

June 10, 2013  
Business Meeting  
Minute Book 135, Page 1

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, June 10, 2013 at 5:25 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Cannon presiding. Councilmembers present were John Autry, Michael Barnes, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, LaWana Mayfield and Beth Pickering.

**ABSENT UNTIL NOTED:** Mayor Anthony Foxx  
ABSENT: Councilmembers Claire Fallon and James Mitchell

\*\*\*\*\*

#### **ITEM NO. 1: MAYOR AND COUNCIL CONSENT QUESTIONS**

Councilmember Kinsey said I need to be recused on Item No. 41.

\*\*\*\*\*

#### **ITEM NO. 2: MUMPO MEMORANDUM OF UNDERSTANDING**

**Danny Pleasant, Transportation** said I will be joined by Bob Cook from the Planning Department and Bob serves as staff to the Mecklenburg-Union Metropolitan Organization (MUMPO) and this is a presentation talking about changes to MUMPO that will result from the 2010 census new data, new information so we are going to talk a little bit how we respond to that census data coming in and what the MPO is and how it is changing. We recognize that a lot of Councilmembers just don't have involvement with the MPO quite to the extent that our Transportation and Planning Committee does so we wanted to talk a little bit about what MPOs are and why the MPO is changing and some consensus items around that and talk a little bit about some work that has been done so far and give you some options for responding to that change. MPO, just as a refresher course, MPO stands for Metropolitan Planning Organization and they are required by federal law for urbanized areas over 50,000 in population. That has been the case since the 1960 or 1970's so MPOs have been in place for a long time. It is only necessary if urbanized areas plan to use federal aid for transportation funds which frankly that is all of us. MPOs provide this forum for cooperative decision making around transportation planning and funding issues, actually allocate federal transportation dollars that come to the urbanized area and set priorities for those dollars and prepare plans – long term and short term, much like your CIP over a period of time and lots of other corridor studies and activities that the MPO does for transportation for the region.

MUMPO happens to be staffed by the City and that activity is administered through the Planning Department with technical back up and assistance from C-DOT. That is why you see Bob and myself here. MPOs are established by federal law and every time we have a transportation bill that passes it speaks to MPO so the last Bill, Map 21 as a transportation authorization it also includes that and it included MPO instructive information from the very beginning. It talks about what MPOs are, what they are supposed to do, they are formed by agreements between the Governor, local jurisdictions representing 75% of the urban area population including the Central City. All those folks have to sign on to a Memorandum of Understanding. In our case we are looking at 28 jurisdictions that would have to sign off on this Memorandum of Understanding to form and continue to refine the MPO and respond to the Census Bureau. Item B on this page is kind of interesting because the federal law also grants states and local governments the ability to change those procedures through state or local law. At this point the State of North Carolina's law pretty much reflects the federal legislation and actually defers to the federal legislation performing MPOs, but you need to know that the State has the ability to intervene and change that law as to how MPOs are established. In Charlotte we are sort of a super sized MPO; we're an urbanized area with over 200,000 population which then defines us a transportation management area for purposes of federal transportation planning and fund allocation. That gives us a little bit more strength as an MPO and how we go about planning and it requires staff congestion planning plans and several other approaches to planning that we are responsible for doing. It also gives us a little bit more direction on how projects are actually selected to go into the transportation improvement program, much like your capital improvement program, but on a regional level. Generally the MPO in an area like ours has the responsibility to allocate and

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 2

prioritize all federal transportation funds that come into the urban area with the exception of a category called the National Highway System Funds which typically covers things like your interstate systems and your larger highways. In some cases North Carolina calls it the intra-state highway system as well. That includes highway funds as well as transit funds get allocated and appropriated through the MPO. The National Highway System, the difference there is the state takes the lead in allocating those funds in cooperation with the MPO.

The MPO is a policy board. If you've been around a very long time you may remember sometimes they've been called a North Carolina uniquely TAC for Transportation Advisory Committee and I believe a long long time ago that was just sort of a handle for a committee at the local level advise the State Transportation Board in Raleigh. According to federal law that is no longer the case so it truly is a policy board and that is what an MPO is. The structure is made up of local elected officials. Item B indicates that public agencies such as the MTA now need to have a seat on the MPO and then appropriate state officials, in our case the Board of Transportation Members, a member of the Board of Transportation has historically been in our MPO Board.

When the census rolls around it tells us it is time to do something with the MPO to reflect the changes in the MPO boundaries and the population and other jurisdictions that may have come into that MPO area. There are three things to cover there, one of them is a continuing designation which simply says that until such time as we re-designate or restructure out MPO then the current MPO remains in effect. The instruction is that within one year after the census we should have addressed this issue. Frankly, we are a little bit tardy on this, but I don't know that there is a particular urgency to get it done fast as much as there is an urgency to get it done correctly and get it done with some level of collaboration with our regional partners. A re-designation or restructuring are just sort of shades of change that are reflected in federal law. Re-designation is fairly well defined and it just repeats again the number of jurisdictions needed to form an MPO. Restructuring seems to suggest there are conditions where you can call it a restructuring, but frankly from my perspective it really doesn't matter because we are still addressing the makeup of the Board, we are still carrying this MOU to 28 jurisdictions to get them to sign off on it. It is a fairly large process and these things can a little contentious and apparently they have in our own history. This is some information from the 1980's; federal law has changed since the 1980s but the idea is the same that as I mentioned to you before the State Legislature or the Governor can intervene if jurisdictions aren't able to come to some resolution on what an MPO should be and how it should be made up. In this case the idea is if we reach a stalemate then it certainly very possible and it is historically accurate to say that the Governor or the General Assembly could intervene and do that work for us.

**Bob Cook, Planning** said I want to spend a little bit of time reviewing what happened and why it happened and some of this may be a repeat from the March Meeting when I was here to talk a little bit about this. This process that we are in right dates back to 2012 when the Census Bureau released updated urbanized area information and the Charlotte urbanized area increased substantially in size at that time. As you can see from the map that yellow area extending all the way up to Statesville, extending into Lincoln County, further into South Carolina in both York and Lancaster Counties, also a little bit into Cabarrus County. The land area was a 70% increase in the Charlotte urbanized area and a population increase of 64%. It was one of the largest growing urbanized area in the nation. There were several affects on the MPO; first of all the process that we undergo has to be implemented at a minimum in an urbanized area. The expansion triggered an expansion of the planning area boundary into Iredell and Lincoln Counties and started a process were we had to rewrite our governing document, our Memorandum of Understanding or MOU and that is really what we are here about tonight. The urbanized area extended into Gaston, York, Lancaster and Catawba Counties just a very small degree into Catawba County, but they have adjacent MPO's in those areas that will take the responsibility for implementing the Metropolitan Planning process in those areas. The MPO formed a sub-committee shortly after this information was released by the Census Bureau and it has been working since roughly June of last year and through that time there have been a number of issues where consensus has been reached. One of them is with the new name the Charlotte Regional Transportation Planning Organization. Membership eligible is another one. The MPO and the sub-committee decided that it wanted to make the organization more inclusive by eliminating a current provision in the MOU which limits membership to municipalities that have

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 3

a population of greater than 5,000 so they have voted to eliminate that requirement. That is the issue of a quorum that is constituted now by a presence of 51% of eligible members or 60% of the weighted vote. We had some discussion about this at the Transportation and Planning Committee earlier today, specifically about voting policy and we are going to go back and look at the voting policy for individual action items on the MPO agenda so that is still somewhat a work in progress, but not necessarily for the quorum issue itself.

The MPO has been interested in streamlining its procedures as much as possible over the years as its responsibilities have increased. Its agendas have become more and more packed both at the policy board level and at the technical coordinating committee level so they are interested in consent agenda procedures and also procedures to simplify the transportation improvement program and the comprehensive transportation plan amendment procedures. With the technical coordinating committee itself there has been consensus on expanding its membership to update it to reflect some of the current needs. One example of that is adding a greenway planner to the list and also a pedestrian planner to the body. Also on the subject of the local match, early on there was an agreement to share the local match of federal funds and for the MPO's entire history the City has had the responsibility of paying that local match and estimated for the next fiscal year that would be about \$428,315.

There are still a few items under discussion. These were items under discussion at the Transportation and Planning Committee meeting, weighted voting and minimum voting are some issues that will be discussed later on. The minimum voting is related to that topic of each city or every jurisdiction having at least one vote. The Board of Transportation and the Metropolitan Transit Commission participation and county votes, the Committee is looking at giving Mr. Howard some discretion on those matters as he works with the MOU sub-committee as well as the Metropolitan Planning Organization. Let me talk a little bit about what happened at the MOU Sub-Committee meeting. The group looked at two key issues and made some recommendations to the MPO on those issues. The first was sharing the local match. They had long before agree in concept but this time they came up with a procedure by which to do so and that was to use population as the basis for sharing the match. This would result in a city obligation of approximately \$264,325 and then on voting they took a series of actions on that topic. One was to keep Charlotte at its current vote percentage of 42% of the overall vote, but that does require some additional jurisdictions for a majority vote on any particular action item.

Councilmember Mayfield said when we have identified what the sharing local match for the City will be do you have the breakdown of what our partners' obligation will be? I don't see it in the slide so is that coming up?

Mr. Cook said it should be an attachment to the handout at the very end.

Mr. Pleasant said as we were working through the Transportation and Planning Committee work on this we did start to flush out some options, so taking the discussion at that Committee, working among staff and looking at lots of facts and figures and spread sheets and that sort of thing, we've generated some options that we've shared with the Committee and want to share with you as well. This is really from a City of Charlotte perspective. Bob went over what the MUMPO Committee has come up with and we are still very much in the negotiating phase of that relationship and what role we will play in the future along with our regional partners to do this. The first option was an idea that the Committee wanted to test and that was shouldn't the amount of cost sharing be a portion according to population just as votes should be a portion according to population, so it is a pure population driven formula. Option 2 takes an option that says what if Charlotte plus three other jurisdictions represented a majority vote. Currently Charlotte plus two jurisdictions represents a majority vote on the current board so that would take us to three, and then cost share by those votes rather than cost sharing by population. Option 3 is a bit of a hybrid and that gives Charlotte plus two jurisdictions to equal a majority vote and then cost share by population. Currently the City of Charlotte picks up the entire local match. Our partners have agreed, at least in concept, to share that local match among the various participants so now it is a matter of how much of a share we each take down so that is what this is about.

mpl

We created this table to try to help explain those options a bit more and there are a lot of numbers and a lot going on in this table. The column to the left explains what the options are; the baseline that we are using for this purpose is a MOU sub-committee position that was in December and that is where our baseline is and then Options 1, 2 and 3 go down the left hand side. Beside that and in the middle is a column group that is sort of the Charlotte cost share, how much it would cost the City to share based on population or votes in these particular cases. The next column pair to the right side of the slide are Charlotte's share of the votes out of all the votes. Currently Charlotte has 42% of all the votes so the baseline sticks with that 42% and that is a principle the MOU Committee decided on early on to keep Charlotte at 42% of the votes. The dynamic of that is that Charlotte currently holds 42%; it requires Charlotte and two of the larger jurisdictions to carry a majority. Under this particular case it would take another jurisdiction to carry that.

Option 1 as I mentioned before is strictly population driven, allocated cost by population, allocated votes by population. That would give Charlotte 60% of the vote. We believe and I think everyone believes that is a non-starter because no-one would need to show up except for Charlotte in a case like that so it wouldn't be very good for regional corporation. Option 2 is Charlotte plus three other jurisdictions, a less cost if you allocate the cost by votes and that would keep us still at 42% of the vote and you can see how the votes allocate out there. Option 3, that sort of compromise type option allocates the cost again by population and allocates the votes so that Charlotte maintains its Charlotte plus two jurisdictions to carry a majority. If you need to see how others allocate out as Ms. Mayfield asked, we did attach a chart that has more detail in it and you can kind of cover that as well.

