

The City Council of the City of Charlotte, North Carolina convened for a Workshop on Monday, April 4, 2016 at 4:44 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Al Austin, John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, James Mitchell, Greg Phipps, and Kenny Smith.

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## **UPDATE ON DISPARITY STUDY**

**Mayor Roberts** said we have it looks like four topics on our afternoon meeting, and the first one is an update on the Disparity Study. This was pulled from a different earlier agenda, when we did not have time, so we are going to hear it now. That comes out of the Economic Development & Global Competitiveness Committee.

**Councilmember Mitchell** said the Charlotte Business INClusion Program regularly provides updates to the Economic Development and Global Competitiveness Committee on the CBI Program and its initiative and impacts in the community. On February 17<sup>th</sup>, the Economic Development and Global Competitiveness Committee receive the presentation from staff on the need for a new Disparity Study. At that meeting, the committee endorsed the release of a request of proposal (RFP) for the 2017 MWBE Disparity Study; the RFP was released on March 1, 2016. Before I go any further, let me thank my committee members for their leadership, Mayor Pro Tem Vi Lyles, Ed Driggs, Julie Eiselt, and LaWana Mayfield. The City must have an updated and valid Disparity Study to establish race, gender conscious, and Minority Women Business Enterprise, better known as MWBE goals. Tonight, staff will update the full Council of the Disparity Study, including why it is needed, legal content, and the anticipated cost. Furthermore, let me congratulate Nancy Rosado on her leadership in the CBI, they just received a reward for CBI for outstanding hub participation by the North Carolina hub for March 24, 2016 in Raleigh.

**Nancy Rosado, Charlotte Business INClusion** said it is our pleasure to be here; Thomas and I will be presenting to you today the Disparity Study topic. The purpose of today's presentation is really just to outline the plan for the proposed Disparity Study as Councilmember Mitchell stated. We did release an RFP to solicit a vendor to actually conduct the Disparity Study, and we are requesting Council's action tonight really in supporting the effort to move forward with the Disparity Study, pending funding approval in the fiscal year 2017 budget, as well as indorsing tonight the Disparity Study Advisory Committee structure, which we will present in the upcoming slides. So, the agenda for today is really to go over the Disparity Study overview. Thomas will present a legal foundation for race and gender conscious programs and then I will come back and cover the 2011 Disparity Study, to share some background on the process that we will be using moving forward, as well as the 2017 proposed Disparity Study.

**Assistant City Attorney, Thomas Powers** said what is the Disparity Study? The Disparity Study is the intent is to actually look at and determine whether or not there is a gap between the number of firms that are within the available market and whether or not the City is actually using those firms on the city contracting. If there is a gap, which is the disparity, whether that gap is attributable to discrimination that is within the community, then again as part of the Disparity Study, you would then look at whether that gap is attributable to discrimination, can be remedied through other types of programs or other means to actually allow the actual disparity to be alleviated.

Why does the city actually need to perform a Disparity Study? The main reason for a City having a Disparity Study is that you need to show through statistical evidence, as well as antidotal evidence whether there is an actual disparity that is existing. The most problem case that actually provided the reason for justification is the actual City of Richmond case that required the local governments to establish a compelling interest. The aspect of the Disparity Study, if there is discrimination that is attributable to discrimination shows that compelling interest to allow a municipality to establish MWBE goals. Again, in this case, our current MWBE policy, the goals will expire as of June 30, 2017. So, this is why the CBI office is actually undertaking a new Disparity Study.

Now, for the legal foundation for a Disparity Study, again there are two major components: the first is the actual quantitative evidence. It will look at the availability and utilization of minority and women business enterprises within Charlotte's relevant market. It will look at whether or not we are actually achieving parody or disparity in that regard. If we are spending about 80% of our money

towards those firms that are available then that will be considered to be parity and then there is no disparity in regards to that particular group in that particular contract area or category. If we are spending less than 80% on a particular race or gender group in a particular category, that is where the disparity actually exists and then the City can implement particular goals for minorities and women business enterprises within those areas that disparity is actually shown. Again, in addition to the quantitative aspect, we also have the qualitative aspect which shows again that members of the community are actually having some form of discrimination and why. This is where we are actually going out and getting focus groups, taking surveys, and getting actual information from them as to what their experiences are in regards to the relative market. After completing that component, there is another component where we actually, if shown disparity through the quantitative and qualitative aspects, we then have to narrowly tailor the program to meet the relative disparity to alleviate it. Now, courts have applied a very high level of scrutiny in this regard to make sure that when we are actually implementing MWBE programs, that we are only focused on the actual issues at hand that show disparity and not having something that is as broad to be a quota type system. Again, quotas are broad based programs that are actually set aside for particular minority women groups. Those are unconstitutional in regards to those applications, but if we actually focus our goals in the MWBE context on those groups that are showing Disparity, the courts have actually said that those are constitutional to alleviate the issues. Again, before you have examples of narrow tailoring and examples that violate again the aspect of narrow tailoring, which again, I emphasize as being mandatory goals or quotas.

Ms. Rosado said so, to share a little bit of a background with the Councilmembers today, the last Disparity Study that the city conducted was in 2011. We actually awarded a contract, the city did, to MGT of America in 2010, and to update the Disparity Study. Best practices say that Disparity Studies should occur about every five years again because the availability in the market can change as well as the utilization. So, it is important to make sure that we are within those parameters. So, 2016-2017 brings us within that five year mark. City Council heard a presentation from MGT, which conducted the 2011 Disparity Study in September and in 2013 City Council, adopted the hybrid Charlotte Business INClusion program which we have today. It is referred to as a hybrid program because it is not just a Minority Women Business Enterprise program; there is also a small business enterprise component. So, it is really truly looking at diversity and inclusion in many levels. Anyone can participate in the program on the small business enterprise side; they just have to meet the cities determination of what constitutes a small business. So, when you are looking at the race and gender conscious MWBE efforts that the City currently has in place, we established targeted contract goals to address the underutilization as Thomas stated. So, for example, when we are looking at a construction contract and we are looking to set a minority business enterprise goal on that contract, we have to refer to the Disparity Study and only address the disparities that were identified. So, in construction the Disparity Study in 2011 stated that there was only underutilization of African Americans, Hispanics, and Native Americans. Therefore, when the City sets a subcontracting MBE goal, we would only allow a prime bidder to meet that goal with firms that are owned by African Americans, Hispanics, or Native Americans. That is really the reference to that narrow tailoring. It is a really important aspect of the city's policy which allows us to actually set those minority, women business goals. When you are looking at architecture and engineering subcontracting, MWBE goals only exist for African American firms, and again that is because the 2011 disparity study only identified underutilization of African Americans in that area. When we are looking at the race and gender neutral SBE efforts, those are local, small business goals regardless of race and gender. So, now we get to the 2017 Disparity Study, as we stated the request for proposal has gone out, and the scope of the project is really looking to hire a vendor to conduct a complete and comprehensive and legally supportable Disparity Study. On that particular RFP we have set a 10% MBE goal on the project, which means that the selected vendor will have to subcontract out 10% of the work to a local, minority enterprise firm.

