

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, September 23, 2013 at 5:14 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Patsy Kinsey presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, LaWana Mayfield, James Mitchell and Beth Pickering.

Absent: Councilmember David Howard
Absent Until Noted: Billy Maddalon

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Patsy Kinsey asked if there were items that councilmembers would like to pull.

Councilmember Warren Cooksey said I would like to say some kind words about 35. The contract on the parkway ...

Councilmember James Mitchell said there is agenda Item No. 33 that I would like you to move up earlier on the agenda. I think there is one speaker. This is a great partnership between the City and NCDOT as part of a resolution that was included in our packet.

Mayor Kinsey said well if there is a speaker, it couldn't be moved up anyway. So if we can wait and see.

Mr. Mitchell said okay.

Mayor Kinsey said I haven't checked my speaker's list recently. Anything else?

Councilmember Andy Dulin said since our time together is limited, I forgot to say that of the three mayors I've served with, I appreciate you not looking at me first. I have no items to pull tonight.

Councilmember Billy Maddalon arrived at 5:15pm

ITEM NO. 2: CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT ADVISORY COMMITTEE ANNUAL REPORT

Ron Kimble, Assistant City Manager said tonight is the annual report to be delivered to you from the Charneck Utilities Advisory Committee. I believe, their Chair, Mr. Jim Duke is here tonight to make that presentation.

James Duke, Chair, Charlotte-Mecklenburg Utility Department Advisory Committee said I have brought along a couple of training aids. I want to talk to you a little bit about this report that you all received. We have a 90 minute presentation for you tonight but I have been forced to cut it down to 10 minutes so I apologize to you in advance. It is not going to be the full report you deserve. What I am going to try to do is--there is a lot of detail in the slides and I just want to talk to what the slides mean rather than reading the information that is on the slides. The CMUD Advisory Committee was established in 1991 as part of the Community Facilities Committee that was expanded to seven and we had in that committee a wealth of talent from that the community in the fields that you see on the screen. Three members of the committee are appointed by the City Council and three by Mecklenburg County Commissioners and one by the Mayor. I luckily was appointed by Mayor Foxx and I am very proud of him having done that. I would like if our committee would please stand up and if you would please introduce yourselves to the group.

Eric Sieckman – I've been on the committee for about a year now. I have really enjoyed my time there.

Pride Patton – I'm a Contractor within the City of Charlotte and I've been on the...Committee for approximately one year and out of the all the committees, I think this is the greatest one I have ever been on.

Ron Charbonneau – I'm on my second term. I come from Davidson and was part of the study that occurred several years ago that addressed the issues that we had and I'm really happy to be serving on this board.

Frank McMahan –I'm the Civil Engineer on the board. I am a licensed engineer in North and South Carolina and I am a water and sewer specialist.

Mr. Duke continued stating that these fellows are really rock stars when it comes to an understanding of how utility works and understanding of their individual skillsets they bring to what we do. If I can do anything tonight, I want to leave you with three thoughts about your utility. Number one is you are so fortunate to have as the director of the Utilities, Mr. Barry Gullet. I've been in the business of utility oversight for 25 years and I have never seen anything quite like him. He is an incredible man. He stepped up when the former director stepped down. He has made a huge difference in the quality of the water service and the quality of customer service. You all are so very fortunate. Also you are very fortunate in that you have an advisory committee that is fully engaged and knowledgeable and are working with staff and Mr. Gullet to do the job.

Lastly, you all have a utility that is second to none. It is a phenomenal place to do a great job and you should be very proud that Charlotte Mecklenburg has this organization. When I say big job that is why we have this giant pipe up there that reiterates the fact. One thing we do and don't do is we do not try to run the utility. We are a sounding board for our community and for various groups. We do review the rate structure, the capital plan and we review extension policy but we are indeed just the folks that Barry can bounce ideas off of and we bounce a few back and it works extremely well. A couple of things about activities: We started last year with a new meeting format and we said we are going to come to the utility and we are going to try to make a difference. We are going to try to make an impact. We better know what is going on, how a utility works and what's going on. This is my training aid. I was in the army and we always dealt with aids. This is one year's worth of meeting notes from the Advisory Committee. The information in here would astound you. It is basically a primer on how to run a utility and it is information that was provided by staff and read by, in detail, this committee. They know the utility; they know how it works and this was the tool we used to get there. So that when we go into 14 next year we can provide better advice and hopefully a little more wisdom.

We also look at finance. We go over the budget with the staff: the operating budget, the capital budget and the five-year plan. We always put this slide in here because it shows just how wonderful our rates are when compared to other locations and indeed the interesting part about this is not only we have one of the lowest rates in the region, we have the best water in the state of North Carolina thanks to the staff.

Three things occurred this year. We call them major/significant achievements. One has to do with the EPA. And what the EPA does is it has a set of administrative orders that have to be followed. This staff has followed those orders and they have reduced sewer spills in the area significantly each year. I believe it's down 33% from the prior years. We also had an incident where we had Interbasin Transfer (IBT) Restrictions lifted at Goose Creek and what this means to the utility is that we are going to have move customers in the Mint Hill area. They are going to be reaching out to us. We are going to be reaching to them and providing service that they desperately need there. The third item is that, of course, we bought 181 acres for the future of Long Creek Wastewater Treatment Plant. We also got something else that is technical and geeky but its nutrient allocation along with the deal. It has to do with what we can put in the lakes after it has been treated and a significant event for the utility. One thing that makes this organization unique is its continuous improvement philosophy: Always make it better, always work. The first line has to do with the lab that's received its certification. If you have never been to the lab, go take a look, it's an incredible place and they do incredibly good work. They do work for not only our utility but other utilities in the area. We also had the International Standards Organization certified our Sugar Creek treatment plant. That's on the wastewater side and on the clear water side; we had certification on that also. One of the things that we don't talk a lot about is the customer service arm of the utility. They have the staff there. They have the 311 line and a number of other things, but they are incredibly responsive to customer complaints and it's just a wonderful thing to see and hear about.

As to awards, I was going to read these off but I frankly am a little confused because number one there have been so many and number two you probably won't know what they mean anyway but suffice it to say this utility has been recognized across the board for what they have done. But I want to talk to you tonight about the best award that this utility has and they have given it to you. I would like to ask you if you would please to listen. What you don't hear are customer complaints. Have any of y'all gotten a call from a constituent about their water problem? Those are down significantly due to the management of this man and this staff.

Going into 14. We plan to continue to work with the staff to build on this but we have already started the 14 book, and we had to get a bigger notebook because there is so much more coming into it. We have there a whole list of topics we are going to hit but part of this also is we are getting detailed reports from the staff about what's going on financially, water supply and then we had this big rain issue that hit us. Guess what? What revenue is down because of that. But we are dealing with these things as we go.

That is the report from the advisory committee. Are there any questions?

Councilmember Andy Dulin said your last topic was something that's on my mind and its on the community's mind. We had to do some drastic rate changes during the drought. Folks that has never really receded much. This summer with our heavy rains in the early part of the summer—we have been dry here lately back to normal—but I have been having to at all of my neighborhood meetings, explain to the folks that when its dry y'all's job is to sell water. The city sells water. It's their product. We produce it and we all know here, at least at the dais, I think that we sell the best water in the nation. I am proud of our product. But with the heavy rains, nobody's watering their yards, including the Dulin's. And we are not selling as much water. So I hope that the plan is going to be for us not to have to adjust our rates because of the heavy rains. I am a big advocate of what our water department does as y'all are obviously being the Chair of the committee, but I want us to be able to send a message to the community, though I think we are doing a good job, I'm not complaining about that, but that in a drought or in a heavy rain situation, in the long term, we need to be this (hand gesture straight) rather than spiking up and down. This is a little bit of a comment more than a question. I thank you and your group for your work. You can sort of tell when it quits raining. The Dulin's have turned their irrigation back on because its plug in season, but early summer I hope we didn't have too much of a worrisome time at the Water Department.

Mr. Duke said I can speak to one thing that I adopted and that's something that the Utility is championing. This is the smart water meter concept where you have a sensor and when it rains it doesn't turn your sprinkler system on and when it does rain, it allows it to go on its normal cycle. I have to tell you, I have saved a pile this year because this system actually works. We really recommend it to customers. It doesn't give us a lot of revenue but that's not what we are about. We are not about sell a lot of water. We are about conserving water, conserving the resource and making people aware of how important it is to put the right amount of what on your lawn, basically. Any other questions?

Mr. Dulin said I agree with that and for you as the chairman to say that we are not about selling water, I'm glad to hear you say that. That's about what you call a tree guy over to your house about a tree you think needs to be taken out and the tree guy says, well I'm not cutting that tree down. That's a beautiful tree. So I appreciate that and it is about using water and selling water to our customers—there's a million of them now—in a fashion that is good for them and for us. I'm a big consumer.

Mayor Kinsey said our main business is providing clean water and safe sewer.

Mr. Duke said if there are no other questions, thank you very much on behalf of the committee. We thank you for your time and we will see you next year.

ITEM NO. 3: FIRST WARD REDEVELOPMENT PROJECT

Ron Kimble, Assistant City Manager said you've seen this a couple of times previously. The most recent time I think was in August of last year. We want to update you on where we stand now with the First Ward Redevelopment Project and the Daniel Levine property. Brad

Richardson is here tonight to do that. It is on your agenda later this evening. I think it is Agenda Item No. 17 and we are taking this time to do a deeper dive so that you can see the tweaks that have been made to the development project. Brad is going to walk you through that. There is also some swapping of property that's occurring in order to advance this particular redevelopment project and the good news is once you and the county approve this, if that is what your inclination is, ground can be broken very soon on the First Ward Redevelopment Project. That's an important consideration as well.

Brad Richardson, N&BS Economic Development said I was going to say the very same thing. I think this is a watermark and a good news story. I will share with you the schedule in the final two slides, but here's what I'd like to talk to you about. Ron said it well. I want to take what might look like a complex write-up; its page and a half in tonight's agenda and boil it down to you. It's not as complex or onerous as it may seem, so I'm going to talk you through that. That would be the goal of our time together tonight. I want to talk about the plan and just remind you that the last time you saw this was last August when we modified the agreement to move some parking around. I want to talk about how the City is currently participating. I want to talk about the requested modifications to two of the agreements we have with Levine Properties. One is a City-County Levine agreement and one is a City only agreement for infrastructure and that's what we are showing there and then as I said, I'll conclude with a project schedule. I will also point out that the county took action on the Economic Development Grant Agreement a few weeks ago so that was good news. Here is the site plan and Alban thank. Alban ran and got me the laser point. I didn't have one with me. I thought I would orient you to First Ward again. It's been a while so let me just point out a couple of highlights for you. You'll recognize the arena. The red box outlines what is an 8.5 block area in our First Ward. Number two here on the map is Imaginon Children's Theatre/ library combination. A great public asset. If I am doing my math correct, that's College Street and Tryon Street which makes that the Hal Marshall Government Complex up here and the middle of the green space is a new contemplated County park at 3.2 acres that will be built and open by May 1, 2015. Let me just give you a sense of the size of that. The Romare Beardon Park that opened up a few weeks ago was 5.4 acres so it's not quite that big. The green space right at Wells Fargo's side of town across from the convention center is 1.5 acres, so twice the size of that roughly. So that's the County-owned park contemplated. The white buildings are development opportunities for Levine Properties that includes a mix of office, commercial, hotel uses and those types of things.

Mayor Kinsey said sorry to interrupt but I'd rather see the 8th Street extension a little wider on that map.

Mr. Richardson said yes ma'am done. Part of the work we are doing with Levine Properties is improving 8th Street. It remains today. It will be raised because this park right now, as you might imagine, this is Dixie's Tavern and it slopes down pretty severely to 8th Street and back up. UNC Charlotte's Uptown campus sits right here. If you walk out there, you will notice something strange, that it has a porch or a portico or something off the back of it that's up in elevation. It doesn't look quite right and that's intentional. It needs to be at grade and that's what we contemplate by raising, doing some fill in this area, raising this intersection, making this a nice through street and also includes a new street right through here which is a section of Tent Street that doesn't exist today. That's another piece of infrastructure that is envisioned. Importantly for tonight's discussion, the yellow line. It should be blue because that's what it is. This is the Blue Line Extension Project. One of the reasons we are here tonight is we are going to need some changes to the infrastructure reimbursement agreement. I will talk in detail in a moment, but for now let me just summarize. Because of convergence of Levine Properties First Ward Redevelopment Project and CATS already beginning transportation work and construction work on the Blue Line Extension, there is a series of changes we need to make, some land swaps and some change in scope and timing with regard to the infrastructure reimbursement agreement.

Let me just point out a couple of things and then talk about parking spaces. That's a big part of what we will talk about tonight. What the City wants in this deal as well is some public parking. A developer will as part of the agreement deliver over 1300 parking spaces. 300 of them will be set aside and used for UNC Charlotte. You can imagine they want that new parking structure to support their school. They are also a partner in this deal contributing \$4.2M for those parking spaces. So if you count of the partners it's Levine Properties, City of Charlotte, Mecklenburg County, and UNC Charlotte. We want those parking spaces to just support uptown growth.

Michael Smith was before you not too long ago talking about the need for parking generally to support employment uses downtown so we think that's a good thing for us still. I'll point out 10% of the rental residential units up to 50 will be reserved and set aside for workforce housing and then we've got MWSBE goals built into this already back from 2009 because the county is a partner as well, if we work hard on these numbers.

Here are the agreements. I have summarized them a little bit but let me just tell you a little bit about them. We have an economic development grant three-party agreement where we will over 10 years take the incremental new tax base in that red outlined area I showed you two slides back, contribute 45% of that to help offset the gap of building public parking. These are above ground parking spaces—1335 of them. This up to amount of \$23M will be split proportionally between the City and the County and as you know their tax rate is twice what ours is so that number we own about a third of that number at today's proportional tax rate of about \$7-8M.

We also have a five-year 45% tax increment grant. That is the term we use for incremental growth. A portion would go back to help pay for things we will eventually own. \$2.3M for some infrastructure and that's for roads that I talked about earlier. The second agreement we will talk about tonight is the Infrastructure Reimbursement Agreement. We have got public improvements in an amount not to exceed \$5.085M. This is for some storm water work as you are approaching the Blue Line Extension contemplating the merging of those two developments even back in 2009 there was some infrastructure work to be done on behalf of the City by the developer. It would make sense for him to do those and we would reimburse him and that is similar to how we do infrastructure in other parts of our community. So we are going to talk about changes to these two agreements. I'll call them minor because I want you to get comfortable with them as we go.