As we go through this process, we've got a few steps to take before we come to resolution. I can't tell you how long it will take, but here is some idea of a framework of decision making that we have in front of us. At your Zoning Meeting on June 17<sup>th</sup> may feel like you are a ready for a directed vote to our MPO representative, Mr. Howard, around this framework of how we participate in these negotiations to form an MPO. On June 19<sup>th</sup> the sub-committee will meet again and consider these recommendations and the MPO will meet later that evening and there is a possibility that in that meeting they may come to some agreement on forwarding a draft of Memorandum of Understanding around to these 28 parties that would be signatories to the Memorandum of Understanding.

Mayor Pro Tem Cannon said thank you Danny, Bob as well as Debra and Councilmember Howard. I know the Committee had a meeting today; are you able to give us some update?

Councilmember Howard said I'll be happy to. We actually met and this was kind of the sticking point. The other points you saw at the front, we had one with a sticking point on that one, but we dealt with it with one motion when we dealt with this, recommending Option #3. Number 3 actually is what the majority of the bodies wanted which was for the cost sharing to be based on population, of course they would because we carry 62% of the population, so of course they would want that. One of the things I think is unfair that Mecklenburg County would pay like \$200 but we will keep working on that one. It also kinds of marries the principle of the fact that for the last two times that at least we can go back find, where MUMPO had to deal with its membership and its weighted voting, it said that Charlotte and at least two other cities, two other entities needed to be on board to carry anything. Essentially it says that Charlotte will pay more but we want the principle of it being Charlotte plus two to stay the same and not adopt the 42% because that is what it will be from now on. We voted to recommend #3 with the modification that it also spells out the quorum part and then the last part we wanted to make sure that if we supported the notion that 51% of the folks that were present could equal a quorum that the voting would be based on everybody that was eligible to vote and not just the people present. That was our only cavetti to everything that had been voted on before. Essentially what happens is we will come back during the Zoning Meeting to get a final vote on all of this so you can direct my vote on how I will vote when we meet as a full body later this month.

Mayor Pro Tem Cannon said and that is on June 19<sup>th</sup>.

\*\*\*\*\*

June 10, 2013  
Business Meeting  
Minute Book 135, Page 5

**ITEM NO. 3: REVISED ASSISTED MULTIFAMILY HOUSING AT TRANSIT STATION AREA POLICY**

**Debra Campbell, Planning Director**, said I appreciate the opportunity to come and bring you an update on this Assisted Multifamily Housing at Transit Station Area Policies. We are not asking for any action tonight. We will be asking for action on June 24<sup>th</sup> that will come your agenda. What I would like to do is to give you an overview of the policy that was adopted by the HAND Committee and I want to start by providing you with some of the policy objectives of the Assisted Multifamily Housing at Transit Station Area Policies. The objective really is to encourage affordable housing at transit stations and in particular these policies also provide guidance for when public funding are being used obviously, with a private developer, a non-profit developer, what are the things that the City will be looking for as it decides on how much funding is going to be invested. What the policy does is it provides a lot of guidance related to numbers of units and in fact it talks about a maximum number of units, how the units should be incorporated into the proposed development as well as the actual income levels that are being targeted for the assisted units. As part of this policy which was adopted in 2001 there was also an item that was embedded in the policy, almost as a footnote that said the policy shall be reviewed 12 to 24 months after the first rapid transit line opens to determine if changes needed to be made. The Blue Line was opened in 2007 so it is a little dated and we need to review the policy. The HAND Committee actually asked us to go back and look at this.

I also wanted to define what Assisted Multifamily Housing is, particularly in relationship to incomes. It is assisted multifamily as any multifamily rental housing receiving funds from local, state or federal governments and serving households earning 60% that is in real dollars \$39,100 or below the area median income. When you look at that from the perspective of again the chart reflecting family size, the percent of the area median income and then family size, we looked at these income levels, for example those at 30% probably are those that have lower wage jobs or possibly maybe even on un-employment. When you go to 60% and 80% and you go across the income range, we are looking at certainly working class people who may be trying to put a face to this issue, who may be teachers, dental assistance or maybe entry level planners with regards to meeting this type housing. We have gone through a pretty arduous process. We started this process almost two years ago in June when we got the request from the Council Committee and we have consistently worked with the Citizen Advisory Group, a response to the existing policies and incorporating the Council Committee recommendations. We presented a draft recommendation in May 2012 to the Committee and the Committee had some issues with one of the recommendations in particular that was presented and I will talk about that in a little more detail. Then we came back with revised recommendations in May 2013 and we still had some issues from the Committee, but they adopted a revised recommendation with some changes to staff's recommendation.

I wanted to provide you with the opportunity to look at the Citizen Advisory Group who helped us craft these recommendations to the 2001 policy. We had development professions, we had neighborhood leaders and we think we had a very broad spectrum of participants who advised us on how to change the policy and the supportive recommendations from the industries to non-profit organizations to neighborhoods from the east side, west side and beyond. This is an example of, or it is the existing policy and obviously, I am not going to read through all of that and I know this goes against all the PowerPoint presentation rules of having so many words on the screen, but we tried to underline some of the most important aspects of the existing policy just to give you an idea again of content. The A portion of this policy really talks about defining assisted housing, encouraging assisted housing in transit corridors and then trying to define assisted housing. The B is a policy that applies just to transit corridors, why it is supposed to be applied and that is transit corridors with an adopted transit station. The C talks about the minimum and maximum number of units that can occur within a development. Item D talks the amount of assisted housing that can occur within the station area so we went from development to the station area. Portion E is about how much of the assisted should be reserved for folks who have incomes that are 30% or below the area median income and G talks about the form, the appearance of these units and H talks about where they should be developed. They should be scattered throughout the development and I is they should be incorporated into a transit station area, joint development policies and then J is the City should evaluate and then you will note that this excludes single family, detached, elderly and special needs housing. That is the existing.

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 6

We started from that as the basis and went through again that Citizen Advisory Group with both development representatives as well as the neighborhood groups and they identified a number of issues and concerns. I'm going to try to condense their concerns as much as possible and just highlight the ones that really made a difference in terms of how we thought about rewriting the policies. Essentially the last bullet item related to, if you are trying to get market rate developer to include some affordable units in a project that 30% of units for households of 30% or less of AMI is an accepted ... Essentially what they were telling us is if we are trying to market, and remember that chart of income levels of people with incomes of 30% and below, that is a tough nut to crack with just private resources. That was one that we spent a whole lot of time on and I guess I would add also the bullet above that which says that most of the people on our Committee really did not feel like we needed a policy to discourage affordable housing or to even cap the amount of assisted housing because they didn't think we had an existing problem.

The other one that I would focus on is the affordable units or the market rate units may lead, but we don't always know at the outset of a project which is going to lead. This has some relationship to a recommendation that staff made that says 100% of units can be in one building related to assisted housing and that is one that I will talk about in a little bit more detail because that is where a lot of the Council and staff discussion focused around. There were a number of issues and concerns that were raised by our Citizen Advisory Group and this is one that kind of summarize how we tried to respond to some of those concerns. We revised the introductory part of the policy just for clarity purposes, we lowered the percentage of assisted units so that we could be I think consistent with the locational housing policies. We reduced the maximum percentage within a development from 25 to 20. We eliminated the recommendation that at least 30% of the units be reserved for 30% or less of the area median income. Again that continuous issue that I talked about earlier suggested that one building in the development could be 100% assisted and that is where the majority of the discussion was in our committee in terms of what staff recommended.

As I said in May 2012 we presented a recommendation to Council. We had a public meeting; there were public comments that went to full Council and at that meeting we heard a lot about the recommendation of whether we should have the policy of allowing a building to be 100% assisted. Out of the 9 speakers that spoke at the public meeting, the majority spoke related to this particular aspect of the policy. I'm not going to read through all of those because I've given you the major changes that were recommended.

The Committee action from the HAND Committee, they voted unanimously, to approve the draft revised policy but they did recommend some revisions. The assisted multifamily housing units shall be the same in appearance. I believe the original staff recommendation was similar in appearance to the portion of the project that is developed as market rate housing. The other change they suggested is that assisted multifamily housing units shall be scattered throughout the development and no one building shall be 100% assisted. They also note in terms of a review process I believe staff recommended every five years and the HAND Committee recommendation was evaluate and assess the affect of this policy within two years of the first project being developed and operational. Obviously, this would be a part of the Blue Line Extension as well as for the Blue Line. I wanted to provide you with what the HAND Committee policy recommendation would look like and you will see essentially it is the same as what staff recommended with the exception of Items D, E and the footnote #2 which talks about how often the policy should be revised. The Council will be asked to approve the revised policy at your June 24<sup>th</sup> Business Meeting and this is just for your information and hopefully this will help explain what the policy is and I will be more than happy to respond to any questions you may have.

Councilmember Barnes said I wanted to provide some context to the Committee's discussions over the last year and I certainly want to thank the Chair for her leadership and patience during this process. It has been an arduous task I think for us to kind of go back and forth with staff on some of the issues, particularly as Ms. Campbell indicated, D and E. Across ideological and party lines I think the Committee recommended A, B, C, D and E and the footnotes 1 and 2 and in part the reason for our agreement regarding Item B that the buildings would look the same, from my perspective was to say that it would be more appropriate for people to be unable to identify a particular building where a particular income group might live than to have it be easy

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 7

to identify by that type of building, and also with respect to Item E, we have always for the last several years, talked about de-concentration and poverty and not allowing people to be easily categorized and identified in a particular AMI category. We believed that by putting subsidized units in buildings throughout a particular development it would not create any stigma for any particular building or for any particular family or person living in the development. Our concern was that if you concentrate all of the subsidized units in one building that it would be essentially by definition a representation of concentrations of poverty. We heard from the private sector, some of them that it would be difficult to finance a project on that basis and our belief is that if they are committed to it, they can fit it within the model and so I thought that we arrived at some pretty good recommendations. Just for some background for you guys, one of the things we talked about along the Blue Line Extension from Ms. Kinsey's District into mine, there is already a lot of affordable housing along the corridor both in subsidized housing and vouchers and dilapidated owner occupied housing and rental housing so there is already a fairly broad mix of housing there and we were concerned about creating an environment where market rate development would not take place. We are actually trying to figure out and speaking for myself I said I need more market rate development than I do subsidized development and I'm trying to figure out how to encourage that so that we create the sort of value that we all expect to see along that corridor. I wanted to provide that background to what Ms. Campbell just talked about.

Councilmember Howard said this is always one of those subjects where I'm careful about how I proceed so I have to do those disclosures at the beginning and make sure you know I'm talking about policy. You've all made it clear that you understand the quality that the Housing Partnership brings to the table so we are not talking about that in particular. I am talking about something I probably know more about than most around this table about how this works. The meeting we just had where we talked about the TOD – the Transportation Committee looking at our policies just pointed out that some of the most successful building going on in the City of Charlotte right now is happening along the Blue Line. As a matter of fact we pointed out that the building with the highest rents right now is the ... and their building is coming on like crazy if you have ridden out South Boulevard at all. Essentially what that means is that property around the line is getting too expensive for anybody, if you are not planning to go as high end as you can to even get in the game along the Transit Line. I actually understand the concerns on the Blue Line Extension. I get it 100% - you want to give development an opportunity to get jump started but I'm not sure that is the same situation on the Blue Line going south because that is already getting beyond doing anything affordable or anywhere close to it. One of the tenants of this investment is to help everybody, it is not just economic development. Some of the very people that you want to be able to assist so that they don't have to worry about housing and transportation would be put people as close to the transit line as they can so if they can do without transportation that is a possibility. It is another one of those things we can do in this community about helping reduce transportation costs.

