

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, February 9, 2015 at 5:15 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Ed Driggs, Claire Fallon, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

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Mayor Clodfelter said we've got some important and interesting things and some important guest in from out of town. We will start off with our Consent Agenda Item questions and get those done and then we will have a presentation from our guest Secretary of State Tata and others from the Department of Transportation who will speak to us about a number of items including the southern portion of I-485 and other things. We will not be taking any action on that tonight; this is an informational presentation only. We will then move into our presentation as the Council requested back in December on the proposed Non-Discrimination Ordinance and after that we will take a brief recess and go into our Executive Session to discuss the item with Mr. Hagemann that we have to deal with in an upcoming situation. If we have time then we will come back in for the Airport Master Plan and if not we will do that downstairs at the dais.

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Clodfelter said I know Item No. 24 has been pulled Madam Clerk; are there any other items that were pulled from the Consent Agenda? Do we have any questions that you haven't previously submitted to Mr. Harrington?

Councilmember Kinsey said this is really just a comment; Item No. 30, Page 32; it is a property transaction it is Selwyn Avenue and not Selwyn Road. My point is please get the names of our streets and our roads right.

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ITEM NO. 2: NC DEPARTMENT OF TRANSPORTATION

Mayor Clodfelter said we will move directly now into the presentation from our Secretary of Transportation, Mr. Tata who has made it through the congestion on I-40 and through the congestion around Greensboro and through the congestion coming in on I-85 into Charlotte and we are amazed that you made it, but we are pleased that you made it and are very honored to have you with us here tonight. I will ask Danny Pleasant to introduce all of our other guests; we've got a number of other folks here with us tonight and then I will turn it over to Mr. Curran who will introduce Mr. Tata.

Transportation Director Danny Pleasant said I am Director of the Charlotte Department of Transportation and here tonight we have a group of folks from NC-DOT and the Federal Highway Administration to talk to you in response to questions we've had about I-485 on the south side, the work that has recently been done and how much of that is open and how much of that is being held in reserve for future capacity. Before we get to that let me introduce NC-DOT Secretary Tony Tata. We have Ned Curran, who I think most of you know, and who chairs the North Carolina Board of Transportation and an important Real Estate Development professional here in our community. John Sullivan is here from the Federal Highway Administration; John is in charge of the Federal Highway Administration District that covers all of North Carolina. Nick Tennyson is Deputy Chief Secretary, Chief Operating Officer, the guy the Secretary texts when he needs a good answer. We have Louis Mitchell who you know well, is our Division Engineer for the Division that covers Mecklenburg County and quite a few other counties surrounding us. Mike Charbonneau is Deputy Secretary in charge of Communications for NC-DOT which is a significant job. Andrew Bell, Assistance to the Secretary and Jordan Ashley Walker is a Communication Officer and of course Warren Cooksey who you all know and work with the Division Officer. Without further ado I will give you Ned Curran to start off with.

Ned Curran, NC-DOT-Board of Transportation said thank you for giving us this opportunity to talk about something that clearly is on the minds of a lot of people. We very much appreciate this invitation and the Governor has urged the Secretary and myself and other senior members of staff to engage the public and key officials to talk about this. As I frame this up to turn it over to the Secretary I just want us all to be mindful of how we got here. This is a wonderful thing that we are talking about; the fact that we are strategic and thoughtful about our future transportation plans like the fast lanes study means that thoughtful public sector employees conceives opportunities and that is exactly what happened years ago when DOT officials in conjunction with the Federal Highway Administration Officials saw an opportunity to build a lane that we knew we were going to need in the future for a fraction of the cost. We wouldn't have to endure the slowdown and the construction delays that will be associated to come back in and reposition ourselves to put this lane in and underscoring all of that is the safety concern that we didn't have construction workers that would be put in jeopardy by trying to add a lane in a high speed framework.

As you hear the Secretary talk about the options in this conversation that we want to have with you, that notion of safety is something I hope we don't lose sight of. I'm here formerly right now with my hat on as DOT Board Chair and will take that off for a minute and put on the hat of a Bissell Executive where most of our holdings are served by this transportation corridor. If there was anybody who ought to be saying open that lane up, one would imagine it might be us. But when I think about the 15,000 people that work in our office buildings or take advantage of the Ballantyne area or our own employees I think about their safety and so as you listen to the different options, please bear in mind that what is paramount for NC-DOT, Federal Highway Administration, your own Transportation Department is the notion that everything we do in transportation systems has to be something that is safe for the public. I'll keep my DOT hat off and keep my Charlotte hat on and say that anytime we can welcome the Secretary of Transportation to Charlotte is a good day and a good thing for Charlotte so it is a pleasure and honor for me to introduce my friend Secretary Tata.

NC Secretary of Transportation Anthony Tata said it is certainly a privilege to be here on behalf of Governor McCrory who asked me to look at all the options. We are going to show you the options and we are going to show you the impact of the options and truthfully, as Ned said, we came in \$18 million under budget or saved \$18 million on the extra lane by building it in concert with the project and came in two years ahead of time so that is a good news story. As we look at the options moving forward that is one of the things we need to have a conversation about because there are pros and cons with every option. What I'm going to do is talk to you about options available for I-485 project origin and evolution just to bring everybody onto the same sheet of music and then operational considerations which do involve safety primarily.

The three options that are available are to drive on with the current plan which essentially is in 2016, the next project that may be a draft of the Transportation Improvement Plan to begin that express lane project. The second option has two or three different variances; open that extra lane as an HOV lane, you could open it permanently as an HOV lane or you could open it during rush hour or heavy congestion times as an HOV lane and you can take a look at tolling that as an HOV lane. Those are three variance of one option and then you could look at it as a general purpose lane and there is some severe consequences to that based upon the plan that was submitted by the MPO and what this region asked for and what was submitted into the TIP or Transportation Improvement Plan. I'll address in detail those options, but let's back up and go through some of the history which I'm sure many of you know, if not all of you. Built eight projects between 1988 and 1996; the congestion improvement it happened and now it is congested again and I'll show you in a chart in a section where there is significant congestion and where we project in 15 to 20 years there to be even more significant congestion and then the regional study of alternatives resulted in a local choice to add managed lanes to future widening's for more predictable travel times. That fast lane study began in 2007 in an examined existing and planned major highways and included really all the partners in the region here so it is not like it was an NC-DOT driven deal, it was a partnership of coalition of folks that came together to find the best transportation solutions for this region. You can see all of the different corridors here from I-77 to I-277, 74, I-485 all of that was considered in that fast lane phase 3 study so current project from I-77 to Rea Road, the project originally ended at Johnston Road, it was modified to change that eastern terminus to Rea Road, \$14 million lower bid than the

engineer's estimate and it opened to traffic two years ahead of time. We saved \$14 million and opened it two years ahead of time and the additional pavement included in the project, we expected to be finishing in December of 2016 when we would then dovetail into the next project so that is sort of why we are here today; we finished two years early and we saved a bunch of money and now we've got to figure out how to move forward that satisfies the community. This is a blow-up of the part of the I-485 stretch where we are talking about from I-77 to Rea Road and that is the TIP project. As you think of this green strip moving particularly from left to right on the map, the top chart shows the current state of affairs, it goes from four lanes to three lanes to two lanes. If we open it in some fashion whether as a general purpose or an HOV lane it will go from five lanes to four lanes to three lanes to two lanes. When you hear Ned, my Chairman talk about safety considerations this is one of the areas that the professional engineers get very concerned about when you go in a pretty compressed distance from four to two lanes and when you go from five to two lanes there are second order affects that create that accordion affect and the congestion, accidents, people trying to pass the congestion and get in front of the cue, etc.

That is part of the operational consideration, when you look at this chart, this is the project area and you've got the 2012 average daily traffic and what you see is that area where the two red blocks are, that is the area we are really talking about and that is where the congestion is today. As you move further out it gets less congested. When you look at our 20-year plan it is congested all the way if we don't do anything so we know we've got to do something. This is just to show the volume, the capacity ratio as the engineers call it, it is congestion we don't have enough capacity for the volume today in the specific areas that are highlighted there and then certainly along that whole corridor it is going to be congested if we don't do anything. What are the reliable ways of finding congestion relief and that was the managed lane, express lane project that was planned by the local MPO and submitted to NC-DOT from I-77 to US 74 and that is to provide congestion relief and it is 16 ½ miles so it is a \$220 million that begins in FY17. That is the study corridor right there and so that is really the project; that is what was going to dovetail right into this project or the previous project because we finished two years early, we've got this lane.

Back to the options; Option A – continue with the current plan; that is an option of course, leave the extra pavement as currently designated, start the new project as soon as possible. We are looking to see if we can't move that some to the left on the calendar and of course from an engineer point of view from the folks that really look at our safety, it allows the traffic to stabilize with the current weaving and lane change movement, so that is an option and the Governor's charge was consider all options and that is what we are doing.

Option B – Open as an HOV lane; it is not available until we do environmental documents before the next phase and that should be August, so we've got some work to do there, but it is an option and we can communicate that if this is the way as we work in partnership with the MPO and with all of you to move forward. If this is the choice that we collectively make then certainly we can communicate that we are going to head in this direction. It does not alleviate the current lane reduction of five, four, three, two but it is an option that we are considering and it introduces that additional lane merge that I showed you, but it does preserve the flexibility for the MPO preference for using added capacity as a managed lane so you do not lose, if we go HOV here, you do not lose capability to then follow the MPO's desire to have a managed lane. I'm going to spin to my Federal Highway guy; am I correct?

John Sullivan, Federal Highway Administration said yes sir.

Secretary Tata said John is a pro and that is why we brought him down here. Option C- Open as a general purpose lane; that is not available until final asphalt is in place in April on the current project. Certainly it would not alleviate the current lane reduction and in fact compounds it by allowing traffic to go five, four, three and it is the same deal. It does however remove the capability to follow the MPO preference for using added capacity as a managed lane. I think probably to get a little bit inside baseball, if you went to this then you would have to re-evaluate the project that was scored in the transportation that is currently sitting two years away in the draft Transportation Improvement Program and you would have to rescore that project as a non-managed lane project and I'm going to spin to Lewis Mitchell. Am I correct on that?

Louis Mitchell, NC-DOT said that is correct.

Secretary Tata said so that would come off; you would lose your 2017 slot and it would be rescored in two years the next time we rescore projects and because of the cost of that project and you are not getting any revenue out of it, who knows where it might end up. But it is an option to do and I'm laying out the pros and cons here.

These are the three primary options and I will go through them again; drive on as planned, allows the traffic to stabilize, but it does have that perception of extra laneage out there. Maybe we could be going faster and so we've come up with the thought of using it as an HOV lane and many of you likewise have come up with that thought and it does not take away our future flexibility, but it creates a little bit of the merge issue, but our engineers are taking a look at that to see how we could work through that, of course to make it as safe as possible if we went down this lane and then general purpose lane; that would have two real impacts, the safety impact and of course is imbedded in that and it removes the ability to revert that lane back to an express lane or managed lane and then the third impact would be that you would have to re-score the existing project without the revenue contribution so it would be a higher cost to the state and we are not sure where that would fall out. Those are the three options that we see and as I mentioned on the HOV lane there are three; there is sort of a straight HOV, there is a rush hour HOV and then if you wanted you could toll during that HOV or use that as an express lane.

We received some Council questions and I wanted to make sure we answered these in the presentation or in our discussion. Can the actual width be open to traffic or anybody to travel on, why not? I think we answered that with the three options and when will construction of the toll lanes start, will traffic be required to stop using those lanes during construction? I think we answered; it is 2017 project let date on that and what month are we looking at Lewis?

Mr. Mitchell said late to fall 2016.

Secretary Tata said so it would be FY2017, late fall 2016 would be the let date for that project and I would assume we would be able to keep on using that HOV lane if we were to convert it to an HOV lane, is that correct Lewis?

Mr. Mitchell said that is correct.

Secretary Tata said what will the Charlotte Planning Organization be asked to do? I think the request to make it an express lane came from the MPO so any change that NC-DOT would contemplate on that extra laneage would have to be made in conjunction with the requesting authority because the impacts could be huge as I just said. So what we are asking is that we have that dialogue and Lewis has had dialogue daily. This is something that is on the Chairman's radar, my radar, the Governor's radar; we know this is a big deal and we are working it so we ask that the Planning Organization be a part of this discussion and a part of the solution moving forward. What are the safety and operational effects? Benefits or cost of allowing the extra width to be used by any vehicles, car pools, etc. so that was the; I talked about the safety effects and we are very concerned about the five to four to three to two if we open that and there are ways to meter that a little bit but at the end of the day you are going to have weaving on the front end and you are going to have weaving on the back end; anybody who has driven south bound on I-95 out DC on any day and you are in that HOV lane and you just pull right into the parking lot at the end of it. It would be potentially something like that, so I feel like we have sort of completely answered these questions but I want to answer any questions that you might have.

Mayor Clodfelter said do you have any other members of your team want to speak?

Secretary Tata said John was there anything that you wanted to say?

Mr. Sullivan said no sir I think you covered it.

Mayor Clodfelter said I do have some Councilmembers who were interested in questions; they may take you back into your slides, but I want to thank you for doing this and thank the

Governor too for his attentiveness to this and being very responsive. We really do appreciate that.

Councilmember Howard said Mr. Secretary thank you for coming down and thank you also for moving this project up several years before it was even supposed to start construction so thank you for that. My questions have to do with Option B two and three. You mentioned that C would have obvious effects on the TIP and LRTPO or whatever it is called now. I would love to know in little bit more depth; you hit that one and kind of kept going but it would have a ripple effect on projects throughout our region and I was wondering if you guys have even thought about what that would be and I was wondering on Option B whether or not that was the same case? Lewis, maybe you can help me with this, if you move money I don't know if you are moving money up to open it as an HOV lane and if that was the case would that have a ripple effect on other projects or could you do that out of money that you have already or were you intending to do that out of money you have already?

Secretary Tata said let me see if I can answer this and then we will go to Lewis to fill in any gaps, but if you open as a general purpose you then take away the fed and the Federal Highway Administration will not allow you to convert that back to a managed lane, correct?

Mr. Sullivan said if we go to a managed lane we would have to add a new lane.

Secretary Tata said you would have to add a new lane beyond that so that lane that we had planned and built and saved money on and finished two years early, that lane would just then become forever a general purpose lane. So that would trigger the need to re-evaluate its connective project because we would no longer be able to turn that into a managed lane in the project that begins in the fall of 2016 as a managed lane. We would not be able to do that because it would be a general purpose lane and that project would not be a managed lane so you would have to because the score involved the cost to the state and because we calculated the revenue from the managed lane and lowered the cost to the state, now we would have to re-calculate that and move it and of course the cost would be higher to the state and would have a different rating or different score and may or may not make the TIP as a managed lane. So open as an HOV lane as we talked and as John Sullivan our Federal Highway Administrator has said that if we open it as an HOV lane then we can convert it to a managed lane or an express lane. Does that answer your question?

Mr. Howard said much like you are doing on I-77 which is an HOV lane there?

Mr. Mitchell said that is correct.

Mr. Howard said there is no money lost in that one because it is really built as a managed lane, high occupancy lane anyway.

Mr. Mitchell said that is correct.

Mayor Clodfelter said that is an important question Mr. Howard is asking, if we made interim use for an HOV lane, would the cost associated with an interim use drop any of other projects down in ranking or require them to be rescored? That money has got to come from somewhere. I think that is the important question.

Secretary Tata said that is part of what we are analyzing right now. Lewis did you want to add to that? There is some cost.

Mr. Mitchell said it would be additional costs for hardware and operational considerations but we don't have that to a point to where it is a refined estimate to know exactly what that dollar value is today.

Mr. Howard said the only thing I meant on C is I would think that ripple effect of Option C on other projects could be pretty major as well. So the MPO would be re-evaluating all projects; it could have the trickledown effect on other projects for the region. Is that correct or is that wrong as far as funding is concerned?

mpl

Secretary Tata said that extra lane is a part of the project that starts in the fall of 2016 and so I don't know if you have other projects that are connected to that that you would need to re-evaluate, but for sure we would need to re-evaluate this \$200 million project.

Mr. Mitchell said that project would be a statewide level project which comes off of the top 40% so we would have to evaluate that project then against other projects across the state and how it ranks with projects across the state.

Secretary Tata said it is this project right here from I-77 to US 74 for \$220 million, that lane is part of that project so when Lewis and team saw the opportunity to get that lane at a savings of \$14 million to \$18 million they did so and that is what we are talking about now.

Mr. Sullivan said I just wanted to clarify to the answer about the HOV option so the question that the Secretary has asked us if they implement an HOV lane as an interim will that allow the project or the corridor to go back to a managed lane and I just want to explain managed lane in our parlance is really express lane which is tolling all vehicles. So when you mentioned the I-77 project that is taking an HOV lane and then going to a hot lane. The answer that we gave NC-DOT is you could revert back to an express lane. I just wanted to clarify that.

Secretary Tata said meaning even vehicles with three or more people would be –

Mr. Sullivan said that would be up to a later decision; it could be implemented either as a hot or it could be toll all vehicles.

Secretary Tata said so we would still have that flexibility.

Mr. Curran said David, you served on the Committee of 21 with me as well as Councilmember Fallon; Ms. Lyles you facilitated and that was the 2007 Committee that was tasked by this City Council, by the County Commission and by the Chamber of Commerce to evaluate the challenges we faced in funding that case was specifically roads and I think the conclusion of that group was that we are \$12 billion short in Mecklenburg County alone over the next 25-years in funding the transportation infrastructure that we envision we need for a good system, not a great, not an outstanding system. We evaluated some 30 different types of funding options for roads and one of the conclusions of that group was whether we like it or not tolling is going to have to be a component because it was the only place we could see significant dollars while we transitioned to other funding sources. The same debate is occurring at the state level as we try to keep up with significant population growth that we are having into North Carolina. As we have this conversation about the options we need to be mindful that the fast lane study was something that was part of our future, that is what created the opportunity to take advantage of this lane when we did it, but that also was critical to how we see ourselves being able to deal with the congestion and the pressure that we are going to face so we have to think about that as we evaluate these different options.