The first one, the Economic Development Grant Agreement, you can call this the parking agreement if it is easier for you. It is important for you to know that there is no change in the number of parking spaces to be delivered. There is no change in the amount of the City's grant obligation, neither up nor down. This simply allows the developer to deliver the parking spaces in a different means—a different way. I will show you this on the next slide. Currently, the developer has to deliver some of the parking spaces by 2015 and some of the parking spaces at a later undetermined date. The details are in your council action tonight. These are some of the details you will see. What we propose and what the developer has requested is the ability to construct all of the spaces (1335) by December 31, 2015 in any combination of the decks and that's good. It gets parking spaces in the Center City. It's not great because they are not necessarily by the park yet, but we've got a date certain now on delivery of 400 of those spaces near our community assets by December 31, 2019; minor modification in this parking arrangement scenario and again, no change to the maximum grant amount or the number of spaces.

Councilmember Michael Barnes said maybe this is a question for the developers, but where would those 1335 space be? Is there a balance of about 900 that can be anywhere other than near the park?

Mr. Richardson said let me paint the picture. I neglected to show you these red outlines here. This is the largest of the contemplated decks. This one will hold all of the 1335 spaces. This will be wrapped with a residential product with nice skyline views. We have seen some renderings. It is very attractive. This is another parking deck contemplated to serve the University as well as some additional parking decks in the future. So they will be delivered in one of those three decks. The University has set aside 305, that's what they are parking for in the deal. They would want those eventually up near the university, but they will start out down here as will other public parking spaces by a deadline of 2019, 400 of them must be relocated in a parking deck adjacent to the park. We are being less specific about which one. Our end goal is parking spaces adjacent to the park.

Mr. Dulin said is the parking space number up or down from what council originally heard several years ago? At one point it was going to be underground parking, which I was very excited about. Clearly council underground parking quadruples the cost to the developer and his ability to do a project. But is the number of spaces up or down from what we original heard?

Mr. Richardson said the number of spaces is the same from 2009. The cost is down, as you pointed out. The construction cost of above ground—that is the amendment that we handled last July-August timeframe where you guys authorized the elimination of the underground deck, which was optimal but hugely cost prohibitive to aboveground distribution of those decks.

Mr. Dulin said so the number of spaces are fine. It's a quicker delivery to build above ground. Council even going back to when we were discussing what is now the Duke Tower, we discussed and we worked through very diligently egress and ingress. I mean trying to get people in or out—is our staff, city staff—do we have any input as to how these folks are scheduling how folks will get into and out of—for instance I think the Westin Parking deck is one of the worst things I have ever seen in my life because you go down there and park and in the bottom of that and if something lets out, it's an hour before you get out. I hope we are working through for future generations how they can get into and out of these because we want them to busy all the time either with students or folks coming to events.

Mr. Richardson said absolutely, we care about that and have been involved in conversations over the years as the decks have evolved and renderings have been done. We have those available to show you at any time about where the parking entrance and exits are, particularly on the deck at 10th and Brevard. There has been a good consideration.

Mr. Kimble said an additional point when the spaces were below ground, they were more costly and your cost participation was up around \$29M City and County. Since they are now going above ground those are less expensive spaces so the synthetic tax increment grant went down for the City and County by a combined amount of about \$6M. It's tracking the cost of the parking spaces.

Councilmember Billy Maddalon said is there a reason that the parking deck that is contemplated to be built first, is being built first versus being built down where you stated that you had the desire to build it which is by UNCC and by the park?

Mr. Richardson said I don't know that I know the answer to that question specifically tonight.

Councilmember John Autry said I can theorize that there is a parking lot not a parking deck next to UNCC currently and if you started building a parking deck there before you built parking elsewhere then you would lose all the spaces in that current parking lot.

Mr. Dulin said there is more money to be made if you build it on places where you are not parking people yet. Part of my comments tonight is not a sense of urgency but a sense that I am about to step down and the great majority of the work that we've done while I have been on council, I am very proud of. I just want to make sure that we ask the questions of the developer and their planners that we ask the questions of ourselves, Mr. Kimble, that in 10 years, in 20 years, in 30 years when I drive by there, I am going to be able to be proud of what we built and the decision we make. We are going to okay all this stuff because it's a good project and it helps our community. I just want to make sure that we have asked the questions and that we do it right. I didn't know Mr. Levine was here until just a moment ago, but he is a great corporate citizen. I know he is asking the questions of himself. I just want to make sure that from our table that we do the same.

Mr. Richardson said that on your agenda item tonight, you just covered half of it right there in that conversation which was one modification to one of the two agreements so we have made progress. Let me talk then about the infrastructure reimbursement. This was for infrastructure in the area that the developer was going to build, the city was going to own at the end of the day and then reimburse once complete. We are asking you tonight to do a couple of things. Again, this is caused by the convergence of construction schedules with Levine Properties and what is already underway with CATS. We need some timeframes adjusted in this agreement. We need to reallocate and recognize that CATS will be doing some of the work, Levine will be doing some of the work a little differently that originally envisioned and so we are going to move some scopes around. We need some property to change hands. Levine Properties owns some land that we desire to have and are necessary and vice versa we own some land that Levine Properties wants and we are making an equitable land exchange tonight. So we will show you that in just a moment.

That relates to the fourth bullet, how we will treat one particular parcel that we are acquiring in the near future. So here is another map. I hope you can see it. Let me just walk you through what you see here. Again, this is the Blue Line Extension Project running right through the middle of this map. The areas in red are currently owned by the developer, Levine Properties. The areas in the blue—these two are currently owned by the City of Charlotte. This parcel here is scheduled to be acquired by the City of Charlotte later this year. The value of the property in red is \$1.5M and we will make a like kind land exchange. We need to have \$1.5M in value to exchange without running afoul of any state statute. So the value of those two parcels are known. The value of the green circled parcels is not quite yet known. We are having an appraisal done. We will be getting the final appraisal back and here is how we are going to treat it and it makes sense in the context of the local funds used to buy the blue properties and the local funds fueling the infrastructure reimbursement agreement. As I said, we are going to acquire that parcel at 10th and Brevard. We are already in conversations with the property owner. We think it will be a sale that he will agree to. We have already had good confirmation that once we know the appraised price. A portion of that parcel needs to be dedicated for the 10th Street connection I showed you earlier to connect from Brevard Street through right in front of the new residential parking component we were just talking about and up to the Blue Line Extension Area, but not all of it will be needed. So the balance of it we figure should be included in the exchange to bring us up to that \$1.5M number. Now you'll ask me how do you know the value of that parcel given that you have not bought it yet. That is a great question and we are going to treat it this way with your permission. We have assigned it a value of \$817,000. It likely won't be exactly \$817,000 so we are asking you tonight for the ability to change the amount of the \$5.085M in infrastructure reimbursement agreement that is already approved, giving us the flexibility that if the value of the parcel doesn't quite reach the 100% of what we need at \$817,000, we will increase slightly the amount of the reimbursement to the developer. Conversely, if the value of the property exceeds \$817,000, we would reduce the amount of the infrastructure reimbursement agreement. That way we keep local funds involved in this switch and it provides the developer 100% equity in the land exchange. Does that make sense? I want to make sure I've said that correctly.

Mr. Dulin said that's fair. I understand real estate swaps and that's a fair swap.

Mr. Richardson said and now the good news is that we are ready to push the go button. I think the developer and CATS are already moving. So here is what will happen over the next 30 days. We have got some paperwork to do. The lawyers have been taking and blessed all this. They will be papering this deal and making those minor adjustments. Once they are signed, we expect to see, as you see on the screen, City infrastructure and park construction within 30 days. The agreement with the County stipulates they have got to finish that park by May 1, 2015 and that is partly why we are here tonight instead of waiting much longer. They have got to get moving dirt to meet that deadline and we think that's a real urgency. As I have told you before, they need to deliver those parking spaces on time, complete the infrastructure on 10th Street on time and there is no change in that last one. Where there are changes, I am letting your know, but most of these aren't changes that's why we consider them minor in nature. To complete the whole project city wide infrastructure from that perspective by December 201...Now Market Street—I neglected to show that to you on the map. If you have a minute, let me walk you back and show you Market Street because we are going to add some good faith addition. Not good faith in the sense of MWSBE, but good faith in the sense of what if something happens and we are building this street and CATS is trying to build the rail, we want them to understand that we are not going to hold them liable if something on our construction project caused them to miss a deadline.

Let me just show you Market Street. I think it's an interesting part of the development. Market Street is a parallel street that runs right along the line and you can see the proximity, the Blue Line Extension. So we think it's reasonable to allow a good faith clause in our agreement to say that if there is a problem and you have exercised good faith, no penalty. So that is essentially what that minor clause would say.

Councilmember LaWana Mayfield said so we're looking at an additional 1300 parking spaces. Are we having any conversation with the fact in that area around UNC we have sporadic public parking spaces now that we have seemed to have consistently dropped red bags over. So I want to make sure that as we move forward, because I agree that this is a good project, that we don't

later see this same investment that we are making to have more public parking spaces not be utilized, not only for the citizens that are here but those that come to visit because there seems to be a push into the for profit parking spaces opposed to utilizing the public spaces that we keep investing in.

Mr. Richardson said and we care deeply about the amount of public parking to support this part of the community. As we said, part of our driving involvement in this is to get public parking and an abundance of it or enough to support the arena, Imaginon, and other things and we want it to be delivered in multiple ways. We want it to be delivered privately, and that is why we will have a covenant on these parking spaces for 20 or 30 years—a very long time—because they will remain public spaces for at least a generation. But the street parking is important in the overall parking delivery system as well. So we will work closely with CDOT to make sure that we deliver parking that meets the demand in the area.

Mr. Dulin said I don't know about municipalities, but when we do these land exchanges, I know when the City and County swap ledgers, I understand that, but when we do business with a private entity, is it a classic 1031 kind of exchange or is it different from that?

Mr. Richardson said I am going to have to ask for help on that.

Mr. Dulin said 1031 tax-free exchanges between private property owners.

Mr. Richardson said there is somebody smarter than me in this room.

Meg Cochrane, Assistant City Attorney said yes... As for but when you break even, they won't need a 1031 but can get it for... purposes and whatever need be for that, but generally that's how they go.

Mr. Dulin said that the land owner though, he's doing business with a non-profit, but they get some tax advantage from making the swap with a governmental body.

Ms. Cochrane said yes they don't have to pay taxes on exchanging it because it is an exchange with no actual cash money changing hands so that's a benefit...

Mr. Dulin said yes, I mean it's like kind, very good, thank you.

Mr. Richardson said that concludes ...I can answer question out there as well.

ITEM NO. 4: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Motion made by Councilmember Barnes, seconded by Councilmember Mayfield and approved unanimously to adopt a motion pursuant to North Carolina General Statute §143.318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

Recessed at 5:56 for closed session.

BUSINESS MEETING

The Council reconvened in the Meeting Chamber at 6:41 p.m. for their Business Meeting with Mayor Patsy Kinsey presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, LaWana Mayfield, Billy Maddalon, James Mitchell and Beth Pickering.

Absent: Councilmember David Howard

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INVOCATION AND PLEDGE

Councilmember Michael Barnes gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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CITIZENS' FORUM

Sewage Contamination in the Beattie's Ford Road Area

Tammy Hill, 2209 Abelwood Road said I stand before you as president-elect of the Stewart Creek Environmental Association accompanied by the SCEA executive board members of whom I will ask to please stand for introduction as I call your names: Mr. Ronald Ross, Vice President; Vanita Hood, Secretary; Rev. Mildred McCollough, Treasurer. And we also have members from the Watershed. It's not just Beatties Ford Road but the whole watershed, would you please stand. We are residents of the Stewart Creek Watershed are direly concerned with (1) flooding of our neighborhoods located along the trimmetry of Stewart Creek. The July 11th flood, this year and previous flood released raw sewage into the creek system. This we know is dangerous to the health our residents living along and near the creek; (2) The SCEA comes tonight to advocate your attention to insuring water quality of Stewart Creek System. It is time for the City to devote resources to the restoration of habitat along the creek for birds, animals and aquatic life. Consider the development of a marsh system which would assist with the natural filtering of the creek as well as establish healthy habitat.

The west side has been grossly neglected whether intentional or unintentional when it comes to environmental issues. Time and time again, money and attention goes first to the most affluent areas of the city, then if there is any funding left over, it is then applied to the west side. The Stewart Creek Watershed is one of the largest in the county. It deserves immediate sustained and comprehensive attention. As of today, the water level for the bacteria remains high since the July 11th flood. We still smell raw sewage. I am providing and leaving with you pictures which were tested on July 15th, which depicts e.coli being present after the flood of July 11th. We provided to the county commissioners during their August 6th meeting water samples we collected on August 1st, which still show e.coli present.

Mayor Patsy Kinsey said Mr. Manager, can we get a report back on that particular issue?

Ron Carlee, City Manager said yes ma'am, I would be happy to do so.

Employment, Policies and Rules

Deborah Lee, 2435 Lucena St., #319, said I would like to thank you City Council members for allowing me to come and speak before you. I will speak a little Spanish right now...

Me gusta conocer que mis hermanos y hermanas. Hispanos, mi español es limitado, pero yo estoy aquí y usted mi está escuchando esta noche, gracias

[Translation: I like to know you my brothers and sisters. Hispanics, my Spanish is limited but I am here and you are listening to me tonight, thanks]

I come before you because Charlotte is a girl's city and I must admit she has broken my spirit. I have lived in four states in the United States and this is the only state and city that I have ever come in and I have been thrown into poverty. You have some hiring policies down here that is not only biased, discriminatory, but is also very oppressive. I am not for across the board criminal history checks, nor am I for across the board drug tests, but I was hit with a new one: Credit check and I cried. I felt like somebody had took their foot and kicked me in my chest and knocked me to the ground because I had been trying to get employment for eight months. I left my career of nursing and entered into insurance. It's biased and its harming minorities and people of color the most. Mayor Kinsey, I did get your update on the Airport and I would like to

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you and Antonia, I am a trained politician and I asked God why and I know now. Y'all need to change some stuff down here in the south. If you can sit there and know that it hurts these people, yet we can have humanitarian aid to other countries and you can do this in your own backyard, I don't know how you can do it. Cutting food stamps—all these things hurt poor people. It's wrong and I can tell you that I understand now how an ex-felon feels because I've been excluded and I have always ... I do have housing and did intend to have some goals when I came down here. I would never recommend Charlotte unless you come here and have a job already. I have seen some things that I don't like and I am a good person. As far as Kay Hagen is concerned, I love you lady and I'm going to do everything in power to make sure you get back in office. Mayor Pro Tem Cannon I know you are going to become the next mayor. I voted for you and also you Ms. Kinsey. I did tell you a little bit of my story but there are a lot people out here in Charlotte like me and I don't have any drug issues. I don't have any alcoholic issues and I thank my church, Holy Comforter Episcopal. I thank Urban Ministries and I hope that this city and the people in this city will continue to give money to these people. You can go home and you don't have to worry about money. I have had to count pennies since I have been down here. I have never been hungry in my life until I came down here. This is a America. Thank you.