The vendor that is selected is going to be looking at covering this expenditure period. It is going to look at all of the City's expenditures for every single department from July 1, 2010 to June 30, 2016. So, that covers the utilization period. For that same time period, they are also going to be looking at the availability that currently exists in today's market. The procurement categories that the firm is going to analyze are construction, and they will be looking at both construction on the prime side as well as subcontractor side, architecture and engineering similarly they are going to be looking at both prime and subcontractor payments. Then there is going to be prime payments on professional service, other services, goods, and supplies. The anticipated study time frame is going to take about 18 months. The last Disparity Study that the City did was completed in 12 months, but

on average they do take about 18 months to complete a thorough study. The anticipated budget for this is \$350,000. We actually did a study and looked at similar sized cities and for example the City of Durham recently had a Disparity Study and it cost them about \$350,000 and so did Memphis, Tennessee. So, we really were trying to gage what is the current cost of these studies.

We are also looking to establish an 11 member Disparity Study Advisory Committee. This was a very successful process that really insured that there was community input throughout the Disparity Study period. We used it in 2011, so we really propose that we continue with that and actually invite members of the community to serve on this Disparity Study Advisory Committee, and the Disparity Study Advisory Committee members will be reviewing and commenting on data sources. So, they will be looking at the availability, the utilization data and really committing and making sure that the City has done its due diligence in including all appropriate expenditures. They will also be looking at the findings and the recommendations.

So, the ED & GC Committee in February 17 indorsed the release of the Disparity Study. We released the Disparity Study RFP in March and proposals are due back from interested vendors on April 7, so next week we will be getting proposal back. So, today we are really hear to just ask for Council's action to support to move forward with the Disparity Study pending the funding approval and to also indorse the Disparity Study Advisory Committee structure. Thank you.

**Councilmember Phipps** said in the five years since the last Disparity Study was conducted, can you point to any antidotal evidence of unexplained disparity or any evidence of discrimination?

Ms. Rosado said the last Disparity Study that was conducted, a huge part of the Disparity Study is antidotal evidence as well, so the consultants will actually be insuring that there is antidotal evidence collected; that is part of the work that they are contracted to do.

**Councilmember Eiselt** said how many firms do you go out and offer the opportunity to submit a bid to?

Ms. Rosado said the City publicly advertised this request for proposal, so it has been advertised on the North Carolina Interactive Purchasing System site, and everyone that we knew of in this market was invited to participate. I do not have the exact number, but it is a public process.

Ms. Eiselt said is the market very big or are there two firms that do this and they are gigantic firms or what does the market look like for the firms that are able to complete this?

Ms. Rosado said I can get that number from procurement as far as how many were invited. I know that they have a list of everyone that showed interest in participating in this, and I do not have that with me today, but we can get that to you.

**Councilmember Smith** said I have two questions. First question is this is essentially required by law, correct? The study is required by law?

Ms. Rosado said yes, in order to have a program that allows us to set Minority Women Business Enterprise goals, yes.

Mr. Smith said two, we discussed this at the last Business Meeting, I have gotten some concerns within the construction community that are database in this, I may be melding MWBE and SBE together a little bit, but for the good faith effort that our list may not be as up to date as they need to be. Will this study have any impact on scrubbing that list, or is this purely the analytic portion?

Ms. Rosado said this study will actually go beyond, so it is really going to look at everyone that is available in our market area, all businesses regardless of headquarters, and it definitely will help us with scrubbing the list because there will definitely be firms that five years ago were in business and today are not. So, we will use that data.

**Councilmember Driggs** said I am just curious about how this works on a five year cycle. Five years ago we determined that certain groups were underrepresented in their contracting, so we put in place a policy on inclusion and wouldn't you expect that when they go back and look again, they are going to find that there are not any problems? I am not making a judgment about it but we have

a legal theory here for the program itself, and it seems to me if what we did five years ago was affective, we are headed toward an outcome where we no longer meet the requirements for the program. Is that not an issue?

Ms. Rosado said well that is what the consultants are going to look at, so ideally, the issue is that the availability changes from year to year. So, we really do not know what the availability is today compared to what it was back when the study was done, so it may be that the program has alleviated the disparities that were identified, but we really won't know that until the vendors can do that analysis work.

Mr. Phipps said has the City in fact done any preliminary work along those lines to satisfy itself? I thought that with each particular contract that is vetted the reasons why we may not be able to find a particular vendor that we want is vetted, so we do all of this analysis and post mortem evaluation on an ongoing bases, so do we leverage that information to share with whoever the vendor is going to be doing the actual study or no?

Ms. Rosado said we definitely do. Twice a year, our office publishes a utilization report and all of that information is shared with the vendors. Again, they are going to look at hundreds of thousands of rows of data that come from the City's financial system as well as the subcontracts that we establish goals on. So, that really is part of their analysis work to determine how well we have done in utilizing the groups that showed that there was underutilization.

**Mayor Roberts** said there are two things that you want us to support, the move to go forward with the Disparity Study pending funding approval, then to endorse the study advisory committee structure?

Ms. Rosado said yes.

Mayor Roberts said I know that it is an 11 member commission; do I take it that it will be consciously diverse and represent some of those groups that are found to have a problem with disparity?