The concentration that this city dealt with were when we put 200 or 300 in one location; 3 and 4 of them at a time. I grew up on West Boulevard so I know what it is like to have Boulevard Homes, Dalton Village going all in one place. That is concentration but the point is concentration is when you do it to a whole side of town. I'm not sure it is when you do it in a building and the only thing I would argue is that it is hard to finance. There is no funding mechanism right now in place to finance the things you said Mr. Barnes about if you really want it. Nobody really wants it; they want to get as high rent as they can get. That is what is going to drive this. I'm wondering if in the policy as opposed to talking about all the transit lines, that the policy just spell out the Blue Line Extension with some extensions for some protection for the time being. You are right the protections that you are talking about that you need to get some market rate going, it is not the same thing that you would see on the south line right now. Is it possible to kind of segregate it and talk about or delineate the Blue Line away from the Blue Line Extension. I would love to know from the Committee why not allow the potential for a waiver? I think the potential was just to have it come to Council and not have just anything pop up by right. The first question I have is it possible to say, just talk about not in one building and on the Blue Line Extension with the understanding that you come back in two years and you talk about it then, and then nothing happens without a waiver. I wonder if any of that is a possibility.

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 8

Councilmember Kinsey said my understanding is that we did allow the waiver because Mr. Barnes and I were just talking and he mentioned that he has just as soon get rid of the waiver, but I think we have a waiver on that don't we?

Ms. Campbell said the waiver is up to discretion of Council. When staff brought back a revised policy we actually added language in the body of the policy that said however a waiver may be proved by Council. The Committee said we don't necessarily need to put that in the Policy because we already know that we can do that, but staff's response was, but the development community doesn't know that. In particular we are getting developers from all across the country and we want to make sure they have full knowledge of what the rules are as it relates to development along the station areas and gain this is only when public funds are being used.

Mr. Howard said the word "shall" is what I'm saying. Shall is interpreted ... and it is not clear and I didn't know how that related into the actual policy.

Ms. Kinsey said I don't understand what you are talking about.

Mr. Howard said Page 6, bottom slide – The assisted multifamily housing shall be scattered throughout the development and no one building shall be 100% assisted. That is saying what it should be.

Mr. Barnes said actually that is what we intended Mr. Howard. I think we could have philosophical disagreement about the issue but the fact of the matter is it bothered all five of us to have a development where one building is fully subsidized and I think by the way, it would be more than 10 units, many more than 10. I did not understand or appreciate how that type of development would be consistent with the Council's most recent historical philosophical pursuits which is to de-concentrate poverty and what we are beginning to do is re-concentrate it in a nice friendly ways but it is re-concentrating poverty moving from the inner city to the suburbs.

Ms. Kinsey said we already have one building that is coming on line and I don't know if they are going to ask for a waiver. It is the mills in NoDa and that is going to be 100% subsidized. I don't have a problem with that, but I do think if we have an option of looking at them; I'm okay with looking at them and providing waivers if it is appropriate, but I do agree that it does seem to fight what we've tried to do and that is scatter the sites. There is a contradiction in my mind but we will have that one coming on line in NoDa.

Mr. Howard said the policy says right now no more than 100 in one location without 80 to 100 in one location and then you have to have that buffer or the ¼ mile or ½ mile around it. That is scattered so the idea was having more than concentrations of hundreds in one place which is the example of Boulevard Homes and those. Right now the policy is no more than 100 in one location at one time so that is the scattered policy. This is going further to say the scattered policy is now not just 100 in one location, but not even in the same area. I'm just telling you that the way the money works, concentrations was not putting hundreds and hundreds together. There were never no more than 10 or 20 in the same building. That is not concentration or even close. If the goal is just not to have any, that is what you are going to get along the transit line, which kind of goes opposite to me of what this was all about. It was supposed to be economic development and I've argued that now for a while, but it was also supposed to help people who could now take transit and transportation out of their budget because they can now get on the train as opposed to driving.

Ms. Campbell said the only thing I wanted to add was when I showed them the number of meeting that we had in terms of we started this process in 2001. Normally we have kind of extended processes because we can't get our Citizen Advisory Group to agree with us. This process was a little elongated because we had very robust and thorough conversations with Council Committee and there was lots of dialogue about these recommendations. Mr. Howard, the concerns that you raised about funding, we raised those, the Citizen Advisory Group raised those, but we are convinced that the Committee felt strongly about what Mr. Barnes just talked about in terms of not wanting affordable housing concentrated in one building. The Committee voted to disburse it throughout the development. I just wanted to go on record saying that there were lots of conversation about this subject matter.

mpl



June 10, 2013  
Business Meeting  
Minute Book 135, Page 9

Mr. Barnes said she is right, there was lots of conversation about the item and the Committee unanimously recommended what you see before you. The NoDA Mills is Item No. 16 to your point and there was actually a fairly informative write-up about it in our information for tonight. Here is the issue. The South Corridor did not go through the same mix and neighborhoods that the Extension will and that some of the other lines will. We I think were trying to figure out how to create the sort of value that we expect to see in the area. Yes there will be the transit component, but also create an opportunity to uplift the area, consistent with the whole budget push which was to lift tax values etc. Because of the amount of time the Committee spent on the issue, if you look at the minutes from our meetings you would see that we talked about a number of things before we took our vote. It wasn't just us simply saying from the beginning, no, no, no. I think we tried to explore why we got to where we got to and why we consistently stayed where we were on the items in green. I'm sure someone has the minutes – Ms. Wideman.

**Pam Wideman, Neighborhood and Business Services** said Ms. Kinsey you mentioned the Mecklenburg Mills – you all have already approved a waiver for that. You approved that when you approved the funding.

Mr. Howard said so it is the understanding of at least the majority of the Committee that waivers are possible.

Ms. Wideman said absolutely.

Mr. Howard said I just wanted that in the minutes. That is not what I think I heard Mr. Barnes say.

Ms. Campbell said waivers are possible, they just didn't want it incorporated into the body of the policy.

Mr. Howard said I wanted it recorded somewhere in somebody's minutes so when the neighborhoods come to us and say it says shell, it is recorded that we can go back and say, but this body agreed that that was the intent.

Mayor Pro Tem Cannon said I'm going to be talking about this more off line to get my arms around it a little bit. Somebody who grew up in a neighborhood of 200 single family dwellings because it happen to be 100% subsidized. I really want to know what you are getting at. I want to know what your politics happens to be.

\* \* \* \* \*

**ITEM NO. 4: URBAN DESIGN FRAMEWORK FOR LYNX BLUE LINE EXTENSION.**

**Debra Campbell, Planning Director** said I'm going to start with just a few introductory comments about the urban design framework before I ask Andy Mock with CATS and Kathy Cornett on my staff to come and give you a little bit more detail about this presentation related to the Urban Design Framework. This was a collaborative effort between both of our departments. There is an agenda item in the Consent Agenda – Item No. 33 that CATS is requesting action on tonight. We thought that this presentation would help better explain the content of that agenda item and the purpose, and provide you a little bit of context. We just left the Transportation Committee and I think you heard Mr. Howard talk about how much we have done and how much progress we have made as it relates to managing the quality of development at our station areas. We've got transit oriented development zoning; we have station area principles; we've got station area plans that talks about the character of these station areas. What we haven't done enough of and what we didn't give enough through to is when we looked at the Blue Line is how that line actually relates to development and by that I mean, for example walls and bridges, how they are designed. Some of the components of the Blue Line we wished that we could have done better and as a result of that kind of lessons learned, we looked at some of these features for the Blue Line Extension and said we need to get a head, we need to do an assessment of where we will have some of these features and make sure that we incorporation a way to mitigate the visual impact of some of these components and features and Kathy and Any are going to speak to you in a little bit more detail about the specific features.

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 10

Not only did we reconsider how certain components of the Blue Line Extension should be built, we also looked at what opportunities we had to leverage funding sources to help mitigate these impacts. With that I will turn it over to Kathy and Andy for them to provide you with more detailed presentation.

**Mayor Foxx arrived at 6:43 p.m.**

**Kathy Cornett, Planning** said I have a few slides that really talk about the background of the Urban Design Framework and the development of the framework. Andy has a number of slides that really discuss more of the application of the framework and the guidelines. The Urban Design Framework was developed by both CATS and Planning pretty early in the engineering process back in 2009 and we worked together on this and was really part of the lessons learned from the Blue Line. It provides broad guidance; it doesn't really provide specific details to the Blue Line Extension (BLE) team but the important part is that it recommends where resources should be focused, especially to mitigate visual impacts in very highly visible areas along the line. It is primarily a staff tool but we have shared it as part of our public outreach so for example as part of the Blue Line Extension Station Area Planning effort we just wrapped up, it was shared as part of that process. The framework is designed to leverage public art dollars with infrastructure funding, combining those two pieces and to integrate public art to mitigate visual impacts. The framework provides guidelines for systems and structures and those include things like the walls and bridges, trackways, pedestrian crossings, fencing and barriers, embankments and system elements which are things like your traction power sub-station, signal houses, communication cabinets, all the things that you need to make the train run.

Treatment levels are based on visibility and this will become a little bit clearer during Andy's presentation. The treatment levels are based on visibility, those that are very visible in the community like the future Harris Boulevard bridge; land use adjacencies so where the line is very close to residential development or future residential development features are integrated into the design elements that might include landscaping or art or fences or other features such as those. Also pedestrian proximity and the important part here is enhancing the pedestrian experience and that can be done through the use of screening, pedestrian lighting, pedestrian access and decorative elements. Really the overall intent is to create a transit system that is designed with sensitivity to the surround context and also that leverages our public art dollars and our infrastructure improvements together.

**Andy Mock, CATS** said once we worked with Planning to develop the Urban Design Framework we then went on to apply. After we got sufficient design complete we begin to apply the urban design framework to the Blue Line Extension. The first item we begin discussing was systems elements. These are things that are always difficult when you build a light rail system. You always have cabinets, you always have poles and one thing we decided to carry on is a consistent theme in the uptown area with the painted poles with the crowns similar to what was implemented with the Trolley. One change from the South Corridor, all of the South Corridor are LYNX Blue Line poles are galvanized on your left and what we've done on top of caring for the uptown powder coated with finials we are doing a powder coated treatment in stations within 100 feet of the platform on either side to kind of upgrade our station aesthetic. The other item as far as system is traction power substations and cabinets. Generally what we try to do is try to locate them strategically, somewhere out of sight, sometimes very difficult so if we can strategically locate them we really don't do much of anything to them, but if we have to put them in the public eye we typically screen them with landscaping if we can. Sometimes we can't do that because of other infrastructure that may be there. In those cases we may do an art treatment. What you see on the right is a photo shop version of a potential concept, it is a vinyl wrap of a signal house. This is one of the directions we are looking at for some of the signal houses and traction power substations. We are also looking at in places like UNC-Charlotte we are looking to do painting or something like that to more match the campus aesthetic.

Councilmember Dulin said we wrap that with an ad and sell that space? That is about the same size as a car.

Mr. Mock said it would be a question on what is allowed for zoning and advertising policies. I can't answer that.

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 11

Mr. Dulin said I was just trying to figure out a way for you all to make some money.

Mr. Mock said the next item is for fencing. This is our typical four types of fencing that we have. We have the chain link on the top left; we have the black vinyl chain link on top of retaining walls; on the bottom left we have orsogrille which is our station fence, an upgraded treatment. Along Tryon Street where we have land uses back up against a retaining wall we typically put a vertical railing. The Urban Design Framework doesn't really specifically say thou shall use art or whatever, it is kind of left to our interpretations so in this case you see very little. It is just basic standard aesthetics that we are picking, standard features.