Water Quality at Stewart Creek

Ronald Ross, 3108 Dawnshire Ave., said I am Vice President of Stewart Creek Environmental Association. There has been increased flooding, creek overflows, creek contamination, sewer backups and overflows in our neighborhoods. These incidents have progressively gotten worse since 2007, 2008. This has negatively affected neighborhoods in University Park, Smallwood, Southwest Boulevard, Hoskins and neighborhoods along Stewart Creek and Erwin Creek. This is resulted in issues from contaminated creeks, erosion, foul odors, fecal coliform, health issues and environmental issues and has negatively affected housing standards. There is a need to adhere to keeping raw sewage and contaminated storm water out of the water, out of our homes, and our of our bodies. The creek overflows are threatening human life, aquatic life, our neighborhoods, the City of Charlotte, the County of Mecklenburg. Current resident concerns regarding flooding, creek erosion and sewer backups and overflows are not addressed in a timely manner or with effective communication/customer service from city employees. Their response to inquiries and what can be done--nothing. The city will do nothing. The response that residents get, well, why to do we need to wait? We have incidents from 2005 and we are waiting. Why is there a need to wait until a home has fallen into an eroded creek before something is done? Let's take a look at a proactive approach like expanding water testing to make sure that the creek water is safe. Let's take a look at some creek restorations big and small. Let's be more aggressive with creek cleanup projects. I feel we should not fall short in demanding a commitment in collaboration from the City of Charlotte and Mecklenburg County to pursue and implement solutions to this problem. Since this is sustainability week, let's look at making our creeks sustainable. We all deserve clean air and water. In closing, I would like to invite everyone to participate in the upcoming Big Sweep 2013 on September 28th. There are several locations that participants can go to in particular we have a location at Roslyn Avenue on Stewart Creek. Visit Stormwater.charmeck.org.

Councilmember Patrick Cannon said before Mr. Hancock comes, I know we have asked for a report to come back from staff, but Manager Carlee, is there anyone here this evening that can give us a synopsis of our level of engagement with regard to Stewart Creek? I know, of course, what the county is doing, but I am wondering where we are. Is there anyone here from staff, it looks like there might be, that can respond tonight?

Ron Carlee, City Manager said we could. It would be incomplete and not an organized presentation to you but if you would like to get... My intent is to have staff engage directly with the community and to go through what we have looked at and what we have done in the past and what we can do in future to give you a full report going forward. But if you would like to hear from staff, there are people here.

Mr. Cannon said just briefly because I know when your response will come to us, we will get it individually within our packet and we won't be together as a body per se and I would like to get something back tonight please if you don't mind.

Mr. Carlee said sure.

Darryl Hammock, Storm Water Services, said I can tell you just a little bit about this. I know that there has been a wide range of city, county and state staff members involved with the neighborhood association for several months. There have been a number of questions asked and a number of things that these various groups are following up on. I know that Mecklenburg County staff is currently assembling a group of projects that each of these three groups are working on and have worked on and we plan to give that information to the association at a meeting the first week in October and we will be working the group from this point forward. We have also been able to work with Mr. Ross to set up a Big Sweep for this coming Saturday and we will continue to work with the neighborhood to work through these questions that they have.

Mr. Cannon said okay well keep us informed. I know the neighborhood will. So certainly we want to hear back from staff too and if there is any meeting that we need to be a part of or that I as an individual need to be a part of let any or all of us know. We do care and so we just didn't want to ask for a report and that just be it per se. We need to get something back. It sounds like something is in the works, so that you Mr. Hammock.

Mr. Carlee said and I expect their report to be developed in collaboration and discussion with the community.

Mr. Cannon said very good.

Soliciting Government Feedback for Three Proposed Postal Stations

Mr. Richard Hancock, 7029 Albert Pick Rd. said I am a real estate specialist with the United States Postal Service. I am a new space acquisition project manager. I am here to present three proposed projects. The Postal Service as is well-known, is having some financial difficulties and we are looking at every facility that we have and we have identified three facilities that are oversized here in Charlotte and we are proposing the possibility of coordinating or combining our carrier annex location and downsizing the retail components. We've proposed this to the community as a concept plan. There is kind of a fairly involved process, but the first step is by presenting this concept to the City Council and to the public. Basically we have identified three facilities. My partner was here in February and identified Randolph Station as a possible downsize. We are moving forward in that project. We have identified the 30th Street Station, 110 Matheson, as an oversized facility that we will be looking to move or relocate the retail component and move the carriers into a centralized location. The key to this location as well as any other that I allude to is we are not taking away services; we are just simply combining our carriers. So my task is to look at each one of these facilities and look where we can relocate our retail only components as close to where we are now and in the case of 30th Street, we would be proposing the disposal or selling of that postal-owned building and replacing it with a small retail only component. We have identified two other facilities: One Carmel Station at approximately 6300 Carmel Road as oversized as well as Freedom Station (2318 Executive Road). Each one of these facilities we are looking at the possibility of just combining the carriers and just doing a smaller retail. Retail is customer service. There'd be no affect to customer service. It would only be carriers. In terms of how this works, it's very simple. This is the presentation of the project. We will hold for public comment. My business card is there. There are flyers posted at each one of the affected facilities. I have reached out to each one of the councilmembers. I have sent my letters directly to the Mayor, making sure that you all have communication and know where to reach me. I am point contact for all three projects, including Randolph Street. Then there will be a 30-day appeal period. Nothing will happen during that 30-day appeal period. From that time-frame, then we will move forward on trying to identify sites. When we identify those sites through our national brokerage firms...I will come to town with my site review committee. We will look at what is contending and what is non-contending. We will present that to the public for comment. Once we have gone through the comment period, we will make a final determination and post that as well. Everybody can reach me, I am point contact.

Councilmember Andy Dulin said can you describe to me a little bit about what will happen at the Carmel Station because that particular retail, on the retail side, is always busy as is the Randolph Station for that matter.

kmj

Mr. Hancock said to answer Carmel first; it is very busy. We are looking for approximately 5,000 sq. ft. of retail as close to where we are now and there are a lot of different retail areas that are very close so we are looking to improve our service. We are looking at an updated new location as close to where we are now and it's very large versus 30th Street which is approximately 1,000 sq. ft. our requirements. Freedom Station is 2000 sq. ft. It might be rolled into the plan. We are looking at all our options. All of them will be presented to the public as well as to council for comment. Randolph, we are proposing doing a building on an outparcel that's adjacent to our current location shopping center. That is in negotiations. I am in negotiation with the developer for that particular location. We are looking at 3,000 sq. ft. built to suit brand new building adjacent to the corner and I am very excited about that one.

Councilmember Andy Dulin said for instance, at Carmel Station on the backside is the passport facility. Are those two federal operations combined at all or are they separate?

Mr. Hancock said they are combined.

Mr. Dulin said so will the passport facility move?

Mr. Hancock said I don't have that report memorized, but as a general rule, that that is part of the requirements of what I will be looking for when I go out for that space requirement that it would be included. The passport would be included.

Mr. Dulin said I think that the postal service is trying to increase and do a better job of its retail operations to make more money, obviously. I mean you are in business. The passport office there on Carmel Road has been so hard to find and not customer friendly that I would really like for you all to try to incorporate that at least signage, directional, whatever it might be. It's dreary to go in there. We don't do federal things. I have to push that on to our congressional delegation, but I get a lot of complaints about how difficult it is to navigate that and I just think as a whole system, not just at Carmel station, I just think that the passport hierarchy needs to be better incorporated to make it more retail.

Mr. Hancock said the passport is a whole different scenario. It's kind of a subpart of what we through into our retail services, but in terms of the fact that we have one currently, we would have one in the new location. If you send me an email with this statement or question, then I can forward that to my operations people and then I can keep that dialogue going.

National Manufacturing Day

Ms. Sheila Neisler, 401 N. Tryon St. 10th Flr. said they earn more than \$3.1 billion. They work in 1,200 firms and they are more they are more than 25,000 strong. They are the manufacturing employees in Charlotte. They make up the largest manufacturing sector in all of North Carolina. They are your constituents, your tax payers, your lead and your seed to planting a diversified economic recovery. In the Charlotte MSA, that number jumps to more than 1,700 firms with more than 60,000 employees. Today manufacturing is North Carolina's largest driver of economic growth in coming out of this recession. Our state ranks number three in the nation with regard to productivity and in the southeast it's the lead with regard to manufacturing and employment. Manufacturing jobs create 1.35 of economic wealth for every dollar invested and that's not a transfer payment and for your unemployed and underemployed constituents, manufacturing jobs pay 52% more than nonfarm payrolls. The average wage of a manufacturing employee is \$63,000 versus \$41,000 and manufacturing is on its way back. Re-shoring as it is called, is moving jobs back to the states and back to North Carolina. That's certainly something to celebrate, which is why Charlotte is raising awareness for the Second Annual National Manufacturing Day and we are doing it in a big way and you are cordially invited to attend the festivities. I have invitations to y'all and you should have received postcards. We will be offering two showings of American Made Movie; an independent non-political film showing the history of manufacturing in our country and the need for skills and talents to embrace the new future. We will be hosting a hiring our heroes manufacturing day career fair where more than 15 companies will be interviewing our unemployed and underemployed veterans for jobs and the last hour will be dedicated to anyone who is a non-veteran. We will also be hosting an informal

ice cream reception where you can have the opportunity to meet and talk with manufacturers in our community to learn about their employment needs, their skill needs and their representation needs. Councilmember Mayfield thank you for already RSVP'ing and joining us last year with Councilman Howard. I have the invitation for you that is going out to more than 800 manufacturing firms in our community.

Mr. Cannon said would you please be so kind as to conclude with your comments please in 10 seconds?

Ms. Neisler said here is the invitation. The McGladry Greir Walker, Net Affect, the Employers Association, the Charlotte Chamber and the Arrowood Business Association have also invited their members. Manufacturing is heating up in our community and that is the boiling point for rebuilding our Charlotte economy. I hope you will join us.

Miracle House of Hope Tells the Truth

Sandra Cornelius-Little, 1744 Wilmore Drive said I am the CEO of the Miracle House of Hope Ministry. We have been here before you, the city council, on numerous occasions at different times and the end result is nothing. I would like to know what we have to do to get your help. We've captivated your attention with all the negative views. The news media has gone as far as to get someone that was in the ministry in 2011 who had mental issues, different problems, criminal record and drug issues and just angry at the world and we need your help. Everybody who comes to the ministry does not want to change. Some people like living a life of misery, hurt and pain but on the other hand there are others who want a better life for themselves and let me tell you the positive. The Miracle House of Hope houses people with extensive backgrounds, battered women, the lost and the homeless. Once they enter into our program, we begin the process of deleting what is destroying them and depositing what has held them bondage and we deposit what could heal them. The most powerful counsel that we use is the word of God. We get calls from Social Service, the hospitals, mental institutions, the shelters, probation officers, charitable institutions, families and individuals. We don't call people, they call us. We don't pick and choose who we want, God sends them and when they cry out for help, then it's up to them to decide if that's what they really want. It's not an eight hour job, it's a never ending journey. Some people complain about how we are people funded but you as a board has not considered a way to help up just because Pastor Little has a criminal record, which he is not ashamed to tell anybody; it's his testimony. We teach the people how to encourage themselves. Every day that I go to the Miracle House of Hope and I'm the teacher and he's the pastor and we have to encourage these people that they can make it and every day that I go to the ministry to teach (would you all stand up please, quickly) I say to them blessings to you

[The group says: I receive in the name of Jesus, Lord of Lord and my strength. I can do all things through Christ who strengthens me.]

Now we need your help to get more people who have fallen by the wayside back to being a productive citizen in this city. While Mark Becker of WSOC-TV and others want to count the money, we are counting the souls that are being saved. We will press on in Jesus name because there is one thing I know is that if God be for us, he is more than the whole world against us.

Keith Lewis, 1744 Wilmore Drive said first I want to say God bless all of y'all. I am a member of the Miracle House of Hope Outreach Ministry and we go out and fundraise and we get battered and slashed down by the police because they are always slam the pastor. They tell us how he has been locked up; how we are living in a fake ministry; how we out here running a scam, but I am a true witness that I'm part of the ministry so how could you tell me the ministry's fake and I live in the ministry. We are the ones the people did want; that people gave up on. We come from abused and battered families. I woke up one day and my whole family was dead, so I didn't have anyone to trust in. I lost the will to live, but God and the Miracle House of Hope. God is always on time and I found a place where people love me; where people reach out to me and they give me the word of God. We go out and fundraise and we try to save souls of people that are lost like we were at one time. We just get slandered. I have been called everything but a child of God. I had been spat at. Some of the names I am not going to say in here, but those horrible names when all we are doing is passing the word. We are telling them

about the goodness of Jesus. The same God right there is the same God back then and if he did it back then, He can do it again. God don't change, people change, so why can't we get a fair chance at life. Why can't we trust in God with all our heart? Why we can't be on top now? People don't tell you about when they drop people off that people don't want and people don't want to deal with. That's us. When moms done told me she doesn't want me, when dad wasn't ever around and I had to go out on the streets, somewhere my life went out of control, but God. I know that God is always on time because I cried out to God and it took me 44 years to realize that there is a God and I trust Him with all my heart. All I want to do is change and I hope God softens your hearts to see our point of view.

Roxy Cherry, 1744 Wilmore Drive said I am with Miracle House of Hope. I was one of the young ladies that picked up a flyer. A little bit about myself. I am 32 years old. I didn't come from the best of families. Me and my mom used to get high together. My mother was my best friend. I didn't have a father. I had associates when I was getting high but a lot of people closed the doors in my face. I was abused when I was a child. I don't have anybody so Miracle House of Hope is my family. Pastor Bruce and First Lady Sister Sandra is like my mother and father when no one else was doing anything for me. Those are the one that opened their hands out to help me. What we do is we go around and help people that used to be like us. We open up our hands when they don't have anywhere to go. When they are hungry, like I used to be and eating out of garbage cans; living up under bridges. We are going reach out our hand to go help them and bring them in. Not only to bring them and give them somewhere to sleep but we also have bible study. I am saved and I thank God every day for waking me up. They teach us about the Lord. They teach us about the bible. When everybody else turned their back on us, this is where we go. This is my family. I don't have a family. The only family I have is Miracle House of Hope and I thank God every day for my family. No, we are not perfect. All of us have our own faults—some is with drugs, some is with alcohol, some being abused, some just ain't got no family. So all we know is Miracle House of Hope. So I am asking y'all, when are y'all going to help us? Instead of everybody looking down on us and shutting doors and the police arresting us, instead they should be helping us. Because y'all would rather for them to come to us to help them seek God and give them somewhere to stay instead being out there eating out garbage cans and homeless. We take in anybody. We won't ask them for no background. We don't ask them can they pay rent. We don't ask them what can they give us. We are family. We help anybody in the world. I am from Greenville, South Carolina. I don't know anything about Charlotte. I have been here going on six months. I have been clean six months. I have been in the program with them for six months. This is my family. My mother is in prison and my daddy is dead. My dad's been dead almost 12 years next month. So I have no family. My whole family turned their backs on me and shut the door. When I didn't have anybody else, I called them—Miracle House of Hope. That's my family and they helped me to get on the right track. So when are y'all going to help us. What we are doing is not wrong. You have people out here robbing people. You have people out here killing people... but we are not doing that. We are trying to do the right thing and walk the right way with Christ and get our lives back together and get back on the right track. So when are y'all going to help us? When are y'all going to give us a hand clap and say good job instead of the police downgrading us and making us feel like we are nothing. They always say God says the last will be first and we are going to be first. We are going to make something out of our lives regardless of if the police don't think it. Pastor has made something out of his life. He has a background but he still made something out of his life.