Councilmember Phipps said with respect to Option B, open as an HOV lane, depending on the criteria we use for ridership it is two people or three people in the car; will that standard be strictly enforced?

Secretary Tata said I'll talk to the Mecklenburg Police about that, but the enforcement of any HOV lane relies really on the good conduct of the citizens and law enforcement and that question really led us to a discussion about do we want to put a gantry up which led to one of the sub-options of tolling through some measure to make sure that what we've got going through there is either people, two or three HOV or maybe if they want to pay they can go in there and get a little bit more predictable travel time.

Councilmember Barnes said Secretary Tata welcome to Charlotte and the other folks who came with you as well. The question I had is listening to everything you said I've seen the news reports about this issue and I appreciate your presentation. Do you all have a recommendation for what you would like your outcome to be whether it be A or B?

Secretary Tata said I think our recommendation will come from collaboration with the Charlotte MPO, the regional MPO here and right now our mission is to really show you the homework that we've done as far as planning and looking at the second and third order of impacts of any particular option and then get the MPO's input because one of the questions from you all was what is the MPO expected to do here and certainly because the MPO drove the managed lane express lane option this specific project here it would not be good business practice on our part to just unilaterally make a recommendation or decision so we look forward to working with the MPO on this.

Mr. Barnes said in terms of risk and reward, I heard you say that if we chose C the next project may get thrown out of line which is B and there is some continued safety considerations and A, while frustrating to the general public, may be the ultimate way to go, again without getting a list of approvals from the ... folks. I assume those are the only three options that are in play.

Secretary Tata said there are three options with three versions of the HOV lane and you can just run it straight HOB whether it is two or three; you could put a gantry up which there would be expense there, but you would also recoup that expense with toll. I really want to address the fact that our engineers feel that A is the safest way to go and that if you open that fifth lane and then go four, three, two you are creating unsafe conditions that could otherwise be avoided. That is a factor as we talk about this and we know that there is concern here in the region and so we are looking at all the options and we want to work with the MPO on this. We have no predetermined solution; we are coming down here to present what we've been looking at and we have of course open ears to listen to feedback from the community and the Council and the Mayor.

Mr. Barnes said I appreciate that; thank you.

Councilmember Fallon said I'm not asking for a definitive answer, but do you have an idea or how much it would cost? Is it a half million, a million?

Secretary Tata said to do HOV?

Mr. Mitchell said we would probably be looking at something in the million dollar range for signage and ... We would have to have some type of guidance to show people exactly what HOV is and as we get near the end to terminate at both ends we are going to have to merge those back into the general purpose lanes so they can have safe ingress and egress.

Ms. Fallon said I'm aware of that so that million dollars would be taken out of what we are spending for the other lanes, for Independence and other projects?

Mr. Mitchell said certainly it is part of our highway trust fund and we value those dollars.

Ms. Fallon said but it wouldn't have to be totally refigured?

Mr. Mitchell said at this point it would not, no.

Councilmember Smith said thank you for coming tonight and we appreciate your time. This is as you can imagine a pretty important issue in South Charlotte. You mentioned some environmental work and I think the date for completion was roughly August. I assume that is typical Phase I geo tech type work. What is the purpose of said environmental work?

Secretary Tata said if you have an extra lane with extra traffic and extra emissions you must say what the impact on the environment is. When we planned to move forward with the project that we are completing now that was supposed to be done two years from now but it was done early. The environmental work was already underway for the next project and it is going to be done in August, a full 15-months before the project starts so that environmental work will be available for us to be able to say open this lane and then we've got to go to John and John you may want to talk about that.

Mr. Smith said is that a federal requirement?

Mr. Sullivan said it is a federal requirement and so what is the difference between what is out there and our current environmental document that approved the work that is out there today versus the modification. We have to look at is that modification consistent with the MPO's Transportation Plan and the Transportation Implementation Plan. Part of our work in doing the environmental process on an interim solution will be demonstrated in conformity with the Clean Air Act.

Mr. Smith said we've talked about if you open it as a general purpose lane you can't revert back to a managed lane and I understand we are sort of dancing around funding impacts, but I'm trying to figure how if it doesn't revert back to a managed lane how that negatively impacts the citizens of South Charlotte. I am assuming there is an overwhelming preference for it to open as a general purpose lane so they can use the road and I'm just trying to get a handle on what the consequences would be.

Secretary Tata said this project is what we scored in the new law; the project scored very well and it is scheduled to begin construction in 2016 late fall. It was scored as a managed lane meaning that there was toll revenue that would be coming in and because of the way it is data driven, the cost of the project is part of the formula. That cost was lowered by an estimated revenue of this project. If you make part of this road a general purpose, meaning a non-toll road, then what you end up with is you've got a totally different project than before because you are not going to be getting any revenue and therefore the score would be unfair to the 3,100 other projects that were scored to say well let's just hold this one right there because that \$100 million in revenue or whatever it was isn't going to be coming in. That would then make us pull this out of the draft Transportation Improvement Program, rescore it when we do it every two years and then see where it falls. The best case it would be five to six years from now and you would lose time and you would lose money if it became a general purpose lane which means the road that is not tolled.

Mr. Smith said how many lanes of I-440 in Raleigh, not the outer belt, but of I-440 are managed lanes of the inner belt line?

Secretary Tata said on the draft Transportation Improvement presently none; I-540 is 100% tolled. There are no other ways to get on I-540 other than toll from the Triangle Expressway, but future on I-40 through Raleigh the managed lanes made the draft Transportation Improvement Program.

Mr. Smith said I have good friend in Raleigh and they have two beltlines that are completed, but I do thank you for coming. I'm just standing up for the City.

Secretary Tata said wait a minute I can't let something to unanswered there; I-540 has three sections that have not been completed so it would be sort like that whole swath right there plus the rest up to the top of the blue line that is not completed on the outer beltline.

Councilmember Kinsey said Mr. Secretary, thank you for coming; I have a much greater understanding of this issue and appreciation of the safety factor, so I appreciate you taking time to come to speak to us.

Councilmember Driggs said Mr. Secretary I am actually Warren Cooksey's successor which is a tough assignment. I noticed when you talk about the pros and cons there was no reference of the impact that these options have on travel times. It seems to me there could be an important plus or minus if we actually knew how much difference this makes.

Secretary Tata said I didn't put it up there because it is six second is what our engineers have determined.

Mr. Driggs said from where to where?

Mr. Mitchell said what we've seen is when you look at the entire eight mile stretch; it would save about six seconds in travel time.

Mr. Driggs said based on current traffic volumes?

Mr. Mitchell said that is correct.

Secretary Tata said our Traffic Engineer has modeled it, run simulations and six seconds was the average travel time savings.

Mr. Driggs said a lot of people are aware of the fed position on this and the point you made about you can't revert, but it seems to me that law was intended to address a certain situation where you took existing lanes and just suddenly started to make them managed lanes. This is an unusual circumstance; this thing was built from the outset this way and funded on that assumption so I guess my question is, is there no appeal at all to common sense in terms of asking the feds for an exemption from that requirement in this instance because this is not the situation that that rule was intended to address?

Secretary Tata said I would turn to my Federal Highway colleague for the common sense question.

Mr. Sullivan said actually when Congress changed the Highway Bill in Map 21 they specifically modified the tolling language such that whenever an entity opens up a general purpose lane, what Congress says to toll the interstate system we can only toll a lane or add a toll lane. We always have to maintain the same number of lanes that existed free before we tough the project. We've run this through our legal counsel and what they have interpreted and Congress is very specific, it is how many general purpose lanes were in place prior to the next project to implement a managed lane so that is why we've advised the state, if we open it up as a general purpose lane and it is a general purpose lane. If we want to come back and implement a managed lane concept we'd have to add another lane.

Mr. Driggs said I understand, it is just doesn't feel like this is what Congress had in mind, but you are taking it would take an act of Congress –

Mr. Sullivan said yes sir that is the Federal Highway Administration interpretation of this.

Mr. Driggs said what is the cost of leaving the lane closed; the issue has been raised that at least in some correspondence I've seen that there is in fact compared to some of the costs that have pointed to environment and stuff like that, there is actually a cost associated with keeping it closed. Is that right?

Secretary Tata said I'm not sure what costs there would be.

Mr. Driggs said barrels, signs etc.

Mr. Mitchell said I read that there are barrels but the barrels are not a permanent fixture; they are there because of the active work zone and the final ... for these plans that lane would be hatched out and we would have flexible delineators, something that is a little bit less intrusive to a vehicle if they had to pull off in case of an emergency. The barrels will not be there after the project is completed.

Mr. Driggs said a point was also made that the safety issues that have been highlighted could be mitigated by staging the merges along this long stretch and still get the benefit of quite a big piece of the widening to maybe just cause them to converge a little earlier and not have so compressed and narrowing. Does that help with one of the issues that we've talked about here?

Secretary Tata said certainly if we go to B or C we would do this in the safest way possible and the engineers would map this thing out and figure out when you would get in there and when you would get out of there. Absolutely if we deviate from A then safety becomes the driver for this thing. A is the safest operation right now, but as we work with the MPO if there is a feeling that B or one of the other options is the way we want to go then we will drill down on how we want to do it in the safest way possible.

Mr. Driggs said District Seven particularly appreciates your coming here to talk with us.

Councilmember Mayfield said thank you Mr. Secretary for joining us. I just want to get a little clarification so we start out the conversation speaking to the savings I believe you said was around \$14 million. Have those dollars been allocated so it was questioning the costs of the HOV lanes that can be around \$1 million for signage and the marking around it. Has that \$14 million already been allocated to this project and what are we doing with the savings?

Secretary Tata said when we did the design build contract the engineer estimate was X and the project actually came in at X minus \$14 million so that \$14 million remains in the trust fund and we don't write the check for X, we write it for X minus \$14 million so that has remained in the trust fund and gone to fund other projects.

Ms. Mayfield said for clarification, back to my question, has the \$14 million already been allocated to additional projects or as projects come along are you spending the savings?

Secretary Tata said yes the \$14 million along with about \$1.5 billion each year, the new draft Transportation Improvement Program, all that money is allocated so if what you are getting at is there \$14 million sitting around, no there is not. It has all been allocated against projects. We have 3,100 projects that were submitted by MPO's and RPO's around the state; 1,800 highway, 1,300 non-highway bike-ped, ferry, rail, transit etc. air fields and so of those 1,800 highway, they get about 90% of the funding and then there is 4% set aside for the non-highway and then highway and non-highway compete for that remaining 6%, but all of that money is spoken for in the new draft Transportation Improvement Program.

Councilmember Austin said thank you Mr. Secretary for coming today and I think we've had some great questions. I'm going to go a little off script here; it looks like we are getting ready to add on about 17 more miles of state on the highway. Are you familiar with the trash and debris that is all around our interchanges and highways around here? The reason why I ask is because I spend my week-end with a trash bag in my car trying to pick up trash along these exchanges and I've tried to work very diligently and I will share that I've worked hard with NC-DOT, but it is a bad reflection on the City of Charlotte when we have trash everywhere and we are trying to work with that and you guys have some different ... Can you address that?

Secretary Tata said absolutely I will address it at large for the state and then I'm going to turn it over to Lewis to talk about it for Division 10. We have lawnmowers and trash collectors that we contract. We give about \$8 million to the prison system and they come out and clean up on schedule. The funding right now for particularly the highway fund where this money comes from is very, very tight. We've got an increase in population, we are the ninth largest state in the nation, we've got decreasing revenues because the gas tax where we are reliant, 75% of the highway fund is reliant upon motor fuels tax and cars are more efficient now so we are either flat or declining in revenue there. The Divisions are having to make very difficult challenging decisions with regards to do I do maintenance here, do I have trash crew go out, do I do lawn mowing, how frequently do I do that and when do I do that so that is a pretty common issue throughout the state that Division Engineers are having to make tough decisions with the maintenance funds they've got. I'll let Lewis address the litter problem here.

Mr. Mitchell said in regard to litter pick-up frequency, typically in Mecklenburg we are on about a six to seven week cycle. We have an enhanced presence inside the I-277 area; that is about a four-week cycle and we do the mowing at the same time. But as the Secretary said, with increased population, increased traffic, some of it unintentional debris coming from vehicles and just the general increased population we do have to have a much denser presence here in Mecklenburg, but six to seven weeks for most of Mecklenburg and Cabarrus and about four weeks around the I-277 area.

Mr. Austin said I will just share with you; that is not working. We are a high urban community and what we are getting is people are driving through our city, throwing trash out and it is giving a bad reflection on the City of Charlotte so I would just ask that we kind of address that and look at a different cycle. I can go out most week-ends and pick-up but it not necessarily what I want to do, particularly when it is the state's responsibility.

Secretary Tata said we certainly appreciate your efforts and we share your message and will take that; we have a Division Engineer meeting once a month and we've got one coming up soon so we will have a conversation about that.

Mayor Clodfelter said I'm going to suggest this is a topic we may want to have a fuller discussion of it at a different time and perhaps Mr. Mitchell can talk to either the Transportation Committee or the full Council at another briefing. This was a perpetual topic every year I was in the General Assembly and a big one. It was not treated lightly.

Secretary Tata said is it not constrained to Mecklenburg.

Mayor Clodfelter said Mr. Secretary I want to bring us back to the item on the agenda and thank you again. I have two questions before we close out; again this is a good instance I guess of no good deed goes unpunished. If you brought this project in on time we wouldn't be having this discussion, you would have moved right into the next phase of the project. If we let the next phase in 2017 when would it be completed and have the whole 16 miles available for traffic?

Mr. Mitchell said it would probably be close to 2019; that would be a safe bet.

Mayor Clodfelter said is it possible from a managed lane concept to open a managed lane in stages so that we could, for example if your decision and the recommendation and the MPO's decision were to wait on what we do with the current lane that is out there and then go ahead with the 2017 project, would we then be able as we are doing construction of the bigger project to open the managed lane in stages?

Mr. Mitchell said that is possible if we put the tenants in the contract prescribing that the contractor opens the lane in stages. The caution is when you do get restrictive that often comes with increased costs, but that is possible.

Mayor Clodfelter said it's got a price tag. When do you foresee you will be reporting back your deeper dive into the three options of the MPO? When would that probably occur?

Secretary Tata said I'm going to ask Lewis to reach out to the MPO; I'm sure he has already done that and we will huddle after this and we really wanted your feedback today and certainly appreciate everyone being here and the invitation to come down.

Mr. Mitchell said it is a collaborative approach with the MPO because it does have ramifications on the entire region and the projects in there so the MPO test and is the keeper of the model for us and we will have those conversations which are technical staff this evening with the best results.

Secretary Tata said from a timeline perspective we are moving on this pretty quickly because we know that it is a communication issue as much as it is anything right now because let's say you chose Option B and it was a collective decision, well we can't do anything until August anyway, but we want to get set whether it is A, B, or C and make sure that we communicate that appropriately so we are talking days and weeks here, we are not talking months.

Mayor Clodfelter said I appreciate that and I understand you can't put a firm date on it, but we appreciate that; you've jumped right on this and we really do appreciate that too, and you know that we are going to be as responsible as you need us to be as you evaluate the options. Councilmember Lyles is our MPO Representative so she may want to add to this.

Councilmember Lyles said we do have a CRTPO meeting next week so I didn't hear you say days and then that leads us into March but I am going to assume by this that we will hear from NC-DOT, that will be a report and then the usual process for CRTPO is to hear the report and not act on anything for 30 days concerning the number of members that we have and the depth and width of our region so I would assume at the earliest it would be April.

Secretary Tata said right, so Lewis will brief at that meeting this same slide deck plus probably some more specific information and then a month later you all decide and there might be some interim meetings in there so weeks.

Mayor Clodfelter said Mr. Secretary thank you again; Mr. Curran, Mr. Sullivan, Mr. Mitchell and Mr. Cooksey thank you all.

Mr. Howard said before you guys leave, just to go back over history on this one; being a former member of the MPO when most of these votes went through I was representing the City and in each one of these situations where we talked about using managed lanes, all of it was always about moving people as soon as we could. That was always what the point of it was. The way the general purpose money seemed too far into this future, this gave an option to do it quicker. I guess I want to go on record that my MPO Rep that Option B makes a lot of sense if we can figure out the safety issues with the transition in lanes because what it does it gives you an opportunity to start to move people which is what that whole approach and the reason we even went in that direction from the beginning. Just go on the record because you wanted to get feedback; that one would be of interest to me.

Secretary Tata said thank you for your interest in Transportation, NC-DOT and for the great feedback because this is how we operate. We take feedback, we make decisions and we work collaborative.

Mayor Clodfelter said we like the fact that you are willing to think outside the box on this too so we appreciate that. Thank you.

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ITEM NO. 3: NON-DISCRIMINATION ORDINANCE

City Attorney Bob Hagemann said as you will recall this matter was before you on your November 24th meeting. Scott Bishop of MeckPac and the Human Rights Committee made a presentation and is requesting certain amendments to City Ordinances to reflect non-discrimination with respect to certain characteristics that I will cover. Council at that time asked me to prepare a briefing paper which went out with your agenda and I'm going to cover that material tonight briefly, give you a little bit of history, describe the current ordinances and then the propose amendments.

Back in 1964 Congress passed the Landmarks Civil Rights Act of 1964 and among other things it provided protection against discrimination in the context of public accommodations and employment and you can see there the characteristics that were protected back in 1964, race, color, religion, national origin for public accommodations. Actually I got that wrong the age and disability were added to employment later and title seven which protects against discrimination in the areas of employment based on race, color and religion. The main categories that are before you right now, sexual orientation, gender identity and gender expression really became the subject of legislation by local governments and states across the country over the last 10 or 15 years.