Ms. Rosado said yes, that is exactly right. Last time we did that Disparity Study process, what City Council asked us to do was invite the organizations that advise us on our program, ask them to submit the names of someone to participate on this advisory committee. So, that is exactly what we would do again. We would go out to 11 member organizations, Metrolina Minority Contractors, Hispanic Contractors, National Association of Women Business owners, and similarly.

Mayor Roberts said Latin American Chamber?

Ms. Rosado said yes, all of them are invited. They represent the 11 members. There are two representatives that would be of the general prime contractor community because again we want to make sure that everyone's voice is included in this process and also a MWSBE subcontractor.

Mayor Roberts said is 11 members enough to include all of those categories?

Ms. Rosado said late time we had nine, so we actually have added two, and we felt that it was a very good representation the last time around.

**Councilmember Fallon** said are we going to have what we had last time where they say that we are in better compliance than anybody else, then we had to bring in another firm to say, well you are wonderful - but. How are we going to handle that?

Ms. Rosado said I cannot answer that question for you. That will be up to the Council to determine.

Motion was made by Councilmember Mitchell, seconded by Councilmember Austin, and carried unanimously to move forward with the Disparity Study and to endorse the Disparity Study Advisory Committee.
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The meeting was recessed at 5:04 p.m. for dinner and reconvened at 5:18 p.m.

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## UPDATE ON COUNCIL PROCEDURES

**Councilmember Smith** said we have been working at the committee level to streamline this process for our rules and procedures. There are some procedures that can be a little confusing to the public and are not necessarily consistent, so we have been working on this to try to make it to when you come before our body that we have the same set of guidelines at all time. Also, clean up a few outstanding issues that are maybe antiquated since the last time that this was done.

**City Attorney Bob Hagemann** said I believe that the committee met three times on this subject. It was of course referred to the committee by the Council, and as Councilmember Smith mentioned, the rules really had not really been looked at for over 15 years, and we took a look at cleaning them up, one example is we made it gender neutral as far as pronouns. The committee is recommending eliminating some of the motions. There are several motions that in my 21 years with that city, I do not remember the Council ever using. So, we will walk through that. We had one of my favorite issues, that I am glad we are trying to fix, is the difference between your rules as far as people speaking on an agenda item and speaking at a non-zoning public hearing. It really did not make a whole lot of sense, and I will point out as we go through, the committee is recommending consolidating those into a single rule because the way you hear from the public at your agenda items, it is essentially a public hearing. So, you have in front of you a red line; I think the packet last Wednesday included a clean copy, which is what the committee is recommending. I am not going to go through every single change. As I said, a number of them are just kind of technical clean up, simplify the language, eliminate some redundancies, and I will not hit upon those, but there are about four or five things here that I really do want to bring to your attention to make sure the Council understands what the committee considered and one or two in particular, there was some good discussion in the community that I will try to highlight as well.

On the first page, and it is a redline version, so anything crossed out is proposed to be eliminated, anything underlined is proposed to be added. What I will call the Autry amendment is foot note number one, and it makes it clear that if the rules give power to the City Manager, it is not delegable; it must be exercised by the City Manager. It does contemplate that those powers could be exercised by an interim or acting City Manager.

Turning to the second page, rule number five is addressing Council. This did generate considerable conversation and discussion by the committee. Right now, when people sign up to speak to Council, they are asked to give their name, address, telephone, and subject matter to be discussed. The committee discussed whether or not those are iron clad absolute prerequisites. If someone were to refuse to give a piece of that information, should the policy be that they are not allowed to speak to Council? I think where the committee landed is that they want that information, it is really helpful to the Council to know who it is that is addressing you and what part of the City they are coming from and a way to get in touch with them in case we have some sort of a follow up, but there is a recognition in some cases where it may be acceptable for somebody to not provide information, for example, if somebody is coming to talk to you about a security issue and they do not want to reveal their home address because they are genuinely afraid that doing so might put them in more danger, so I lift up that point for your consideration.

**Councilmember Driggs** said I am just looking at the thing that says once an agenda item has been called a person may not sign up. The Mayor may set an earlier deadline for speakers to register with the City Clerk if a lot of people have signed up. Does there have to be any prior notice if there is going to be a cut off before the time that people normally expect it?

Mr. Hagemann said it was our experience with 140 people signing up to speak to you about the non-discrimination ordinance back in February that created the idea to be explicit. What was actually done in that case? In that case, I believe that the Mayor the week before set a deadline of that Friday at 5p.m., and I know it was advertised, shared with the media. So, the rule is not clear in how that is done. I think that the expectation would be that word get out soon enough so that people who want to speak could do so. I also do not think that we would be using this very often. Something as unique as the non-discrimination ordinance or four years ago, the extraordinary event ordinance in the last ten years that is pretty much it that I can recall that generated that much speaking interest.

Mr. Driggs just hit upon the next thing that I was going to bring to your attention, which is the committee's recommending, you know sometimes an agenda item is reached and people show up in front of the Clerk trying to sign up, and it becomes very cumbersome and confusing for her and also for the Mayor and Council in terms of knowing who to call on. So, the committee's recommendation is that in order to speak, you must sign up before the agenda item is reached. That is another change. Going to Subsection B, this is what I referred to before, a consolidation of the rule that applied to speaking to agenda items and non-zoning public hearings. There are essentially three elements here, one: speakers are generally given three minutes; the Mayor would have the authority subject to appeal to the Council to shorten that time when there is an extraordinary number of speakers, as we saw recently, and then finally be very explicit that speakers cannot yield their time to someone else. In my opinion, that invites abuse. Somebody coming in with their three kids, they all sign up and all of a sudden the parent speaks for 12 minutes when everyone else in the room only gets three minutes. So, it is a streamline, very simplified, non-confusing, rule. Your old rule for speaking to agenda items authorized the Mayor to shorten the time; believe it or not the public hearing rule authorized the Mayor to extend the time. Your rule for public hearings did not allow yielding, your rule for agenda items allowed yielding. So, the committee has put those all together in a very straight forward way: three minutes, shortened if there are a lot of speakers, and no yielding for time for both agenda and non-zoning public hearings.

**Councilmember Autry** said I would like Bob to also that about in some of the discussion that we had in the committee was that a lot of other municipalities do not permit any input. Is that correct Bob?

