopher Brown, nominated by Councilmembers Barnes, Cannon, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering

Robert Diamond, nominated by Councilmembers Cooksey, Dulin, Fallon, Kinsey, Mayfield and Pickering

Rodney Faulkner, nominated by Councilmembers Autry, Barnes, Cannon, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering

D. Franklin Freeman, nominated by Councilmember Autry

Frederick Hammermann, nominated by Barnes, Cooksey and Fallon

Michael Ranken, nominated by Barnes, Kinsey and Mitchell

Eric Seckinger, nominated by Cooksey, Dulin and Kinsey

Cardiff Shea, nominated by Dulin, Howard and Mitchell

Alexander Vuchnich, nominated by Cooksey, Dulin, Mayfield and Pickering

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, that the two incumbents, Christopher Brown and Rodney Faulkner, be appointed by acclamation.

Mr. Cooksey said our agenda says that Mr. Rodney Faulkner does not wish to be reappointed. Did he rescind that?

Ms. Kelly said he has.

Mr. Cooksey said okay I didn't hear that part.

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

Christopher Brown and Rodney Faulkner were appointed by acclamation.

**G-1. Transit Services Advisory Committee:**

The following nominations were made for one appointment for a three-year term for a van pool rider beginning February 1, 2013, and ending January 31, 2016:

Marvis Holliday, INC, nominated by Councilmembers Autry; Barnes; Cannon; Cooksey; Fallon; Howard; Kinsey; Mayfield; Mitchell and Pickering.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously that Marvis Holliday be appointed by acclamation.

Marvis Holliday was appointed by acclamation.

**G-2. Transit Services Advisory Committee:**

The following nominations were made for one appointment for a three-year term for a local service transit passenger beginning February 1, 2013, and ending January 31, 2016:

Eric Owens, nominated by Councilmember Autry

Anthony Wesley, INC, nominated by Councilmembers Barnes, Cannon, Cooksey, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously that Anthony Wesley, Incumbent, be appointed by acclamation.

Anthony Wesley was appointed by acclamation.

**H. Waste Management Advisory Board:**

The following nominations were made for one recommendation for appointment by the Board of County Commissioners for an unexpired term beginning immediately and ending May 18, 2013, and then continuing for a three-year term ending May 18, 2016:

Susan Tompkins, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Fallon, Kinsey, Mayfield, Mitchell and Pickering

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously that Susan Tompkins be appointed by acclamation.

Susan Tompkins was appointed by acclamation.

**I. Zoning Board of Adjustment:**

The following nominations were made for one appointment for a three-year term beginning January 31, 2013, and ending January 30, 2016:

The following nominations were made:

Mark Loflin, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Fallon, Howard, Mitchell & Pickering

Jason Mathis, nominated by Councilmembers Dulin and Mayfield

Melanie Sizemore, nominated by Councilmember Kinsey

Ms. Kinsey said I nominated Melony Sizemore.

Ms. Kelly said yes ma'am and Jason Mathis also received two nominations.

Ms. Kinsey said can we hold that over?

Mayor Foxx said we will hold that over.

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**ITEM NO. 17: MAYOR AND COUNCIL TOPICS**

Councilmember Mayfield said I would like to invite all of my colleagues and to advise the community that tomorrow at 12 noon to 12:30; a quick 30 minutes program at Marshall Park, we will hold the Martin Luther King, Jr. annual memorial wreath laying celebration. I would love for everyone to stop by. I will be having my third town hall meeting on January 26 from 9:30 a.m. – 12:00 p.m. which will be held at the CMC location. Information is available on line and has already gone out.

Councilmember Cannon said on the event that's held tomorrow, it is tomorrow, not Wednesday?

Ms. Mayfield said yes on Dr. King's birthday. The memorial wreath laying celebration we have on his birthday but the parade will be this Saturday.

Councilmember Cooksey said I think of myself as Vice-Chair of the Council Manager Relations Committee so that the Mayor can keep running the meeting. What's been passed around is the draft agenda that the committee has been working on for the retreat. As you can see we will start with the opening, we'll have introduction of the facilitator, whose name I'm blanking out on, Barbara Riley. Our Interim City Manager will make some opening remarks; the main event for Thursday morning is a panel and a Virtual Tour, the theme of Economic Development; the project that the City has done to promote Economic Development. The lunch presentation you will see possibly the Mayor of Atlanta and Jeff Boothe of Holland & Knight the "possibly" is more about the Mayor of Atlanta, I think we've got Jeff Boothe from Holland & Knight. The idea was to talk in more depth at lunch about the Federal Funding Environment. We had an update briefly at the workshop last week, but probably by the retreat we will have an even better idea of the way the lay of the land works. And the idea that the Mayor of Atlanta is to discuss, you may recall last year Georgia had a variety of state-wide referenda on transportation funding improvements with a sales tax that failed in most regions of the State and so the idea was to have him come up and talk about lessons learned in terms of infrastructure funding with a failure down in that neck of the woods.

Then the afternoon would be our traditional budget overview and financial update from our Budget and Finance Departments with the reception and dinner that evening. Friday would be focused on the focus area plans. Because again this is an in-town retreat year where our focus is not so much huge, big picture strategy like it is in the even years, but in the odd years we are

dealing with a little more detail. That's the proposed agenda if you have questions, comments, suggestions, the committee will be meeting again this Wednesday at 8:30 a.m. so we can take those under consideration if you'd like to provide some feedback.

Mayor Foxx said so feel free to reach out to Mr. Cooksey, Mr. Howard, Ms. Kinsey and Mr. Mitchell are all on the committee so feel free to give your feedback to them over the next couple of days or you are welcome to join the committee for the meeting.

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**ITEM NO. 18: CLOSED SESSION**

Motion was made by Councilmember Mitchell, seconded by Councilmember Howard, and carried unanimously to adopt a motion pursuant to North Carolina General Statute 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of industries or businesses in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

**ADJOURNMENT**

The meeting was adjourned at 8:10 p.m.

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Stephanie C. Kelly, City Clerk

Length of Meeting: 2 Hours, 56 Minutes  
Minutes Completed: May 16, 2013