The ordinances that we have before you for your consideration first is the City's Public Accommodations Ordinance. Public accommodations are services and goods in commerce offered to the general public. In 1968, four years after the federal law, the City Council adopted a local non-discrimination ordinance for public accommodations, picking up the same characteristics that were in the federal law, race, color, religion and national origin. In 1972 Council amended the ordinance to include sex as a protected characteristic and then in 1985 through the recodification of the City Code, a comprehensive recodification, sex was broken out for separate treatment. Instead of an across the board, you cannot discriminate based on sex, it was carved out and scaled back to hotels, motels and restaurants and even then there was some exclusions, some safe zones dealing with restrooms, changing rooms and other private places. We have been unable to find a very clear documented explanation of the reasoning behind that. I did communicate with my predecessor two before me who was City Attorney at the time and he recalls his best recollection is that change was recommended by the Code company and it was to

deal with some lingering concerns coming out of the national conversation about the equal rights amendment and whether or not the ERA or something like that would require single sex restrooms.

In 1992 our local Community Relations Committee made a recommendation that the Council add sexual orientation to the protective characteristics; that proposal failed and the amendment was not made. Finally with regard to enforcement the code is not specific; you will recall from a presentation I made a couple of weeks ago municipal ordinances are enforceable by the City through either the imposition of civil penalties, criminal misdemeanor charges hence Class 3 misdemeanor for local ordinance violation which brings with it a fine of not more than \$500 and active time of up to 15 days for somebody who had three priors and up to 20 days for somebody who had five priors and finally an ordinance can be enforced by the City going to court and seeking an injunction, an order by the court to do something or stop doing something and then that is enforceable through civil and criminal contempt if the individual enjoined violates the injunction. I am told by Willie Ratchford with our CRC that in his memory we have never brought criminal charges or sought an injunction to enforce the current Public Accommodations Ordinance, instead every complaint that he can recall being filed has been resolved satisfactorily through a conciliation process. Also back in 1968 the Council created the CRC and it charged it with a number of duties including the duty to make recommendations regarding the elimination or reduction of discrimination through ordinances and also gave it the power to approve or disapprove plans to eliminate or reduce discrimination typically following the conciliation process. I bring this to your attention too because they are given jurisdictions over a number of characteristics and a proposal would add the ones that are subject of this proposal to their jurisdiction.

The second regulatory ordinance is the Passenger for Vehicle for Hire Ordinance, limousines and taxis; the current ordinance prohibits companies and drivers from discriminating under the traditional characteristics not including the ones that are at issue so as you will see in a minute the proposal is to add these to that ordinance. That ordinance is enforced through civil penalties and the revocation of operating certificates for companies and operating permits for drivers who are found to have discriminated. Finally, the Commercial Non-Discrimination Ordinance, this ordinance some of you may remember, came about back in the early 2000 after the City was sued over our then MWBD Program. We concluded that our program at that time was not defensible and the Council terminated the program and replaced it with the Small Business Enterprise Ordinance, but as part of all that work a proposal was made to adopt a Commercial Non-Discrimination Ordinance. This Ordinance prohibits companies that seek to contract with the City from discriminating against their vendors, suppliers, sub-contractors or commercial customers and that is enforced potentially through the suspension or termination of a contract and even the debarment for up to two years. I will tell you that since that ordinance was adopted we have not processed through an enforcement action any complaint of discrimination under that ordinance.

Before moving directly to the proposal I did want to touch upon two other things; one we also have a Fair Housing Ordinance and initially the group that approached us asked to have that amended. As we did our research on that we realized that the City Charter which is a law passed by the General Assembly specifies the characteristics that we can include in our local ordinance on Fair Housing and it is my opinion that we can only add characteristics if state law is first passed. Finally, there is nothing in this proposal that would attempt to regulate or mandate anything regarding private employment activity. That is outside our range of authority so this would not direct businesses in our community regarding their employment practices. It was mentioned last time several years ago, the then City Manager amended the City's policy to provide protection for sexual orientation and gender identity.

Directly to the proposal and in your materials is an actual proposed ordinance that would make these amendments. I found that one section that needed some changes I left out the new language and I will be adding that if this comes back to you at a future meeting, but what this would do is add marital status, that is whether someone is married or not, ... status, that is their family arrangement, whether they have children or not, adopted or natural, sexual orientation, gender identity and gender expression as a protected characteristics under the Passenger Vehicle for Hire Ordinance and the Commercial Non-Discrimination Ordinances. It simply adds those

existing to the existing list and makes no other change to those ordinances. Because of the 1985 amendment that I described with the recodification that broke sex out separately, having through about and talked with a number of people about the then concerns in the wake of the national discussion about the ERA I concluded that it was not necessary to keep sex as a separate category so the proposal would roll up the five characteristics identified here as well as sex, restoring it to the same place it was back in 1972 when the City Council first added it and then we would delete the separate ordinance provision dealing with sex and restrooms and hotels and motels. It would in essence as drafted provide the full degree of protection for these five characteristics as well as sex for all aspects of public accommodations.

That is the end of my prepared presentation and I am happy to answer questions and we also have an Attorney, Kate Oakley with the National Human Rights Commission here to answer any questions that you might have.

Councilmember Driggs said on the Commercial Non-Discrimination, what does it take to prove that a City contractor has discriminated against a sub-contractor?

Mr. Hagemann said first there has to be a complaint of course, then, there would be an investigation process. That ordinance has actually an arbitration proceedings so there would be a third party arbitrator who would hear evidence from both sides and the burden of proof would be on the City to prove the allocation of discrimination and that the treatment of the individual who is alleging the complaint was motivate in fact due to the protected characteristic.

Mr. Driggs said clearly separate the case where somebody who belonged to a protected group happened to be an interior candidate and chose to allege that they have been discriminated against.

Mr. Hagemann said if there was a Non-Discriminatory justification for the decision, the correct decision would be that the protected characteristic was not the motivating factor.

Councilmember Smith said who makes it for I guess in the gender expression category? Is there an accepted definition for transgender; who makes that decision, especially with what Mr. Driggs just pointed out if you head into the public accommodations and bathroom issues, who makes the determination as to who would be an acceptable transgender person that would be going into the bathroom?

Mr. Hagemann said I think I'm going to call Kate up.

Katherine Oakley, Human Rights Campaign said the Human Rights Campaign by the way is the nation's largest organization working for lesbian, gay, bi-sexual and transgender rights. As Legislative Counsel, I have looked at literally hundreds of ordinances and state laws and it is absolutely the case that at this point there are accepted legal definitions for gender identity, transgender and gender expression. To the second part of your question about determining who is able to access which restroom, I think it is really important to just up front say that right now what our current sorting mechanism for bathrooms is that we ask people to self-identify and this would be very consistent with that. Right now we have bathrooms that are sex designated so this one is for men and this one is for women; there is no kind of exam, there is no kind of proof, you just say this is me, this is one that I go into and there is not any issue there. There is no-one who is going to challenge you so the idea is that this would be the same exact sorting process.

Mayor Clodfelter said this would prevent someone from creating an exam requirement.

Ms. Oakley said yes, that would be a terrible idea.

Mr. Smith said if it is self-selected as it stands and there is no existing exam then what is the point of passing the bathroom ordinance and creating this situation?

Ms. Oakley said I think it is really an important question and the answer is that under the current system of course transgender people are using a bathroom and at this point they are using the bathroom that feels the safest and most appropriate for them. Unfortunately is sometimes very dangerous for a trans person to be out in real life as their authentic self and they are subject to all

different kinds of threats when they are as their authentic self. One of those potential threats is that they would be harassed in a bathroom and so by passing the ordinance what you would be saying is that people should be allowed to use the restroom in peace, this is a basic human function which people need to be able to do safely and respectfully and to fact.

Mr. Smith said you said you have reviewed hundreds of ordinances; how many ordinances around the country or at the state level are there regarding specifically the public accommodations specifically as it refers to the restroom issue, not just general discrimination in commercial clauses?

Ms. Oakley said 17 states have gender identify non-discrimination and public accommodations including bathrooms and over 200 ordinances at the local level across the country have them. I will also say that many of the major cities larger than Charlotte, so Jacksonville is the only city larger than Charlotte that does not currently have one of these ordinances with the small asterisk that Houston's is ongoing right now, but this is something that states are doing. Minneapolis was the first city to pass one of these ordinances in 1979; it was inclusive of gender identity and included bathrooms and there has been no problem.

Ms. Smith said gender identity would be included I assume because gender identity is how everybody else views you; I assume that expression is the one that would be the real crux of the issue.

Ms. Oakley said gender identify is not how people are interpreting your presentation so gender identity is how you your very oneself believe is what is your authentic gender to be. One of the ways one of my colleagues describes this, which I think is really effective, if someone gave you \$10 million and said I would like for you to go out and live as a member of the opposite sex and I'll give you \$10 million if you do that, but it is not just living as someone of the opposite sex, it is truly being someone of the opposite sex, can you do that. I think most of us would say no; most of us would say I am who I am, I have a gender identity that is very consistent with my authentic self and it is who I am and for people who are transgender their gender identity does not match their assigned sex at birth but it is still, for most people, is a very, very solid thing to them. Gender expression is how other people are interpreting you so it is your gender mannerism, the way you dress, the way you groom yourself, the way you present yourself, your speech patterns and all of that sort of thing. So it is a gender expression which is somebody else's interpretation of your gender.

Mr. Smith said I guess I got them backwards, but I wanted to make sure I had the two general categories.

Councilmember Barnes said as I read the ordinance I tried to look at it for what it is currently and why it has been that way historically and so it seems to me and tell me if I'm wrong about this Mr. Attorney, but it seems that the ordinance has been structured to address protected classes of people dating back to 1968 or so under Title Seven, effectively and what we are considering now is expanding the protections beyond the protections that are currently provided by federal law. Is that fair?

Mr. Hagemann said beyond the protections of federal law but really more specifically beyond the protections in our City Ordinances.

Mr. Barnes said but what I'm saying is that the un-underlined portions of the current ordinance, the race, gender, religion, national origin, ethnicity, and age are currently protected under federal law; these new five categories are not. Is that right?

Mr. Hagemann said generally that is correct, but I want to make this point. The only federal counter part to the three regulatory ordinances that we are talking about is the Public Accommodations Ordinance. There is no comparable federal law to our Commercial Non-Discrimination or the Passenger Vehicle for Hire. But yes, on Public Accommodations you are correct.

Mr. Barnes said with respect to the enforcement and I will speak to one category that has grabbed by attention the most is Public Accommodations and I will speak specifically to that. The enforcement mechanism for that is prosecution as a criminal misdemeanor or the City seeking an injunction to stop a particular behavior by a company or restaurant for example. Is that fair?

Mr. Hagemann said that is accurate, but as I mentioned before to my knowledge and maybe Mr. Ratchford can speak to it if necessary; to Mr. Ratchford's knowledge the City has never prosecuted anyone criminally or sought an injunction under the Public Accommodations Ordinance but we have received complaints and we've worked them through an effective resolution I think in every case that Mr. Ratchford can remember using the conciliation process.

Mr. Barnes said with regards to the additions under Section 12.58-A the additions that we are talking about, have there been any examples of discrimination based upon those categories that you are aware of?

Mr. Hagemann said under the proposed categories?

Mr. Barnes said yes sir.

Mr. Hagemann said personally because it hasn't been part of our ordinance so it has never been brought to my attention.

Mr. Barnes said even though it is not part of the ordinance have you heard of those categories being the subject of conflict or problems in Charlotte?

Mr. Hagemann said Mr. Ratchford can speak to that.

Director of Community Relations Committee Willie Ratchford said Mr. Barnes we have over the years received several complaints of housing discrimination against people because of sexual orientation. I'm sure that is something that goes on in the community, but because there is no formal way to address it you don't get complaints.

Mr. Barnes said the point is you haven't heard of issues regarding those categories?

Mr. Ratchford said we hear about it all the time.

Mr. Barnes said are there documented examples; is there any mechanism for documenting it?

Mr. Ratchford said we have not documented those.

Mr. Barnes said the reason the Public Accommodations pieces concerns me is a very practical example I told a couple of my colleagues about regarding my kids and I'm sure others, in fact Mr. Smith and I and Mr. Howard we all have kids about the same age. It is the interaction of children in a public bathroom setting where there may be someone who is under the gender identity or gender expression categories entering a bathroom or exiting a bathroom and the impact they may have, not from the perspective of anyone being a pedophile, but just in general the impact that they may have on a child. Also if I send one of my daughters into a public bathroom and I see Mr. Phipps go in that bathroom or Mr. Autry go into that bathroom I'm going to have some concern or if I'm standing in the hallway and I see Mr. Autry come out of that bathroom that my daughter just went into I'm going to have some concern. I don't know that I will ever get beyond that concern as far as this ordinance is concerned; I would be happy to hear what you might want to add, but that is the issue that I've gotten that strong and most concern for me.

Ms. Oakley said I thank you for that question because I think both of those are really important so to your first point if people who are transgender are forced bathrooms that are not consistent with their authentic gender identity, for example if a transgender woman who is living as a woman and being a woman is her true authentic self, if she is forced to use the men's room the situation that you described first is going to be exactly the situation your child will walk into.

They will see someone who presents as a woman, who looks like a woman, who identifies as a woman in a men's room if that is the only place that she feels safe. This is actually fixing that concern, not causing it. To the second point I wouldn't want to make guesses about anyone's gender identification but I suspect those people who you just named would identify themselves as not being transgender and there is no reason that a person who is intentionally in the wrong bathroom, not because they are transgender and they were in the bathroom that is consistent with their authentic self but rather they are there to be a trouble maker, they are there to do something inappropriate. There is nothing about this ordinance that would keep that from being actual.

Mr. Barnes said you didn't help me but I appreciate it.

Councilmember Austin said what amazes me right now is that we are 50-years later still dealing with civil rights, still dealing with one group of people trying to control another group of people and whether or not they can enjoy the fruits and the joys of this society and that is deplorable. Mr. Barnes if you want to know about people who have been discriminated against because they are LGBT I have and it doesn't feel very good at all because you have no recourse currently. It is a bad feeling to go into a restaurant and asked to be turned around because they assume many things about you. So we stand today at an opportunity to change that here in Charlotte and this ordinance is beyond a bathroom. Probably the reality now is people who are self-identified are probably already going to the bathroom that they self-identify. It is already happening around the country and nothing and I want to thank Scott Bishop for providing that information about other cities and states where police officers and other individuals in the community have responded that nothing happens in those bathrooms. If you are going to a women's bathroom and you are self-identifying as a woman you are going to try to do anything. I will say to our Council we need to move forward; it is 50-years of fighting for civil rights, we don't need to be fighting another 50-years so that everybody in the City can enjoy the joys of Charlotte and what is going on in Charlotte.

Mr. Driggs said one thing that interest me is just the notion of what would happen if we put this to a vote; did a referendum in the City of Charlotte, what the prevailing sentiment would be and it concerns me because whatever enlightened position we could arrive at, if that is not where our citizens are then we have an issue. I think we need to look at it harder, obviously the hot button issue is the restroom question and I will say that a lot of people worry about that for one because if you codified this you provide cover for bad actors. This is not directed against the people who have legitimate gender identity kind of issues, but part of it could be how do I know, so maybe a practice in the places where these regulations have passed, this isn't an issue, but in the minds of a lot of people that might be a concern and the children might be a concern so I am just worried that we could decide in this group that this is the thing we need to do and not reflect the preference democratically of many members of our society.

Mayor Clodfelter said Ed with all respect I'm glad we didn't put Brown versus Board of Education to a public vote.

Mr. Smith said I take great exception to questioning somebody's motive as deplorable that may not be in agreement on this issue. I have not questioned the motives of those that want it passed as deplorable even though I may have reasonably strong opinions on this matter so I do want the record to note that I do not think if you do not think you should not discriminate the bathroom; that is a deplorable notion. I have strong, strong objections to provisions in this ordinance specifically as it pertains to Public Accommodations sections in restrooms. I'm the father of six-year old twins, boy/girl and a three-year old son and I'm out often without my wife and I have to send my daughter into a bathroom by herself. It may be Disney on Ice, it may be the circus, it may be going to lunch, it may be Discovery Place, but there are instances in which I am not comfortable taking my six-year old daughter into the men's room nor is it acceptable for me to go into the women's room and I think I should have full faith and confidence as I send my daughter into the restroom as to who is in that restroom and I don't think that is a deplorable thought. I'm sorry, I don't think that is a deplorable thought. I think there are other areas of the provision that I think that we as a society have evolved to, but I think the restroom issue causes consternation, not just for some at the dais, but I think for a lot of people in this community and I don't they should be put into a box or I don't think they should be called names because they arrive at a different decision on this. That is my two cents.

Councilmember Fallon said now can I say my two cents; Ed, I love you but you are sitting in North Carolina. A hundred years ago this ... would have voted to keep slavery, not to give people their civil rights and a law had to be put into effect to give people their civil rights. Sometimes the law is above the people because they are not so smart sometimes.

Mayor Clodfelter said this is an important discussion; the Council asked for a briefing before it appeared on the agenda and we've honored that. This will appear, unless there is objection, this will appear on your agenda February 23rd.

Councilmember Phipps said I just want to be clear, are we saying then that this debate that we are having on this ordinance that we won't even have any kind of public hearing on it, citizens' comment? We have citizen's comments on rezonings and public hearings.

Mayor Clodfelter said citizens will be allowed to speak on the matter on the agenda, yes.

Mr. Phipps said so we are going to have an open forum that they can speak.