Then we get into the segmental block and the general walls. This is what is tied to the request for Council action tonight. We have four types of walls within the project – low walls which are generally less than 5 feet which are segmental block walls. This is a cost reduction measure that we worked out with the state and the City. This is a typical treatment you see in many other places; generally low walls supporting the sidewalk on Tryon Street. Then we start to get into the more decorative walls, the larger walls. The first one you see are pile panel walls, typically these are used between 5 and 16 feet and what we've done here is sort of classified them as a standard treatment, a secondary treatment or primary treatment and those are based on some of the criteria that Kathy alluded to which is land use visibility and general pedestrian access. The standard treatment you will see up against the railroad section, kind of out of sight. The secondary treatment you will see that is calico and those are generally facing private land uses along Tryon Street where there is a retaining wall and someone's parking lot supporting the sidewalk or the primary art treatment which you see on the larger calls that you may see near campus or near 36<sup>th</sup> Street.

The next type of wall we have is cast in place walls. These are walls that are typically over 12 feet tall and also those are used to support a sidewalk or lamp approach. The standard is a basic black wall you may see up against a railroad or supporting a low sidewalk. The secondary is similar to the calico that you saw on the pile panel and for the primary you see that as your orchid or trap plant. We have those on North Tryon Street and are very large walls. The final walls we have are the MSE walls or mechanically stabilized earth walls. These are large panel walls like you will see on DOT project or any sort of bridge project. What we have here is a standard which is similar to facing a railroad, a secondary which is a kind of a leaf design and a primary which is the trap plant. You see these near the Craighead structure or Harris Boulevard, some of our larger walls with high visibility. To piggyback on that point we have our Harris Boulevard, which is one of our highest treatments for a bridge. On the right you see the upgraded MSE walls leading into the bridge structure with a leaf railing detail on top. It is an upgraded handrail fence on top with a pitcher plan bridge pier toward the middle.

The next steps are to move forward requesting that council action for Item No. 33 so we can approve a contract to produce the molds and prototypes that we used to create the form lines for the walls and the bridge piers.

Mr. Dulin said this is light years ahead of the design they used in the concrete on the South Line that was described to us as art. It is light years ahead of that. That is a nice drawing. It is about the best I can do. It sounded like at the very end of your presentation that if we okay this then they can get started with the molds. They make a mold and pour concrete into it so we are not going to pay an artist to come up with a design and then a concrete company to pour the concrete into the design are we?

Mr. Mock said we are going to have an artist develop a prototype which is going to look similar to that in the middle and that is the prototype and then they will do a mold on top of that. What this is going is paying for the prototype and the mold and then we will hand that to a concrete manufacturer who will develop form liners to hand to our contractors to develop all the panels.

Mr. Dulin said anything would be better than that, but surely some where in America there are these molds already that we can piggyback on and use. Why would the retaining walls of the Blue Line Extension have to be one of a kind, only place in the world you can find this stamped concrete?

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 12

Ms. Kinsey said sort of piggybacking on that is this our art for the transit area? In other words does this classify as the public art?

Mr. Mock said yes, this is partially funded by art for the cost of the forms and the prototypes and the molds.

Mr. Dulin said I still think it does not have to be one of a kind; only place in the world you can see this kind stamped concrete.

Mr. Mock said on the South Corridor we actually chose standards forms so you can choose standard forms but we are trying to create a unique place making opportunity in leveraging our dollars.

Mr. Dulin said then because of that if we pay an artist to come up with these designs and then we pay a concrete company to pour this concrete and by the way there is a good concrete company over there on Sugar Creek Road Mr. Barnes in your District that could probably pour it for us. I'm sorry Ms. Kinsey's District. Then we should own the art; we should own the design of the stamps.

Mr. Mock said we do.

Mr. Dulin said then we can be the one selling them to other communities and make some money. If we own the art that is intellectual property.

Mr. Mock said we own the prototype and the mold.

Mr. Dulin said I'm going to tell whoever comes behind me to check you on that.

Ms. Mayfield said if that is something that we would need have in writing if we were to move forward in order to insure because I definitely hear your concerns Mr. Dulin as far as why aren't we just going to use the same standards that we used for the first part of the line. If we are going to create something new is there a way for us to make sure that moving forward we are putting ourselves in a position where this is going to help generate some funds or the possibility of it generating some funds?

Mr. Dulin said I'm all for it being better than it was.

Ms. Campbell said I think one of the things we thought was unique and different about this process was that in the past we were using only the transit dollars in a way to create the structures, bridges, etc. What we are doing this time is leveraging the resources. We have dollars for public art and we through how can we best use the public art resources and those resources have been used we think in an innovative way as well as in an impactful way by using it on structures that otherwise would have a very adverse impact on some of these community, plus you get much more broad impact on the citizens who are experiencing this environment by having it incorporated into a number of these types of components of the light rail line. There will be some stand alone art features that will be added but we through that the best use of the public funding for a portion of the art funds for this project was to try to mitigate some of those highly, highly visible areas where the transit line would have an adverse impact. This is not necessarily being done for us to generate revenue. It is actually being done for us to encourage future development such that we don't have structures that are so visually impaired that nobody wants to develop next to them, so long term we will be generating revenue but it will probably come from the development and having an environment that is conducive for development.

Ms. Kinsey said I really like what I've seen and I'm particularly impressed with that bridge. It is really nice and the railing is beautiful. I really like this direction.

Mr. Dulin said are you prepared to give me some comfort today that you won't pay an artist to pick out the color orange to paint the Blue Line Extension? We are going to spend a billion dollars so please paint it blue. Okay I would go for green.

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 13

Mr. Howard said this is off the subject a little bit, but we got a presentation from Louis Mitchell talking about those concrete walls they are going to do on I-77. We've got molds so we should talk to him about those brick walls as opposed to doing the stamps.

Ms. Campbell said I did talk to him actually before he made the presentation.

\* \* \* \* \*

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

Councilmember Dulin said I do have one Consent question although I didn't pull it, if I may. On the property transactions there were a lot of Blue Line Extension transactions that the appraised value was zero and none. I had never seen that before. I got a call from one of the property owners today asking about that.

**City Manager, Ron Carlee** said they are contaminated properties so they have a significant contamination on them.

Mr. Dulin said is it that we can't offer them any thing? I'm just curious – in all the years I hadn't seen that.

**Tim Richards, Deputy City Engineer** said those parcels are contaminated and part of the appraisal process is that they review the appraisal of the value of the property and then they compare that against what it costs to clean the property and the appraiser gave us the information back that that would be a negative so the offer would be zero. You may also notice that did decide to try to pay because we have to give a minimum \$500 offer with FTA proposals so they either got a \$500 or \$1,000 offer but otherwise it is zero.

Mr. Dulin said their counter offer it says none so they either said I'm going to fight you or they took the money?

Mr. Richards said yes sir, or condemnation.

Mr. Dulin said the property values on some of these things are all high.

Mayor Foxx said a couple of housekeeping things – we have Item 13 on the agenda, Charlotte Douglas International Airport, it is kind of planted at the end of the Policy Agenda, but before the rest of the Business is done. Without objection can we move that to after Item No. 16 or maybe after Item No. 17?

Mr. Carlee said that is staff's request.

Mayor Foxx said I would ask the Council out of an abundance of caution to recuse me from Item No. 13 and Item No. 28.

The Dinner Briefing was recessed at 6:49 p.m. to move to the Council Chamber for the regularly scheduled Business Meeting.

\* \* \* \* \*

#### **BUSINESS MEETING**

The Council reconvened at 7:02 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Foxx Presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, LaWana Mayfield, and Beth Pickering.

**ABSENT UNTIL NOTED:** Councilmember James Mitchell  
**ABSENT:** Councilmember Claire Fallon

mpl

\* \* \* \* \*

## INVOCATION AND PLEDGE

Mayor Foxx gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

\* \* \* \* \*

## AWARDS AND RECOGNITIONS

### ITEM NO. 6: EMPLOYEE OF THE YEAR RECOGNITION

Mayor Foxx said I will recognize the Employee of the Year and this is an award that is a 50-year tradition acknowledging an employee whose efforts, ideas, suggestions, courtesy and job performance deserve special recognition. The award is sponsored by the Employer's Association and recipients are selected by an independent panel of judges who rates each nominee based on performance, innovation, customer service, leadership and self improvement. This year's winner is Kathleen Santimaw, Senior Project Manager with Engineering and Property Management. During Charlotte's hosting of the Democratic National Convention Kathleen served as the Assistant City Liaison for Planning and Implementation of the City's Security and Transportation Plans. Her efforts were critical to the overall success of the DNC and ultimately reflected well on the City of Charlotte. Her oversight included multiple impact points to agencies, customers, various city departments including Police, Fire, CATS, US Secret Service, Mecklenburg County, DNC Host Committee, Democratic National Convention Committee, Carolina Panthers and Time Warner Cable Arena. Thanks to Kathleen's strong work ethic and initiative all of these groups kept moving forward, insuring the goals and expectations for the September 2012 Democratic National Convention were achieved. I actually got to meet Kathleen personally. She took me on a tour of Time Warner Cable Arena and I don't know how well you knew the arena before hand, but you knew it inside out the day I went with you because you had really done a great bit of work to make that arena the setting that it was for the convention. Your work exemplifies the great talent we have among our employee ranks and I want to congratulate you personally for being chosen the 2013 City Employee of the Year. I know you have your family here and if you would like to introduce them I would love to have you do so at this time.

Formatted: Font color: Text 1

**Kathleen Santimaw** introduce her family – her son Connor, her daughter Jenna, her boy friend Brian, her mother Jean and father Ed.

Mayor Foxx said at this time Kenny Colbert, President and CEO of the Employer's Association has a special recognition for Kathleen.

**Kenny Colbert, President and CEO of the Employer's Association** said the Employer's Association is a membership based Human Resources Consulting Company and the City of Charlotte has been a member of the Association for 25 years. We had the pleasure this past year of training over 250 City Employees in supervisory and leadership classes, Human Resources classes and computer classes and we are very happy to be able to honor Kathleen as the City Employee of the year and in a small way give back to the best of the best that the City that has to offer. We would like to recognize her with a \$600 cash award.

Ms. Santimaw said I would like to thank you for having me here this evening. It is beyond exciting to hear my name called after Mayor Foxx described some of the work I performed leading up to the DNC but it wasn't until Kenny Colbert was escorting me behind stage relaying my need to be here tonight that I became overjoyed. My initial response was that is perfect, I have an agenda item this evening. Surely Council will do me the honor of approving my item after all I am the Employee of the Year. In all seriousness receiving this award is truly an honor. The DNC was by far the most difficult and rewarding project I have worked on, difficult in ways that have pushed me to my limit and tested me day after day, yet rewarding me in ways that I've made many friendships that I will cherish for years to come. The DNC definitely brought out the best in everyone, took everyone's resolve, patience and perseverance to make the event a success. By saying that I don't think the event can be directly contributed to one individual. It

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 15

was the entire City pulling together, reaching for a common goal that made the event successful and because of that I have never been prouder to call myself a City Employee. I believe this commitment also paid off while working with outside agencies by showing a united front we are able to tackle many items that we normally would not have been able to do. The DNC definitely prepared the City in many ways and has shown the work that we are more than capable to attack anything that is thrown our way. Can anyone say RNC, Super Bowl or Olympics? I would be more than happy to take on any of these events, if not all within my coming years with the City. In closing I would like to thank the following individuals: To Jim Shumacher and Jeb Blackwell who realized my strengths and thought that I could be some assistance to Carol Jennings. It was in closed out meeting for the Hall of Fame that we started discussing the potential of Charlotte hosing the DNC. I was beyond thrilled by this opportunity and knew that I needed to be involved in any way possible. To Carol, a woman I admire greatly, her poise under pressure and strength are two qualities I aspire to have in my own right. To everyone at Police, Fire and CATS that accepted me as one of their own, even though I don't think I gave many of them a choice, it was because of them, their witty sense of humor, their persistence and determination that drove me day in and day out. And last but not least my family who is here with me tonight. If it wasn't for their unwavering love and support that any of this could have been possible. They have always been my biggest cheerleaders and inspired me to be the person I am today.