Gypsy Taxi Cabs

Mayur Khandelwal, 1715 N. Poplar St. said I represent Crown Cab. I am coming to this body to ask you to take decisive action to completely include a new technology to make it under its ordinance. Digital dispatch or ride share apps, as they are collectively known, allow drivers offering transportation for compensation to be paired with passengers seeking transportation and willing to compensate. Our understanding in the industry is that the digital dispatching provision of a recent law removes the authority from the City to govern those companies. Hoover and Lift who are two of those companies, have made all efforts to declare themselves not transportation providers but rather a platform. What then are the drivers in the vehicles? What then is the role of the vehicles and drivers providing the transportation? In our industry, I would love for people who want to drive for the weekend, who want to drive for a couple of days, a father who may have lost his job and want to drive a taxi for a couple of weeks or a couple of months between

his next full time; I would love to offer that driver or that individual an opportunity to drive for a couple of weeks immediately on the spot. However, this board, this council, this entity does not permit that. The passenger vehicle for hire ordinance was put into place in the mid-80s in its current incarnation and over time has layered laws which have made this industry more professional, but it has also regulated how we do business. A driver must attend a class which is offered once a month before he or she can become a driver. A driver must subject himself to a drug test before he becomes a driver and then must take annual drug tests. A driver is required to pay annual fees for his permit. In the past, vehicles could be of any age. Over time the age limited was drawn to 10 years and down to eight. This council has required drivers to have credit card machines installed in their cars. I am asking that this body seriously consider the ramifications of allowing this alternative technology to coexist with us. I attest to this board that it's not possible. So long as there is a backdoor path into this regulated industry, this body's ability to govern it, will be compromised. The governing authority will go from elected officials here in this building to private enterprise. The authority will move from this building to the hands of investors in Silicon Valley and Wall Street. So if this body has faced the consequences of losing control in the past and is concerned about it happening again in the future, now is the time to act. If it chooses not to act, the industry may become unraveled and we may just have an unregulated industry regulated by private investors and private corporations. We serve at your mercy and it's your decision. I ask you to give it due consideration.

Councilmember LaWana Mayfield said this is more of a statement as opposed to a question for you. I would really encourage you as well as your colleagues to take this conversation to our General Assembly. I did actually just ask the same question last Friday at a breakfast meeting and unfortunately, our General Assembly added one sentence in the bill that was too big for some them read and felt like it would be a good idea where they said that we do not have the ability to legislate cyberspace, so unfortunately this is not a decision that we can make at this level with this body, but I would encourage you and all of your colleagues to go to Raleigh and start having conversations with our representatives regarding decisions they'll make that affect us.

Mr. Khandelwal said I will say what has been regulated are digital dispatch providers and platforms. What we believe is still opened is what those drivers who provide those services, again they are not transportation—those services. They partner with transportation providers. I believe this council still has authority to regulate those entities.

Mr. Cannon said Mr. Attorney give us your legal perspective on this please in terms of just drawing a line with where we have some latitude, where we don't have any latitude and just drawing some distinctions between what's currently allowed and what isn't allowed.

Bob Hagemann, City Attorney said as Councilmember Mayfield mentioned, this discussion is the result of recent legislative change. We are still studying the legislation. I believe we are scheduled to come before you at your October 7th Workshop to brief you on the changes and to give our opinion at that time on what room you still have to operate in by regulation. So it is on the agenda. It's coming before you in about two weeks.

Mr. Cannon said okay before the full body in a workshop mode?

Mr. Hagemann said yes sir.

Sagging Pants

Tammi Pipkins, 1904 Charnell Lane said it is an honor to be presented with this opportunity to express my frustration on sagging pants. I am in need of your assist to execute the sagging pants. As you all know, this conduct has generated from within the prison walls as an indication of the willingness to be sodomized and unfortunately, its indecency has fueled over into the public and has become to a plague to the public's eye. As a woman who uses the city transportation, I am subject to this every day. It is not my desire to see a man's undergarments as part of his attire. And because that statement is basically my opinion, I have taken the liberty to interview two individuals with a 35 year age difference. I asked each of them separately, "should sagging pants be outlawed as indecent exposure?" In their response to my question, they both agreed that this

behavior is a disrespectful outlook of one's self. They also agreed that this behavior should take some type of disciplinary consequences if caught in this conduct and they also felt disrespected as well and they too do not desire to see a man's undergarments as his attire. So with all that being said, I employ you to please consider taking some action on this matter.

Mayor Kinsey said Mr. City Attorney; do we have any way that we can even do this?

Mr. Hagemann said my office has not researched the issue. We would be happy to take a look at it and report back to you.

Mayor Kinsey said please do, thank you.

Mr. Dulin said I agree with you ma'am.

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AWARDS AND RECOGNITIONS

ITEM NO. 7: CHARLOTTE CROP WALK PROCLAMATION

Mayor Kinsey said we will move to awards and recognitions and we have one tonight for the Charlotte CROP Walk. We do this every year and I see in the audience former councilmember Nancy Carter and Erica Ella Stewart will be receiving this proclamation. Also attending are Bea Thompson, Rick Herbert, Dr. Patricia Smith, Dave Miller, Trish Fries, Martha Stewart, Sydney Stewart and Shay Merrit. I am going to ask Councilmember Claire Fallon to read the proclamation and then recognize Ms. Ella Stewart to make a comment.

Councilmember Claire Fallon read the proclamation.

Erica Ella-Stewart, Director of Charlotte Crop Hunger Walk said thank you for allowing us to be here this evening. I would have my volunteers to join me in standing. As you mentioned, the Charlotte Crop Walk is the largest crop walk in the country. This is our 35th annual walk. We've been doing this since 1978. We've had people walking to fight hunger and end poverty not only in this community but across the world through the dollars that are raised in our organization. This evening, in addition to our planning team members, we have our honorary co-chairs, Ms. Bea Thompson as well as the Honorable Nancy Carter. They will be leading our walk this year and we are very excited about that. I want you to know that this year our goal is to raise \$325,000. 25% of that will remain here in this community. It will go to support Second Harvest Food Bank, Loaves and Fishes and Crisis Assistance Ministries. The remainder of the dollars do go across the world, globally to impact hunger and poverty and just to give you a sense of the impact that we are making, look up here at my hand. I have a bag of two ounces of rice. Most of us as Americans, we eat five to seven pounds of food each day. But for over 800 billion people across this world, two ounces of rice is what they subsist on on a daily basis. So if you just juxtapose what we have in terms of food and resources and access to water and look at what many people around the world are able to live on, you can see why this work is so vitally important. I would like to invite each of you to participate with us on Sunday, October 13th because we walk because they walk and when you hear that, you often say, what does that mean. Some of the statistics say that a child who lives in sub-Saharan Africa can spend anywhere between four to six hours per day walking just to get the water for their family. We walk because they walk. It's just as simple as that. Thank you for allowing us to be here this evening. We have shirts for each and every one of you and we hope that you will wear it not only as you sit in this meeting, but that you will bring it to the walk on October 13th.

Bea Thompson, honorary co-chair of Charlotte CropWalk said many people forget that City's, municipalities and gatherings of people. A city has a spirit. The spirit of Charlotte and Mecklenburg County has radiated across this nation since the beginning of this great city. We want to thank you. So many times you are faced with decisions that nobody wants to make but we expect you to make them. On this evening, we want to thank you for supporting an effort that supports three agencies in this city that help those who might have fallen through the cracks had they not put together a safety net. As Erica told you, we walk because they walk and that's

exactly what we would do. So for representing the heart and spirit of the City of Charlotte, the Queen City, we at the Charlotte Crop Walk say thank you. Join us in front of Presbyterian, we will be there about two o'clock on October 13th and you can also go to the website: www.charlottecropwalk.org

Mayor Kinsey said a lot of the churches have groups that go out and walk. Our church has one. My grandson will be walking. The youth group walks so I would encourage that, if your church does it, I would encourage you to join them. It's a great event.

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ITEM NO. 8: CONSENT AGENDA

Ms. Kinsey said let's move to the consent items. Do we have some pulled? 33 and 35 are pulled.

Stephanie Kelly, City Clerk said yes ma'am and I have others; 36 there is a speaker; 57-A there is a speaker; 58-I, J, K and M have been settled; 58-Q & R have been pulled by staff and they will come back to you at a later time. There are speakers for items 58-O and 58-T and 58V has been pulled by staff as well.

Councilmember Warren Cooksey said I just wanted to do the proud district rep thing and note that Item #35 on our consent agenda is 2.97M for the Valentines Commons Parkway Elm Lane Intersection Improvement. One of the things you all recall that I have been saying for over a year now in budget process is that there had not been a named general obligation bond project completed in District 7 since Ballantine was annexed over 15 years ago, but with this and the Rea Road underway and the Community House Road that we approved at a previous meeting, I am pleased to say that won't be true for much longer because we've got three great projects that now have completion dates. So I move approval of Item No. 35 and the other consent items that were not pulled or have speakers or settled.

Mayor Kinsey said what about 33?

Councilmember James Mitchell said we have a speaker.

Councilmember Patrick Cannon said I want to highlight 26 and yes there was a second.

Motion was made by Councilmember Cooksey, seconded by Councilmember Mayfield and carried unanimously, to approve the Consent Agenda as presented with the exception of Items 26 and 35 pulled by Council; 58-Q, 58-R and 58-V have been pulled by staff, and; 58-I, 58-J, 58-K and 58-M have been settled.
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The following Items were approved:

Item No. 23: Voluntary Annexation Public Hearing Date

Adopt resolutions setting public hearings for October 28, 2013, for voluntary annexation of County-owned and privately owned properties.

The resolutions are recorded in full in Resolution Book 44, pages 728-739.

Item No. 24: Fire Department Equipment Donation

Adopt a resolution approving the donation of radios, batteries, battery clips, and antennas to public safety agencies in the towns of Matthews and Locust, North Carolina, and the counties of Lancaster, South Carolina; Lincoln, North Carolina; and Stanly, North Carolina.

The Resolution is recorded in full in Resolution Book 44, pages 740-741.

Item No. 25: Police DNA Backlog Reduction Program Grant

(A)Accept a grant from the U.S. Department of justice in the amount of \$289,371, for the DNA Backlog Reduction Program, and (B) Adopt Budget Ordinance 5198-X appropriating \$289,371 in grant funds from the U.S. Department of Justice.

The ordinance is recorded in full in Ordinance Book 58, Page 408.

Item No. 27: Police Governor’s Highway Safety Program Grant

Adopt a resolution authorizing the Charlotte-Mecklenburg Police Department to apply for a grant, in the amount of \$982,717, from the Governor’s Highway Safety Program for a Driving While Impaired Task Force.

The resolution is recorded in full in Resolution Book 44, page 742.

Item No. 28: Police and Fire Communications Study

(A)Rescind the contract with Fields Consulting Group, in the amount of \$60,000.

(B)Approve a contract with Mission Critical Partners for Communications Staff Analysis Services for an initial term of six months.

(C)Authorize the City Manager to approve one six-month renewal option with possible price adjustments as authorized by the contract, and contingent upon the company’s satisfactory performance, and

(D)Adopt Budget Ordinance 5199-X appropriating \$51,300 in assets forfeiture funds.

The ordinance is recorded in full in Ordinance Book 58, page 409.

Item No. 29: Police Smith and Wesson Handguns

Approve a contract with Smith and Wesson, Inc. for the purchase of police handguns through a trade-in program at no cost to the City.

Item No. 30: Police Security Equipment and Maintenance

(A)Approve a one-year contract with ADM Security, in the amount up to \$46,048, to provide service, maintenance, and repairs to the security system and to purchase new card readers, and cameras at Charlotte-Mecklenburg Police Department facilities, and

(B)Authorize the City Manager to approve up to two, one-year amendments as authorized by the contract contingent upon the company’s satisfactory performance.

Item No. 31: Solid Waste Services Holiday Decoration Services

(A)Approve a contract with Metrolina Landscape for holiday decoration services for an initial term of three years, and; (B) Authorize the City Manager to approve up to two, one-year renewal options with possible price adjustments as authorized by the contract, and contingent upon the company’s satisfactory performance.

Item No. 32: Private Developer Funds for Traffic Signal Improvements

(A)Authorize the City Manager to execute a Developer Agreement between Charlotte Outlets, LLC, and; (B) Adopt Budget Ordinance 5200-X appropriating \$792,515 in Private Developer Funds for traffic signal improvements.

The ordinance is recorded in full Ordinance Book 58, page 410.

Item No. 34: Shamrock Gardens Neighborhood Improvement Project

Award the low bid contract of \$3,010,297.18 to Sealand Contractors Corp. for the Shamrock Gardens Neighborhood Improvement project.

Summary of Bids:

Sealand Contractors Corp.	\$3,010,297.18
Blythe Development Co.	\$3,139,400.00
Ferebee Corporation	\$3,888,993.33

Item No. 37: Storm Water Business Relocation Payments

Authorize the City Manager to approve business relocation payments in accordance with federal guidelines for the Parkwood Storm Drainage Improvement project.

Item No. 38: Subsurface Utility Location Services

(A) Approve a two-year contract for subsurface utility locating services with the following firms, each up to the amounts listed below:

- Cardno (NC), Inc. for \$100,000
- Cardno I(NC), Inc. for \$200,000
- E.S.P. Associates, PA for \$100,000
- Mulkey, Inc. for \$100,000
- Mulkey, Inc. for \$100,000
- Mulkey, Inc. for \$200,000
- Taylor Wiseman and Taylor for \$100,000
- Taylor Wiseman and Taylor for \$200,000, and

(B) Authorize the City Manager to approve one renewal for each contract in the amount up to original contract amount.