Mayor Clodfelter said oh yes, people can sign up to speak on this item on the agenda, absolutely.

Mr. Phipps said I have another question as it relates to Passenger Vehicles for Hire; as you know over the past several months we've been vetting the issue of digital dispatch service like sharing. Would this inasmuch as the General Assembly has prohibited us from doing any kind of regulation as it might apply to those services, would these types of services be excluded from this particular ordinance or what authority would we have to interpose these on something that we can't even regulate ourselves under the current mandates from the General Assembly?

Mr. Hagemann said under the current ordinance and as you know the issue of digital dispatch is in the Community Safety Committee and there is the possibility of some legislation we think this session, but under the current situation a business that is not regulated by our ordinance in its current form would not be subject to this additional language. In fact for that matter they are not subject to the existing discrimination language. For those companies that are currently regulated by the current ordinance this would apply to them.

Mr. Phipps said so basically you are saying that taxi cabs are subject to it but not digital dispatch?

Mr. Hagemann said unless and until the Council on a recommendation of the Community Safety Committee makes some amendments to the ordinance to attempt to regulate to the extent we can under state law those digital dispatch services or unless state law changes then you are correct.

Mr. Barnes said Mr. Austin with respect to your perspective of my statements being deplorable what I would say to you is that one of the things about topics like this that creates a great deal of angst among public bodies and the general public is that people are always concerned about offending people and so rather than sit here quietly I have spoken to the group about the things that are important to me. When I met with Mr. Bishop I told him about the things that were important to me; there is nothing that you are ever going to say that is going to make me not want to protect my children. I'm sorry, I respect you and you know I like you, but when I think about my kids and protecting them, there is nothing you are going to say that is going to say that is going to make me stop doing that. I appreciate what Ms. Oakley said earlier but until I can develop a comfort level around protecting kids and dealing with this issue, actually women too, our wives in many respects, it is going to be difficult for me to embrace it, but what you did hear me say was that other than that I can understand and appreciate most of the ordinance. So I have one sort of issue that is a carve-out for me.

Mr. Howard said Bob I would actually like for you to spend just a little bit more time on Bullet No. 2 because you said a lot in that bullet and I want to make sure I understood exactly what you were saying. You told us about an interpretation or something that would lead you to reword something and I want to make sure I understood exactly what you said you would do with the second bullet.

Mr. Hagemann said I'm trying to recall what you are alluding to; I think I made two separate comments and either one of these may be responsive to your question. First I said that there was one place in the draft ordinance where I had missed adding in the new five characteristics and if and when this comes back before you for action I will make that change. It was an oversight on my part. The second thing I think you may be alluding to is that my description of what happened in 1985 when sex was taken out of the list and it was put into its own section. If you have the ordinance I'm certainly happy to walk you through this when we have more time, but if you look at the ordinance, there is a Section 12-58 and 12-59; 12-58 essentially prohibits discrimination by Public Accommodations for because of race, color, religion or national origin. That used to also include sex, starting in 1972. In 1985 sex was pulled out and put into another section, 12-59 and it only applies in restaurants, hotels and motels and it does prohibit discrimination based on sex in those public accommodations, but then it says this section shall not apply to restrooms, shower rooms, bath houses, similar facilities that are in their nature distinctly private. The way I drafted the amendment is to completely eliminate that, go back to the 1972 model which is to include sex along with race, color, religion and national origin and then also add the five new characteristics and not have this separate carve-out that in talking with Ms. Oakley and the other research I've done, it is just not a common way of doing it. What I'm proposing is a more modern way of treating these issues.

Ms. Oakley said that is exactly right and all of the ordinances I've looked at I have never seen a provision like that before so I think it was a historical artifact and it is absolutely not common.

Mr. Howard said I will call you about it. The other thing I will put out on the table and it won't solve the problem today, but I put it out when we first brought this up was the state building code that actually organizes the restrooms the way that we do. I would love to hear if there have been other states or what it would take to do something different with that part of the building code. Right now in a lot of places you have family restrooms, you have men's restrooms and all over Europe you don't have separate restrooms, you don't have kind of group restrooms. What would it take to even approach that conversation in our state and has that been approached as a solution in other states and it won't take care of today, it will be a build out over time and Bob what would it take to do that here in North Carolina?

Ms. Oakley said certainly family restrooms or all gender restrooms are available in many places and for many people who are transgender that is a place that they feel most comfortable and they opt to use that because they feel safer, but because they are not universal you certainly couldn't limit, like people wouldn't have appropriate access to bathrooms and it would also be discriminatory. The idea of more bathrooms that are gender neutral would certainly help alleviate some of the concern and in some places anytime there is a bathroom that is just one single stall it is automatically then labeled gender neutral and not labeled not have one for men and one for women, but rather than both would be gender neutral.

Mr. Howard said is this a solution in any of the states you are talking about?

Ms. Oakley said I wouldn't say it is used as a solution. I think it is a plus in addition to also having gender identity non-discrimination in bathrooms and public accommodations including bathrooms then other places have additionally taken the next step to say where there are bathrooms that are just one occupant, but there should automatically be gender neutral so that everyone could feel comfortable using them. It is not an alternative, it is an addition.

Mr. Hagemann said Mr. Howard in answering your question about what can we do here, I think to mandate for new construction the inclusion of gender neutral restrooms, that would require an amendment to the building code and that is beyond our direct control. It is a state building code.

Mr. Smith said I have sort of directed where I have opposition to this ordinance and I think it is very important that the silent majority is represented and therefore I would like to make the following motion:

Motion was made by Councilmember Smith, seconded by Councilmember Driggs, that this proposed ordinance not be placed on the February 23rd agenda or any future agenda unless a majority of the Council votes in favor of including the item on agenda.

Mayor Clodfelter said under your rules the matter goes to the agenda unless there is an objection; if there is an objection it requires a majority then to put it on the agenda. I will take that motion as an objection and we will vote to see does the item go forward on the agenda. Under your rules it will require a majority vote.

Mr. Driggs said I think the comparison with Brown versus Board of Education, given the issues that were at stake there compared to the bathroom question we are dealing with here, sounds to me to be a little mellow dramatic. There are differences; and I would point to one thing in particular, people's attitudes towards sex has changed a lot in the last 50 years. We are much more permissive than we used to be. A lot of behaviors are different, pregnancies out of wedlock, society has come a long way and yet there is a still prohibition on children for example being allowed to see sexually explicit movies. Thirty or forty years from now we may have reached the point where everybody things that was ridiculous and incredibly Victorian because it is a natural function and why not, but that is just where we are right now and I think there exists in our community still a concern about exposing children for example at an early age to kind of complexity of gender identity issues that they could find disturbing and that we need to kind of grow out of that, that we need to do this in step with where society is or at least with some acknowledgement. If we took action here and didn't inform ourselves about where our community is I have a feeling we would get a bad reaction. A lot of people would feel that they have been disenfranchised.

Ms. Mayfield said for clarification the motion, what we are going to be voting on right now is to move forward with the discussion to come back to Council on the 23rd?

Mayor Clodfelter said he has made a motion that I think is sort of like a flip of what your rules would be. You are asking a very important question about how you vote so he is moving not to put it on the agenda. If you vote no on that item, and if a majority of the Council votes no on the motion that would be the function equivalent of putting it on the agenda. If a majority votes for his motion it would not go on the agenda.

Ms. Mayfield said what I want to do is separate so I think we need to have a vote that clearly states whether or not there is support for the motion and that needs to be done separately and then open the floor for a motion to move forward with what is suggested by staff.

Mayor Clodfelter said we can do that but as a practical matter if six or more of you vote against his motion that probably means six or more of you are going to vote to put it on the agenda.

Ms. Mayfield said do we need to clarify the language to state that if their motion is voted down then it automatically reverts back to the request by staff?

Mayor Clodfelter said I had this very discussion with our Attorney who advised me that probably if you vote the motion down it goes on the agenda.

Ms. Mayfield said want clarification opposed to –

Mr. Hagemann said you can do it either way, your rules say that any Councilmember can ask for an item to be placed on the agenda and it will be unless there is an objection and if there is an objection it only goes on the agenda if a majority of Council votes to put it on the agenda. That is more strictly in line with your rules and one way to take the motion is an objection and then you just have the affirmative vote to put it on the agenda or you can vote directly, but it is sort of the opposite as you pointed out.

Mr. Smith said procedurally if it makes it easier to vote, I just think it needs to be voted on by a majority of Council.

Mayor Clodfelter said with the maker's consent and the seconder's consent the vote we will take is a vote on whether or not to put it on the agenda. A vote yes is a vote to put it on the agenda and a vote no is a vote to keep it off the agenda. That is the simplest way to do this. We don't need to make this procedurally complex.

Mr. Driggs said one question is if we did vote not to put it on tonight there is nothing to keep it from putting it on at a later date?

Mayor Clodfelter said you guys can do whatever you want to do from meeting to meeting; unlike Superior Court Judges you can overrule yourselves anytime you want to. I will put the question to you this way; the question before you will be do you want to put this item on the agenda for February 23rd. If you vote yes and a majority of you votes yes it goes on the agenda. If a majority of you vote no, it doesn't go on the agenda.

Mr. Howard said are you going to do that with a second and a motion?

Mayor Clodfelter said your Council rules don't really sort of speak to this precise situation. I think we know where a majority of the Council wants to be from your vote and your vote will either be yes or no. We don't need to complicate this mechanically guys.

Ms. Kinsey said I just wanted to make sure we knew what we were voting on.

Mr. Howard said the only thing I will be clear on is that I'm going for it to move forward because I think information is always good, but is for information. I don't want anybody getting mad at me later on and say well you voted to move forward and then you came back and you felt a different way later. I think information is important, I'm going to continue to talk to a lot of people. I'm still making up my mind, but I think we should move it forward for information and for clarification. Just so you understand what my vote is.

Mr. Phipps said I saw several articles written where municipalities have voted to approve an ordinance but later as a result of intended consequences have gone back and rescinded those ordinances. I wouldn't mind having some information, has any kind of analysis been done as to what occurred with those situations, those unintended consequences that would make them go back and rescind something that they voted on? I want to make sure that we have really thought through all of the ramifications and not end up in a similar situation. I would ask staff if they are aware of those circumstances and some of the pitfalls that we might want to be careful in understanding if we choose to go with approval of this ordinance.

Mr. Hagemann said I am not aware of that having been done anywhere. Maybe Ms. Oakley is.

Ms. Oakley said I am not aware of a Council taking an action to undo an ordinance that they passed. What has happened in some places is that an ordinance is put on the ballot and it is repealed at the ballot but I am not aware of a Council without that kind of pressure has acted to take back an ordinance that they have passed because of unintended consequences.

Mr. Barnes said in light of Mr. Howard's interest in getting more information and in light of Mr. Phipps' interest in a public hearing should we defer the item to the first Business Meeting in March and allow the public time to comment and allow us to do any fact finding we want to do? I'm puzzled and as far as I can tell this has only been heard in this room and it has never been heard downstairs and the first time that would be left would be at the Business Meeting in two weeks.

Mayor Clodfelter said it has not been heard downstairs, that is correct. If you hear the item on whatever agenda you put it on, if you put it on an agenda, and you take public comment the Council would be free after that to determine to take no action on the matter, to take some action on the matter, to take a different action as proposed on the matter, to take precisely the action that is proposed on the matter, to defer the item to a future meeting, to place the item in Committee or anything the majority chooses to do. You are not closing off an option to do any one more of all of those things. The question before you tonight is does it go on Business Agenda for February 23rd. What happens on February 23rd, it will be on an agenda and people

can sign up to speak just like they always do. If that Business agenda you choose to take some action, whatever the majority of you choose to do at that time can be done.

Ms. Lyles said as a practical matter I don't know what the February 23rd agenda looks like; I would expect if we have an agenda item that we will hear from a number of people and I think people deserve that opportunity to speak and I'm just wondering would they be speaking at 10:00 p.m. at night or would the agenda be something that would be reasonable to accommodate our community. Do we know?

Chief of Staff Carol Jennings said if the Council does not have a meeting in the early part of March, the next meeting would be March 23rd and we think it will be a heavy agenda. I have not seen it yet, we think there could be public hearings at the beginning. This would be a policy decision that would early in the agenda, but I cannot tell you the size of the agenda yet.

Ms. Lyles said in response to that I really do believe in following good process because I think good process with good information really makes a difference in any outcome that we have. I actually think it is really important so that when we follow our guidelines and our rules that we do things deliberately and we do them well. I think a difference of opinion is just that, it is also an opportunity to determine what we feel as a majority is best for this community. I've heard a number of things that really give me some pause and one of the things I want to be careful of is that we not take this and use it as a way to put wedges in our community with the language that we use. The other thing that I really think about is the ... of the majority can sometimes be a very difficult position for us to be in. I don't know how many of you remember, I think it was Lonnie Lanier who was nominated for the office of Civil Rights and she had written a paper at Yale or Harvard or one of those schools that talked about how when you have the majority that a majority rules well when they consider minorities because anything else can become a much more difficult situation when you have a minority that feels like they are not being heard and that is really something that I think we want to try to look at because the final decision is about being heard, it is about considering all of the data, having a good process to do that so I think we ought to do this well, no matter what the outcome we ought to do it well. I'm okay with moving it until the March agenda, or course after a long time we may have, but at least we will have it known and you can plan for the agenda to be something that we can people come in early, be able to speak clearly and we can hear them and then decide whether or not we want to take action. I do support us doing this in a way that works and has good process behind it no matter what the decision is and how people will vote because I think it is important that we all feel really responsible in what we do.

Councilmember Clodfelter said I've heard some different suggestions, but I've heard no proposal for any action before the Council other than the proposal to put the item on the February 23rd Business Agenda. That is the only thing I've heard so far.

Ms. Mayfield said I'm trying to get back to the original motion and second that was on the floor as far as the vote for tonight was one of two things either raising your hand to say you are going to move forward with staff's recommendation for it to come back to Council on the 23rd and also we have our public hearing for the community regardless of what side the community stands on, they come up, they have their three to ten minutes to share, we make the final decision or we not move forward with it. Was that a motion and this is for clarification from Councilmember Barnes, was that a motion to postpone to the 23rd and then the conversation that you just had, Ms. Lyles, was that a second to that motion because I'm not clear because it was not in the form of a motion. So for clarification are we going to move with one motion and second and determine where that is going to go and then open the floor back up for an additional motion? Just for transparency and clarification sake, no I'm not going to support moving it to March. We have a process; staff has brought us a date, we are going to have a public hearing. After that public hearing it is still going to be another meeting additionally that is going to push it into March regardless of waiting another month it is not going to make that much of a difference, but for tonight's discussion I want to make sure we are clear and that those who are in attendance are clear what we are voting on tonight.

Mayor Clodfelter said the only matter currently on the floor because I've had no other motion put on the floor is the question of does it go on the February 23rd Business Agenda or not.

Mr. Barnes said are you saying then on the 23rd we would have a public hearing and a vote at the next business meeting?

Mayor Clodfelter said it just says it goes on the Business Agenda; as I said earlier on that night you may decide what you want to do, vote it that night, vote it the next morning at 2:00 a.m., vote it five years from now, put it in committee, bury it forever, rewrite it completely and send Mr. Hagemann back to the drawing board, you may decide to do whatever you want to do. The only proposal you have right now is does it even go on the Business Agenda for February 23rd or not.

Mr. Howard said clarification from Ms. Mayfield; right now we are talking about voting the same night so it is not vote one night and then send it some other, that is just to clarify.

Ms. Mayfield said Mr. Hagemann, you heard from Council from this table and in previous conversations that there is a clear concern and a clear wish for a public hearing and what was presented to us tonight for this to come back on the 23rd, was it your intention for the discussion and the final vote to be on the 23rd or that the 23rd you bring it back to full Council as an additional presentation? At what point was the public hearing going to happen because I think it was clear that a public hearing does need to happen regarding this ordinance.

Mr. Hagemann said maybe this is semantics but maybe it is important semantics; your rules allow people to sign up to speak on any item that is on your agenda. We don't typically call that a public hearing, but it has the same effect as a public hearing. There are certain ordinances that state law requires you to have a public hearing and we actually put those on your agenda as a public hearing to comply with state law, but functionally and practically there is really not a difference when people come to speak on an agenda item or they speak on a matter that is called and set as a public hearing. I can think of a couple occasions where Council intentionally called the public hearing for something that didn't require a public hearing and I think that was for important semantical reasons and that is your prerogative. The intent going into tonight was simply that unless Council objected it would show up as an agenda item on your February 23rd agenda and people could sign up to speak like they can for any normal agenda item.

Mr. Smith said this is an important semantical question Mr. Attorney, for a public hearing are you limited with the number of speakers (A), (B) is it advertised in a different manner to insure that all parties will be heard or that wish to be heard will have the opportunity to be heard at a meeting?

Mr. Hagemann said for zoning public hearings for example, there is a very specific state law requirement for how notification and advertisement is done; it is published in the newspaper for two successive weeks and it is mailed to people who are entitled to mail notice. Unless there is a statutory requirement for certain kinds of actions that require that kind of notification we do not provide any special notification. My prediction would be that this subject will be widely disseminated through the popular media and the public will know.

Mr. Smith said is there a limitation on the number of speakers?

Mr. Hagemann said in terms of your rules on speakers, both for public hearings of this type and for addressing Council the normal rule is three minutes. Your rule for non-public hearings does say that the Mayor as the presiding officer may in his discretion subject to appeal to the Council shorten the time when an unusually large number of persons are registered.

Mayor Clodfelter said I will not shorten the time.

Mr. Hagemann said well I'm just telling what your rules do provide for. Your rule does say when four or more citizens wish to address the Council on the same Agenda item the time allotted will be 10 minutes. That is a practice or a rule that I cannot think of ever being enforced. The general practice of the Council has been other than Zoning Public Hearings is if people have signed up they will get to speak. With some encouragement from the Chair occasionally to not repeat what's been said previously.