Mayor Foxx said thank you Kathleen and you are an inspiration, not only to other City staff, but also to this Council. You have a beautiful family and I want to congratulate you.

**Councilmember Mitchell arrived at 7:08 p.m.**

\*\*\*\*\*

**ITEM NO. 7: USO OF NORTH CAROLINA, CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT RECOGNITION**

Mayor Foxx recognized Sheila Wasko, Megan Grady, and Lieutenant General Tom Wasko, all of whom are affiliated with the USO of North Carolina.

Councilmember Dulin said Tom Wasko is a friend of mine and is a three star Air Force General. Sheila Wasko served when her husband for serving in Japan for many, many years. They are now retired and living in our area. We are glad to have you here.

The USO Charlotte Douglas International Airport was named the number one large airport center category during the USO World Leadership Conference honoring USO Centers for their commitment and service to America's troops and military families. That is number one in the nation. Honorees were recognized for their achievements in providing best in class service and support of troops and military families. The Charlotte Center received the highest overall scores in satisfaction value, staff helpfulness, friendliness in the large airport category. With over 300 local volunteers the Charlotte Douglas Airport Center is led by Megan Grady who is here with us tonight as well. Folks, if anybody has not visited the USO at the Charlotte Douglas International Airport it is upstairs in the main concourse and open for business just about 24/7 and always welcoming visitors military or non-military and it is really a fascinating place to see. I go there every time I go to the Airport to say hello to the folks and most of the time I spend as much time thanking the volunteers because they live in our community, work there for free. Most of them are family members either deployed or have been deployed in the past and they really are the life blood and the heart beat of our USO Charlotte Douglas Airport ranked Number one in the nation.

\*\*\*\*\*

**CONSENT AGENDA**

mpl

Motion was made by Councilmember Dulin, seconded by Councilmember Autry, and carried unanimously, to recuse Mayor Foxx from participating in Item Nos. 13 and 28; recuse Councilmember Kinsey from participating in Item No. 41.

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, and carried unanimously, to approve the Consent Agenda as presented with the exception of Item No. 45-G and 45-M which have speakers; Item No. 45-F, K, Q, R and AC have been pulled by staff and Item No. 45-W, AA and AB have been settled.

Councilmember Barnes pointed out that Item No. 13 for which Mayor Foxx was recused, is in the Policy Agenda and not in Consent Agenda.

The following Consent Items were approved:

**Item No. 19: Charlotte-Mecklenburg Regional Housing Consortium Grant**

Authorize the City Manager to enter into a contract with the Town of Cornelius in the amount of \$280,700 for the development of two affordable homeownership units.

**Item No. 20: Police and Fire Communications Study**

A. Approve a contract with Fields Consulting Group, Inc. to conduct a comprehensive review of the Police and Fire Communications Centers, and B. Budget Ordinance No. 5128-X appropriating \$48,700 in assets forfeiture funds.

The ordinance is recorded in full in Ordinance Book 58, at Page 218.

**Item No. 21: Traffic Signal at the Intersection of Grier Road and Old Concord Road Municipal Agreement.**

Resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for installing a traffic signal at the intersection of Grier Road and Old Concord Road.

The resolution is recorded in full in Resolution Book 44, at Page 415.

**Item No. 22: Private Developer Funds for Traffic Signal Improvements**

A. Authorize the City Manager to execute a Developer Agreement between South End Partners, LLC, and B. Adopt Budget Ordinance No. 5129-X appropriating \$212,963 in Private Developer Funds for traffic signal improvements.

The ordinance is recorded in full in Ordinance Book 58, at Page 217.

**Item No.23: Independence Boulevard Building Demolition**

A. Reject the low-bid of \$571,200 from NEO Corporation for failure to comply with the Small Business Opportunity Program requirements, and B. Award a contract to the second lowest responsive bidder, Empire Dismantlement Corporation in the amount of \$692,475 for the Independence Boulevard Buildings Demolition.

**Summary of Bids**

NEO Corporation	\$571,200.00
Empire Dismantlement Corporation	\$692,475.00
Dore & Associates Contracting, Inc.	\$773,850.00
D. H. Griffin Wrecking Co., Inc.	\$813,750.00
NCM Demolition and Remediation, LP	\$837,690.00
Environmental Holdings Group, LLC	\$861,000.00
Greenway Waste Solutions, LLC	\$903,576.45
High Point Builders, LLC	\$967,960.35



June 10, 2013  
Business Meeting  
Minute Book 135, Page 17

**Item No. 24: Police Department Headquaraters Renovation Contract Amendment**

Approve contract amendment #3 with Fryday & Doyme, Inc. for design services in the amount of \$50,000.

**Item No. 25: interlocal Agreement for Briar Creek and Chantilly Water Quality Improvement Project**

Resolution to approve an Interlocal Agreement between Mecklenburg County for funding of the Briar Creek and Chantilly Water Quality Improvement Project in an amount up to \$2.0 million.

The resolution is recorded in Resolution Book 44, at Page 416.

**Item No. 26: Mallard Creek Road Sidewalk Improvements**

Award the low bid contract of \$247,606.70 to Bullseye Construction, Inc. for the Mallard Creek Road Sidewalk Improvement Project.

**Summary of Bids**

Bullseye Construction, Inc.	\$247,606.70
RJJ Construction, LLC	\$281,258.18
W. M. Warr Y& Son, Inc.	\$295,100.85
Showalter Construction Company, Inc.	\$349,184.66
Carolina Cajun Concrete, Inc.	\$377,614.67

**Item No. 27: Voluntary Annexation Public Hearing Date**

Adopt resolutions setting public hearings for June 24, 2013, for Voluntary Annexation of several City-owned and privately owned properties.

The resolutions are recorded in full in Resolution Book 44, at Pages 417-512.

**Item No. 28: Airport Grant Acceptance**

A. Adopt a resolution accepting a Federal Aviation Administration grant in the amount of \$12 million for Airport projects related to the third parallel runway, B. Adopt Budget Ordinance No. 5130-X appropriating \$12 million in FAA grant funds, and C. Budget Ordinance No. 5130-X transferring \$12 million in 2010 Series C General Airport Revenue Bonds to the Debt Service Fund.

The ordinance is recorded in full in Ordinance Book 58, at Page 218.

**Item No. 29: Airport Escalator and Elevator Maintenance Services**

A. Award a low bid contract with Schindler Elevator for maintenance services on the Airport's escalators and elevators for a five-year term, and B. Authorize the City Manager to approve two additional annual renewals as stipulated in the contract.

**Summary of Bids**

Schindler	\$2,807,400.00
Otis Elevators	\$3,325,696.65
ThyssenKrupp	\$4,089,521.14

**Item No. 30: LYNX Blue Line Extension – Utility Relocation Agreement with Duke Energy**

Approve an amendment to the Utility Relocation Agreement with Duke Energy for the LYNX Blue Line Extension Project for up to \$2.3 million.

**Item No. 31: LYNX blue Line Extension – Environmental Services Contract Amendments**

A. Approve contract amendment #2 with the Hart & Hickman, PC environmental services contract in the amount of \$125,000. B. Approve contract amendment #1 with Terracon Consultants, Inc. environment services contract in the amount of \$125,000, and C. Authorize the City Manager to execute up to two one year renewals for each contract in the amount of \$125,000 per renewal.

June 10, 2013  
Business Meeting  
Minute Book 135, Page 18

**Item No. 32: LYNX Blue Line Extension Phase Two – Construction Management Contract Amendment**

Approve contract amendment #1 with HNTB for construction management consultant services for the LYNX Blue Line Extension Project Phase Two in the amount up to \$35,312,798.

**Item No. 33: LYNX Blue Line Extension – Urban Design Framework for Walls and Bridge Piers**

Approve a contract with Braaksma Design, Inc. in the amount of \$450,000 for the fabrication of carved phototypes and the production of “master” molds to construct retaining walls and bridge piers.

**Item No. 34: Irwin Creek Wastewater Treatment Plant Hot Water Boiler Replacement**

A. Approve the purchase of two hot water boilers as authorized by the sole source purchasing exemption of G. S. 143-129 (e) (6), and B. Approve a contract with Richard K. Hunter & Co. for the purchase of two hot water boilers in the amount of \$229,655.

**Item No.35: McAlpine Creek Wastewater Treatment Plant Digester Cleaning and Replacement Parts.**

A. Approve a contract for \$118,885 with IVAC for digester cleaning and related services, B. Approve the purchase of digester mixer equipment parts as authorized by the sole source purchasing exemption of G. S. 143-129 (e) (6) and C. approve a contract with SPX Flow Technology/Lightning for \$891,653 for digester mixer equipment parts.

**Item No. 36: Utility Bypass Pumping Services**

A. Approve three contracts for bypass pumping services for a one-year term with the following companies: Rain for Rent, Inc.; Sunbelt Rentals, Inc., and Xylem Dewatering Solutions. B. Authorize the City Manager to renew the contracts for two additional, one-year terms with possible price adjustments.

**Item No. 37: Utility Pipe corrosion Protection Services**

Award a contract with Rummel, Klepper & Kahl, LLP in the amount of \$250,000 for design, inspection, and repair of new and existing corrosion control systems related to the water and sanitary sewer system throughout Mecklenburg County.

**Item No. 38: Utility Acoustic Diagnostic Equipment**

A. Approve the purchase of acoustic Sewer Line Rapid Assessment Tools (SL-RAT) as authorized by the sole source exemption of G. S. 143-129 (e)(6), B. Approve a unit price contract with InfoSense, Inc. for the purchase of 12 SL-RAT units and maintenance agreement for a one-year term, and C. Authorize the City Manager to approve three additional annual renewals with possible price adjustments as stipulated in the contract.

**Item No. 39: Utility Water Meter Equipment**

A. Approve the purchase of water meters, registers, and transmitters as authorized by the sole source exemption of NC G. S. 143-129 (e)(6), B. Approve a one-year contract with Badger Meter, Inc. for the purchase of water meters and registers, and C. Approve a one-year contract with Itron, Inc. for the purchase of transmitters.

**Item No. 40: Utility Mowing and Related Services**

A. Approve a one-year contract for mowing and related services to the following companies: Carolina Commercial Landscaping, Edwards Landscape Company, Napper Services, LLC, SEL Development, Inc., Single Oak Farm Grading & Landscaping, The Carolina Landworks, Inc., and Triple L. Landscaping. B. Authorize the City Manager to renew the contracts for two additional one-year terms, with unit adjustment prices as stipulated in the contract.

**Item No. 41: Utility Water and Wasatewater Engineering Services**

Award contracts to the following firms for unspecified engineering services on an as-needed basis. These contracts will be for the combined amount of \$2.9 million:

- Black and Veatch International &600,000.
- Hazen & Sawyer \$500,000.
- CDM-Smith \$400,000.

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 19

HDR Engineering \$600,000  
Brown & Caldwell \$200,000.  
McKim & Creed \$200,000.  
Pease Engineering & Architecture \$300,000  
GHD \$100,000

**Item No. 42: Utility Field Operations Center Renovation**

A. Reject the low bid of \$1,320,000 from Matthews Construction Co., Inc. for failure to comply with the Small Business Opportunity Program requirements, and B. Award a contract to the second lowest bidder, G. W. Liles Construction Company in the amount of \$1,323,535 for renovation and upfit of the Utility Field Operations Center.

**Summary of Bids**

Matthews Construction	\$1,320,000.00
Lyles Construction	\$1,323,535.00
Southside	\$1,332,620.00
JD Goodrum	\$1,353,550.00
PRO Construction	\$1,782,500.00

**Item No. 43: Refund of Business Privilege License Taxes**

Resolution Authorizing the refund of business privilege license payments made in the amount of \$45.

The resolution is recorded in full in Resolution Book 44, at Page 514-515.