Mr. Hagemann said excellent point, and I promised to bring it up. Thank you for reminding me. There is no legal entitlement for citizens to speak other than at a public hearing. I do not know how many cities and municipalities allow speakers at agenda items and how many do not, but you are very generous in offering to the citizens an opportunity to address you. You could perfectly, legally, and clearly legally, you could if you wanted to, not allow speakers at agenda items unless you called a public hearing.

So, turning to page three, this is primarily about zoning public hearings. It looks like massive changes and a lot of blood on this page, but it is really not. It puts in place in a very easy and understandable way, what your rule is today. If there is no opposition and staff supports the petition, the petitioner can, if chooses, to speak up to three minutes. If there is opposition or the staff is recommending against the petition, the petitioner has up to 10 minutes, and then the opponents have up to 10 with a two minute rebuttal. This is exactly what you do right now, but the language is stream lined. It doesn't look like it here, but when you see the clean copy, you realize how much more accessible the rule is with the work that the committee did.

Turning to page four, Subsection E is new, and it is really a clarification. So, your general rule is that speakers get three minutes. We wanted to make it clear that it does not apply to people being recognized at awards and recognitions, that it does not apply to staff that is making a presentation, because I have in the past heard the argument made that why does the staff get to speak more than 3 minutes. Well, they are in a different category. They are your advisors; they are your resource. So, we make it clear that it does not limit them, and certainly if you invite somebody or a group to come and testify and provide a presentation, a group of experts if that is appropriate, you can set your expectations with them through the invitation and not be limited three minutes.

**Councilmember Lyles** said you had the discussion about the recognitions and everything. If we tell people that there is a three minute and we are up front, could we do that? Sometimes our recognitions last 45 minutes or longer. I just wonder if you guys had a discussion about that part of our meeting, maybe because we are just there and fresh it doesn't not matter as much, I think it might be just something to suggest that recognition responses be about three minutes.

Mr. Hagemann said certainly with the Mayor or other Councilmembers who are involved in extending those invitations, you certain can communicate your expectation of what is a reasonable response to the recognition.

Ms. Lyles said because most of those do come from the Mayor's Office, right?

Mayor Roberts said a lot of them are standing, every March there are certain things, or every April, a lot of the standing recognitions based on awareness months, and it is the one opportunity that they have to actually get on camera and talk about the issue or whatever they are bringing forward. There are also a lot of children involved with those at times. I will certainly take that under advisement to try to move those along.

**Councilmember Mayfield** said I think on this same line, by the time whoever is reading the proclamation, they read the proclamation, then they make whatever comments they are going to make, then we go into the individual speaking. So, there are a couple of ways that the process could possibly be streamlined, one: if as a committee we decide a five minute for the individual, but also we need to put a time limit around the dais so that whoever is reading, reads the proclamation, and that is it. We do not necessarily have to add additional commentary. We all like to do it, so that may be difficult, but just read the actual proclamation, turn it over to whoever is there to receive it, and in advance give them notice that it will be a five minute, because you do not do a speech for more than two to three minutes anyways. So, no more than a five minute, and that may be too long, but there is a way for us to do it. We have to take some responsibility on it as well, because we contribute to that 40, 45, 30 minutes with whatever commentary we have when we read the proclamation.

Mr. Smith said we did not discuss it at the committee level, but thinking a little bit out loud, having the beeper go off when we are awarding somebody, I think having the Mayor with the gentle suggestion of hey we have a big lineup tonight probably covers it, because if we give someone recognition and all of a sudden the beeper goes off.

Ms. Lyles said but we have had videos, and then we have had speeches and then we had the proclamation, and comments.

Mr. Hagemann said this is an important change. Subsection F there on page four, Citizen's Forum, right now as you know, there is a rule that if you have spoken in the last 12 months, you go to the back of the line. Your current practice is 10 speakers, on the fourth Monday down in the Chamber and an unlimited number at one of your workshops like today. We all understand why people want to speak down in the Chamber more than they want to come and speak to you here. So, the Clerk had expressed to me and the committee her concern that tracking when people have spoken and having to go back through the records gets to be a little difficult for them. The recommendation coming from the committee is to do away with the one year rule and simply say, people are entitled to speak at a citizen's forum either in the Chamber or up here, once a quarter, one time January through the end of March, one time April through the end of June and around for the last two quarters. So, that is the recommendation. It is still first come first served for the ten to sign up in the Chamber and with a waiting list, but if you have spoken already that quarter, you would not be put on the list at all. Even if there are only six speakers, you would not be put on the list at all. So, it is a pretty significant change. I think that the committee felt like giving that forum four times a year is generous.

**Councilmember Austin** said so they cannot speak at the Citizen's Forum, but they can speak on consent items?

Mr. Hagemann said they can still sign up on agenda items.

Mayor Roberts said ok, so just not for the general?

Mr. Hagemann said correct.

Mr. Austin said so no limitations on how many times they can do that?

Mr. Hagemann said correct, and I know we have had a recent experience where Council was questioning whether or not what the person was saying was germane to the agenda item. You will always have that challenge.

Mr. Austin said did they committee have any discussion about that? Maybe once we kind of identified that they are not really talking about the subject topic, do we just shut them down?

Mr. Smith said I would assume that is the Mayor's prerogative.

Ms. Mayfield said the Mayor has the ability to stop that conversation.

Mr. Smith said we felt, to the Attorney's point, that tracking and some of that gets difficult, and this is a much cleaner, readily understandable approach.

Mr. Hagemann said I am not going to go through the changes to rule number six with the Office of Mayor. They are kind of clean up. F is a recognition that we were phasing out and no longer have the protest petition, so that reference goes away. The change to rule number seven is something that is just redundant; the same thing is stated earlier in the rules about selecting a Mayor Pro Tem. Nine is really a simplification and clarification. Council does act by motion and your long standing practice is to require second for motions, and the way it is rewritten, it just says that clearly. Page 6, again just some cleanup and clarification changes. For example, in Rule 12 it said that it takes six votes or if there are five in a tie, the Mayor has to vote, well it is still six, so we are saying it takes six votes. The law takes care of when the Mayor votes. Rule 14 and 15 are what I allude to before, which is the deletion of a handful of rules that I have never seen the Council use. The committee talked about this and we tried to think through scenarios where not having these available to you, could it cause any procedural problems? I do not think that it would; I cannot see it. Probably whoever drafted the rules originally went through Robert's Rules and thought it was a good idea to include them, but given that Council has never utilized them, simplification is better in my opinion. So, that is the reason for those deletions in the elimination of rule 14 and the elimination of Rule 15.