Mayor Clodfelter said this is an item I would suggest Council not put limits on speakers whenever you hear it and that would be my request of you; not to put limits on speakers.

Mr. Barnes said may I make a friendly amendment, Mr. Smith, if you might be receptive to this too, put the item on the Agenda for February 23rd for a Public Hearing and to have the Council vote on it at the next Business Meeting and if it chooses to vote but to then take action on it at the next Business Meeting.

Mayor Clodfelter said I need to ask is that an Amendment to Mr. Smith's motion or a substitutive motion?

Mr. Barnes said it is a substitute, a friendly substitute.

Motion was made by Councilmember Barnes, to have a public hearing on February 23 rd and action at the next business meeting.

Without a second, the motion was not considered.

Mayor Clodfelter said is there a second? I hear not second so the motion dies for lack of a second.

Mr. Driggs said just to clarify if we put yes now it shows up as an action item on our Agenda. Is that right?

Mayor Clodfelter said it does. That is correct.

Mr. Driggs said so to that extent that sort of total freedom to do what we want is biased in favor of taking some action.

Mayor Clodfelter said it's scheduled for whatever action you want to take.

Ms. Kinsey said you don't even have to take any.

Mr. Driggs said right, but it will show up on the Agenda as something that we intend to vote on.

Mayor Clodfelter said I think it's fair Ed, I think you're right. I think it's fair to say that a lay reader in the community would look at that and think we probably will be voting on it that night. They might think that, yes sir. Okay, I have no other motions which means we're back to where I thought we were which is I'm going to take a show of hands of those who support putting this item on the Business Agenda for February 23rd.

The vote was taken to put this item on the February 23, 2015 agenda and was recorded as follows:

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

NAYS: Councilmembers Barnes, Driggs Phipps and Smith.

Mayor Clodfelter said I do think Mr. Hagemann that we probably ought to propose some rules for conducting the Public Hearing that night and circulate them in advance to Council because it seems like our practice and our formal rules don't necessarily coincide and it would be useful for a Councilperson to know in advance how we're going to take public comment. It would be useful for the community to know that as well. We can consult on that and then circulate it to Council. I want to say something; I didn't have a vote on that motion and I would've voted to go forward. I was reminded tonight that I was on the losing side of this issue 22 years ago; that wasn't fifty years ago Al but 22 years. I suddenly realized was a long time ago. I want to tell you the discussion tonight was very heartfelt and I'm sure it will be going forward. It was then too. It was also tonight very respectful as it was then and I want to commend you for that. I hope we

will keep it in that tenor. As I say I hope to be on the winning side this time but I commend everybody for the way they've approached the issue.

The Dinner Briefing was recessed at 7:15 p.m. to move to the Council Chamber for the regularly scheduled Business Meeting.

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BUSINESS MEETING

The City Council of the City of Charlotte, North Carolina reconvened for the Business Meeting on Monday, February 9, 2015 at 7:23 p.m. in the Meeting Chamber or the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present Al Austin, John Autry, Michael Barnes, Ed Driggs, Claire Fallon, David Howard, Patsy Kinsey, Vi Lyles, Greg Phipps and Kinney Smith.

Absent Until Noted: Councilmember LaWana Mayfield

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INVOCATION AND PLEDGE

Councilmember Smith said I go to prayer to night with a very heavy heart; if you grew up in North Carolina during the 60's, 70', 80's or even the 90's Dean Smith likely touched your life and his passing is a loss for the State, not only the sports fans but all the good that he did for the citizens of North Carolina and I thought it would be appropriate to lead into prayer with that comment.

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

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AWARDS AND RECOGNITION

ITEM NO. 7: TEEN DATING VIOLENCE PREVENTION AND AWARENESS MONTH

Mayor Clodfelter read the following proclamation.

WHEREAS, females between the ages of 16 and 24 are more vulnerable to intimate partner violence experience and abuse at a rate of almost triple the national average; and

WHEREAS, one in three adolescent girls in the United States is a victim of physical, emotional or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth; and

WHEREAS, high school students who experience physical violence in a dating relationship are more likely to use drugs and alcohol, are a greater risk of suicide and are much more likely to carry patterns of abuse into future relationships; and

WHEREAS, young people victimized by a dating partner are more likely to engage in risky sexual behavior, unhealthy dieting behaviors and the experience may disrupt normal development of self-esteem and body image; and

WHEREAS, nearly half of teens who experience dating violence report that incidents of abuse took place in a school building or on schools grounds; and

WHEREAS, only 33% of teens who are in an abusive relationship will ever tell anyone about their abuse and 81% of parents surveyed even believe teen dating violence is not an issue or admit that they do not know if it is one; and

WHEREAS, by providing young people with education about healthy relationships and relationship skills and by changing attitudes that support violence we recognize that dating violence can be prevented; and

WHEREAS, it is essential to raise community awareness and to provide training for teachers, counselors and school staff so they may recognize when youth are exhibiting signs of dating violence; and

WHEREAS, the establishment of teen dating violence awareness and prevention month will benefit young people, their families, their schools and communities regardless of social economic status, gender, sexual orientation or ethnicity; and

WHEREAS, everyone has the right to a safe and happy relationship and to be free from abuse;

NOW THEREFORE, We Daniel G. Clodfelter, Mayor of Charlotte and Trevor Fuller, Chairman of the Mecklenburg County Board of County Commissioners, do hereby proclaim February 2015 as

TEEN DATING VIOLENCE PREVENTION AND WARINESS MONTH

in Charlotte and comment its observance to all our citizens.

Councilmember Mayfield arrived at 7:28 p.m.

Melissa Siegel Barrios, Mecklenburg County Community Support Services said thank you for giving me the opportunity to speak to you tonight and for being willing to accept this proclamation; we really appreciate your time. I wanted to let you all know that part as of this effort our goal this month is to promote healthy relationships among young people and one of the ways that we are doing that is tomorrow we are having our “wear orange day” which is actually a national event so we are encouraging all of you to wear orange and we hope that you will post on social media the pictures of you all wearing orange with our hashtag which is “Orange for Love”.

Mayor Clodfelter said we can't wear Clemson colors, but we are with you in spirit. He presented the proclamation to Ms. Siegel Barrios.

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ITEM NO. 8: SAMARITAN'S FEET PRESENTATION

Mayor Clodfelter said we will have a short presentation from someone who is just doing phenomenal work, not only in our community, but all around the world, Emmanuel Ohonme, who is the Co-Founder and President of Samaritan's Feet is going to talk to us a little bit about their work. If you haven't had a chance to get acquainted with Samaritan's Feet this is great introduction and hopefully will lead to more contact.

Emmanuel Ohonme, Samaritan's Feet played a video showing the mission of Samaritan's Feet. He said thank you for allowing us to be a part of this; for those of unknown there is over a billion children world-wide that wake up around the world with no shoes. Three hundred million kids in Africa, where I'm from, wake up each day with no shoes on their feet. A million kids die or lose their feet each year from ... and kids can't go to school because they have no shoes in many parts of the world. In our community; I was just in the District where Councilmember Phipps was over at Hidden Valley Elementary School just a few weeks ago where we served over 1,000 children. Our goal is that we don't want any child in this community of Charlotte to ever feel that they can't go to school with the right appropriate foot ware. Many parents have to decide do I provide shoes for my kids or do I actually be able to buy groceries and the things necessary to allow these kids to lead a healthy and fruitful life. We hope that through our partnership with the City we can not only provide shoes for kids, but leaders can come along aside like the son in the video to actually serve them by washing their feet, encourage those children to dream their dream. I'm hoping that this will be something that will be ongoing

besides what we want to do in Charlotte. We've served over 20,000 kids in the greater Charlotte community since we started and we've served six million children all over the world so we hope can do a whole lot more in this City.

Mayor Clodfelter said thank you for what you are doing; is there a website people can go to, folks who are watching may want to learn more your organization.

Mr. Ohonme said they can go to www.thesamaritan'sfeet.org. They can also follow us in all the different social media.

Councilmember Phipps said I would like to thank Samaritan's Feet because I did participate on January 22nd they had the big event over at Hidden Valley Elementary where the whole student population a thousand kids got their feet washed, got new socks and shoes right on the spot. That was the first time I've ever experienced that particular type of event and it awesome. You could just see the smiles on all the kid's faces; it was really an up lifting experience to have all those volunteers there doing it. When I first walked in I didn't know what to expect; I thought we were going to be packing some boxes or something for sending them overseas, but when I got there I saw all the teams washing feet and putting socks on people's feet and then getting fitted for new shoes, it was really an awe inspiring experience and I want to thank Samaritan's Feet for that.

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CONSENT AGENDA

Mayor Clodfelter said we did not take the answers to questions Mr. Harrington; do you have any that you need to respond to?

Director of Financial and Management Services, Randy Harrington said I think they were all satisfied.

Motion was made by Councilmember Howard, seconded by Councilmember Mayfield, and carried unanimously to approve the Consent Agenda as presented except Item No. 24 which was pulled by staff.

The following items were approved:

Item No. 17: Voluntary Annexation Public Hearing Date

Adopt a resolution setting a public hearing for February 23, 2015 for a voluntary annexation petition.

The resolution is recorded in full in Resolution Book 46, at Page 526-528.

Item No. 18: North Carolina Clean Energy Technology Center Grant

Authorize the City Manager to accept a grant in the amount of \$148,368 from the North Carolina Clean Energy Technology Center to fund auxiliary power units for five new fire trucks.

Item No. 19: Environmental Review and Assessment Services

(A) Approve a unit price contract with AMEC Foster Wheeler Environmental & Infrastructure, Inc. for environmental review and assessment services for an initial term of three years, and (B) Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments as authorized by the contract and contingent on the company's satisfactory performance.

Item No. 20: Storm Drainage System Cleaning Truck

(A) Approve the purchase of a storm drainage system cleaning body from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3), (B) Approve a contract in the amount of \$263,728.31 with Public Works Equipment and Supply, Inc. for the purchase of one storm drainage system cleaning body, (C) Approve the purchase of a storm drainage system cleaning chassis from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3), and (D)

Approve a contract in the amount of \$103,414 with Houston Freightliner, Inc. for the purchase of one storm drainage system cleaning chassis.

Item No. 21: Airport Concourse E - Phase 8 Design Services

(A) Approve a contract in the amount of \$372,475 with LS3P Associates, LTD. for design services for an expansion of Concourse E, and (B) Adopt Budget Ordinance No. 5568-X appropriating \$372,475 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 59, at Page 253.

Item No. 22: Airport Environmental Site Assessment Contract Amendment

(A) Approve contract amendment #1 in the amount of \$147,595.80 with AECOM Technical Services of North Carolina Inc. for environmental site assessment services, and (B) Adopt Budget Ordinance No. 5569-X appropriating \$147,595.80 from the Contract Facility Charge Fund to the Aviation Community Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 59, at Page 254.

Item No. 23: Airport Electric Ground Equipment Chargers

(A) Approve the purchase of electric ground service equipment (eGSE) battery chargers, as authorized by the sole source purchasing exception of G.S. 143-129 (e)(6), (B) Approve a contract in the amount of \$494,304.53 with Averest, Inc. for the purchase of outdoor battery chargers for the eGSE vehicles, (C) Award a low-bid of \$50,915 to Vector Electric for the installation of the outdoor battery chargers for eGSE vehicles, and (D) Adopt Budget Ordinance No. 5570-X appropriating \$545,219.53 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Summary of Bids

Vector Electric Company	\$ 50,915.00
Starr Electric	\$ 92,970.00
Howard Brothers Electric of Charlotte, LLC	\$128,292.00
RDS Electrical Contracting of Charlotte, LLC	No Bid

The ordinance is recorded in full in Ordinance Book 59, at Page 255.

Item No. 25: Vehicle and Equipment Purchases from State Contract

(A) Approve the purchase of vehicles and equipment from state contracts as authorized by G.S. 143-129(e) (9), and (B) Approve unit price contracts with the following vendors for the purchase of vehicles and equipment for a one-year term: Asheville Ford Lincoln, Bobby Murray Chevrolet, Capital Ford of Wilmington, Capital Ford Raleigh, Piedmont Truck Center, Sir Walter Chevrolet, Charlotte Truck Center, and Rob's Hydraulics.

Item No. 26: Claims Management Software Contract

(A) Approve a unit price services contract with Computer Sciences Corporation for claims management software maintenance and support for a term of three years, and (B) Authorize the City Manager to extend the contract for two additional, one-year terms with possible pricing to remain fixed for the entire period.

Item No. 27: Refund of Property Taxes

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$716.82.

The resolution is recorded in full in Resolution Book 46, at Page 529-530.

Item No. 28: Meeting Minutes

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of: December 15, 2014, Zoning Meeting, and January 05, 2015, Workshop/Citizens' Forum.

Item No. 29: In Rem Remedy

Item No. 29-A: 101 Lakewood Avenue

Adopt Ordinance No. 5571-X authorizing the use of In Rem Remedy to demolish and remove the structure at 101 Lakewood Avenue (Neighborhood Profile Area 88).

The ordinance is recorded in full in Ordinance Book 59, at Page 256.

Item No. 29-B: 2201 Camp Greene Street

Adopt Ordinance No. 5572-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2201 Camp Greene Street (Neighborhood Profile Area 361).

The ordinance is recorded in full in Ordinance Book 59, at Page 257.

Item No. 29-C: 2420 Grimes Street

Adopt Ordinance No. 5573-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2420 Grimes Street (Neighborhood Profile Area 369).

The ordinance is recorded in full in Ordinance Book 59, at Page 258.

Item No. 29-D: 716 Prince Street

Adopt Ordinance No. 5574-X authorizing the use of In Rem Remedy to demolish and remove the structure at 716 Prince Street (Neighborhood Profile Area 292).

The ordinance is recorded in full in Ordinance Book 59, at Page 259.

Item No. 29-E: 724 Prince Street

Adopt Ordinance No. 5575-X authorizing the use of In Rem Remedy to demolish and remove the structure at 724 Prince Street (Neighborhood Profile Area 292).

The ordinance is recorded in full in Ordinance Book 59, at Page 260.

Item No. 29-F: 3326 Tuckaseegee Road

Adopt Ordinance No. 5576-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3326 Tuckaseegee Road (Neighborhood Profile Area 5).

The ordinance is recorded in full in Ordinance Book 59, at Page 261.

Item No. 30: Sale of Fire Prevention Property at 441 Beaumont Avenue

Adopt a resolution authorizing the sale of 441 Beaumont Avenue (parcels tax identification 080-201-14, 080-201-15, and 080-201-17) to Delray Ventures, LLC for the highest upset bid of \$1,095,000.

The resolution is recorded in full in Resolution Book 46, at Page 531-532.

Item No. 31: Property Transactions

Item No. 31-A: 9500 Dorcas Lane

Acquisition of .46 acres in Fee Simple at 9500 Dorcas Lane from Joan Caldwell for \$175,000 for Aviation Master Plan.

Item No. 31-B: 13320 Jomac Drive, Mint Hill, NC 28227

Acquisition of 4,444 square feet (.102 acres) in Sanitary Sewer Easement, plus 5,661 square feet (.13 acres) in Temporary Construction Easement at 13320 Jomac Drive, Mint Hill, NC 28227 from CJMJ, LLC for \$10,000 for Charlotte Water Blair Road 8" Sanitary Sewer, Parcel #4.

Item No. 31-C: Jomac Drive

Acquisition of 10,212 square feet (.234 acres) in Sanitary Sewer Easement, plus 4,850 square feet (.111 acres) in Temporary Construction Easement at Jomac Drive from JJAS Investments, LLC for \$18,000 for Charlotte Water Blair Road 8" Sanitary Sewer, Parcel #5.

Item No. 31-D: 900 Hill Street

Acquisition of 5,536 square feet (.127 acres) in Sanitary Sewer Easement, plus 19,908 square feet (.457 acres) in Temporary Construction Easement at 900 Hill Street from James K. Polk Lodge #759 AF AM, Trustees for \$23,000 for Charlotte Water Town of Pineville 8" Sanitary Sewer, Parcel #2.

Item No. 31-E: Landis Avenue

Acquisition of 17,955 square feet (.412 acres) in Fee Simple, plus 496 square feet (.011 acres) in Fee Simple within Existing Right-of-Way (TOTAL TAKE) at Landis Avenue from Guthrie Holding Company, LLC for \$198,000 for Lyon Court Storm Drainage Improvement project, Parcel #121, #122, and #123.

Item No. 31-F: 2055 Randall Street

Acquisition of 6,361 square feet (.146 acres) in Storm Drainage Easement, plus 1,930 square feet (.044 acres) in Temporary Construction Easement at 2055 Randall Street from Todd Bolyard and Drew Bolyard for \$96,000 for Lyon Court Storm Drainage Improvement project, Parcel #128.

Item No. 31-G: 7700 Matthews-Mint Hill Road

Resolution of condemnation of 1,594 square feet (.037 acres) in Sanitary Sewer Easement, plus 5,687 square feet (.131 acres) in Temporary Construction Easement at 7700 Matthews-Mint Hill Road from McEwen Associates LLC, et al and any other parties of interest for \$20,500 for Charlotte Water Matthews-Mint Hill Sanitary Sewer, Parcel #1.

The resolution is recorded in full in Resolution Book 46, at Page 533.

Item No. 31-H: 1805 Tippah Avenue

Resolution of condemnation of 4,572 square feet (.105 acres) in Natural Channel Easement at 1805 Tippah Avenue from Arthur C. Okoli and Rhonda S. Okoli and any other parties of interest for \$20,400 for Lyon Court Storm Drainage Improvement project, Parcel #2.

The resolution is recorded in full in Resolution Book 46, at Page 534.