**Item No. 44: Meeting Minutes**

Approve the titles, motions and votes reflected in the Clerk's record as the minutes of: December 10, 2012 Business Meeting; December 17, 2012 Business Meeting; January 7, 2013 Workshop; January 14, 2013 Legislative Breakfast; January 14, 2013 Business Meeting; January 22, 2013 Zoning Meeting; February 7-8, 2013 Council Retreat; February 25, 2013 Business Meeting; February 27, 2013 Budget Workshop; March 20, 2013 Budget Workshop; April 10, 2013 Budget Workshop;; and April 15, 2013 Budget Workshop.

**Item No. 45: Property Transactions**

**Item No. 45-A: 5703 North Tryon Street**

Acquisition of 15,251 square feet in Fee Simple, plus 5,597 square feet in Temporary Construction Easement, plus 1,959 square feet in Utility Easement at 5703 North Tryon Street from Wayne A. Cline, Trustee of the Emily R. Cline Revocable Trust Agreement for \$108,600 for Blue Line Extension, Parcel #1377.

**Item No. 45-B: 5735 North Tryon Street**

Acquisition of 5,482 square feet in Fee Simple, plus 1,628 square feet in Temporary construction Easement, plus 1,047 square feet in Utility Easement at 5735 North Tryon Street from Maher Youssef Harb and wife, Farida Khalil for \$111,313 for Blue Line Extension, Parcel #2113.

**Item No. 45-C: 5800 North Tryon Street**

Acquisition of 8,857 square feet in Fee Simple, plus 8,586 square feet in Fee Simple within the Existing Right-of-Way, plus 10,378 square feet in Temporary Construction Easement, plus 34 square feet in Utility Easement at 5800 North Tryon Street from Wright's Pecan Grove Mobile Home Park Limited Partnership and any other parties of interest for \$90,875 for Blue Line Extension, Parcel #2125.

**Item No. 45-D: 6442 North Tryon Street**

Acquisition of 85 square feet in Fee Simple, plus 5,550 square feet in Temporary Construction easement at 6442 North Tryon Street from GFL Associates, LLC for \$10,725 for Blue Line Extension, Parcel #2185.

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 20

**Item No. 45-E: 3719 Wendwood Lane**

Acquisition of 50,663 square feet in Natural Storm Drainage Easement at 3719 Wendwood Lane from CCSMCT, LLC for \$86,275 for McAlway/Churchill Storm Drainage Improvement Project, Parcel #6.

**Item No. 45-H: 3114 Cullman Avenue**

Resolution of condemnation of 4,907 square feet in Railroad Easement at 3114 Cullman Avenue from Detrex Corporation and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #1243.

The resolution is recorded in full in Resolution Book 44, at Page 517.

**Item No. 45-I: 3124 Cullman Avenue**

Resolution of condemnation of 4,672 square feet in Railroad Easement at 3124 Cullman Avenue from Detrex Corporation and any other parties of interest for and amount to be determined for Blue Line Extension, Parcel #1245.

The resolution is recorded in full in Resolution Book 44, at Page 518.

**Item No. 45-J: 3162 Cullman Avenue**

Resolution of condemnation of 5,127 square feet in Railroad Easement at 3162 Cullman Avenue from David W. Watson, Jr. and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #1252.1.

The resolution is recorded in full in Resolution Book 44, at Page 519.

**Item No. 45-L: 5655 North Tryon Street**

Resolution of condemnation of 4,699 square feet in Fee Simple, plus 1,384 square feet in Temporary Construction Easement, plus 1,160 square feet in Utility Easement at 5655 North Tryon Street from Bakis Associates, Inc., and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #1375.

The resolution is recorded in full in Resolution Book 44, at Page 520.

**Item No. 45-N: 5716 North Tryon Street**

Resolution of condemnation of 108 square feet in Fee Simple, plus 198 square feet in Storm Drainage Easement, plus 254 square feet in Access Easement, plus 7,211 square feet in Temporary Construction Easement at 5716 North Tryon Street from Donald Wilson Killian and wife, Deborah B. Killian and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2105.

The resolution is recorded in full in Resolution Book 44, at Page 522.

**Item No. 45-O: 5732 North Tryon Street**

Resolution of condemnation of 396 square feet in Fee Simple, plus 1,542 square feet in Temporary Construction Easement, plus 42 square feet in Utility Easement at 5732 North Tryon Street from WHVN, Inc. and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2107.

The resolution is recorded in full in Resolution Book 44, at Page 523.

**Item No. 45-P: 5748 North Tryon Street**

Resolution of condemnation of 610 square feet in Fee Simple, plus 7,185 square feet in Easement within Existing Right-of-Way by Maintenance, plus 2,234 square feet in Temporary Construction Easement, plus 3,247 square feet in Utility Easement at 5748 North Tryon Street from Storage Trust Properties, L.P. and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #2119.

The resolution is recorded in full in Resolution Book 44, at Page 524.

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 21

**Item No. 45-S: 11145 East Independence Boulevard**

Resolution of condemnation of 2,109 square feet in Temporary construction Easement, plus 1,473 square feet in Permanent Easement at 11145 East Independence Boulevard from Oakhaven Enterprises, Inc., and any other parties of interest for an amount to be determined for Crooked Creek Pump Station and Sanitary Sewer Improvements, Parcel #4.

The resolution is recorded in full in Resolution Book 44, at Page 525.

**Item No. 45-T: 1601 Matthews-Mint Hill Road**

Resolution of condemnation of 1,561 square feet in Temporary Construction Easement, plus 1,145 square feet in Permanent Easement at 1601 Matthews-Mint Hill Road from Oakhaven Enterprises, Inc. and any other parties of interest for an amount to be determined from Crooked Creek Pump Station and Sanitary Sewer improvements, Parcel #5.

The resolution is recorded in full in Resolution Book 44, at Page 526.

**Item No. 45-U: 1623 Matthews-Mint Hill Road**

Resolution of condemnation of 4,915 square feet in Temporary Construction Easement at 1623 Matthews-Mint Hill Road from Pettit Limited Partnership and any other parties of interest for an amount to be determined for Crooked Creek Pump Station and Sanitary Sewer Improvements, Parcel #6.

The resolution is recorded in full in Resolution Book 44, at Page 527.

**Item No. 45-V: 3923 Slagle Drive**

Resolution of condemnation of 634 square feet in Right-of-Way and Utility Easement, plus 2,274 square feet in Temporary Construction Easement at 3923 Slagle Drive from Dora Gonzalex-Mendez and Santos Martin Solis-Credillo and any other parties of interest an amount to be determined for Hope Valley/Oak Forest Neighborhood Improvement Project, Parcel #39.

The resolution is recorded in full in Resolution Book 44, at Page 528.

**Item No. 45-X: 2306 Briargrove Drive**

Resolution of condemnation of 155 square feet in Right-of-Way and Utility Easement, plus 1,950 square feet in Temporary Construction Easement at 2306 Briargrove Drive from Bluestone Investments, Inc. and any other parties of interest for an amount to be determined for Hope Valley/Oak Forest Neighborhood Improvement Project, Parcel #143.

The resolution is recorded in full in Resolution Book 44, at Page 529.

**Item No. 45-Y: 2240 Briargrove Drive**

Resolution of condemnation of 129 square feet in Right-of-Way and Utility Easement, plus 1,625 square feet in Temporary Construction Easement at 2240 Briargrove Drive from Adelfo Chaparro and wife, Antonia A. Chaparro and any other parties of interest for an amount to be determined for Hope Valley/Oak Forest Neighborhood Improvement Project, Parcel #145.

The resolution is recorded in full in Resolution Book 44, at Page 530.

**Item No. 45-Z: 2525 Lanecrest Drive**

Resolution of condemnation of 351 square feet in Right-of-Way and Utility Easement, plus 1,572 square feet in Temporary Construction Easement at 2525 Lanecrest Drive from Charlotte Residential Asset Fund, LLC and any other parties of interest for an amount to be determined for Hope Valley/Oak Forest Neighborhood Improvement Project, Parcel #152.

The resolution is recorded in full in Resolution Book 44, at Page 531.

\*\*\*\*\*

**ITEM NO. 9: A. PUBLIC HEARING ON A RESOLUTION TO CLOSE MARSHALL AVENUE AND A RESIDUAL PORTION OF WALKER STREET, AND B. ADOPT A RESOLUTION TO CLOSE.**

The scheduled public hearing was held on the subject matter.

Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and carried unanimously, to close the public hearing and adopt the subject resolution.

The resolution is recorded in full in Resolution Book 44, at Page 400-402-A.

\*\*\*\*\*

**ITEM NO. 10: CITY MANAGER'S REPORT**

City Manager, Ron Carlee said no report tonight.

\*\*\*\*\*

**ITEM NO. 11: FY2014 & FY2015 OPERATING BUDGET AND FY2014-FY2018 CAPITAL INVESTMENT PLAN**

Councilmember Barnes said I want to begin by thanking the members of the Budget Committee; Vice Chair Dulin, Members Kinsey, Fallon and Mayfield for their service throughout the year. I also want to thank Randy Harrington, our Budget Director and his staff for their very dedicated service over the last year. The general public is aware that we have spent some time working on our budget and we all know about the amount of time we spent working on the budget and I thank everybody around this dais for their commitment to serving the people of this City. It is clearly not been an easy process for us all to go through, but I hope that we have arrived at a set of solutions that will inure to the benefit of Charlotte.

The items that we have before us are Items A – L and we need to recuse Councilmember Howard from Item L as he is employed by the recipient – Charlotte Mecklenburg Housing Partnership Contract.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously, to recuse Councilmember Howard from participating in Item L.

Mr. Barnes said for the benefit of the general public I want to highlight a couple things about this budget thatgo I believe are key to its value add to Charlotte. It is projected that this capital improvement budget will create 18,000 jobs and have over \$2 billion impact on the City. Among the things that are included will be 6 Police Stations, a Joint Communication Center for our Fire and Police Departments; there will also be money in here for bridges and sidewalks, about \$60 million for sidewalks throughout the City; there will be \$20 million for public/private partnerships to help us redevelop the Bojangles Coliseum area; there will be money in here for improving the infrastructure along the Blue Line Extension Corridor. There is I think a package here that benefits north, south, east and west Charlotte as well as center city. The Cross Charlotte Trail, for example I think will have a very strong benefit to North Mecklenburg County and South Mecklenburg County as we provide the greenway amenities to people who need and want to use those types of facilities.

Motion was made by Councilmember Barnes, seconded by Councilmember Howard, to adopt the FY2014 Appropriations Tax Levy Ordinance No. 5127-X, the FY2015 Operations Resolution, the Capital Investment Plan Resolution for Fiscal Years 2014-2018, the FY2014 Pay and benefits Resolution and associated Human Resources Contracts, and other items related to the Annual Ordinance adoption:

Councilmember Cooksey said as has happened in previous votes on this I will be voting no for the basis that I think that this community as a whole deserves a larger say on a proposed tax increase. The proposal in the budget is to raise the tax rate in order to fund a General Fund Capital Improvement Plan, most of which will require a vote of the people on General Obligation Bonds to take affect. If we cannot have the bulk of the Capital Investment Plan in this budget without voter approval I think we shouldn't go forward with a tax hike without voter approval as well. North Carolina General Statutes allow councils to submit the question of a tax increase to voters in a referendum. That is the option I think we should have taken and the fact that we are not means that I will not support the budget.

Councilmember Dulin said I agree with Mr. Cooksey and would liked to have seen the voters of our community have a greater say. This Council has trusted in them before and could have trusted in them on this account and I will also be a no tonight.