Again, clean up on page eight, nothing real significant or change in policy. Page number nine, all you have are numbering changes because of deletion of rule number 15. Twenty-four, again is mostly cleanup, including recognizing that we no longer call our department heads Key Business Executives, and the rule actually has a phone number here for people making requests for service that I do not believe is even in operation anymore, so again, conforming this to current practices and processes that we have in place. Page 11, this is what I would call the Phipps amendment. This is the cross-reference in your rule about confidentiality to what Councilmember Phipps successfully purposed adding to your code of conduct, your rules of ethics last year. It just simply cross references your rule about your premature disclosure of information, including information about what transpired in a closed session. I know we have all had lots of conversation around that. Twenty-eight does away with the protest potation, for reasons that you know, and then the last change is regarding attendance tendency telephonically or electronically. The back story on this is when Mayor Pro Tem Susan Burges was ill, she was chairing an ad hoc committee on ethics and harassment that Mayor Fox had appointed, and as the committee was winding up this work, she was having difficulty attending and the Council decided to accommodate her by adopting the current rule, which is only available for Committee Meetings, not full Council Meetings, only for committee meetings when a Councilmember cannot attend due to illness or injury. So, the Committee thought that it was appropriate to have a rule, but a limited rule, for when members could attend a full Council meeting, and it is the new Subsection B that is proposed, and there are really two different parts to it. There are three kinds of meetings: a regular meeting, which is your published calendar, special meeting that is called by the Mayor, or Mayor Pro Tem, or two or more Councilmembers, special meetings must be called with at least 48 hours advance notice, an emergency meeting has no advanced notice requirement, but it has to be an emergency. So, if we have some kind of a weather situation unexpected, a tornado, some kind of civil unrest and there is a need for an emergency meeting. It struck me and the Committee I believe that that would be an appropriate time in order to get the business done to let members attend electronically or telephonically. The other part of the rule, the second half is for regular or a special meeting, we have given notice, we allow members to attend if it is necessary to achieve a quorum and attendance is precluded due to weather, civil unrest, and emergency, etcetera, and the meeting needs to be continued. My example is if you have a zoning meeting and a big snow storm comes through, and we spend all of the money and went through the trouble of advertising all of the public hearings, but it is clear that the meeting needs to be canceled. We can get six of you on the phone, open a meeting, continue the meeting to another date, and open the public hearings, continue the public hearings and not have to re-advertise. So, that would be an example of when necessary to continue items and second to take an action on matters that cannot be delayed, something that is really critical on the agenda that cannot be delayed if we cannot get six of you together in person, we could use this rule to get a quorum and take care of those items. So, Mayor and Council, these changes without objection will be on your agenda for approval next Monday.

**Councilmember Fallon** said somebody called me today, and I said that I would not be here for a vote, and she asked why you cannot leave a vote. In other words, if you know that it is coming up, why can't you vote and not be there?

Mr. Hagemann said are you talking about the state law of what happens when a Councilmember leaves the meeting without being excused?

Ms. Fallon said no, that I know. That becomes a yes. I am talking about, if you know you are going to be away, but you know there is a zoning thing and you want to vote for it but you are not going to be there. She asked me why we can't leave a vote. I said, you just can't, you just can't vote if you are not there.

Mr. Hagemann said that is right, the state statutes are very clear that you have to be present at the meeting. The law does contemplate electronic and telephonic attendance, but you have to be present. There is no authorization for what I would call a proxy. So, no you are not going to be there, and you give a piece of paper to Councilmember Smith and give him authority to cast your vote. That isn't allowed under North Carolina law.

Ms. Fallon said that is what I tried to make her understand, and she could not understand why you cannot do a proxy vote. You have to be present.

Mr. Hagemann said yes.

Mr. Driggs said to that point one of the problems is that you do not hear the discussion at the meeting so the idea is sort of that locking in your position without having heard.

Ms. Fallon said basically you know like on zoning, you read and you know what you are going to do.

Mr. Driggs said that is a potential problem with the proxy.

**Councilmember Phipps** said with respect to the emergency meetings, in those situations where you might have cataclysmic type emergency situation where you, in addition to the city's own authority, that you might have other jurisdictions like the county, how much of these rules should we bounce off of them in terms of if an emergency happened where we needed joint authority to do something, would they be in a position also have these types of emergency type meetings or are we just flying solo on that?

Mr. Hagemann said well, they are your rules, and just like you are entitled to establish the rules for this body, those other jurisdictions are entitled to establish the rules for their body. If the suggestion is that we maybe share with them some of the ideas that are reflected in your rules, I would certainly be happy to do that to share it with the County Attorney and the other municipal attorneys within Mecklenburg County. I think, until we sat down in committee and really thought about all of these things, the notion of using telephonic attendance indicates an emergency, and really we didn't think about it, if something like you described came up and you did not have this rule, there would be a real problem.

Mayor Roberts said I think that is a great suggestion, and we do coordinate our emergency response with the city and the county, but we should also coordinate if there is an emergency decision required. That is a great idea. We look forward to seeing what the County Attorney says.

Ms. Mayfield said before moving down that particular direction Bob, let me ask you a question, how often does it come up where there is a need for what we are discussing that there needs to be a joint decision between the city and the county?

Mayor Roberts said hopefully never.

Mr. Hagemann said and the Mayor is correct.

Ms. Mayfield said but in your 20 plus years, because what I think that we are trying to do is make sure that we have clarification on what our rules are when it comes to the managing of the city, the

City Manager and the County Manager, Mayor, and the individual who is the Chairman of the County Commissioner, you all may have discussions, but I do not think that is what we are talking about with this. The county may have their own set of rules and if there is not, in your 20 plus years of serving with the City of Charlotte, I do not see a need for us to open up the door and try to create something that has not been there. So, I think that we should just stay focused on the goals, because a lot of this came from two years of long discussions based on things that have happened on Charlotte City Council, and the impact that it has had, not only on this body, but on the community. I am quite sure that the county has its own rules and regulations if there is a snow storm or ice storm or whatever it is that they are addressing through their proper channels.