Item No. 39: Shadowlake Pond Water Quality Improvement Project

Award the low-bid contract of \$909,712.42 to OnSite Development, LLC for the Shadowlake Pond Water Quality Improvement project.

Summary of Bids:

OnSite Development, LLC	\$909,712.42
Herve Cody Contractor	\$1,235,030.71
L-J, Inc.	\$1,247,177.25
Blythe Construction, Inc.	\$1,296,083.70
Blythe Development Company	\$1,418,158.80
R.F. Shinn Contractor, Inc.	\$1,419,047.10
Showalter Construction Company	\$2,111,586.30

Item No. 40: Airport Multifunction Snow Plows

(A) Approve the purchase of three used multifunction snow plows from Fortbrand Services, Inc. in the amount of \$1,087,500, and; (B) Adopt budget ordinance 5201-X in the amount of \$1,087,500 from the Airport Discretionary Fund to the Airport Capital Investment Plan.

The ordinance is recorded in full in Ordinance Book 58, page 411.

Item No. 41: Airport Bus Purchase

(A) Approve the Purchase of 20 El Dorado National Transit Buses by piggybacking on a previously bid contract as authorized by G.S. 143-129(g),

(B) Approve a unit price contract with Carolina Thomas, LLC for the purchase of 20 El Dorado National Transit Buses for the term of one year, and

(C) Adopted Budget Ordinance #5202-X appropriating \$5,183,742 from the Airport Discretionary fund to the Airport Operating Fund.

The ordinance is recorded in full in Ordinance Book 58, page 412.

Item No. 42: Airport Parking Toll Plaza Design Services

Approve a contract of \$463,000 for professional design services to Talbert, Bright & Ellington, Inc. for entrance and exit plazas for public parking at the Airport.

Item No. 43: Airport Terminal Ramp Improvements

(A) Approve the low bid contract of \$869,910 with Hi-Way Paving, Inc. for the airport terminal ramp repairs,

(B) Approve a contract for quality assurance testing in the amount of \$20,000 to On-Spec, PC, and

(C) Approve budget ordinance number 5203-X appropriating \$889,910 from the Airport Discretionary Fund to the Airport Capital Investment Plan.

Summary of Bids

Hi-Way Paving, Inc.	\$869,910.00
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Swederski Concrete and Paving	\$904,890.00
Triangle Grading and Paving, Inc.	\$923,690.00
YTM Construction	\$945,239.00
DH Griffin Comp.	\$985,600.00
Blythe Development	\$1,040,447.00
Summers Concrete Contracting, Inc.	\$1,158,633.19
GLF Construction Corp.	\$1,290,000.00

The ordinance is recorded in full in Ordinance Book 58, page 413.

Item No. 44: Airport Relocation Contract Services

Approve a three-year contract with two, one-year extensions for THC, Inc. to provide professional services for the Airport's Land Acquisition and Noise Compatibility Programs

Item No. 45: Airport Rental Car Facility/Hourly Parking Deck Change Order #5

(A) Approve change order #5 with Archer Western Contractors, Ltd. in the amount of \$788,008.83 to accommodate foundation modifications for the parking structure and perform utility relocations for the terminal curb front roadway project, and
(B) Adopt budget ordinance 5204-X appropriating \$257,236 from the Airport Discretionary Fund to the Airport Capital Investment Plan.

The ordinance is recorded in full in Ordinance Book 58, page 414.

Item No. 46: Airport Long Term 2 Parking Lot – Phase I

Approve the low-bid contract of \$287,500 with Metzger Removal, Inc. for concrete recycling in the Airport's Long Term 2 parking lot.

Summary of Bids

Metzger Removal, Inc	\$287,500
Martin Marietta, LLC	\$299,000
CBC Stone & Recycling	No Response
DH Griffin	Declined Bidding
Red Clay Industries	No Response

Item No. 47: Transit Diesel Fuel Contract Amendment

Approve a contract amendment in the amount of \$4.5 million increasing the not to exceed amount of the Quick Fuel Service, LLC contract from \$19.5 million to \$24 million.

Item No. 48: LYNX Blue Line Extension Project Advanced Public Utility Relocations Contract Amendment

Approve contract amendment #1, in the amount of \$750,000, with Blythe Development Company to allow relocation of AT&T conduit.

Item No. 49: Sewer Line Cleaning and Inspection Services Contract

(A) Award the low-bid contract of \$169,156.05 with Bio-Nomic Services, Inc. for sewer cleaning and inspections, and
(B) Authorize the City Manager to renew the contract for two additional terms.

Summary of Bids

Bio-Nomic Services, Inc.	\$169,156.05
Jaamco	\$301,507.50

Item No. 50: Lee S. Dukes Water Treatment Plant Improvements

Award a low-bid contract of \$185,102.50 with Sanders Utility Construction for piping improvements at the Lee S. Dukes Water Treatment Plant.

Item No. 51: Utility Reimbursable Water Construction Contract

Approve a contract with Steele Creek (1997) Limited Partnership, in the amount of \$856,405, for a five-year term.

Item No. 52: Utility Participation in Mecklenburg County Floodplain Buyouts along Briar Creek

Approve an agreement with Mecklenburg County for floodplain buyouts along Briar Creek, in the total amount of \$730,000 as part of the easement acquisition process for the Briar Creek Relief Sewer.

Item No. 53: Tire Removal and Replacement Services

(A) Approve a unit price contract with the following companies for tire removal and replacement services for an initial term of three years:

- Parrish Tire Company
- Snide Fleet Solutions, and

(B) Authorize the City Manager to approve two, one-year renewals with possible price adjustments as authorized by the contract and contingent upon the company's satisfactory performance.

Item No. 54: Refund of Property and Business Privilege License Taxes

(A) Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$132,965.29, and

(B) Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$4,898.40.

The resolutions are recorded in full in Resolution Book 44, pages 744-747.

Item No. 55: INFOR Financial System Maintenance and Support

Authorize the City Manager to approve the renewal payments for software maintenance and support for Infor Global Solutions, Inc. for \$263,751 for the INFOR Financial Management System for the period October 30, 2013 through October 29, 2014.

Item No. 56: Meeting Minutes

Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:

- May 20, 2013 Zoning Meeting
- May 28, 2013 Business Meeting
- June 10, 2013 Business Meeting
- June 17, 2013 Zoning Meeting
- June 24, 2013 Business Meeting
- July 1, 2013 Special Meeting
- July 22, 2013 Business Meeting
- July 29, 2013 Special Meeting

Item No. 57-B: In Rem Remedy

Adopt Ordinance No. 5205-X authorizing the use of in Rem Remedy to demolish and remove the structure at 2030 Edison Street (Neighborhood Profile Area 37).

The ordinance is recorded in full in Ordinance Book 58, page 515.

Item No. 58: PROPERTY TRANSACTIONS

Acquisitions

Item No. 58-A: Montgomery Gardens Drive

Acquisition of 5119 sq. ft (.118 ac.) in Fee Simple plus 8,975 sq. ft (.206 ac.) in temporary Construction Easement, plus 402 sq. ft. (.009 ac.) in Utility Easement at Montgomery Gardens Drive from Housing Authority of the City of Charlotte for \$24,900 for Beattie's Ford Road Widening Phase 2, Parcel #59.

Item No. 58-B: 3826 Raleigh Street

Acquisition of 14,433 sq. ft. (.331 ac.) in Railroad Easement, plus 1,413 sq. ft. (.032 ac.) in Temporary Construction Easement at 3826 Raleigh Street from Sri Holdings, LLC for \$71,750 for Blue Line Extension, Parcel #1285.

Item No. 58-C: 8926 J.M. Keynes Drive

Acquisition of 11,982 sq. ft. (.275 ac.) in Fee Simple, plus 589 sq. ft. (.014 ac.) in Storm Drainage Easement, plus 975 sq. ft. (.022 ac.) in Access Easement and Utility Easement, plus 636 sq. ft. (.015 ac.) in Temporary Construction Easement, plus 907 sq. ft. (.021 ac.) in Utility Easement, plus 94 sq. ft. (.002 ac.) in Storm Drainage Easement and Utility Easement, plus 74 sq. ft. (.002 ac.) in Access Easement, Utility Easement and Storm Drainage Easement at 8926 J.M. Keynes Drive from Keynes Drive, Nick Havas and wife, Irene M. Havas for \$697,318 for Blue Line Extension, Parcel #3211.

Item No. 58-D: 420 Chillingworth Lane

Acquisition of 1,892 sq. ft. (.043 ac.) in Storm Drainage Easement, plus 3,444 sq. ft. (.079 ac.) in Sanitary Sewer Easement, plus 1,547 sq. ft. (.036 ac.) in Temporary Construction Easement at 420 Chillingworth Lane from Stephen C. Spiegler and wife Diane Spiegler for \$39,100 for Gaynor Storm Drainage Improvement Project, Parcel #52

Item No. 58-E: 1135 North Tryon Street

Acquisition of 16,289 sq. ft. (.374 ac.) in Fee Simple, plus 59 sq. ft. (.001 ac.) in Water Main Easement, plus 15,957 sq. ft. (.366 ac.) in Temporary Construction Easement at 1135 North Tryon Street from C.D. Stampley Enterprise, Inc. for \$456,500 for North Church Street Rail Road Closing, Parcel # 1

Condemnations

Item No. 58-F: 3615 Pinecrest Drive

Resolution of condemnation of 8,329 sq. ft. (.191 ac.) in Sanitary Sewer Easement, plus 13,566 sq. ft. (.311 ac.) in Temporary Construction Easement at 3615 Pinecrest Drive from Eagle Lake Fishing Club, Inc. and any other parties of interest for \$1,200 for 1991 Annexation Trunk Sewer, Parcel #1

The Resolution is recorded in full in Resolution Book 44, page 748.

Item No. 58-G: 3114 Cullman Avenue

Resolution of condemnation of 4907 sq. ft. (.113 ac.) in Railroad Easement at 3114 Cullman Avenue from Trex Properties, LLC and any other parties of interest for \$0 for Blue Line Extension, Parcel #1243.

The Resolution is recorded in full in Resolution Book 44, page 749.

Item No. 58-H: 3124 Cullman Avenue

Resolution of condemnation of 4672 sq. ft. (.107 ac.) in Railroad Easement at 3124 Cullman Avenue from Trex Properties, LLC and any other parties of interest for \$0 for Blue Line Extension, Parcel #1245.

The Resolution is recorded in full in Resolution Book 44, page 750.

Item No. 58-L: 6441 and 6445 North Tryon Street

Resolution of condemnation of 24,045 sq. ft. (.552 ac.) in Fee Simple plus 926 sq. ft. (.021 ac.) in Access Easement and Utility Easement, plus 11,764 sq. ft. (.27 ac.) in Temporary Construction Easement, plus 4,973 sq. ft. (.114 ac.) in Utility Easement at 6441 and 6445 North Tryon Street from Parks Holdings, LLC and any other parties of interest for \$434,200 for Blue Line Extension, Parcel #2187 and #2189.

The Resolution is recorded in full in Resolution Book 44, page 751

Item No. 58-N: 6701 McGill Street

Resolution of condemnation of 60 sq. ft. (.001 ac.) in Fee Simple, plus 5,426 sq. ft. (.125 ac.) in Temporary Construction Easement at 6701 McGill Street from Sairam Corporation and any other parties of interest for \$17,800 for Blue Line Extension, Park #2197.

The Resolution is recorded in full in Resolution Book 44, page 752.

Item No. 58-O: 6633 North Tryon Street

Resolution of condemnation of 7,524 sq. ft. (.173 ac.) in Fee Simple plus 847 sq. ft. (.019 ac.) in Utility Easement, plus 1,675 sq. ft. (.038 ac.) in Combined Utility and Sanitary Sewer Easement at 6633 North Tryon Street from Amanat Fashions Corporation and any other parties of interest for \$541,040 for Blue Line Extension, Parcel #2205

The Resolution is recorded in full in Resolution Book 44, page 753.

Item No. 58-P: 127 Orchard Trace Lane

Resolution of condemnation of 2,007 sq. ft. (.046 ac.) in Fee Simple plus 445 sq. ft. (.01 ac.) in Waterline Easement, plus 12,202 sq. ft. (.28 ac.) in Temporary Construction Easement, plus 284 sq. ft. (.007 ac.) in Utility Easement, plus 120 sq. ft. (.003 ac.) in Combined Utility and Waterline Easement at 127 Orchard Trace lane from Orchard Trace Owners Association and any other parties of interest for \$37,000 for Blue Line Extension, Parcel #2226.

The resolution is recorded in full in Resolution Book 44, page 754.

Item No. 58-S: 5625 Craftsbury Drive

Resolution of condemnation of 19,790 sq. ft. (.454 ac.) in Fee Simple (Total Take) at 5625 Craftsbury Drive from Dawn Richmond and any other parties of interest for \$105,000 for Briar Creek Relief Sewer Phase III, Parcel #1

The resolution is recorded in full in Resolution Book 44, page 755.

Item No. 58-T: 4346 Tipperary Place

Resolution of condemnation of 1,741 sq. ft. (.04 ac.) in Temporary Construction Easement at 4346 Tipperary Place from Jaqueline D. Morrison and Jackie Brown and any other parties for \$500 for Hope Valley/Oak Forest Neighborhood Improvement Project, Parcel #77.

The resolution is recorded in full in Resolution Book 44, page 756.

Item No. 58-U: 10701 Mallard Creek Road

Resolution of condemnation of 11,963 sq. ft. (.275 ac.) in Fee Simple plus 5,938 sq. ft. (.136 ac.) in Fee Simple within Existing Right-of-Way, plus 4,921 sq. ft. (.113 ac.) in Temporary Construction Easement at 10701 Mallard Creek Road from Think Group, LLC and any other parties of interest for \$22,100 for Mallard Creek Sidewalk Improvements, Parcel #2.

The resolution is recorded in full in Resolution Book 44, page 757.

ITEM NO. 26: POLICE 2013 JUSTICE ASSISTANCE GRANT

Mr. Cannon said I want to highlight Item No. 26. This is the Police 2013 Justice Assistance Grant. This is to accept a grant from the U.S. Department of Justice in the amount of \$460,000 for the Justice Assistance Grant program and I want to highlight one of the things here. You know people often ask where are we in terms of the education aspects of what should go on and I will say to you that a portion of these funds will be used to fund 10 police cadet positions over one year and these cadets are students and they are working towards a college degree who will get exposure to police work by working 20 hours per week for the Charlotte Mecklenburg Police Department. This has been a very good program over the years and one that I hope that we can actually expand and grow even more so to allow youth an opportunity for a career in law enforcement, but this is a wonderful grant for us to accept and I move approval on this.