ITEM NO. 10: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF DARBY AVENUE.

Mayor Clodfelter declared the public hearing open.

Motion was made by Councilmember Driggs, seconded by Councilmember Austin, and carried unanimously to close the public hearing and approve the resolution to close a portion of Darby Avenue.

The resolution is recorded in full in Resolution Book 46, at Page 517-521.

ITEM NO. 11: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF ISENHOUR STREET

Mayor Clodfelter declared the public hearing open.

Motion was made by Councilmember Barnes, seconded by Councilmember Driggs, and carried unanimously to recuse Councilmember Howard from Item No. 11.

Motion was made by Councilmember Driggs and seconded by Councilmember Austin, to close the public hearing and approve the resolution to close a portion of Darby Avenue.

Councilmember Mayfield said may I ask in the future for staff to let us know; for Item 10 and 11 it would have been great to know what district this was under or if it was in an unincorporated area. Just give us an idea; I'm not going to speak for my colleagues, but I'm geographically challenged.

Mayor Clodfelter said we do have a map but in the future let's add to the map the designation of the Council District if you can do that.

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

The resolution is recorded in full in Resolution Book 46, at Page 522-525.

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ITEM NO. 12: CITY MANAGER'S REPORT

Mayor Clodfelter said Mr. Manager, I understand in addition to whatever else you have we are going to do the Airport Master Plan Update which we didn't get to do upstairs at dinner.

City Manager Ron Carlee said we do want to give you an abbreviated version of the Master Plan Update; there is a lot of public discussion that is beginning to materialize and we want to make sure that the City Council is up to date on what has been some highly technical work the Airport has been doing and I would ask Mr. Cagle and Mr. Christine to come down and give you an overview. We will do this a little abbreviated and if Councilmembers would like a deeper briefing on it we will be happy to do it individually or in groups or it could come back to the Council, but we would like for you to at least see the big picture tonight as this discussion advances.

Interim Aviation Director, Brent Cagle said I know that all of you are aware that the Airport is a wonderful amenity to our City and to our citizens; it is also an important economic engine to the region. You may have seen recently our 2014 passenger numbers are in, final reporting and we've seen yet another record year. We saw about a 2% growth rate with our total passengers just under 44.5 million; that is almost a million additional passengers from 2013. Again we are the eighth largest Airport by passengers and the sixth largest Airport in the country; both of those are domestic in the United States by aircraft operations. Clearly Charlotte Douglas International Airport continues to thrive and is a very important part of the community. About a year ago Mr., Christine and I, and I'm sure everyone knows Mr. Christine, but he is our Deputy Aviation Director in effect overseeing our operating departments. He is our Chief Operating Officer and Mr. Christine and I were talking about some of the growing pains that we've had and experienced over the recent past and talking about how can we insure that as we continue to grow we can hopefully do it in a way that minimizes those growing pains. What we did, I asked Mr. Christine and his team to start a capacity study of both the Airfield and the Terminal. Basically together those two studies are coming to fruition; we have some answers and they form what I'm going to call a Master Plan for development or possible development into the future for both Airfield and Terminal capacity. The good news is the foundation of this Master Plan is a passenger growth forecast and we do expect passenger growth into the future.

The second part of that is this is a long-range document. It shows possible or potential growth out through 2035 but all of the growth that we will see, all of the development will be demand driven and based on actually numbers coming true. If we see growth as forecasted this is where we will need to move. The good news is that will open more opportunities for the Airport and for our passengers for new destinations and for new service in Charlotte. All of that is good and I will say this is not a hard construction plan or a plan of finance for possible future improvements out in the 2020's and 2030's; all of those things will be finalized as demand drives and as we move forward with capacity needs. With that I'm going to turn it over to Mr. Christine to present to you some of the details and then I'll come back to talk to you about what to expect in the short-term as far as the Airport bringing projects forward really inside of the next 12 months for growth over the next five to ten years.

Deputy Aviation Director Jack Christine said we will try and keep this brief because I know you all have had a long day and we can come back and talk more later if we need to. In December of 2013 Council approved the contract with Lander and Brown for us to begin what Mr. Cable described as our capacity enhancement plan for the Terminal and the Airfield. That has now become what is to us an Airport Master Plan Update. Tonight we come to you to outline the major components of that plan. It is a long process that involves a lot of different folks but I would be remiss if I didn't point out to you some of the folks on my team that actually did a lot of the leg work and did a lot of the heavy lifting as we call it, to get this work done. Behind me Jeff McSwain who is our Assistant Aviation Director for Development, Kathy Dennis, our Senior Airport Planner and Lauren Scott our Airport Planner are the folks who did all the major work to get us to this point. As we go through this I think you will find that it very much was a labor of intensity. It was a lot of work through the year I promise you.

Charting growth plans for our Airport is as I said kind of daunting task, but we had the benefit of many stakeholders in the process, including internal department divisions, focus with the FAA on their air traffic and Airport's divisions on the local, regional and national levels as well as input from our airline operations and executive management groups. Together our charge in planning this program was to define what the terminal development plans and airfield development plans needed to be for Charlotte, quantify the benefits and cost and define the phases of that development. As we mentioned, this is a 20-year plan so what we look at here is some intermediate issues, near term issues and then longer term issues. One of the ways that we base this is on forecast information. The first charge in this project was to develop a 20-year forecast for two things; number one was our passengers boarded which we call enplanements and then our operations which is our landings and take-offs. We talked a lot in the past about our growth over the last ten years and what we show here in our forecast is an average annual growth rate so what you will see is it will have a natural rate, but some years in our history we've had smaller growth and some years we've had larger growth, but that average is what we look at as we start to plan our facilities.

In our enplanement forecast long story short we see an annual growth rate of 3.5% annually over the next 20-years. To put that in perspective last year we boarded about 22 million passengers; by 2023 we are looking at 31 million and by 2033 about 43 million. Now per perspective we served a total number of passengers last year of 44 million so what we are saying is over the next 20-years our forecast shows that our enplanements will double in size. That puts us on the range of what Atlanta and Chicago O'Hare will do today. From an operations perspective our growth is looking at 2.6% annually. This number from the past 10-years is about 4.3% so it is a slightly slower growth rate than what we've seen over the past 10-years, but I would also say that the last 10 years have been fairly significant for us. We don't see that sustained heavy growth for the next 20-year period. We do think it will be above the national average which comes in at about 1.5% to 2% but it will still be strong growth. You can see on this chart that in 20-years we are looking at 930,000 operations a year which again is on the range of where Atlanta and Chicago are today. It doesn't mean that we are going to be competing for the number one Airport in the country because we assume that they will continue to grow as well, but what it does do is give you some perspective of where we are today and where we think we are going and what that growth looks like. What does that mean to us? What it means is that we are at or near capacity today on our Airfield and our Terminal facilities. Airfield and Terminal development will happen when there is a demonstrated need; that is the way our program has been built. The principles of the program remain the same; we must remain cost competitive and financially sustainable. We are an enterprise fund, we don't use general tax fund dollars; we need to make sure it stays that way and our program is built to do that. We want to expand when we have the consensus of our partners; one of the keystones of our development program has always been we don't go out and build something that the tenants that need to use don't want. The third part of it is to build what we need when we need it.

What we are about to describe to you is the development plan that is incremental in nature which means that we have the ability to start and stop at key milestones throughout the process when we all collectively believe it is the right thing to do. Without further ado we will jump into the two development programs from the Airfield perspective. We can look at this in blocks of time; we have near-term development that from our perspective is the next seven to ten years and then we have longer-term growth which is in the 15 to 20-year window. What you see here is an

aerial that has some overlays on it of the Airport as it sits today. The black lines are our current runway system; we have three parallel runways and one crosswind. You also see on here some of the major roads that are identified; I-485 and Billy Graham Parkway to give you some perspective and our Terminal facility is to the top of the map. Our Airfield development program calls, as many people have speculated, for a fourth parallel runway; this runway will be 12,000 feet long, it will be separated 14,050 from the existing center line runway and what that allows us to do is separate arrivals and departures on that middle runway which increases our capacity. In order to build a runway like this and maintain the existing Airfield capacity we will also need a very significant taxiway system upgrade that includes end-around taxiways on the north and south ends of the airfield. This is important because the way that the airfield will operate with this runway in place will allow aircraft to only cross one runway and then taxi to the ramp from the west side of the airfield. Without these end-around taxiways the Airfield will break down and we will not be able to maintain our efficiency. In order to build this runway we will also have to relocate a significant portion of West Boulevard to the south that is already somewhat designed. We initially looked at doing this years ago but the project was not built because at the time we didn't need it. With this runway project it is clear that we absolutely need to do that.

That is the seven to ten-year timeframe and that may seem like a long ways off but it really is not. It is going to require us to do a lot of environmental and planning work starting this summer so we can be prepared to implement this runway when the demand is there. But we also look again at the 20-year program and what we see longer term is that we will have a need for first the closure of runway 523 which we will get to more in a minute, but also a fifth parallel runway. That fifth parallel runway you see here in purple will be located on the eastside of the Airfield; that will be an 8,000 foot runway. This has not been as detailed as the fourth one because it is further away into our design horizon, but the purpose of that runway would again to be to separate arrivals and departures on the eastern parallel. The reason we want to look at this now is because it is important for us to protect the air space and protect the Airfield from in-term development so that we don't build something that we have to tear right back out again in order to proceed with the fifth parallel runway.

On the Terminal side the development actually falls into three categories. We have some immediate needs that we need to address right now; we also have a five to ten year window of projects that we need to look at and then again another 15 to 20-year window as we look further out. To give you some perspective of those projects this drawing shows our Terminal complex; you see the Terminal Building itself right in the middle; the five concourses that we currently have, A, B, C, D and E. The first project that we need to embark on would be an eight to 12-gate concourse expansion for the A Concourse. This would allow us to accommodate some replacement gates that are going to need to be taken out of service as well accommodate some demand that is already existing with some of the carriers that also serve Charlotte. Where we are in this project is the blue that you see is the ramp that is currently under design already; you awarded a contract for that a few months ago. We are ready to begin the environmental assessment for the building and then the ramp construction starting later this summer and then the building construction starting somewhere in the spring of 2016.

The other project that is of more immediate nature is an expansion of our Terminal Lobby. As many of you know our Lobby is very constrained especially during peak times. This project would add 80-feet of additional depth for ticketing, security functions and baggage claim. It will also include sky bridges that will connect the new parking deck to the Terminal Lobby expansion. The expansion itself will take two to three years for construction; however, we have an enabling project that will need to begin this summer which is the reconstruction of our curb front roadway system that will take our upper level from three lanes to a total of eight. This project has to be done so that we can move the roadway out closer to the parking deck to make room for this Terminal Lobby expansion. The challenging thing for us with this project will be for the roadway is that it will take four and a-half years to do before we can start the Lobby. We have a long-term project that will take us at least seven to eight years to complete so that we can give ourselves some relief in the ticketing lobby. Beyond that in our five to ten year window once demand is there we will have the ability to build another 12 to 16 gates north of the next concourse expansion. On the C Concourse we will be able to go in and add 10 to 12 gates in that location. That is what really will require the closure of runway 523; in order for us to expand our

facilities we have to take the crosswind runway out of service because as you can see in this picture we need additional ramp space for both the building and for aircraft to be able to taxi efficiently around the Airfield.

Concourse D is the next place that we would go to add another eight to ten gates in that location; this project again would be based strictly on demand. I will also mention that the C Concourse project does give us some flexibility for both domestic and international expansion, so that is where we would add our international facilities. What you see here is what we show as a 2025 Terminal layout; what I would say to you is that this project is flexible even though we say it is 2025 it is possible that this work would happen within eight, 10, and 12 and maybe even more years. It really is driven by the amount of demand that we have from our airline partners to expand their facilities. This represents an increase of gates from the current number of 93 to 124, but that is not all. Like I said we go to a 20-year horizon window and when you look at the Airfield and the Terminal facilities we need to be able to provide additional gate facilities as the demand grows and as we looked at that, what we determined was the next place for us to go is to move the Terminal facilities to the south with a satellite concourse. This would require a very large investment of a people mover system underground that would connect this facility to the existing Terminal, but it would provide us the ability to add another 40 gates over the 15 to 20-year timeframe. At this point we have only identified the location for the facility as again we want to protect for that area, not build anything in those areas that would ultimately have to be removed in order for us to move forward with this type of project.

That is a lot for you all to take on in this environment, but like I mentioned we will be happy to come back and talk to you more in detail as you like, but as far as next steps are concerned Mr. Cable will wrap this up for us and we will answer any questions you have.

Mr. Cagle said as Mr. Christine said that was a lot to take in. That is a big Master Plan but as we've seen over the last 20-years the Airport is growing and we need to have a plan so I feel confident and very good that that is exactly what we've done over the last year. In fact Mr. Christine and his team have put a lot of effort into this as has the FAA and our Airline Partners. We feel very strongly that this is a good strong plan. The next steps, we know we have work to do now that we have a plan. First thing, complete negotiations of a new airline lease; when I say complete negotiations I say that because negotiations formerly started on January 4th of this year. The Airport and the Airlines are meeting periodically, basically every month to negotiate and finalize terms and conditions for the next lease so the negotiation is ongoing. Obviously it will be complete before July of 2016 which is when the current lease expires. We are on track and we are hopeful that it may be completed early, but at the outside it is July of 2016 upon expiration of the current lease.

The Airport Layout Plan, now the Airport Layout Plan in effect is the Plan that we file with the FAA. It helps give them the Airport Layout Plan and our development plans over a 20-year horizon. We will finalize the Airport Layout Plan and present it to the FAA this summer, actually about spring, March to April. Finalizing the plan of finance, again we know that there will be projects in the short-term that we need to start preparing our financial plan for and that begins July 2015 and runs through July 2016. Again you will notice that is very similar to the lease negotiation; that is on purpose and by design. And then the Environmental Impact Statement, the EIS is the enabling study that needs to be completed both for runway and also most of the future development of the Terminal facilities. That is a long and involved process; we anticipate beginning that process in the summer, but it could take several years between two to four or five years to complete an EIS. That EIS process will provide public input and many opportunities for the Council and the community to provide feedback and input on the specific plans.

There are really three projects on the immediate horizon and these are all demand driven and we have demand currently for them. They are basically the roadway and Terminal Lobby expansion; that is about a seven-year window but it is to increase the roadway from the current lanes to a total of eight lanes upper and lower and expand the Terminal Lobby. The first or phase one of Concourse A expansion again to bring those gates on for replacement and existing demand and lastly, although it is in the middle and I apologize for taking this out of order, the EIS or starting the Environmental Impact Statement contract. Again that is a very long process so we need to start that process now. That is the end of our presentation, thank you.

Councilmember Mayfield said I want to thank both Mr. Cable and Mr. Christine and all of the staff for a pretty engaging community meeting that happened last week around the noise exposure maps. The question that I have is actually for you Mr. Christine, I want to get a little bit more information going back to page 9 and learning exactly what the Plan for West Boulevard is. I'm thinking that is the other side of Billy Graham Parkway that you are looking at.

Mr. Christine said no ma'am, West Boulevard currently runs from east to west on the south side of the Airport. What you see here on the map is West Boulevard currently runs across the south side of the Airfield. What we would do is simply move that road, I say simply, but it is not that simple, to move the road to the south and swing it around so we can get it outside of the runway protection zones and the taxiway area that will impact West Boulevard which currently runs right through here. In order to do that and connect it back to the existing road we have to pull that road to the south and bring it all the way over here.

Ms. Mayfield said so what are we looking at as far as –

Councilmember Howard said doesn't that line up with Byrum?

Mr. Christine said it will actually be south of Byrum; Byrum actually runs right across here. So we will pick up Byrum Drive essentially at the intersection of Steele Creek Road and start to pull that road to the south and swing it around below Byrum and then back into existing West Boulevard right about here.

Ms. Mayfield said the other question is based on the noise exposure maps and the fact that we know planes are quieter today than what they were five, ten or 20-years ago, but we are also increasing the number of flights and enplanement which is great for the Airport but the impact on neighboring communities, what is the real plan to address all the concerns that we are hearing from homeowners regarding the growth of the Airport. Yes, people want to see the Airport be successful but not to the detriment of their quality of life and the fact that people are not able to utilize their yards and comfortably be in their homes without the impact of the planes constantly running. What are the real conversations that we are having now that the actual map has shrunk from what it was many years ago?

Mr. Christine said as you know we are in the middle of updating our noise exposure maps for our current Airfield; that has involved extensive public communication and involvement throughout that process and what we have encouraged the community to do is to give us formal comments in that process that are sent to the FAA and the FAA reviews all of those comments. One of the common things we hear is the contours are shrunk and I don't live in the contours but I'm impacted. It is important that the FAA hear that from the community. I'm not saying that they can make a systematic change to the program, but the more that they hear about that, not just in Charlotte, but all across the nation, the more they are inclined to look at those types of issues and see what kind of change the program may need to address some of those additional concerns. It is a long process and a long road to change. The other thing I would say is with all of this development the Environmental Impact Statement that we will do for these projects will have a significant public outreach component and one of the things that they will look at in that EIS specifically will be noise. There will be new contours generated based on the new runway configurations and the fleet mix and the operations that we intend to have on the Airport based on the forecast and that will be yet another opportunity for the public to comment and in the EIS process those comments go all the way to the national level all the time. I'm not saying they will make changes because of that, but it is really important for the community to use that voice to tell the FAA how they feel about noise in the environment around the community and the Airport.