Mr. Barnes said just to be clear we discussed and debated this idea of allowing the voters to preapprove the tax increase. The way our package is currently structured it will remain the way we have historically done it, which is to approve the rate increase this year and allow the voters to vote on the bonds in this case in the fall of 2014 as opposed to the fall of 2013. If in fact, Mr. Cooksey, the voters decided not to support the bond packages we would be in a position to correct the tax rate. I hope people will support the package. I think once the people know what is in package they will support it. Mr. Dulin and I have talked about it in some detail. There is a lot of good stuff in this package and I understand philosophically why people may not want to support it, but if you will look at what it will do for Charlotte, I think it will be a game changer and will help us to continue to become the City that we want to be.

Councilmember Cannon said in other words the people have a voice in the process. That is what you are saying, just to be clear? In other words I think it could have been perceived that they don't have a voice in the process. They actually do have a voice in the process – they will be voting in the future to exercise whether they want to accept or deny what is being proposed.

Mr. Barnes said yes.

Councilmember Pickering said I think we would all agree that no-one enjoys raising taxes. I know I certainly don't and we debated this for quite a while as everyone knows. The question is why do we do and what will we get for our money. I think Mr. Barnes has touched on some important points. We do think it is worth investing in our City. We are investing in the people of Charlotte. We are investing in all of us and there are exciting things in this budget that maybe on the surface don't look too exciting, but if you dig a little deeper they really are. I know the word infrastructure isn't considered to be the most interesting exciting word but the infrastructure that we see in this budget is the groundwork for very exciting things. When we talk about Dixie/Berryhill over by the Airport and the construction that we are going to be doing over there, that is related to the Intermodal and that is going to be a hub for air/rail/ground distribution trading, super exciting for Charlotte. Mr. Barnes talked about the Cross Charlotte Trail, that too is something that is going to be transformational. That is something that is an attraction for businesses and individuals who would consider moving to Charlotte. In fact the Northeast Corridor again may not sound like an exciting subject, but this is the groundwork for the Blue Line Extension and we see what has happened on the South Line. This is really exciting things. Mr. Barnes touched on public safety, Joint Communication Center. This is exciting stuff – Fire and Police coming together. We are going to reduce the response time for citizen emergencies. This is important – 6 new Police Stations. Talk to the folks who've had new Police Stations open in their neighborhoods already, the Metro Station; Providence Division, this is a big deal and not to mention jobs. Direct jobs in this budget, over 11,000.

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 24

When you add up the direct jobs plus what we call the synergistic coming together of all these projects working as one, over 18,000 jobs. That is a lot of jobs and that is what we are about. Yes, it is painful and I frankly don't enjoy raising taxes. Our dollars will pay off. We are improving the lives of the people of Charlotte. There is something for everyone in here. I agree with Mr. Barnes and we are investing in ourselves.

The vote was taken on the motion to approve Item A-K and was recorded as follows:

YEAS: Councilmembers Autry, Barnes, Cannon, Howard, Kinsey, Mayfield, Mitchell and Pickering.

NAYS: Councilmembers Cooksey and Dulin.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield to approve Item L. The vote was recorded as follows:
--

YEAS: Councilmembers Autry, Barnes, Cannon, Howard, Kinsey, Mayfield, Mitchell and Pickering.

NAYS: Councilmembers Cooksey and Dulin.

Mayor Foxx said over the last year or so I have really wondered whether we, not only here on this dais, but we as a community have in some way maybe the economy, maybe other exigencies have weighed into this, but I've wondered whether we have forgotten how our futures have been built in the past. You can look at some of the things we take great pride in like our downtown, certain asset in the southwest part of our City, there are many and every single one of them if you go back far enough, there was a battle over whether to do it or not do it. When I was coming along in Charlotte as a young person I remember the big fight was the Tryon Street Mall, whether to dress up Tryon Street and make it look more presentable to visitors. Thirty-years after that decision was made we had the entire world walking down Tryon Street and seeing what a great Center City we had. The decisions we make today have to be viewed in the prism of tomorrow. If we are making decisions today that are purely based on today, we will automatically find this City behind. Last year this Council I think to the collective disappointment of the Council, got sidetracked over what I believe were more procedural issues over components of the budget and there is nothing that has happened this year that couldn't have been done last year, but sometimes with these issues they are so hot, they are so new, they are so big, they are so many things that it takes a little while for them to marinate and for the logic of it to either make sense or not make sense in time. This Council has taken more time on a single budget than I think any City Council has in history, but if you think about it, it makes sense. This is a tax increase, number one; that should take time. It should be carefully thought out and it should be something that people struggle with. In addition to that we have a community that is becoming more locked into the land that it currently has without the ability to expand through annexation, and we have to think carefully about how we build this community in such a way that we don't have property taxes every single year because the land is static and the growth is static. What we want is a robust community in which there is growth everywhere and that has also been a piece of this.

I cast a veto last year and it is the only one that I've cast and held. The only reason was because not only did I think this community needed to do better but this Council had to do better and we have. In the area of affordable housing, just to pull that out as an example, which I believe is going to become a more challenging community for this community starting on July 1. We are putting in place resources to house more people and we are doing it in some innovative ways, and ways that we did think about last year. In this budget there is a rental assistance program that will allow us to simultaneously house more people but also use this innovative tool to diversify where that housing is. There is \$12 million in this budget which could in theory support the creation of four supportive services units in this community if the same model that has been used before is used. There remains in tact in this budget, which wasn't necessarily the case last year, improvements to the east area, both economic development and infrastructure that will be incredibly important as we try to revitalize the east part of our City. And there is also funding in here to build out a road network near our Airport which will enable to realize the true economic potential of that Airport.

mpl



June 10, 2013  
Business Meeting  
Minute Book 135, Page 25

Over a year where there was disagreement there is now agreement and I want to comment the entire Council. My Republican colleagues, Mr. Cooksey and Mr. Dulin for your steadfastness and consistency; Mr. Barnes for staying with this issue over the course of a year and some change and I can say this about every single person. On a broader note I want to respond to a point that I made four years ago when I decided to run for this office and it really gets into the heart of what this budget is trying to do. We as a community have to build a whole City and this budget is a long budget, it is 8 years and we've never done an 8-year budget before. What this budget allows us to do is it allows us to use low interest rates today, low construction pricing today; capture that value and to spread it over a longer period of time. What that means to you the public is that over the next 8 years you shouldn't have a City Council coming to you and saying we want to raise property taxes to do capital planning because we've already taken care of it for the better part of a decade. We think that is a value to the taxpayer and it is not to say that these are still difficult times for many people; not to say that we are completely out of the woods yet, but it is to say that sometimes if you don't fix the leaky roof it becomes a more expensive proposition down the road. For Charlotte I think it is very important for us to focus on that.

A couple things that I would ask of the City Manager because this has been such a long process, that I do think that this Council as you build Police Stations, as you build other types of facilities, I hope this Council is recognized on the cornerstones of all of those buildings for this vote tonight because what we are doing is putting the City in a position over a long period of time not to have to come and ask the question about raising dollars for capital campaigns in the future. I would like to ask that as the City Manager's part of this.

Given the things that are going on in my life right now, I'm glad that this issue is now being put to rest. I want to thank this Council for bringing this ship back to shore and let's make sure that this City is a City that people for ever will say is a not just a great place to do business, but it is a great place to live, a great place to work and a great place to play.

The ordinance is recorded in full in Ordinance Book 58, at Page 204-215.  
The resolutions are recorded in full in Resolution Book 44, at Pages 403 - 405.

\* \* \* \* \*

**ITEM NO. 45-G: 3110 CULLMAN AVENUE**

**Patrick Speckman, 3110 Cullman Avenue** said I am here because Item 45-G is condemnation of the property that I own. The City has put an appraised value of zero dollars on it. They came to that appraisal by saying that the contamination clean-up would cost more than the value of the property. The City has made offers on Nexus Church which is in between the contaminated property and found that they could give them value. I'm requesting that we delay this condemnation until we can have a little more time to look at it.

**Tim Richards, Deputy City Engineer** said this property does have the appraised value of zero dollars primarily because of the contamination and the comparing the value of the property which is \$47,225 versus what it would cost to clean up the property which is estimated to be \$108,500. We need to not defer this one tonight primarily because we have normally time to deal with extra issues and more negotiations but in this situation we believe that there are other interest who are either interested in buying or doing something with this property and we would like to move ahead because if that happens, then we would have to start our process all over again. We need to have access of this property by January 2014 so we can't afford to do that. That is why we cannot defer tonight.

Councilmember Cannon said do you understand our current process?

Mr. Speckman said no, not 100%. I don't know of any other parties that are interested in buying my property.

Mr. Cannon said you continue to work with him through this process as you have done in the past and we just got something recently about the process and it enlightened us even more in terms of the amount of time that one has. What is it that you are hoping to gain from this?

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 26

Mr. Speckman said the appraised value was \$47,225. The contamination is caused by a company which is common knowledge, DetriX that has the contamination. The state has done wells and for the City to come to me and say we are going to take the money from you to do the clean-up is not right. Does that make sense?

Mr. Cannon said I have your point.

Councilmember Barnes said I would point out to the Council that the process allows for mediation and court action if necessary so there is a built-in delay that would help address Mr. Speckman's concerns. We hear what you are saying Mr. Speckman and there is time through mediation and court action to address what you are talking about and they will continue to work with you. If we were to approve the action tonight there would still be an opportunity for you to have your concerns addressed in working with our staff people.

Mr. Speckman said does this condemnation affect my position in that negotiation if you go forward with it.

Mr. Barnes said I will defer to the City Attorney, but I think the answer is no.

**City Attorney, Bob Hagemann** said that is correct. We also are always open to negotiating. After Council authorizes the condemnation, well over 90% of our condemnations are settled by mutual agreement through negotiation or as alluded to the mediation process that is built in. We will continue to work with you. The issue at that point is price and how much we compensate you for the property. The Council's action, if they do approve this tonight is merely is authorization to begin the legal process to make sure that we have the title to the property.

Mr. Speckman said it sounds like it puts me in an awkward situation.

Mr. Hagemann said I'm not assuring you that ultimately we will offer what you are looking for. What I'm saying is that we will work with you in good faith, but ultimately if we can't come to an agreement the courts are there to make the decision.

Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, to adopt the resolution of condemnation of 5,019 square feet in Railroad Easement, plus 215 square feet in Temporary Construction Easement at 3110 Cullman Avenue from Patrick Speckman and Susan C. Speckman and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #1241.
--

Councilmember Dulin said on a lot of these tonight we've had none, none and we talked about that upstairs at dinner for what property owners were coming back to us with. We are not saying that Mr. Speckman will get zero. We will negotiate some value for us coming across his land. Is that right?

Mr. Richards said right now if the condemnation moves forward that value will be decided through the negotiations. We believe the value as appraised is zero. Now the FTA Process calls for us to offer at least \$500 which we have done and increased to \$1,000, however we can't offer more than that when the appraised value and the reviewed appraised value is at zero. He will have the opportunity through mediation and court, should it get that far, and he can choose to have a judge or jury to also weigh in on this.

Mr. Dulin said but that would be at his expense, correct?

Mr. Richards said yes sir.

Mr. Dulin said he will burn through that \$500 pretty quick won't he? We have to have this property for this line and I quite frankly I don't know this section, but we've got a lot of these in front of us tonight and I don't know that area very well. It seems to me, I would think that we would owe a property owner something for using their property that they've been paying tax on for however many years. It just doesn't seem right. I don't want to hold up the project because I

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 27

believe in the project, but property rights in me says that we ought to own these people something.

Councilmember Cooksey said when the process is new it can be full of questions but I will subject myself to the possible correction of our City Attorney and offer this clarification. This body doesn't negotiate price because then price negotiation would be a political concept, not an objective mediation or court done. The sole question for us to day is does the City need this property for its project, not how much can it be offered. We've gotten to the point of how much the price can be, our decision is do we need the property or not. I'm going to presume we are going to say yes and once we say yes then there is a whole other raft of processes to work through the negotiation of price that we aren't a part of because we are politicians, we're not negotiators on price. To your question about does it put you at a disadvantage, I don't see how it does because this is a standard process that folks go through all the time with us. Again I would look to the Attorney to correct anything I said, I just wanted to convey that this is not an unusual thing in the grand scheme of things while I realize it is a first time experience for you, and I'm sorry it is a first time experience. We are not going to get into price for this decision.