Motion was made by Councilmember Cannon, seconded by Councilmember Mayfield and approved unanimous to (A) accept a grant from the U.S. Department of Justice in the amount of \$460,447 from the Justice Assistance Grant Program, and (B) Adopt Budget Ordinance 5207-X appropriating \$460,447 in grant funds.

The ordinance is recorded in full in Ordinance Book 58, page 417.

ITEM NO. 33: BROOKSHIRE BOULEVARD (NC 16) AND MOUNT HOLLY-HUNTERSVILLE ROAD INTERSECTION IMPROVEMENTS.

Mr. Steve Swicegood, 1334-Riverside Drive said I am with the Mountain Island Neighborhoods Organization and I haven't been here in several years and that's probably a good thing, but I am not going to grandstand; I'm not going to take up the full three minutes, but I want to be very clear about something. This is one of those rare times when I'm standing here as a neighborhood leader, but I'm joined by politicians. I am joined by other residents. I am joined by commercial businesses and Charlotte DOT & NCDOT. We have all come together and we are all celebrating wonderful solutions. Everybody has worked together on this. We are thrilled. Everybody wins and what's we are excited about. We have had leadership from Councilman Mitchell, Senator Joel Ford is here. All levels have come together and that is what government is supposed to do is bring everybody together for wonderful solutions. We are truly excited and I just want you to know that it has worked so thank you.

Mr. Gus Keetschmer, 206 Enwood Drive said I represent the Coolwood Hills Community Council. I am a board member and also a long time resident. All I can say is ditto to what Mr. Swicegood said. This is the first time I've ever seen City and the State representatives work together to the good of the community and come to a quick solution to a very serious problem of safety and traffic in the area around Highway 16 and the Mount Holly-Huntersville Highway. The consent for this would be great. We just need to move forward as quickly as we can. Hopefully to save a life because if we don't do it, there will be a life taken.

Mr. Dulin said when things go wrong, nobody has any trouble finding us so it's nice to hear that we actually got something right. So I appreciate y'all coming and thank you.

Mr. Mitchell said just add ditto to my councilmember. I thank the citizens for your patience and really for engaging with Senator Ford and I to bring relief and Senator, I know it's tough up there, but thank you for working on behalf of your constituents.

Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon voted unanimous to authorize the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for improvements at the intersection of Brookshire Boulevard (NC 16) and Mt. Holly-Huntersville Road.

The resolution is recorded in full in Resolution Book #44, page 743.

Item No. 36: Beatties Ford Road Widening – Advance Grading Project

Paul Holmes, 3840 Beatties Ford Road said I just want to take a couple of minutes. I have had some issues with one of your specifically, but in spite of that, I am here to say thank you. This issue is about 90% resolved now. There's a lot of people who signed petitions, who made phone calls, who sent you emails—all those things we had to go through because some of you would not budge or just would not get into it. But I am here to say thank you and I specifically want to thank Claire Fallon, Beth Pickering, Mayor Pro Tem Cannon, and Councilmember Barnes. That Certificate of Thank You for looking out for us, especially Ms. Fallon. Two people from your staff, Ruffin Hall, he has been tremendous and another has been Laura ...They helped pull this together so I want to thank you for them. We still have a few items to work out, but it's being done now the way it's supposed to be done.

Mr. Cannon said are you in support of this action?

Mr. Holmes said as for the grading and all that you can start that now. It's going to be a mess for a while but we have not problems. We didn't want that thing going down the middle.

Motion was made by councilmember Cannon and seconded by Councilmember Barnes and voted unanimous to award the low-bid contract of \$378,331.80 to Country Boy Landscaping, Inc. for the Beatties Ford Road Widening – Advance Grading project.

Summary of Bids:

Country Boy Landscaping, Inc.	\$378,331.80
Blythe Development Company	\$398,183.50
Red Clay Industries, Inc.	\$399,319.25
Showalter Construction Company, Inc.	\$575,026.10

Item No. 57A 226 Matoon Street

Steven Crosby, 9902 Furlong Trail said I am a realtor and I'm here on behalf of Dorothy Howard POA for Ike Lowe. We request an extension to the planned demolition of the property known as 226 Matoon Street. Around February or March of this year, this house was damaged by fire. We later met with Michael Johnson of the City in terms of cleaning up the lot, removing outbuildings and removing debris. At that point, we made an attempt to get a loan for Mr. Lowe, who is a veteran, initially had a VA loan and the loan was intact in fact paid off and there was not balance. To my disappointment, we were never able to make that happen. So we subsequently listed the property for sale, which produced a lot of bottom feeders seeking to practically steal the property, but we have gotten a contract for the property for \$11,000 and it was scheduled to close Friday the 13th. However, since this meeting was scheduled, the buyer was hesitate to move forward and we executed the contract and we subsequently executed an extension for the 27th and he is awaiting the results of this meeting to determine if he is going to move forward with this purchase. I talked with a young lady, I believe her name was Jane Tailman and she indicated that I needed to ascertain how much time the buyer would need in order to repair this property because he plans on living in it. He is not buying it to remodel and sell. I contacted the realtor and she said he indicated that it would take him probably around 3-6 months because he works and he plans on doing it part-time. So, essentially I am appealing to this council to grant an extension so that this purchase can be concluded and the buyer can remodel the property so that he can move into it.

Ben Krise, Neighborhood and Business Development said we have been involved with this property for approximately six months. There has been no progress. It is a fire damaged property that was referred to us via the Charlotte Fire Department. It is in poor condition. We believe if there is no agreement that is on the table right now, we believe that if indeed there was one, that we would be able to potentially save the property through a consent agreement. We'd be willing to grant that, however, we believe that 30 days would be ample to make substantial progress. Tonight all we ask is that you grant the ordinance with our option to enter into a consent agreement and resolve it within a 30 day timeframe. Otherwise, I would like to proceed with the demolition of the unsafe and substandard structure.

Mr. Crosby said can I respond regarding the sale?

Mayor Kinsey said I'm sorry; you have to be asked a question from somebody around the dais.

Mr. Mitchel said the first question you said on September 13th you had a potential buyer.

Mr. Crosby said no we have an executed contract that was scheduled to close the 13th of this month and we subsequently got an executed extension, which I have with me that extends the contract to the 27th of this month.

Mr. Mitchell said when the staff was trying to reach out to you and let you know the condition of this home and their direction to demolish it, you were not having any communication with City Staff back in August and September.

Mr. Crosby said we met with Michael Johnson and based on his direction, there were two out buildings which all the debris was removed. All of the debris was removed from the front of the house and the house was completely boarded up.

kmj

Mr. Mitchell said so City staff didn't inform you at that particular time that the house as in poor condition and needed to be demolished.

Mr. Crosby said yes they did. They told us that it would eventually be demolished if we weren't able to do something to correct its condition.

Mr. Mitchell said and at that particular time, did you take any action to make those corrections.

Mr. Crosby said we were attempt; ting to get a loan so that the house could be repaired and when we were unable to do that, we listed it for sale. I am the realtor who listed it for sale and we did get a buyer but apparently it's come almost too late.

Mr. Mitchell said so you did get a buyer.

Mr. Crosby said yes I have an executed contract and an executed extension.

Mr. Mitchell said the frustration part we have as council is that we are very sensitive to the community who has to look at eyesores like this and they complain to us a great deal. At the same time, we are sensitive, because I think you say the owner is a veteran—someone who has served our country.

Mr. Crosby said he is 82 years old.

Mr. Mitchell said and his plans are to move into the home?

Mr. Crosby said no. He has moved in with his niece. His niece is his POA. She is going to live with him.

Mr. Mitchell said so what are the plans for the home.

Mr. Crosby said just to sell it at this point. He is going to continue to live with her and just to sell the home. Get the money and use it for his care.

Mr. Mitchell said so it is unoccupied now and his goal would be to fix it up and sell it within 30 days.

Mr. Crosby said yes. The buyer would fix it up to move into it. We have a person who is going to buy it and they are going to buy it and they are going to repair it and they are going to move into it. Mr. Lowe, the owner is not going to.

Mr. Mitchell said then in your experience, or having the contract with the owner, I guess you shared with me that there was not a lot of confidence that this could be done in a timely manner. Can you just share with council?

Mr. Krise said there has been nothing on the table so far—any kind of representation that would give me confidence that this will be resolved in a timely manner. There has been no action taken on the property other than some exterior cleanup of the fire damage material, in the past six plus months, which concerns me. However, if there was an agreement that was in place and a contract existed, if council wanted to ask us to enter into consent agreement, we would, but I'd ask for something minimal—a maximum of 30 days, but it is an unsafe substandard structure with fire damage that is undertaking water on a daily basis. Cost estimates to repair exceed the structure value. It is a questionable business venture.

Ms. Fallon said Ben a question. If he has a contract to sell it and the 27th is this week, does that start the clock all over again?

Mr. Krise said no ma'am. There is a part of our legal process called a lis pendens that if an investor buys a property and we have a proper lis pendens, they buy the code enforcement case at the point in time for the point in the process that it is.

Ms. Fallon said how much time would you give them if its bought that week to start fixing it up or else demolish it?

Mr. Krise said depending on y'all's direction. If council gave us the direction tonight to proceed with the demolition order, we would move forward. If you wanted us to consider entering a consent agreement with those individuals, I would ask at the very maximum would be 30 days and allow us to evaluate that and have the ordinance in place to grant that tonight with a consent agreement, but that's at your disposal.

Ms. Fallon said do you understand that if you got the 30 days, if there was any way to extend it, we could not extend it.

Mr. Crosby said I understand.

Ms. Fallon said it would to be something started on it or demolished within those 30 days.

Mr. Crosby said my only question is what percentage completion would have to take place during that timeline? Would it have to be completely repaired?

Mr. Krise said that would be part of the consent agreement that we would draw up. We would draw it up in writing as to what expectation there would be and at what point.

Mr. Fallon said and you two could get together and write something up, and you would show him the agreement that you have to be sold to somebody.

Ms. Mayfield said Ben, just for a little bit more clarification on what was just stated. If we were to grant an additional 30 days and there is a buyer, that buyer would then be buying the property understanding that they are under the same rules and regulations that the current owner is under even though they had seven months before it got to this point—that new buyer would have a limited time to go in and revitalize this home that has damage from fire?

Mr. Krise said correct.

Ms. Mayfield said so they would not have an additional six months. They would only have the 30 day time period of which we just heard, that person would be trying to remodel this home on a part-time basis.

Mr. Krise said they would purchase that project for that home as it is subject to the code enforcement action, where it is at that point time. As far as what time frame, obviously we try to be reasonable. We would analyze what would be substantial progress and outline those specific guidelines that would need to be met at the end of 30 days in order to continue on the extension versus implementing the ordinance to demolish.

Mayor Kinsey said I want to make a statement. In looking at these pictures, it looks like the entire house has to be gutted and I don't know, I don't see how in this world this can be rehabbed without just taking it down.

Mr. Krise said it absolutely needs to be gutted. If you look at the percentages in your packet, our cost estimates of just the minimum standards are 113% of the structure value.

Mr. Mitchell said I go ahead and make motion. Just personally, if the veteran was moving back in the house, I think I would be a little more understanding. But the fact that he actually needs the time so a buyer can buy and I understand the frustration of staff. They spend so much time trying to remove an eyesore from our community. So I am going to make a motion to proceed with staff recommendation and to demolition.

Motion by councilmember Mitchell and seconded by Councilmember Barnes and voted unanimous to adopt Ordinance #5206-X authorizing the use of In Rem Remedy to demolish and remove the structure at 226 Mattoon Street (Neighborhood Profile Area 382).

The ordinance is recorded in full in Ordinance Book 58, page 416.

Item No. 580 6633 North Tryon Street /Amanat Fashions Corporation, Parcel #2205

Ms. Keeya T. Justice, 100 N. Tryon St. said I am principal of the Justice Firm which is a Charlotte based law firm that represents victims of eminent domain. I am here tonight on behalf of Amanat Fashions Corporation. It is Parcel 2205. Amanat Fashion Corporation is requesting a 30 day extension or continuance on Council's vote to condemn so that it will have time to digest the information that was provided to them by the City and also time to substantiate a counter-offer to the city. By way of background, Amanat is a free standing retail store on North Tryon Street that is affected by the Light Rail project. They sell clothing, dresses for women, men's clothing, choir clothing. It has been a part of the Charlotte business community for the last seven years in its current location. The owners of the store had rented a store nearby where they sold only shoes. That store was taken by the same project and they were unable to find a place to relocate the shoe store. So the shoes are now being stored and sold out of the current location that City Council seeks to condemn this evening. The property owners were given two scenarios by the City to digest. Option one, is where the City would take all of the subject property's parking. It's very hard to operate a retail establishment without any parking at all and so under that scenario, the City would compensate the property owner \$541,000. Those funds would have to be deposited when the condemnation filing is filed. Option Two, the city would convey the adjacent property to the property owner so that the property owner could use the adjacent property for parking. The City would then sort of reconfigure the existing structures so that the entrance would be ore aligned with the newly relocated parking. Under that option, the city would have to deposit about \$25,000 in compensation to the property owner. The property owner desperately wants to maintain his business where it is currently located however there are grading changes, permanent easements. Temporary easements that are involved that make the

Councilmember Michael Barnes said I want to make a brief comment. I noticed that the information indicates that staff has been working with the property owners since December 2012 on this particular matter and as we discovered a few months ago, because of the nature of these matters, there is always the option for court action and other methods of resolution. I move to move forward with the action and allow it to go through the natural processing up to and including court action.

Mayor Kinsey asked if staff wants to make a comment on this.

Tony Korolos, Division Manager, Real Estate said as Councilmember Barnes has stated, that we continue working with the parcel owner after the decision tonight and that will continue for the next six weeks. As far as detail, Vic and Sonia, do you want to provide detail as to the transaction itself?

Becky Insogna, Real Estate said we are currently working with the property owner on the mitigation plan. As they did state, we have two separate options that we are working with them on and as Ms. Justice stated, there are some additional items that they have requested. We are waiting for those items of course to be submitted so we can revise a mitigation plan and sent to FT for approval. We are continuing to work with them and will continue to do so as long as we have the time.

Mayor Kinsey said Mr. Barnes has made a motion, is there a second?

Councilmember ____ said second.

A motion was made by Councilmember Barnes and seconded by Councilmember _____ to move forward with the action and allow it to go through the natural processing up to and including court action.

Mr. Cannon said I'd like clarity. You asked for an additional 30 days.

Ms. Justice said I asked that the vote be tabled basically.

Mr. Cannon said so you understand that you already have that pretty much through the process.

Ms. Justice said we have an additional 30 days if you table the vote.

Mr. Cannon said I see what you are saying. Right now the ...presented has some concern about that.

Mr. Barnes said we have had this come up before and it costs us several thousand dollars every time you go through that process. It adds costs to the project.