Mayor Roberts said I appreciate that Councilmember Mayfield, and I do not think that we are trying to tell them what to do, we are just letting them be aware of what we are doing and that we are thinking that there might be, we hope never, some kind of emergency, a 9-11 or something where we need to get a City vote and a county vote on our joint security, and that is the only thing. We are not telling them to do it, we are just saying here is what we did, and we just want you to know that we have these procedures in place and if they are interested in doing it for them to coordinate with us that would be great. That is all that we are doing, and I think that when we are dealing with the city and the county where the City is four-fifths of the county that anytime we are talking about possible emergencies, we should share the ideas that we have. We are not telling them what to do; we are just sharing. Am I representing correctly Councilmember Phipps?

Mr. Phipps said that is the only reason why I brought it up.

Ms. Lyles said I went through Hugo and 9-11 on the staff, and that was never really an issue about coordination or requiring about it. Basically, the Managers met and worked it out, and because the functions are very different, we basically are the security and safety aspect, I would think if anything, the most important thing would be to coordinate with other cities, the seven City Managers and that happened as well and when we had responsibility for the clean up to find out where to bury all of those trees and clear the roads. I mean really it was security and transportation that were the ultimate. With 9-11 it was basically a call of the City to decide and determine where we would close buildings and monitor security. So, I would expect the federal declarations may put that stuff in place.

Ms. Mayfield said that is what I am saying, that's employees; let the employees do their job, that is not what this is talking about.

Ms. Fallon said that is why when we were in Washington we wanted to become number one City because we are in charge of telling the outlining areas what is going to happen, what to do, and to help them. That is the money that we were lobbying not to have cut by the fed because it is so important with what is going on in the world.

Mayor Roberts said I think that it is always good to let the county know what we are doing. So, we do not need to make any action on that one, it is just an update. We will be voting on that in open session at the next meeting. Next we have an update on City Manager search process, there was a Committee Meeting March 30, 2016 and Councilmember Ed Driggs was recognized.

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## **UPDATE ON CITY MANAGER SEARCH PROCESS**

**Councilmember Driggs** said yes, we did meet on March 30, 2016. The members of the committee are myself and Councilmembers Kinsey, Smith, Austin, and Mitchell. This is an ad hoc committee, and I will just mention that the committee is subject to all of the same rules as any other committee, so we have to announce our meetings two days in advance. The meetings are public unless there is any sensitive information about a candidate, for example, that we might be discussing and for the protection of the candidate we will go into closed session. We were ably assisted by Cheryl Brown and Stephanie Whitesides who are standing by. I will just point out a couple of things briefly; there were three issues that we considered at the beginning of the committee meeting where the committee recommends to full council the following items based also on a recommendation from staff one, that we conduct a search inside and outside, not limit our search to one or the other, the second is that we conduct a nationwide search, and not a local one, and the third one is that we use a

search firm to assist in locating a new manager. I think without objection, we will assume that those are the steps we want to follow. You have a packet with a kind of slimmed down version of all of the documents that we looked at in our meeting. Probably the most critical page is the top sheet there, which is the specific action steps that are contained in the RFI that is like an RFP that is the document that we use to invade search firms to bid on the work, and your second document is a timeline, and the third one is a form of a candidate profile. This is a document that will be modified by our process as the members of our staff are about to explain to us for defining exactly what we are looking for. So, I think without further ado, I would ask Cheryl or Stephanie to talk to us through a couple of key points particularly from the RFI.

**Human Resource Director Cheryl Brown** said yes sir, thank you very much. It is good to be in front of you again. As Councilmember Driggs mentioned, Stephanie Whitesides is on our Human Resources staff, and she will be assisting us with the search process, and again as Councilmember Driggs mentioned, one of the most critical pieces that we need to I guess receive your blessing, we are going to go to the market so to speak. We intend to go to the market and release a request for information, and this will be a nationwide push. We are looking for search firms to bid on this work for us. We are looking for them to come to the table with experienced consultants to help us through this process. We are looking for them to come to the table with a depth of candidates and applicants that they have networked with over the years. With a search like this, part of the challenge, you have folks that may be looking for a new position as a City Manager, but we also have individuals that are passive job seekers or may not realize that they would love to come to work for such a great City as Charlotte. So, we want a firm that is going to be able to pull those candidates in for us.

**Councilmember Eiselt** said is that a retained search or a contingent search? In other words, in a contingent search you let anybody submit candidates that they want to, and it is sort of a numbers game. With a retained search it is very intentional in terms of we have hired them to present candidates.

Ms. Brown said it would be the retained. We would retain a search firm to do the work for us.

Ms. Eiselt said okay, so the first part of it was just anybody who wants to submit a request to be a retained firm?

Ms. Brown said yes.

Mr. Driggs said we are going through our procurement process right? So, the question of how do we arrive at a search firm, since that was also an issue, there is a long list of possible contenders. We will put that out there; HR will look at the responses we get, and that is how the process will be, and nobody is being excluded, and nobody is managing the selection of the search firm.

Ms. Brown said yes, that is correct.

Mr. Driggs said in the sense of steering it in any particular direction.

Ms. Brown said yes sir that is correct. For example, during the 2012 search, we had approximately 10 firms who responded with a proposal, and we put together a worksheet for the group that was reviewing the firms and then with Council input you all selected the particular firm, and I believe the committee role is to help us with that process and then bring that back to full Council.

Mr. Driggs said right and we would bring anybody that you mentioned back, the committee might add a recommendation as to who we thought looked the most likely that you would see all of the names that had come to us from HR, and everyone would have an opportunity to agree or not with the recommendation from the committee.