Councilmember Howard said you mentioned a little while ago that the mitigation was more expensive than the actual value of the property. What mitigation are we doing on this property?

Mr. Richards said the mitigation would be cleaning the contamination.

Mr. Howard said let's be clear what we are talking about. We are not giving him value because when we finish this land will be clean to some extent better than it is now which will make his property more valuable. What is the extent that we are doing in mitigating? What are we doing?

Mr. Richards said I would say that our proposal is not that we clean the property other than what we need to do for the project, however in the appraisal process the appraisers have to weight what would someone who is buying the property, what would they consider in the value of the land.

Mr. Howard said so we are not doing anything to help with the mitigation of his contamination problems?

**Brad Thomas, Legal** said I do believe there will be some clean-up of the area that we will impact so there will be some modification there.

Mr. Howard said is it your understanding that the value of what we will clean up has some value to the owner? We are cleaning up something for them that is a problem for the owner right now. Have we given each property owner that is getting zero an understanding of what we plan to do on their property?

Mr. Thomas said yes, it is my understanding that there will be some improvement to the area that will be impacted by the project to clean up some of that contamination, but to the extent of that I can't say specifically. Because this property is purchased with federal dollars there is a federal requirement that the value that we pay for the property considers the contamination. That is a factor in the appraised value being zero.

Mr. Howard said I would love to have a report back on what the value of the work that we are going to do on each property is and what we plan to do on each property, especially if we are going to do zero because that is the only way I think I would feel okay with saying that they are going to get something, there is some value in this for the property owner, it is not zero. Mr. Manager is that possible?

**City Manager, Ron Carlee** said I will work with staff to get a report back to you.

Mr. Dulin said is that for all of the ones that we have tonight that have zero on the counter offer.

Mr. Howard said where the conditions are the same I would like a report.

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 28

Mr. Dulin said there were 15 or 20 in here tonight.

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

The resolution is recorded in full in Resolution Book 44, at Page 516.

\* \* \* \* \*

**ITEM NO. 45-M: 5700 NORTH TRYON STREET AND 5711 OLD CONCORD ROAD**

Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, and carried unanimously, to adopt the resolution of condemnation of 6,619 square feet in Fee Simple, plus 11,288 square feet in Storm Drainage Easement, plus 10,628 square feet in Temporary Construction Easement, plus 3,863 square feet in Utility Easement, plus 13 square feet in Storm Drainage Easement and Utility Easement at 5700 North Tryon Street and 5711 Old Concord Road from Quiktrip Corporation and any other parties of interest for an amount to be determined, for Blue Line Extension, Parcel #2103 and 2104.

The resolution is recorded in full in Resolution Book 44, at Page 521.

\* \* \* \* \*

**ITEM NO. 12: PARK WOODLAWN AREA PLAN**

Motion was made by Councilmember Dulin, seconded by Councilmember Mayfield, and carried unanimously, to approve the Transportation and Planning Committee recommendation to adopt the Park Woodlawn Area Plan Volume I: The Concept Plan and receive Volume II: The Implementation Plan as information.

\* \* \* \* \*

**ITEM NO. 14: URBAN PROGRESS ZONE DESIGNATION RENEWAL**

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, and carried unanimously, to adopt a resolution requesting the North Carolina Department of Commerce to renew the Urban Progress Zone designation in Charlotte pursuant to N. C. GS 143-437.09 (a).

The resolution is recorded in full in Resolution Book 44, at Page 406–410.

\* \* \* \* \*

**ITEM NO. 15: 2013 COMMUNITY HOUSING DEVELOPMENT ORGANIZATION GRANTS**

Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and carried unanimously, to recuse Councilmember Howard from participating in this item.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously, to approve three separate grants totaling \$1,058,000 to three certified Community Housing Development Organizations for the development of affordable housing: Belmont Community Development Corporation; Builders of Hope and Charlotte-Mecklenburg Housing Partnership.

\* \* \* \* \*

June 10, 2013  
Business Meeting  
Minute Book 135, Page 29

**ITEM NO. 16: MECKLENBURG MILLS REVENUE BONID ISSUANCE APPROVEL**

Motion was made by Councilmember Kinsey, seconded by Councilmember Cannon, to adopt a resolution supporting the Charlotte Housing Authority issuance of Multifamily Housing Revenue Bonds to finance the acquisition and renovation of Mecklenburg Mills Apartments. The vote was recorded as follows:

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

The resolution is recorded in full in Resolution Book 44, at Page 411-414.

\* \* \* \* \*

**ITEM NO. 17: CONCLUSION OF CONSENT AGENDA**

Mayor Foxx said there were no Council pulled Consent Agenda Items.

\* \* \* \* \*

**ITEM NO. 18: MAYOR AND COUNCIL TIPICS**

Councilmember Autry said I would like to ask the Council for a referral to the Environment Committee regarding our water resources and what our plan is for the future and how water resources may impact CMUD. I would like for CMUD to come and make a presentation to the Environment Committee to give us some background on where that stands at this point and what kind of plan we are looking at going forward.

Councilmember Barnes said I spoke with Barry Gullet over the last couple years about water resource issues and they have some very good information for the Committee.

Mr. Autry said so we can get that referral?

Mayor Pro Tem Cannon said that referral is made with no opposition.

Councilmember Cooksey said I rarely have Mayor and Council topics but today I have two. One is I wanted to congratulate CATS on the first week of Route 51 service on Pineville Matthews Road between Matthews and Pineville through District 7. More bus service through District 7 and a good cross town route that I think will be good. I had the honor and privilege of being the first paying customer on the route so that was kind of cool. Second, from an announcement perspective, for those watching in the south Charlotte are, tomorrow evening is a special meeting of the Ballantyne Breakfast Club at 7:00 at the Ballantyne Hotel. Our special guess is going to be the City Manager, Ron Carlee so anyone in South Charlotte can come down to the hotel and hear from our new City Manager and that includes Councilmember Pickering, Mayor Pro Tem Cannon and anyone else on Council who would like to join us.

Mr. Autry said I also wanted to mention that the 2012 Environmental Excellence Awards are coming forth for a special luncheon on June 25<sup>th</sup>. Mr. Barry Gullet, Director of Charlotte Mecklenburg Utilities and Ms. Jacqueline Jarrell, Environmental Management Division Supt. will present the awards. Additionally, the businesses that are receiving these awards will be recognized by an advertisement in the Charlotte Business Journal. If you are looking for a good way to appreciate our environmental stewardship the luncheon on the 25<sup>th</sup> is a great way to do that.

Councilmember Mitchell said I want to thank everyone for showing your support and being beside me during the loss of my mother. It made me feel real good to see so many of the City staff there and I received so many cards from my colleagues; for your calls, cards and your presence thank you so much. I just wanted to say that to the whole community.

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 30

Mayor Pro Tem Cannon said you are so welcome and we continue to keep you and your family in our prayers.

Mr. Barnes said I wanted to provide the Council and the general public with a brief update regarding the shred event that I had this past week-end. I want to thank Kim Oliver from our staff for her hard work in making it a successful event. I want to thank the good folks at Syntoss for vendor the vendor; thank the good folks at Smokey Bones Barbeque for hosing and thank Captain Garrett and several members of CMDP for being there, as well as folks from 311. This year we shredded just under 5 tons of paper and I've been given some environmental savings information so for example that is the equivalent of saving 10 barrels of oil; 83 trees, 34,000 gallons of water and it was a very positive experience for northeast Charlotte and for the citizens of the entire citizens who participated. I want to thank everybody who did come out and thank the staff and others for being a part of this event.

Mr. Barnes said if I might give another personal note; my little boy graduated from Kindergarten on Friday and he had perfect attendance and they use one, two and three now instead of A, B and C like when I went to school. He had very high remarks on his report card and continues to be a wonderful little boy and I love him and his mother loves him and his sisters love him and we appreciate his hard work. I imagine he is probably watching the Disney Junior Channel now and getting ready to go to bed, but I just wanted to give a shout out to Nickolas.

Councilmember Howard said I need to give a shout out to Chase who did the same thing on Friday. He is going to first grade as well and he had all 3's so that means that they on their way to sitting up here one day.

Councilmember Mayfield said I want to make sure the residents of District 3 know that there will be two rezoning meetings actually tomorrow afternoon at 6:00 p.m. There is a discussion regarding the Central Piedmont Community College Harris Campus that is located at 3210 CPCC Harris Campus Drive. That meeting will be in Room 1226 and there will also be a meeting at Mulberry Presbyterian Church that will start tomorrow at 6:30 regarding a rezoning request on the corner of Mulberry Church and Tuckaseegee. That is for all Precinct 81 residents. I wanted to make sure that you were aware of those meetings happening tomorrow.

Mr. Howard said the Mayor has already left and none of us said it on camera but I just wanted to congratulate him on being confirmed by the Senate Committee today. He is just one step away from become the Secretary of Transportation for the United States so congratulations Mayor Foxx.

Councilmember Pickering said just to remind folks at home that there are ongoing vacancies on all of our boards and commissions and we have many of them. We will be voting on June 24<sup>th</sup> for several Boards and Commissions and want to encourage citizens to apply to get involved in these Boards. All applicants must be registered voters in Mecklenburg County, all applications must be completed with signature and returned to the City Clerk's office no later than 5:00 p.m. June 14<sup>th</sup>. Anything you could possibly be interested in in the City there is a Board or a Commission related to it. I just wanted to encourage people to apply for those positions.

Mayor Pro Tem Cannon said you will recall that a couple of weeks ago I brought to the attention of the general public an issue surrounding what was happening to predatory booting. You will recall we took up predatory towing but predatory booting is something that is making its way to be a little bit more prevalent in the City. In other words for you who might be watching at home essentially if you go to a commercial strip center and you drive into a space and go into Jane Doe's Retail Shop, when you come out of Jane Doe's Retail Shop and go maybe two doors down to John Doe's Retail Shop, when you come out you could probably witness a boot on your car. Thus having you to pay X amount in dollars to those companies that have been sitting around the corner waiting for you to come out and suggest to you that you had no right to go into John Doe's Retail Shop because it was Jane Doe's Retail Shop that had subscribed to parking in that particular space only. It doesn't make a whole lot of sense; that is an issue and even the Police Department had some real concerns about it as we met and spoke about it. I have talked to different chains of command. I'm going to ask that we allow this item to go to the Public Safety Committee. Our next scheduled meeting is going to be on the 19<sup>th</sup> of June so if there is no

mpl

June 10, 2013  
Business Meeting  
Minute Book 135, Page 31

objection to that I would love to have your level of support for us to pursue this and see what options might be available to the general public.

\*\*\*\*\*

**ITEM NO. 13: CHARLOTTE-DOUGLAS INTERNATIONAL AIRPORT**

Motion was made by Councilmember Mitchell, seconded by Councilmember Barnes, seconded by Councilmember Mitchell and carried unanimously, to recuse Mayor Foxx from participating in Item No. 13.

Mayor Pro Tem Cannon said at this juncture we are to go into Closed Session regarding this particular item.

Motion was made by Councilmember Mayfield, seconded by Councilmember Cooksey, and carried unanimously, to go into Closed Session pursuant to GS 143-318 -11 (a) (3) to consult with an attorney employed by the City Council in order to preserve the Attorney/Client privilege and to consider and give instruction to an attorney concerning the handling of a claim or judicial action.

The Council recessed to go into Closed Session at 8:07 p.m.



---

Stephanie C. Kelly, City Clerk

Length of Meeting: 2Hours, 29 Minutes  
Minutes Completed: September 9, 2013