The vote is recorded as follows:

Yeas: Unanimous

Item No. 58T M. Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #77

A motion as made by Councilmember Mitchell, seconded by councilmember Cannon and approved unanimous to move forward with the property transaction condemnation of 4346 Tipperary place.

The resolution is recorded in full in Resolution Book 44, page 756.

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PUBLIC HEARING

ITEM NO. 9: A RESOLUTION TO CLOSE AN ALLEYWAY OFF S. GRAHAM STREET. (A) CONDUCT A PUBLIC HEARING TO CLOSE AN ALLEYWAY OFF S. GRAHAM 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 Cannon, and carried unanimously (A) Close the public hearing to close an alleyway off S. Graham Street and (B) to adopt the resolution for S. Graham Street.

The resolution is recorded in full in Resolution Book 44 at Pages 695-697.

ITEM NO. 10: A RESOLUTION TO CLOSE A VARIOUS RIGHTS-OF WAY WITHIN THE MOORES PARK NEIGHBORHOOD (A) CONDUCT A PUBLIC HEARING TO CLOSE A PORTION OF SHORELINE DRIVE, MOORES LAKE DRIVE, VIRGINIA COURT, VIRGINIA CIRCLE, VIRGINIA CIRCLE, VIRGINIA AVENUE, LAE BARRY DRIVE, SHADY CIRCLE, TERESA AVENUE AND MARSHALL AVENUE, 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 Cannon, and carried unanimously to (A) Close the public hearing to close a portion of Shoreline Drive, Moores Lake Drive, Virginia Court, Virginia Circle, Virginia Avenue, Lae Barry Drive, Shady Circle, Teresa Avenue and Marshall Avenue, and (B) adopt the resolution to close for the Moores Park Neighborhood.

The resolution is recorded in full in Resolution Book 44, at Pages 698-714.

ITEM NO. 11: A RESOLUTION TO CLOSE A RESIDUAL PORTION OF CAMDEN ROAD AND LANCASTER STREET: (A) CONDUCT A PUBLIC HEARING TO CLOSE A RESIDUAL PORTION OF CAMDEN ROAD AND LANCASTER 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 Cannon, and carried unanimously to (A) Close the public hearing to close a residual portion of Camden Road and Lancaster Street, and (B) Adopt a resolution to close.

The resolution is recorded in full in Resolution Book 44, at Pages 715-719.

ITEM NO. 12: PUBLIC HEARING ON BANK OF AMERICA STADIUM AND CONVENTION CENTER OBLIGATIONS: (A) HOLD A PUBLIC HEARING ON THE FINANCING OF IMPROVEMENTS TO BANK OF AMERICA STADIUM, AND (B) ADOPT A RESOLUTION APPROVING THE FINANCING OF \$28 MILLION IN CERTIFICATES OF PARTICIPATION FOR STADIUM IMPROVEMENTS AND THE REFUNDING OF \$60,960,000 OF OUTSTANDING CHARLOTTE CONVENTION CENTER CERTIFICATES OF PARTICIPATION.

Motion was made by Councilmember Barnes, seconded by Councilmember Cooksey and carried unanimously, to recuse Councilmember Cannon from voting on Item Nos. 12.

The scheduled public hearing was held on the subject matter.

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield and carried unanimously to (a) close the public hearing, and (b) adopt a resolution approving the financing of \$28 million in certificates of participation for stadium improvements and the refunding of \$60,960,000 of outstanding Charlotte Convention Center certificates of participation.

The resolution is recorded in full in Resolution Book 44, at Pages 720-725.

POLICY

ITEM NO. 13: CITY MANAGER'S REPORT

Ron Carlee, City Manager said no report this evening.

ITEM NO. 14: ETHICS COMPLAINT

Mike Cozza, 9909 Lampkin Way said I really don't want to be here tonight but I'm here to tell you that there is something special about the North Carolina open meetings law. It was passed for average people to read and understand; to give them a way to hold public officials accountable for open government. It guarantees their right to see and hear what their government is doing and to participate. Mayor Kinsey warned you that you were doing the exact opposite of that on the NFL Stadium issue. She said you would be passing a "done deal", her words for a tax plan without meaningful public participation. She used the words done and deal five different times. We know that because we forced you to release the transcripts. Count them yourself—five times. Yet in your own official code of ethics, you pledged to obey the open meetings law—to obey both the letter and spirit of the law. It's not my ethics code, it's your ethics code. Did you do that in the closed meetings to draw a plan to raise \$144 million dollars for the NFL Stadium? You deliberated and voted in secret on a plan to raise the prepared food and beverage tax. That tax falls on anybody who eats so much as a cheese sandwich in a

restaurant. You sent the plan to the General Assembly asking them to pass the authority for it. You and your staff lobbied for it. That's official action. The General Assembly rejected your plan and substituted a different one, but you proposed, deliberated and voted for the tax plan behind closed doors, in the dark of night away from public scrutiny and without public participation. How can you even claim that that meets the letter and spirit of the law and of your ethics policy. The spirit of the open meetings law is right there in its first sentence, "it is the public policy of North Carolina that the hearings, deliberations and actions of these bodies be conducted openly". These bodies, of course, include city councils. Now there is an exemption for "economic development incentives" or what the exemption also calls economic development expenditures. But a plan to raise taxes is not an incentive or expenditure. It's on the whole other side of the ledger. It's a tax.

Wayne Powers, 4321 Stuart Andrew Blvd. said according to Webster, ethics are determined by both moral judgment and conduct. Nothing could be more central to the public's confidence in our elected government than ethics. That's why the State of North Carolina requires this body to adopt an official code of ethics and to have. Now this essential document wasn't dictated by Raleigh or by any other person or group, but rather, it was entirely crafted and certified by a vote of this body—the Charlotte City Council—not 40 years ago, not 10 years ago, but just three years ago in June 2010. Now I urge you to read it carefully because you are expected and obligated to adhere to its clear concise directives. Why? Because when you read it you will find out that the stated underlying principle says "the Mayor and City Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that guaranty the trust of their constituents. Section 5 states "The Mayor and council should conduct the affairs of the board in an open and public manner". They should remember when they meet that they are conducting the public's business. "In order to ensure strict compliance"—strict compliance—your code of ethics "with the laws concerning openness, the mayor and council members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should take deliberate steps to make certain that any closed sessions held by the council are lawfully conducted and that such sessions do not stray from the purposes they are called. Section 1 states, the Mayor and councilmembers should be guided by the spirit as well as the letter of the law in whatever they do. Now, can anyone on that dais claim honestly and with a straight face that the spirit and the letter of the North Carolina Open Meetings Laws intended to allow secret deliberations and votes about raising taxes? Well Madam Mayor and council, that's exactly what you did. It was wrong. It was shameful and as a result you are now facing legal and ethical challenges and a crisis of public confidence. How can any one of you seriously propose that the City Attorney passed judgment on these ethics violations charges when it was he who provided the green light for your actions to begin with. How can this council propose to now sit in self judgment when only two of you were not participants in these clearly illegal and unethical closed door meetings? I urge you in these remaining days of your term, please, do the right thing and request an independent review by the District Attorney's Office or some other impartial entity. Your actions or inaction tonight on this crucial matter will determine whether or not you are serious about restoring the public trust and I hope you are.

Ken Koontz, 3319 Dawnshire Ave said I am hopeful that City Council will accept our request for your adhering to your own code of ethics. The City Attorney's seemingly careful choice of phrases and words in an open meetings laws to skirt your code of ethics is not acceptable. Public sentiment is very strong across political, racial and otherwise that you are in willful, deliberate and intentional violation of your code of ethics and they don't like it. Just because a legal interpretation says its okay to meeting behind closed doors, does not necessarily mean that you should and if you are holding closed sessions to avoid public oversight, as some evidence of such meetings clearly indicate, then you never should. That is what your code of ethics dictates. This whole thing is about public trust and you guys either don't seem to get it or you just don't care. Your actions are clearly saying that just don't care and that a code of ethics is not necessary. Fortunately and on this point alone, voters have clearly made a primary decision about the kind of leadership this city should have and they rejected one mayoral attempt by one whose efforts clearly suggested that a code of ethics was not to be considered in keep the public trust. Look among yourselves and decide who else shares that sentiment because from what I have observed and many others have observed, none of you is willing to take the hard stand for openness in government as your own code of ethics demands. A simple vote that you do just ain't enough.

You have to show us and that ain't what you're showing us lately and it shall be my passion to let voters know it, know what you have said in violation of your own code of ethics and openness in government and God only knows who much or how many other times you may have done so by disregarding of your own code of ethics. We need people on this dais we can trust to be open and honest and I don't see a single one you at this point who fits that build—no not one. If you disagree with this sentiment, then act accordingly, or maybe we have the wrong crowd up there. I have tried not to get as passionate about this as I have but there is nothing that has suggested that my passion is warranted than the arrogance that you all have demonstrated in this matter. Your own code of ethics –a violation, and basically thumping your nose and thumbs at the public

Bob Hagemann, City Attorney said let me provide you a little bit more background. As you know, and the public is aware, the council was in negotiations with Carolina Panthers last fall and through the winter and in the course of those negotiations, there were several closed sessions held, as permitted in my opinion by North Carolina Law. North Carolina law does have a preference for open meetings in local government, but there are a number of exceptions when competent policy concerns in the eyes of the legislature justifies closed sessions and one of those is for Economic development transactions. As you know, as we went into those negotiations, the Carolina Panthers were not contractually obligated to stay in Charlotte or North Carolina and the goal of those conversations was to see if we can come to some acceptable solution that would tether the Panthers to Charlotte for as long as we possibly could. That was the impetus for the negotiations and for the closed sessions. It was very clear to us, your staff, which the Panthers were not going to go down that road unless we could have some level of discussion in closed sessions to see if we could frame a proposal for the public to consider. The closed session provision on Economic development explicitly allows you to hold closed sessions to consider matters related to the location of a business or industry within the city and in this case, that business was the Carolina Panthers and the location was to retain the location of the Panthers for as long as we possibly could. Now I heard the speakers essentially acknowledge that you can discuss incentives and clearly you can. One of the specific actions you can take is a tentative vote on proposed economic incentives. I would submit, and have and prepared to argue in a court of law that the provision in the statute that allows discussion of matters related to includes as a matter of common sense, how you are going to pay for your economic development incentives. Now clearly, the speakers, and we have had a number of conversations myself with them, clearly they are of a different frame of mind and I respect that. They have a different legal interpretation and I respect that. Now how did this matter get to you today? The gentlemen filed an ethics complaint on August 19th, which I reported to you that week. At your meeting that following Monday on August 26th, the Mayor asked that this item be placed on your agenda for tonight for consideration. Subsequent to that, these gentlemen filed a lawsuit. This is the second legal proceeding. They filed a motion in a 40 year old lawsuit back earlier this spring and that attempt was rejected by the Court here in Mecklenburg County. They have now filed a new lawsuit essentially claiming the same violation that they bring before you today. Given the pendency of litigation, and also I'll add that whether there was or was not a violation, is an interpretation of exactly what occurred at those meetings which has been transcribed and contrary to the allegation, we weren't forced to release those transcripts, we voluntarily released those transcripts the day after the council voted on a package that ultimately was approved. My suggestion is that we allow this matter to be resolved in the courtroom where it properly ought to be resolved. The gentlemen that just spoke are represented by counsel. We will engage them before a judge and, of course, we will respect the court's ruling.

Mr. Cooksey said Mr. Hagemann you touched on it, but I just wanted to ask from a timeframe perspective. How long has the Charlotte City Council been releasing transcripts of economic development discussions following the public vote on agreeing to the incentive package?

Mr. Hagemann said please rephrase.

Mr. Cooksey said how long have we been doing that? Because you are referring to the council's existing policy to release transcripts of economic development closed sessions following the public vote on the incentive offer. About how long have we been doing that?

Mr. Hagemann said I can't remember the year exactly that we started to record and transcribe economic development closed sessions. The law does not require you to record and transcribe. This council decided some years ago—I believe its at least five or six years ago that in the area of economic development you wanted recordings and transcriptions of your economic development closed sessions above and beyond what's legally required and you have been doing that, as I said, for at least five or six years. Under North Carolina law, once a final decision in public has been made on an economic development transaction, the protections of withholding that information go away and those recordings and transcripts are releasable and as I indicated, these transcripts were released on April 23rd, which is the day after the council's April 22nd vote on the \$75M Carolina Panthers package proposal.

Mr. Cooksey said for example, the day after the council adopted the incentive package for Chiquita; we released the transcripts of the Chiquita closed session discussion. Is that correct?

Mr. Hagemann said I can't tell you that we took the affirmative step of doing this in this particular case knowing the public interest and the sensitivities. We took the affirmative step of being proactive and releasing not only the closed session minutes but also all the other documents, e-mails and correspondence related the Panther's proposal. North Carolina law does allow us to withhold it for some longer period time. Staff decided to be proactive and release that material the day after.

Mr. Mitchell said the first lawsuit, Bob Hagemann, what was the amount that they filed a lawsuit for? What were they seeking?

Mr. Hagemann said the North Carolina Open Meetings law first came in in I believe the very very early 1970s and several of these gentlemen, I believe, were actively involved in a lawsuit that was filed in 1971 against the City of Charlotte. I think there were also lawsuits against the Board of County Commissions and the School Board challenging what had been longstanding practices that existed and predated the Open meetings law. The judge in that case issued a permanent injunction directing the City of Charlotte and the City Council to comply with the law and the attempt of these gentlemen this past spring was to bring a motion in that cause—in that over 40 year old lawsuit. The technical problem they faced is the General Assembly had repealed that law and wrote a new law in 1979 and as a technical matter, the judge concluded that we cannot be held accountable to an injunction to comply with a law that was repealed and no longer exists. It was a largely technical, although I believe correct ruling but they do have a right to access the courts and they are doing so under the current law.

Mayor Kinsey said any other comment or question. Okay so it sounds to me as though we need to let this go through the court system and I guess, Mr. Hagemann if you will just keep us apprised of what's going on.

Mr. Hagemann said I forgot to add Mayor and this is an important factor. Your ethics policy does give you complete and total discretion as far as how you handle the complaint. My recommendation is, given that we have litigation, that the way you handle it is to let it be resolved in the courts.

Mr. Kinsey said do we have an agreement around this dais? Okay, that's the way we will handle it then.

* * * * *

BUSINESS

ITEM NO. 15: COLLABORATIVE PARTNERSHIP FOR EXPANSION OF SECOND HARVEST FOOD BANK.

Mayor Kinsey said the action here is contingent upon the approval of sale of the property at 531 Spratt and also some lease of that property and contingent upon the successful rezoning of City and County owned property and the successful completion of Second Harvest Food Bank's upcoming capital funding campaign. I don't, Mr. Kimble, do you want to make presentation on this. Is everybody comfortable with it.