Ms. Brown said one of the key components at this point looking at the timeline which is in your packet of information would be page number three is to go ahead and release our request for proposal, and then move that process forward so that we are in a position to select a firm in very early May and execute a contract with the vendor. Part of the role that the vendor will play, this process involves a lot of interested parties. We traditionally, as an organization, solicit the input of our business leaders, our community leaders, our employees, executive leadership team, department directors, and during the 2012 process we also used a citizen input survey. So, we do a lot of online

solicitation for input into what we will call then the candidate profile. So, the search firm, once retained, would help us with the public input process and then, with your input as well, we will schedule individual meetings with each of you with a search firm consultant, so that you can provide your input into what the candidate profile will look like that will then be released to the city managers there around the country and elsewhere and possibly second chair folks will apply, and that will include all of the information that you all have decided you want to include as far as what we are looking for in our next City Manager. We did include for you in our packet the sample profile that was released back in 2012, and you can see it is quite a glossy production, and what we want to be able to do is make that a very specific document for this day and time. That document worked for us in 2012, and we do want to spend a good amount of time updating that for the 2016 search process, which we do every time that we solicit for a new city manager. We are hoping we have proposed a rather aggressive time line. I know Councilmember Smith was talking with us about that at the committee meeting last week. We don't want to set our expectations too high and not move fast enough or be perceived as not moving fast enough, but we have set a fairly aggressive time line and according to the schedule that you have there on page three, we are looking to bring a slate of candidates back to the committee back in early July and then interviews mid to late July with a hire announced hopefully by September, but that can always change based on your schedules and based on the interests that we receive from the external candidates. Typically, we will recruit for about a month for the position.

Mr. Driggs said one thing I would mention is Manager Carlee has pointed out that with the summer coming up and the advantage of trying to get something done in the summer, so you are not asking somebody to move, we will also have to try to work along that timeline so that we have people engaged in conversation and ready to commit before they end up starting the school year somewhere else.

**Mayor Roberts** said good point.

Mr. Driggs said the key page is the front page here describing the work of the recruiter. They would get applicants from the candidates; the search firm would look at those and would essentially perform an initial process of identifying people who are really obviously not qualified etc. There is an issue of maintaining confidentiality about who we are talking to, which is why we would address to the firm the kind of first steps in terms of what names actually then come on to us. As you can see in this description, there would be a process of interviews and background checks and so on. So, today what we are asking that Council to do is to one, authorize the release of this RFI document, so that the process can commence and also to indicate general agreement with the time line and the procedure that is proposed here. We will obviously be talking throughout and can make amendments, but if there is anybody that doesn't feel that this is the right way to go about it, this would be a good time to say so.

Mr. Phipps said on the first page, Item 1-1 I, I just wanted to know will the Council have the opportunity to provide interview questions as well?

Mr. Brown said absolutely.

Mayor Roberts said if anyone has any questions they should sent it to Cheryl. Thank you for the update, and Councilmember Driggs thanks for getting us going, and I think the timeline, I know it is aggressive, but I think it is very important for making sure we get good candidates before the school year starts.

Mr. Driggs said so to be clear we are going to go ahead and issue the RFI; everybody is good with that. Cheryl thank you and Stephanie for the great job, thanks.

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## CITIZEN FORUM

### Tarp on Houses and More

**Vincent Frisina, 3140 Edsel Place** said a couple of months ago I spoke about houses that would have tarps on them. I asked what the policy was, did not get an answer that said there was no tarp policy. I talked to Mr. Anselmo, he is one of your code enforcement. He said that there is no policy, but the interesting fact is that he said that there were more banks that were putting tarps on houses. In my neighborhood alone, there were four. One has come down because a house will be hopefully up for demolishing, another one sold for \$178,000, but that still leaves two more. My neighborhood is going to be gentrified at the speed of light. Patsy if you remember Havenwood; We have a house that goes up for sell right now, quarter of a million dollars. That just hit the market, but what about the rest of the neighborhood? What are they going to get? Are you going to have a policy that will talk about it for 90 days or not? That is something that I am here for, to ask you to consider a policy or to consider a tightening of the rules, according to Jane Talton it is possible possibly something you can do. Item 2, I found out that the City of Charlotte does not maintain its guardrails, they go on people calling in for requests of service. It took four times to take care of a guardrail on Central. Debra Campbell is familiar on it, including one time where the concrete walkway was falling in. There is a divot that shows a tree hit onto it, that has not been taking care of and at Charlotte-Metro, someone crashed into the guard rail and the center post was taken out, that one right there is going to next time someone hits it they are going to go straight through to the Brookshire Freeway. Those are two items that I would like to see taken care of. The other question is whether or not you should have, as suggested by one of the people in the Department of Transportation, because they only have three inspectors and this would hit you Ms. Mayfield, is whether or not if they see broken or guardrails that are not there, whether or not Neighborhood Development people would turn that in to actually take care of it because they are not looking at stuff in one part of our neighborhood, and I handed in something on this before. In one part of our neighborhood, it was off for a year and they would have run into two boulders and so forth. So, I would like a response on that. The next thing is for the information you have on my house where you know about the easement and everything like that. This is where I think Debra Campbell; you did not get all of the information. There were actually two codes that were bad. I was told that by the North Carolina State County Inspector on day one back in 2014, and in 2016 I am still turning in a job right next to mine and apparently the Construction Manager knows about it, but as of Thursday, the Storm Water Manager did not know. So, that is all of the details that I have on that that I wanted to do. They are coming to my house tomorrow, and I can talk to that when I do that later on. Thank you very much. I am hoping to hear some responses.

### Substance Abuse Use in Latino Youth

**Erika Hernandez, 1117 E. Morehead St.** said I am a Prevention Specialist at the Center for Prevention Services. The Center of Prevention Services has existed for almost 45 years with the mission to promote healthy life styles in Charlotte as well as preventing addiction. So, our Latino program has actually created North Carolina's first drug free coalition with the intention of bringing prevention programming to our Latino community. Our coalition is called Alianza. We are here because we would like to invite everybody on the City Council as well as our City leaders to attend a forum that we are going to have on May 21, 2016 where we are going to be discussing and addressing some of the substance use issues going on with our Latino youth. Today, I have with me Brian Gomez, who has been with the coalition for almost two years, and he is one of the many Latino youth that are interested and invested in the community to be able to bring about change since there has been so much stigma around substance use and mental health issues in our community, and we want our leaders to become a part of the action that is being taken in our community. So, we are here to invite you all to be a part of this forum and to become aware of the issues that our Latino community is facing, since we do see that 22% of the students in Charlotte-Mecklenburg Schools are Latinos. So, when we talk about Latino youth, we are talking about the future of Charlotte. I want you to become a part of what Alianza is doing in Charlotte, of what the Center of Parental Services has been doing in the last 45 years, and that is prevent addiction and prevent all of the issues that come along with substance use that could change the path and direction of the lives of our youth. So, I invite you all. Brian has letters for everybody on the City Council that we can give to you, and thank you very much for your time and have a good evening.