Ms. Mayfield said the question actually for our City Manager, when we are having our conversations and we are lobbying for our additional runway can we look to as a body expanding that conversation to talk about the impact of our citizens in the community which if there is anyone in the community that doesn't realize we do have opportunities as your elected body to go and speak to our Representatives in the Congressional Legislative Offices and there are some things that we are asking for with growth to the Airport to support that growth but I want to know if we can expand that conversation to think about impact because it is great to say the

community has a chance to comment, but the reality is if we are not going to be able to actually address those concerns, me telling you what the issue is, the only thing that is going to do is lead to frustration because we have citizens who have gone through prior to Mr. Cagle stepping into this role who have had the machines out and done the studies and clearly show yes, your home is being impacted and then we say but there is nothing we can do.

Mr. Cagle said one thing I will point out and this was something our noise consultants pointed out to me and I thought it was a good way to explain it; the FAA defines significant impact when it comes to their federally eligible programs 65 day/night average noise level. That is a defined term, however we also understand that if you believe you are negatively impacted or impacted at all by the Airport you are. So we get noise complaints from as far away as Troutman; those complaints are just as valid as a complaint from the University Area, from Pawtucket, from Steele Creek so we understand that the Airport does have and will continue to have impacts on our neighbors and on the region. One thing, as Mr. Christine pointed out, there are federal processes that are in place to allow the community to provide input to the FAA. I think that the other thing you will see coming forward is the Airport; we will be going out and communicating with the community. We may not always be able to provide the answers they are hoping to hear but we can always provide the truth and the information so that people can make informed decisions and understand what the future holds for the Airport. That is something that the Airport can and will do as we move forward that is really outside of those federally defined processes involving the EIS or the noise contours. There are avenues, but again we know that any Airport as large as Charlotte will have impacts on the community at large.

Councilmember Howard said my question has to do with the Terminal layout of the new concourses; for some reason I remember that over where the rental car agencies were there was a separate Terminal building, not just gates. There was a larger square building that didn't stand in front of the Terminal on Concourse A the way it is now. What changed and why did you change that away from kind of a separate building over by itself?

Mr. Christine said when we started the analysis for our facilities that plan was developed a long time ago when we through we were going to have a lot of international development in a very short period of time. The concept was to have a satellite concourse there with some type of Terminal facility that would allow us to process international passengers. Number one, that was a very, very expensive option as we really started to get into how we would implement something like that. What it brought us back to was the idea that if we can expand our existing facilities to accommodate international growth, we would be in a far better position both operationally and financially moving forward. What we also needed to address was what we do have is a significant need for domestic capacity on the short-term and when we started to really look at that, what that brought us to was this idea of having a number of piers where that old international concourse was going to go and run those piers to the north and preserve the ability to have some type of Terminal facility in this area to split those piers if we ultimately needed to do that. We show that on the ALP; that again is more of a future project and we will determine as we get into that and the Airlines have expressed their needs and desire whether that will be necessary or if we will come up with some other method of being able to process passengers in the existing Terminal and feeding those passengers out to this facility. We preserve the ability to do that.

Mr. Cagle said I think the other thing to remember about this and the previous information that you saw is that number one, the previous sort of box if you will, stand along international Terminal was really based on growth as we saw it probably four to five years ago, but the important thing to remember here is we have come up with a plan based on input both from the Airlines, the FAA and our independent experts and this now better gives us capacity in the way that we need it and that domestic capacity is what we need right now. This plan also mirrors what we are hearing from our Airline partners as far as the needs that they have both now and into the future. It certainly doesn't preclude international growth, but that international growth actually comes in and on this slide you can see international capitalizes on what we already have and expands that from the D Concourse out. It helps us be more efficient and economical in our growth in international.

Mr. Howard said the only thing that concerns me is that it maybe I'm approaching this wrong and if my friend from American Airlines wants to nod and tell me, it seems like if you don't built it they won't come and I guess you can't assume that if you build it international flights will come either. I'm a little concerned that if we don't have the facilities then there is no reason for them to add that capacity here. We are not really adding any it looks like with the new expansion but what I always liked about that concept is that it would make it pretty easy to organize the way our Airport is laid out. I'm a little concerned that we start to sprawl as an Airport and that walk from the Terminal to E is already a nice long walk and making that now all the way up to whatever that would be way up there gets to be a little bit more concern to me.

Mr. Cagle said I think that is a valid point but what I will say is again we probably didn't do our self any good by releasing the old plan because not as much thought went into that plan. What we found as we started to work with especially our Airline partners, there was serious concern about putting the international flights on what I'm going to call the A North Sector of the Airport because again that would create very long walking distances between E and A. What this does is put international flights; really it balances that. Now I will say the A North Complex on this plan is really designed specifically for other airlines other than American. It gives them room to grow and it also provides them in time if demand is there a new front door. Again as Mr. Christine mentioned the A North Concourse could be constructed in what is called a unit terminal fashion, meaning it has ticketing and bag claim facilities at that area. Here where you see on A North this bump out right there, that would provide down the road should there be demand additional ticketing and bag claim and there would be additional roadway for passengers who are accessing in effect the other Airlines and their flights and access so it would create an easier, not harder connection because remember for most of the international that we have now American Airlines serves that and there are very few connections in this kind of layout between the E Concourse and the future A Concourse because most of the commuter traffic, as projected currently and as projected is served by affiliates of American Airlines. Should there be regional or commuter traffic coming forward for other Airlines we also have the ability to add those here again to try to avoid those long connection times. Certainly trying to connect from the end of E to the end of A would be very difficult and not desirable and so the intent is to avoid that type of connection if at all possible in the plan.

Mr. Howard said again my concern is just kind of the way it has been organized, about putting all those smaller jets there, the bigger jets in one place, it seemed to organize better, but you know this better than I. It was just a concern that I want to point out.

Councilmember Austin said mine is kind of a comment and a piggy back on what Ms. Mayfield was talking about earlier. I've seen in the proposal that it is talking a lot about Airport growth, but it doesn't talk about community impact and I'm just wondering, you said we allow our citizens to voice their concerns and the number and all of that. I think what our citizens really want are just some solutions to the impact of their quality of life and I'm wondering do we have the capacity or resources to help our citizens as we continue to grow beyond what the FAA may allow. Do you understand what I'm saying, can we do something beyond that and are we considering those type of things considering the fact that we are growing, we are tripling and all these other things. Can we do something on our own?

Mr. Cagle said let me answer that in two ways; the Airport is looking at what we can do specifically related to providing better community outreach and information, however our noise mitigation and our sound insulation programs are governed by federal guidelines and we must follow those guidelines, specifically with the federal designation of significant impact when it comes to noise.

Mr. Austin said so we just continue to grow and grow and the community just suffers through that?

Mr. Cagle said we will continue to update our noise contours and as Mr. Christine said those contours will change over time, both with the volume of flights and possible new technologies in aircraft. Again those contours are not static and they won't remain static and we will certainly be updating those and taking the appropriate actions and following federal guidelines at the same time.

Mr. Austin said Mayor and Council, it is just like we are being successful but at the same time we are really, really impacting people and it just doesn't jive to work in Charlotte.

Mayor Clodfelter said we are having more impacts on people and we are having less impact on other people; the noise contours way back in the old days looked a lot worse in some areas than they do today.

Mr. Cagle said I will say noise impacts are not static and are not just a function of jet engines or runways; they are a function of FAA guidance for operational procedures, they are a function of weather so there are many, many factors in there and I think everyone, including the FAA acknowledges this issue and is looking at that; something like the Metroplex Study that the FAA is currently engaged in. Their intent is to promote efficient, safe, effective air travel, but they are also looking at how they can have minimal or smaller impacts on the community, but with a large Airport such as ours, as Mr. Christine said, if this planning forecast is correct that could lead to a future where we have 900,000 operations a year. That is a lot of aircraft.

Mr. Austin said where are we in terms of the Intermodal, is that part of the Master Plan?

Mr. Cagle said the intermodal property that is a good question; this Master Plan outlines development or conceptual plan for Airfield and Terminal, what I would call core business of the Airport. The Airport Development Plan takes the Airport as a whole, our entire 5,000 to 6,000 acre property which would include the Intermodal. The Airport will now turn its attention to updating that Plan and that is where you will see additional development or additional concepts for development associated with the Intermodal Yard.

Mr. Austin said just too piggy back on that again, we are being successful; the Intermodal there is a lot more trains, my community is getting a lot more horns blowing. I know the Federal Railroad Association still has their federal guidelines about how many times a horn needs to be blown and all those things and again we are being successful but we are impacting all of our communities at the same time and that is becoming very challenging for me and I'm sure many of the other Councilmembers.

Mayor Clodfelter said before I go down my long list here let me follow-up on Mr. Austin's question a little bit. When you do the EIS you have to consider alternatives as part of the EIS. Each one of the alternatives; you've got a fourth parallel and a fifth parallel, is one of the alternatives to look at a reliever Airport somewhere else? Do you look at that in the EIS?

Mr. Cagle said in an EIS no.

Mayor Clodfelter said I don't want to debate it tonight.

Mr. Cagle said an Environmental Impact Study would not look at that option.

Mr. Christine said Mayor we have a number of designated reliever airports around Charlotte; when we talk about reliever airports that is more dealing with general aviation air traffic.

Mayor Clodfelter said you have already taken care of that.

Mr. Christine said we have Concord and Gastonia and Rock Hill and a number of those airports that help us in that regard. When we look at alternatives for the EIS we will look at the fourth parallel, the fifth parallel, the order in which they are constructed. We will also look at a no build alternative and that will be analyzed equally so that we can determine if that is the most preferred alternative for the Airport. That obviously, would come with some other unintended consequences, but reliever Airports are not really taken into account unless you were really looking at relocating the Airport which is not part of where we are right now.

Mayor Clodfelter said but community impacts are at the core of what you have to study in the EIS.

Mr. Christine said absolutely, there are 16 or 17 different –

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Mayor Clodfelter said you can't run away from it and you've can't avoid it so you've got to analyze it.

Mr. Christine said you can't run away from it.

Councilmember Driggs said we approved last year a fairly substantial CIP of a billion dollars for the Airport; are any of the needs referred to in here funded by that?

Mr. Christine said yes, a number of projects are in that CIP already. You will see a revised CIP in your next budget cycle which is coming up very soon.

Mr. Driggs said this one, the one we are starting.

Mr. Christine said this one, the one we are starting now, but things like the A Concourse expansion and the Terminal Lobby expansion and the current front roadway, they were all part of that \$1.5 billion CIP.

Mr. Driggs said following from there, the cost for enplanement is kind of the critical competitive advantage that our Airport has and when you do all of your modeling and forecasting and you contemplate all this growth, do you project the cost for enplanement and look at whether or not we preserve our advantage?

Mr. Cagle said as we look at the plan of plan of finance for all of these improvements, we also work with the Airlines to ensure that they want the improvements and the first question they ask is, what is the cost? Again the cost for enplaned passenger is very important to us; it is what has helped us maintain our competitive advantage, but again as we move forward assuming the Airlines and the business partners want the facilities then part of that they will also agree to the cost. Embarking on a large capital program will involve increased costs to the cost per enplaned passenger there is no doubt, and what you are seeing here is a cycle, a capital cycle where our current facilities are nearing the end of their useful and also accounting lives, meaning they are starting to be paid for and have no capital burden on them, so our CPE, we've been able to maintain that at a very low rate. As we reinvest in the Airport and we bring forward facilities that serve the Airlines certainly the cost per enplaned passenger would be projected to grow, but again that is based on their demand or desire to have those facilities and along with them the costs that comes with it.

Mr. Driggs said how does the tower fit into all of this?

Mr. Cagle said the tower is an FAA project so you don't see funding for that per se in our capital program because the FAA pays for that, so that is in the FAA's capital program.

Mr. Driggs I'm thinking of the timing –

Mr. Cagle said they are working on design and they are still on track and they have not indicated any waver so far from their 2019 commissioning date for the new tower. They are in design right now and finishing design.

Mr. Driggs said and these plans don't depend critically one way or the other on that timetable?

Mr. Cagle said no they don't, but I will say the fourth parallel runway that Mr. Christine presented; we will need that tower moved for that fourth parallel runway. That will be a project that the two need to move together. Luckily, we think that they are on compatible construction cycles.

Councilmember Smith said you were going over sort of where we are headed with the number of gates, real quickly for the viewing public, I want you to go back over that. How many gates do we have currently and where are we sort of on the aspirational side? I think it says 125, but where are we headed?

Mr. Christine said we currently have 93 gates on the concourses; with the 10-year plan and what you see on the drawing that represents 124 gates and that is in the next 10 to 12 years. Then when we go beyond that in the 20-year horizon we are looking at another 40 gates and that would bring us to a total of about 164.

Mr. Smith said how many gates does American Airlines currently have and in this lease that we are negotiating will they increase gate total, decrease gate total, remain at the same and how do they factor into this future expansion of gates?

Mr. Christine said currently they have a long-term lease on 36 of the gates; they also use the majority of the common use gates that we have on the Airport which is Concourse E and most of the gates on Concourse D. To say how many gates they will have at the end of the lease is a little premature because we just started negotiating it, but obviously they are the significant player here in Charlotte. A lot of the growth that you see in this plan for the B and the C Concourses, even maybe part of the A Concourse expansion has the hub operation in mind. When you see these different colors here on the drawing, this pink color would be the other carriers outside of the hub operation, then when you get down into this section we are projecting that would be part of the commuter operation so that would be a mix of American and maybe some of the others that they may partner with, then the B Concourse and most of the C Concourse would be the bulk of their main line domestic and the green that you see are the international capable facilities that we would have and then the rest of the regional carriers up here on the Concourse. This program, as our program has been for many years, is driven by the hub operation so as we continue to grow the hub that is where a lot of this will come from.

Mr. Cagle said the other thing to remember is the current lease we have is 28-years old; a lot has changed about airline thinking about the business and airport leases and the Airport, a lot has changed about our thinking so it is safe to say that the lease will provide fair and equitable opportunities for all Airlines to do business in Charlotte and to have available gates, but certainly American Airlines and their significant presence will also be accommodated via the lease. Modern leases usually do not have what they call exclusive gates and so that is kind of concept that has fallen away over the last 28-years. What it is is a commitment for gates but that provides the Airlines and the Airport flexibility to adjust as the business changes and as additional partners may come into the market.

Councilmember Autry said gentlemen, thank you for skating where the puck is going to be, I appreciate it. Thanks to my colleague Mr. Driggs for asking about the control tower; that was going to be one of my questions. Who pays for the relocation of West Boulevard?

Mr. Christine said because the relocation will be prompted by the runway construction the Airport will pay for that relocation. Now, as with our funding program we don't know exactly what that distribution is going to look like yet, but we would anticipate that the FAA will help us fund the construction of the runway program. The road will be part of that package so it is a little early to tell you what the distribution of it would be, but we would intend to seek federal funds that assist us with constructing the runway and the road will be part of that.

Mr. Autry said and that would include any land that had to be acquired and homes, etc.?

Mr. Christine said yes, but I can tell you, for that project we already own all the land we would need to construct that project today.

Councilmember Fallon said do you maintain a fund when the houses are sold that are really impacted and it is impossible for somebody to live there? Do you have to buy those homes?

Mr. Christine said we have funding through our FAA Noise Program, the FAA Part 150 Program that allows us to buy homes within a certain DNL noise level or sound insulate those homes. We have centers that are set up to fund those particular projects and the FAA participates with us in that and they fund 80% of those acquisitions, but the key to that is those homes must be in the 65 or higher DNL noise contour to qualify for those programs, in addition to some other things that they need to have in order to qualify. The basis of that qualification is being within the noise contours.

Ms. Fallon said do you anticipate any of the homes where you are going to be building now to fit that category?

Mr. Christine said it is way too early to tell. The EIS will really give us that picture; the noise contours that are generated as part of the EIS with the runway development in place will show us what will be eligible.

Mr. Cagle said I think to clarify something too, as we've made mention of the current process that we have underway to update our noise contours; the noise contours form the basis of the federal program, the 65 or lower DNL that Mr. Christine referred to. We are updating the noise contours today due to material changes and the use of the runways and also due to the long period of time since we did an update, however the noise contours will be updated again as part of the EIS. So to your question we are not doing noise contours today that envision any new runways; we couldn't that would be prohibited. That would be assuming that we will get approval for our runway and we haven't even done an EIS. As the EIS moves forward, again assuming the runway is approved, noise contours will then be created that will project noise impacts of the entire Airfield including future runway.

Ms. Fallon said do you keep track of zoning around the Airport; if zoning comes to us for a project and it is going to be impacted by the Airport, do you say anything to Planning about it or do you get in touch with anybody to say it is inappropriate to put it here because it is really going to be impacted?

Mr. Cagle said yes we do and obviously we have a vested interest in protecting the airspace and protecting the Airport and that is kind of referred to as compatible use. We would like compatible use around the Airport. I will say we are actively engaged with the Planning Department and with adding staff to help us manage that better. Proper land use planning and zoning is critical to a large airport to ensure compatible use.

Councilmember Phipps said Mr. Cagle, my take away from what you have been saying, your presentation tonight is that the Airport is in a state of perpetual growth and as such the traveling public, can we expect any relief from all of the construction going on at the Airport?

Mr. Cagle said we are trying to make the growing pains not so painful. We are always growing and we have some very logistically challenging projects a head of us. It is always tough to expand a roadway while leaving the roadway open and expanding a Terminal front while using it for 120,000 passengers a day. That is a challenge but I will say our planning team; Mr. Christine is up to the challenge. He tells me he won't be taking vacation for the next decade and so we are ready for that. Our goal is to minimize the growing pains; I think we've seen maximum growing pains over the last few years and we want it to be as painless as possible, but all of this growth does come at a price when it comes to building the facilities we need. That is our priority.

Councilmember Kinsey said this is one of the best presentations I have had from the Airport in a long time and I want to thank you for taking the time to talk with us about this. It has been fascinating and I really appreciate you doing it.

Mr. Howard said Mr. Cagle, you were on a panel some time ago and I remember coming up to you and you said something that I had heard you say to Council before and that was about the responsibilities of being the second largest hub for the world's largest Airline. Could you share that because you still haven't said any of that tonight?