Motion was made by Councilmember Mitchell and seconded by Councilmember Cannon and voted unanimous contingent upon the successful rezoning of City and County-owned property and the successful completion of Second Harvest Food Bank's upcoming capital funding campaign to (A) approve the sale of 1.55 acres of City property at 531 Spratt Street (Tax I.D. #07845403) to Mecklenburg County for \$388,300, via Ledger transaction, (B) Approve the lease of 0.75 acres of City property at 531 Spratt Street to Second Harvest Food Bank for an initial term of 20 years, with four five-year renewal options to be renegotiated at the beginning of each option term, and (C) Authorize the City Manager to negotiate and execute all documents necessary to complete these transactions, consistent with the terms on the term sheet.

The resolution is recorded in full in Resolution book 44, pages 758-759.

ITEM NO. 16: CHARLOTTE COMMUNITY CAPITAL FUND

Motion was made by councilmember Fallon and seconded by Councilmember Cannon to approve authorizing the City Manager to extend the expiration date of the City's Service Agreement with Self-Help Credit Union for the Charlotte Community Capital Fund from December 31, 2013 to March 1, 2014 and the maturity date for the City's \$500,000 loan from October 1, 2013 to March 1, 2014.

Ms. Fallon said what kind of businesses are we lending to?

Brad Richardson, Manager, N&BS Economic Development said 99 loans have been made. We articulated who they were from a small business perspective. Many of them are minority women owned businesses. What we don't have for you tonight, which we will be providing in the Wrap Up Report for the fund, is a listing of all the businesses. We can make that available at any time. We just don't have it with us tonight.

Ms. Mayfield said Brad I have a concern that in this 10-year period, we've only identified 99 businesses to take advantage of this loan. So I would like to get an idea of how aggressively are we marketing this product out to our diverse community for them to have access and to, if need be, be walked through the steps so that they can utilize this program.

Mr. Richardson said good question. We share the concern. 99 loans over 10 years is roughly 10 a year. There are a couple of reasons. One is self-help is also a lender of record. They also lend. Many of the customers may have walked and been served not by this fund but another one. The marketing of the program has been adequate, but we are not happy with the level of response. So here's what we are doing tonight, just for the record, is extending the deadlines so we can line up all of the 12 partners who put money into the fund 10 years ago, so we can make a comprehensive report to you and each of their institutions as to what to do with the residual income or the money that could be coming back to the City.

Ms. Mayfield said follow-up Madam Mayor.

Mayor Kinsey said yes please.

Ms. Mayfield said when we are having this discussion, can there also be a discussion of laying out an actual plan on how we intend to increase that current number of 99 in a shorter period of time and actually look at how moving forward, we are intending to make sure that this is successful.

Mr. Richardson said you bet.

Councilmember Billy Maddalon said Brad, here in the material it says that 61% of the 99 loans were made to minority and women owned businesses. Is the City's participation contingent?

Apparently the City's participation is not contingent on loans being directed toward any particular community or to satisfy a concern that the City might have that minority and women-owned businesses don't have access to startup capital?

Mr. Richardson said it is our interest but it is not a prerequisite of lending from the fund.

Mr. Maddalon said so this fund could then loan to anyone that they deemed appropriate in their own discretion.

Mr. Richardson said that's right. Typically those who don't fully qualify for private financing can use this as a tool.

The vote was taken and recorded as unanimous.

ITEM NO. 17: FIRST WARD REDEVELOPMENT PROJECT AMENDMENT REVISIONS

Mayor Kinsey said we did here a little bit of a presentation upstairs about this. This is an amendment to a previous grant.

Motion was made by Councilmember Cannon, seconded by Councilmember Mayfield and approved unanimous to

- (A) Approve an amendment to the Economic Development Grant and Reimbursement Agreement between the City, Mecklenburg County and Levine Properties that allows for:
 - Relocation of public parking spaces to a revised parking deck construction plan;
 - Updated timeframes for commencement and completion of construction,
- (B) Approve an amendment to the Infrastructure Development and Reimbursement Agreement between the City and Levine Properties that allows for:
 - Reallocation of scope and funds between Charlotte Area Transit System and Levine Properties;
 - An exchange of property rights between the City and Levine Properties;
 - An adjustment to the maximum reimbursement amount upon determination of the acquisition cost of Parcel 08004106; and,
 - Updated timeframes for commencement and completion of construction,
- (C) Approve a Resolution authorizing an exchange of real property rights between the City and Levine Properties (or their successors and assigns) and their affiliates thereof, and
- (D) Authorize the City Manager to negotiate and execute all documents necessary to complete the transactions contemplated above.

The resolution is recorded in full in Resolution Book 44, pages 726-727.

ITEM NO. 18: CHARMECK 311 CITIZEN RELATIONSHIP MANAGEMENT SYSTEM

Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon and approved unanimous to:

- (A) Approve a contract with KANA Software, Inc. in the amount upon to \$1,949,784, for the KANA Lagan Citizen Relationship Management software, related licensing, hosting services and software maintenance and support for one-year term, (B) Authorize the City Manager to approve expenditures with KANA for implementation services as authorized by the contract,
- (C) Authorize the City Manager to approve up to four, one-year renewal options for hosting services and continuing maintenance and support, with possible price adjustments as authorized by the contract, and contingent upon the company's satisfactory performance,
- (D) Authorize the City Manager to negotiate and execute a contract with Telecommunications Development Corporation for implementation project management services and other implementation services as authorized by the contract and negotiate and execute additional contracts as needed in support of the Citizen Relationship management project.
- (E) Authorize the City Manager to negotiate and execute contract amendments to software, implementation services, maintenance services, hosting services, and other related contracts to address changes in scope and opportunities for productivity enhancements, and
- (F) Adopt Budget Ordinance #5191-X authorizing \$3,984,197 for the Citizen Relationship

The ordinance is recorded in full in Ordinance Book 58, page 407.

ITEM NO. 19: UNION COUNTY MEMORANDUM OF UNDERSTANDING AND INTERIM FACILITIES AGREEMENT

Motion made by Councilmember Cooksey, seconded by Councilmember Fallon and voted unanimous to (A) Approve a Memorandum of Understanding with Union county for wastewater treatment plant operations, and (B) Authorize the City Manager to negotiate and execute an interim Facilities Management Agreement with Union County for up to six months.

Mr. Cooksey said it is worth noting that what we just agreed to for the public is an agreement wherein our utilities department will operate treatment plants for Union County. They had been looking to the private sector to privatize their management because they were having trouble on the government side and realized that they get much better service and better value if instead of going with the private sector, they went with Charlotte Mecklenburg Utilities Department, which is yet another feather in a cap with lots of feathers in it with CMUD that we learned about earlier tonight at the annual report of the advisory committee. It does deserve a bit broader statement than just the quick motion.

Mr. Barnes said I can't resist but I believe I just heard my friend from the Republican party say that government can work sometimes.

Mr. Cooksey said when it comes to utilities, absolutely.

Ms. Fallon said it shows cooperation between counties which is our tri-state county.

Ms. Kinsey said well they will get excellent service from our water department.

ITEM NO. 19A: CHARLOTTE DOGLAS INTERNATIONAL AIRPORT COMMISSION APPOINTMENTS

Mayor Kinsey said this is regarding the City's appointments to the Charlotte Douglas international Airport Commission. This item was added to the agenda late since over the weekend, it was decided that the council would move forward with its appointments. I would like to ask our City Attorney to Bob Hagemann to explain the context of this action.

Mr. Hagemann said the legislature passed two bills this past session. The first bill is SB80 which would have created an airport authority and transfer Charlotte Douglass International Airport ownership and control to the authority. That action was on July 18th and then a little over a week later, Senate Bill 380, which created an airport commission. In response to the first piece of legislation, at the council's direction, we went into court and obtained a temporary restraining order that kept that legislation from taking effect. When the legislature repealed that law in the face of that TRO in the City's action, and replaced it with SB380, the bill purported to create a 13 member airport commission and the appointment of those 13 members are allocated five to the surrounding counties, one to Mecklenburg County and seven with the City (4 with the council which is the purposed agenda item tonight) and three to the Mayor. In response to that piece of legislation, we were back and forth on August 1st on a motion for preliminary injunction. Following that hearing, Judge Robert Irvine indicated that he was going to grant the injunction essentially keeping the City in control of the airport pending any change to that Court order. Through that court order, the judge recognized that the Federal Aviation Administration had a

role to play. One of our legal arguments/constitutional arguments is the legislation effectively ignored that federal role and Judge Irvine entered the injunction and did allow for the FAA to do its part in considering whether or not it might take any action regarding the proposed legislation and the FAA has been in control of that process ever since. I've had a number of conversations with them.

Specifically, as I indicated, the preliminary injunction has enjoined the commission from taking any steps to manage or operate the Airport. The airport has been and continues to be completely under the control of the City of Charlotte, as it has been for over 75 years. The court's order, however, did not enjoin the actual creation of this commission (the 13 member board). The legislation does specify that appointments are to be made by all appointing authorities no later than October 1st which is next Tuesday, a week from tomorrow. Mayor and council, as you all know, we have had individual conversations about what to do in light of that. It is my recommendation, it has been and continues to tonight to be my advice to you is to comply with the portion of the law that has not been enjoined and to go ahead and make your appointments before October 1st. I believe that action serves two purposes. First, it shows the council's respect for and compliance with the law. It's a statutory mandate. Second, it does ensure that if and when there is anything for the commission to do, that you are represented; that your appointees are there to participate in whatever deliberations and possible actions might take place. So I believe, if you do go forward with these appointments, it serves those two purposes.

Now let me be clear about, based on conversations I've had with each of you what I do not believe this action would do. I don't think it would or should be...the interpreting as signaling any kind of legitimization of the legislation. This council has been very clear in its public statements, in its private direction to me in terms of how I handle the litigation, that you believe that the legislation is bad policy and based on my advise to you, we all collectively believe that it is unconstitutional and we believe and certainly hope that the courts will agree with us. Second, and related to that, I don't think that your going forward with this tonight should or could be interpreted as in anyway signaling any lack of resolve or movement off of your strong position to defend the City's control of this important asset through all legal means, including litigation and full exercise of appeal rights if necessary. So that is my explanation of how this matter got before you tonight and again, I will come back to the simple point that there is a legislative mandate that you make appointments by October 1st. The Court's order does not enjoin that requirement and Mayor I'll turn it back to you.

Mayor Kinsey said I would like to call on Mr. Cannon to report for the council.

Mr. Cannon said as the City Attorney just explained, tonight the Charlotte City Council needs to make its four appointments to the Charlotte Douglas International Airport Commission. As a matter of fulfilling the letter of the law as outlined in the General Assembly's legislation. Taking this action does not in any way address our larger challenge to the law and its constitutionality which the City will continue to vigorously pursue and so if it be the will of the council and on its behalf, I'd like to nominate the following four individuals to serve as our appointees to the Charlotte Douglas International Airport Commission. One would be a partner and attorney with Parker Poe and a resident of the west side of the City of Charlotte and that would be Anthony Fox. The other would be a former Charlotte City Manager, Pamela Syfert. A bank of America and current member of the Airport Advisory Committee, Miss Pamela Bennett and a former chair of the North Carolina Chamber of Commerce and CEO of the Wurth Group North America and also this business is located near the airport, Mr. Robert Stolz. These appointees bring a vast experience in the areas that we feel that are really critical to the success of the airport, municipal government, law, business, economic development and, of course, airport operations. While this City Council did not create the commission, we are basically fulfilling our obligation as set forth in the legislation itself. I simply, if it would please you Madam Mayor, I'd like to make a motion.

Motion made by Councilmember Cannon, seconded by Councilmember Dulin and carried unanimous to approve this slate appointing Anthony Fox, Pamela Syfert, Pamela Bennett and Robert Stolz to serve as the City Council Appointees to the Airport Commission

Mayor Kinsey said I want to commend the council for their work to finalize these appointments. Since I am still working to identify by selections, I plan to make my three commission appointments and one oversight committee appointment by the October 1st deadline. Mecklenburg County still needs to make its appointment to the commission by October 1st as well. As soon as the 13 commission members are appointed, I would like to ask City Manager Carlee to reach out to these individuals to arrange an oath of office and schedule an orientation meeting. To ensure transparency, I would ask that the commission members wait to schedule their first meeting until all appointments have been made and make that meeting at a date and time when all appointed members can be present. I would like to direct the City Manager to assist the commission in making arrangements for meeting space and administrative and logistical support and things like taking minutes. Again thank you council for being unified on this issue.

ITEM NO. 20: CONCLUSION OF CONSENT AGENDA

ITEM NO. 21: APPOINTMENT TO BOARDS AND COMMISIONS: (A) WASTE MANAGEMENT ADVISORY BOARD, and (B) STORM WATER ADVISORY COMMITTEE

Stephanie Kelly, City Clerk said the Storm Water Advisory Committee nominee Ryan Hamrick received eight votes.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield and carried unanimously to appoint Ryan Hamrick to the Storm Water Advisory Committee by acclamation.

Ms. Kelly said Waste Management Advisory Board nominee Anthony Morrison received eight votes.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield and carried unanimously to appoint Anthony Morrison to the Waste Management Advisory Board by acclamation.

ITEM NO. 22: MAYOR AND COUNCIL TOPICS

Councilmember Beth Pickering said I just want to congratulate Councilmember Mayfield on the wonderful groundbreaking that we had last Friday for the Charlotte Outlet Premium Malls in Steel Creek. This is going to be one fantastic project and she can take pride in this. There will be many jobs, not only through construction, but tax revenue for the city and county and great shopping.

Mr. Dulin said I am a little bit behind. I was taking notes about the taxi situation, the lift crowd. I've met with the taxi folks and we've really been tough on them the last couple of years and they have responded. As a matter of fact, I know, at least from my standpoint when I'm out and about in our community and I see a brand new taxi cab, I'm proud of that taxi cab. I'm proud that it used to be worn out cars and now it's a nice car. But this lift group, I'm a little bit confused by that and I didn't know if we had made an effort earlier to send it to committee or not to study it a little bit.

Mr. Barnes said we asked for the City Attorney for a report.

Mr. Dulin said when are we going to get that report back?

Mr. Hagemann said I believe that we are planning on briefing council at your October 7th Workshop.

Mr. Dulin said I just wanted to keep it current while I was still sitting here because I've got a lot of time and effort in activities we've been doing with the taxi cabs and the black cars.

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Mayor Kinsey said we all do.

The meeting was adjourned at 8:43 p.m.

Stephanie C. Kelly, City Clerk

Length of Meeting: 2 Hours and 22 minutes
Minutes Completed: October 11, 2013