Mr. Cagle said I think as you pointed out there is an expectation that American Airlines has in their hubs for their passengers because their hubs are a representation of them; they choose to do business here and they choose to do business in major markets and there is an expectation that they have. I would say that growth and focusing on our quality, the value that we bring is really in my mind about risk mitigation. How do we ensure that the passengers and American Airlines are interested in doing business here? We know we have to bring a good value, but we also know that with that comes an expectation of quality and that is what we are trying to balance and we work with American to do that literally every day.

Mr. Howard said that goes directly to what Mr. Driggs said when I posed the question to Mr. Cable about the whole passenger fee for the Airlines. When he shared that it was really telling me if you think about the fact that we need to represent the world's largest Airport as being their second largest hub. The restrooms need to reflect that; the lounges need to reflect that, the restaurants need to reflect that. That is something that we haven't had to worry about when we were the major hub for the fifth largest Airline in the world or country, I forget which one it was but it is a whole other level that we have to rise to to make sure that we meet it. That was a point that I haven't heard before and I wanted to make sure Council heard that one. We are in a new game and we need to step up to that. One of the questions I had was about cargo; right now it is still kind of running out of what I call the original Charlotte Airport, the one I grew up with. What happens with that one; with all these plans for passengers what happens to cargo, is that something we see as something we should be investing in, are we going to invest in it, how does that work?

Mr. Cagle said I will let Mr. Christine talk more about how the Airfield develops and how that helps cargo, but what I will say is in general we've seen cargo demand slowly increasing. A lot of cargo demand actually comes from our commercial service passenger carriers; one of our largest cargo carriers is American Airlines. Again those two, the passenger and cargo operations don't actually – they are not as split as some might think or as they used to be, but at the end of the day we will need to take another look at cargo and make sure that growth is compatible with our commercial service. The other thing about cargo is it does have impacts on the community and those impacts are very different than a passenger airline providing commercial service to passengers so again all of that has to be planned for and thought about and discussed with the community because cargo does have an impact that is slightly different than a passenger service airline.

Mr. Howard said it is also jobs and the reason I asked this is because I don't think you need to worry about taking something off the train and putting it in a plane, but if for some reason somebody wanted to make that arrangement happen, the more we can actually service everything now like Intermodal and our Airport to make sure that all modes can come in and out the better. I think that would play directly into the Master Plan for all of the rest of your land too. I am extremely interested in what the rest of the Master Plan looks like because the impacts will be, not just what is in the air but once it gets on the ground, cargo what happens to it and how we take advantage of all of the land, the Intermodal, what do we do with that. I would love to know that we have a plan just as detail for that part of the operation as we just looked at tonight.

Mr. Cable said so Mr. Howard tomorrow, when I get in in the morning I'm going to tell Mr. Christine great job last night and then I'm going to tell him that he needs to get busy moving forward with the Airport Development Plan for the rest of the property. Again that is something that Mr. Christine and the Planning Department are working on and will be coming forward; it completes the puzzle so to speak.

Mr. Howard said get him some help.

Mr. Christine said I'm going to start tonight.

Mayor Clodfelter said on completing the puzzle that is a nice sort of opening. As I look at your Airfield development map I have a couple questions. West Boulevard, if you go to the fifth parallel conceptually would the concept be there we would pass under the runway?

Mr. Christine said yes sir.

Mayor Clodfelter said that is what I thought and so once you get to that point of the conceptual plan you have sort of reached the envelope Billy Graham Parkway, Wilkinson Boulevard, I-485 and West Boulevard, you are at build out.

Mr. Christine said well we never want to say we are at build out, but it will be a little more complex if we go much further.

Mayor Clodfelter said it is going to be a little more complex if you are crossing under and interstate highway.

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Mr. Christine said well maybe over it; you are right but when we look at our 20-year horizon, when you get to five parallels you are in some very elite categories.

Mayor Clodfelter said you are and you are looking out 2025 so we are not that far away from that at all in terms of the history of this Airport. There is a conceptual plan or at least the beginnings of conceptual thought about where we go.

Mr. Christine said yes sir and remember that the fourth parallel is probably in that 2025 year window but the fifth parallel is looking more towards 2033 – 2035. Once we get beyond that then we will have to look at where we go from here.

Mayor Clodfelter said then we are in Heathrow Territory.

Mr. Christine said that is exactly right.

Mr. Cagle said before we get there we will ask Mr. Christine to update his plan.

Mr. Christine said that will be my third shot at it and then after that I'm going to have to sit down.

Mayor Clodfelter said thank you guys for a very thorough presentation; this was a high level overview and we will get down to the weeds a little later. Mr. Manager, we are still on your report item; do you have anything else.

Mr. Carlee said no, we are through with my report; thank you very much.

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BUSINESS

ITEM NO. 13: BOJANGLES COLISEUM RENOVATION – PHASE I

Mayor Clodfelter said do we have a staff presentation on this or anything you need to say by way of preliminary Mr. Manager? I know we have seen this before.

City Manager Ron Carlee said we have briefed you on it; these are the specifics to move forward to be able to permit the Checkers to begin playing there. We have staff here that will be happy to respond to any questions that you have; if you would like an overview we will be happy to do that.

Mayor Clodfelter said we have had a couple presentations.

Motion was made by Councilmember Kinsey and seconded by Councilmember Howard, to A) Authorize the City Manager to negotiate and execute a contract in an amount not to exceed \$800,000 with Odell Associates, Inc. to provide architectural services, B) Approve the purchase of a center-hung scoreboard and LED Ribbon displays from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3), C) Approve a contract in the amount of \$1,527,252.50 with Daktronics, Inc. for the purchase of a new center-hung scoreboard with LED Ribbon displays for a term of one year, D) Reject the non-responsive bid from Robbins, Inc. for failure to comply with the bid requirements for the Bojangles Coliseum ice deck, E) Award a low bid of \$149,620.05 to the second, lowest responsible bidder, Sports Systems Unlimited Corporation, dba Athletic Sports Systems, for the purchase and installation of a new ice deck for the Bojangles Coliseum, F) Approve the purchase of a Zamboni Ice resurfacers from cooperative purchase contract as authorized by G.S. 143-129(e)(3), G) Approve a contract in the amount of \$98,750 with Frank J. Zamboni & Co., Inc. for the purchase of a Zamboni ice resurfacers for a term of one year, H) Approve the one-time purchase of hockey equipment from the Charlotte Hornets in the amount of \$140,824, and I) Adopt Budget Ordinance No. 5567-X appropriating \$250,000 in Charlotte Checkers' contribution to the Convention Center Capital Project Funds for the Bojangles Coliseum Renovation Project; better known as the Historic Charlotte Coliseum.

Councilmember Barnes said Mr. Haas, a question for you regarding Items C and G; Item C is \$1,527 million with Daktronics for the purchase of a new center-hung scoreboard and LED Ribbon displays for a term of one year. Explain the term of one year please, and the same would apply to Item G.

William Haas, Engineering and Property Management said Mr. Barnes I agree that is worded very strangely I would say to say the least. Let me assure you we are purchasing these outright and I think what this is trying to say and I think this is purchasing language, it is trying to say the price is good for one year, but we are buying these and we expect the scoreboard to begin construction summer time and we expect to take possession of the Zamboni in September, so we will own them. It is worded very strangely, I agree.

Mr. Barnes said thank you for the clarification and I noticed the MSBE component of this is under Item A, the Odell contract and I think this is only about \$3 million. How much is all of this, about \$4 million – A – I?

Mr. Haas said the total value?

Mr. Barnes said yes sir.

Mr. Haas said I haven't done the math.

Mr. Barnes said I was trying to do the math quickly; it looks like around about \$4 million and my questions is that the Odell contract is \$800,000 and 25% of that has received an MSBE as a quoted commitment; will be looking for other what we normally call SBE or MWSBE commitments for the balance of the project?

Mr. Haas said they will be coming with construction contracts and things like that.

Councilmember Mayfield said Mr. Barnes touched on one of the two questions that I have regarding the language so can we get that language cleared up prior to the contracts actually being instituted if we've already motioned and second for us to move forward tonight, clear that language up so that Councils many years from now have a clear understanding of what we voted on tonight, but also there has been questions regarding our Charlotte Business INclusion as well as MBE and MWSBE. The fact that when we send out an RFP we are sending out RFP's that are in a bundle opposed to actually being broken out so that more of our smaller businesses have an opportunity to actually bid on some of the projects. That is something that as we continue to look at how we are spending money in this project and other big projects we need to consider and possibly have to go back and this is really jumping past you and going up to Ms. Rosado to think about how are we breaking out our RFP's to really make them competitive for our minority

and small businesses opposed to what we currently present where then you come to Council and we question out of a total project that is \$5 million why do we only see a small business, a minority small business having such a small percentage of access to those funds? Moving forward we need to have some real conversations of how we create our RFP's but also for language wise making sure we clear it up so it is not noted for one year term this dollar amount for future Councils so there is very clear transparency on this and possibly when Phase II or others come, give us the grant total. The breakout is great, but as was just noted when we are looking at the total amount, when the community taxpayers are looking at this since this is public record; they need to be able to clearly see where we are investing as well.

Councilmember Fallon said Mr. Haas regarding F and G are we purchasing it, is it a contract? It is very confusing. It says approve the purchase of a Zamboni ice resurfacer from cooperative purchasing contract; is it a contract or are we buying the Zamboni?

Mr. Haas said I think that was Mr. Barnes' question and I can assure you we are buying it. I think it is strangely worded I would agree but I think that this represents is that the price is open for one year.

Ms. Fallon said you have a year to buy it at that price. It is the same thing we are buying it, it is not a contract; it is a contract to buy?

Mr. Haas said yes we are buying it but it is worded very strangely.

Councilmember Driggs said I just wanted to clarify again the funding for this is from hospitality taxes. Is that right, it is not the general fund?

Mr. Haas said it is not general fund.

Mayor Clodfelter said it is a contribution from the Checkers, correct?

Mr. Haas said yes, this is approving \$250,000 to come into the budget from the Checkers.

Mr. Driggs said right, which is part of the \$4 million that we put in to modify the facility for their use. None of this commits us in any way to a larger agreement related to Amateur Sports or anything else; this is a completely standalone thing and we are not going to be told at a later time that in order to complete this process we need to go through with any other investment? There is no wedge in the door, right? This is a standalone basis and it is valuable on its own terms?

Mr. Haas said that is correct; this is funded from the \$15.9 million that you approved in December and there is no commitment for future funding.

Mr. Driggs said I just wanted to reiterate that.

Councilmember Phipps said on Item H, we couldn't persuade the Hornets to donate that equipment to us? I'm confused as to how is it; I thought I read somewhere that the Hornets made a contribution to a fund that we bought but now the City is paying them for that, so was it really a contribution? I need some more clarification on that.

Mr. Haas said if you recall the City of Charlotte contributes to an annual maintenance fund for the Time Warner Cable Arena; the Hornets also contribute an equal amount of money every year. From that pot of funds, and we refer to it as Cap X fund but it is really a maintenance reserve and from that pot of funds that both parties jointly put money into we purchased some ice hockey equipment, the dashers, the four-foot high knee wall, the glass that goes up, nets and those types of things, we purchased those in 2013. Since the Checkers will be moving to Bojangles the Hornets and Time Warner Cable Arena don't have any real need for those so this budget will reimburse the Hornets their share of that costs, a depreciated value of their share of the costs. It is cheaper than us buying brand new and then having this equipment just sitting at Time Warner Cable Arena not used, so it is a better deal for us.

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

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

NAY: Councilmember Smith.

The ordinance is recorded in full in Ordinance Book 59, at Page 252.

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ITEM NO. 14: APPOINTMENTS TO BOARDS AND COMMISSIONS

A. **Privatization/Competition Advisory Committee** the following nominees were considered for two appointments for two-year terms beginning March 2, 2015 and ending March 1, 2017:

Sarah Cherne, nominated by Councilmember Smith

Torrey Feimster, nominated by Councilmembers Austin, Howard, Lyles and Phipps.

Results of the first ballot were recorded as follows:

Sarah Cherne, 0 votes

Torrey Feimster, 11 votes – Councilmembers Austin, Autry, Barnes, Driggs, Fallon, Howard, Kinsey, Lyles, Mayfield, Phipps and Smith.

Mr. Feimster was appointed.

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ITEM NO. 16: MAYOR AND CITY COUNCIL TOPICS

Councilmember Kinsey said I would like to request that the Council allow us to defer the Charlotte Housing Authority rezoning Petitions 2015-27, 2015-28, 2015-29, 2015-30, and 2015-32 to allow for an additional community meeting prior to the public hearing. These are the petitions for the Cherry Neighborhood that we have talked about in the past. They would like an additional meeting, as I said and would like to come back on the February 23rd meeting for a hearing.

Motion was made by Councilmember Kinsey and seconded by Councilmember Lyles, to defer the Charlotte Housing Authority Rezoning Petitions 2015-27, 2015-28, 2015-29, 2015-30 and 2015-32 to February 23, 2015 to allow for an additional community meeting prior to the public hearing.
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Mayor Clodfelter said we have a motion to put those five zonings not on our February 16th meeting but those five hearings on our February 23rd meeting.

Councilmember Phipps said in view of a big public hearing we've got going on that night do you think this will give us ample time to consider all these options with the five new rezonings plus whatever else we have.

Ms. Kinsey said I think because they are asking for that additional meeting that it will help perhaps get through the rezoning quicker. They are up against a deadline as so often happens with the State Tax Credits. They are really working very hard to get the neighborhood on board with them and I think if we could get that it can go very quickly.

Councilmember Barnes said I'm kind of confused, so Ms. Kinsey were those petitions scheduled to be on the February 23rd agenda anyway?

Ms. Kinsey said no, they were scheduled for the 16th, next Monday.

Mr. Barnes said is our Zoning Meeting the 23rd or the 16th?

Mayor Clodfelter said the 16th.

Mr. Barnes said so the Zoning Meeting is next Monday and we are going to move the public hearing for the petitions to the next Business Meeting?

Ms. Kinsey said to the 23rd; that is the request.

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

Councilmember Austin said I just wanted everybody to know again that the CIAA Tournament is coming the last week in February, February 23rd through February 28th. It is a huge economic impact to our City; you can get tickets on sale at CIAA.com. Hope everybody will come out.

Mayor Clodfelter said we are also very proud that they are going to be relocating their headquarters to Charlotte.

Councilmember Driggs said I draw your attention; you have on your desk my remarks about the Intergovernmental Relations Committee. We had talked previously about trying to promote more interaction with Raleigh and the Council had directed Mr. Fenton to identify dates when we could go to Raleigh and interact with members of the General Assembly; the first trip is on the 17th and 18th which is Tuesday and Wednesday. Four members have signed up; Councilmembers Fallon, Howard, Phipps and I will be there. You see the other dates on the memo; I also want to mention that it is important for us also to seek contact with members of the General Assembly here and one such opportunity will be the Charlotte Chamber of Commerce quarterly elected officials breakfast on Monday, March 2nd and want to point out to you as well that the Mecklenburg Delegations is planning to hold meetings with constituents here and we should definitely seek to attend those where possible. I hope everybody will participate at least once in these trips to Raleigh.

Councilmember Autry said I just want to remind our citizens in Charlotte to please observe the speed limit when you are driving down the streets. Try to imagine that your children are playing in those neighborhoods and that will be greatly appreciated.

Ms. Kinsey said I wanted to say that we are happy that the CIAA will be playing some of their early games at the Historic Charlotte Coliseum and also Councilmember Austin and I attended the Board Retreat this Saturday and some of you may have gone later. We were there early and I really want to thank Neighborhood and Business Services for a terrific job, not only Neighborhood and Business Services, but other people from other Departments there and my hat is off to them. I will have to say there were some awfully nice things said about Code Enforcement.

Councilmember Smith said the Manager is helping me; I did not get my question off quick enough, so as a point of order, just so the viewing public will know I do have a question as to why the Center Hung Scoreboard is listed at \$1.5 million in this renovation vote and then in the materials from the vote on December 8th was listed at \$700,000 would not have impacted my nay vote, but I meant to get that point off that there on your District Representative not to be moving too fast. I have asked for that clarification and wanted the viewing public to be aware of that.

I wore my blue and white tie tonight; I am a Tar Heel born and I am a Tar Heel Bred and unfortunately Dean Smith is now dead, but it is heavy heart. As a Tar Heel fan and a native North Carolinian and some of my fondest memories and some of my memories I cherish most with family members, especially my father, were focused around Carolina Basketball.

Councilmember Mayfield I just want to start making sure that District 3 residents are aware; I will be having my first Town Hall this year which will be on February 21st, 9:30 a.m. till noon. This year's topic will be gentrification. We are seeing a lot of development happening in the community; I don't believe we've ever had a real conversation about gentrification, the impact and what does it mean and how it impacts us. You can RSVP to our staff liaison Ms. Kimberly Oliver at koliver@charlottenc.gov or call her at 704-336-2180. This meeting will be held at the

West Service Center which is the CMPD Station on Wilkinson Boulevard, which is 4150 Wilkinson Boulevard. Please RSVP so we can prepare accordingly.

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ITEM NO. 6: EXECUTIVE SESSION

Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and carried unanimously pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of Georgia Ferrell, as Administratrix of the Estate of Jonathan A.P. Ferrell v. City of Charlotte, Randall W. Kerrick, et al., 3:14-CV-47.

The meeting was recessed at 9:00 p.m. to move to CH-14 for a closed session.

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ADJOURNMENT

The meeting was adjourned at 9:14 p.m.



Emily A Kunze, Deputy City Clerk

Length of Meeting: 3 Hours, 59 Minutes
Minutes Completed: March 9, 2015