**Mayor Roberts** said thank you Ms. Hernandez and is there a website that people can go to for your information?

Ms. Hernandez said yes, you can go to [www.preventionservices.org](http://www.preventionservices.org) that is the website of our agency and through there you can get some contact information for our Latino Department.

**Councilmember Lyles** said I just wanted to recognize Erika. She is a proud graduate of Charlotte-Mecklenburg Schools and Davidson College, and she is doing great work, so when you talk about the future of Charlotte you are looking at it, and I really want to say appreciation to all of you for being here.

### **Storm Water Fees**

**M.A. Davis, 3201 Nancy Creek Road** said first of all, I am not a speaker, but I would like to see a show of hands that are satisfied with this storm water runoff deal. How many have the support? That is a great number. How do you justify going from \$67.59 to \$139 for six months?

**Mayor Roberts** said Mr. Davis, this is a forum for us to listen to your concerns; it is not a dialogue, so you have three minutes to tell us what you are worried about and if we have follow up we will have our staff do that, but we want to listen to you. We want to hear your concerns.

Mr. Davis said I have a record hear from Raleigh, the main office for the water runoff in Mecklenburg County; it goes back to 1878, per year, up to present time. Last year we had 244 days, not a drop of rain, and you go up \$72.00 on the water bill. It is not a tax, it is a service; what service do you get? Answer my question; what service do you get for that? Nobody knows, do they?

Mayor Roberts said Mr. Davis; we all know this is not the right forum for us to answer your questions. The way that our structure works is we are here to listen to your concern. We will have a staff member get back with you and explain more about stormwater works.

Mr. Davis said so you want me to hush?

Mayor Roberts said I am sorry?

Mr. Davis said you want me to shut up and sit down.

Mayor Roberts said no, you have more time in your three minutes; your buzzer has not gone off yet. We are happy to hear more from you.

Mr. Davis said how about you all go down the road to Providence Road and look at the number 39 Fire Station. They have an art thing down there that I could put up for \$1,000, and you all pay \$69,000 for that piece of junk. Has anybody been down there to look at it? Go down there and see what I am talking about. I stopped at the fire station and asking him what it represented, nobody knew, and did not know what it represented, what it looked like, or what it was for, and you paid \$69,000, and they can't even put one line down a highway road, down the center of the highway. They can't do it. The reason for it is a leadership because we got no leadership. We have people up here, and all they are looking for is tax, tax, tax, spend, spend, spend. How many times do you go to the ballgame down in Fort Mill and it didn't cost anything? You go up here and you don't even have a place to park. If a family of four goes to a ballgame, they are spending \$100 to \$200 a game. Down there they had free parking, the whole bit.

**Councilmember Driggs** said Mayor, would you mind if I make a short comment? There are some people here who are concerned about the cell tower issue. I would just like to point out to them that we will have a meeting on Thursday night that which we can discuss proposed installation of poles that are not actually towers, in residential neighborhoods. It is a policy question because it is a new technology and we are still evolving rules for it, but just so you know, we will be able to talk about that Thursday night.

### **Development and Economic Resilience**

**Mark Lynch, 1209 Grace Street** said I appreciate your time. So, wouldn't it be nice if we didn't have to have the same struggle every month in this room or in the Chambers, having to make the

hard decision between allowing much needed investment to come to a neighborhood or allaying the fears of residents that are concerned about the effect that these developments may have on their community. Well, it doesn't have to be that way, at least not all of the time. Last week, I came to the other room and spoke about how the cities of our past approached building and economic growth differently than they do now. Specifically, in that regular cities were incrementally by regular people. Today, I would like to expand on that a bit by describing what that kind of growth actually looks like in our modern world. The easiest example is one we know a lot of in certain neighborhoods, it looks a lot like the duplex over here or the fourplex over there, and my favorite, the owner occupied store with apartments built on top over there on the well trafficked corner of a neighborhood. These are the structures that built our economies and kept wealth within our communities. These same things are relatively difficult to build today by our modern ideology of separating the various types of housing from one another. So, how does one accomplish this in today's environment? Obviously, we do not have too many entrepreneurs with the capital or wherewithal to develop a property and then run their business venture out of it. So, that is where a developer comes in, in this case, a small developer. He or she would build the building for entrepreneur, work as a cosigner on the loan, and upon completion, the entrepreneur would then be able to purchase the entirety of the loan from the developer for a decent price. In the end, this person is now a landlord, an investor, an owner, an entrepreneur, and building wealth for his or her family. Before, they were just a renter from some faceless corporation. Now, let's say I wanted to build it as a typical developer. I would have to manage it, lease it, and take care of it. Well, you know what? It wouldn't make me enough money to do that. It is not big enough, but if I can help the entrepreneur own it then I am happy with a closed transaction, and they would have more financial security while building equity for their family, money which would all circle back around to the community. So, why am I telling you all of this? As a local government, we can all help. Imagine if you will, a fleet of small developers empowered by their local leaders, building modest projects, teaming up with our fellow entrepreneurial citizens and over some years, creating a vast patchwork of hundreds and hundreds of businesses that can sustain themselves, while providing the much needed missing middle scale of housing that our growing populous will increasingly need. Then what we call gentrification comes along they will be much more resilient to it.

**Councilmember Autry** said do we have your correct phone number this week?

Mr. Lynch said I believe so.

Mr. Autry said okay, because I texted that number last week and it was not you.

### **Increasing Minimum Wage to \$15.00**

**Jean Busby, 550 Executive Center Drive** said I am a community organizer for Action NC, and I am here today to tell you that the community supports raising the wages of all Charlotte City employees up to \$15 an hour. All workers deserve a living wage. It is shameful that the minimum wage in this country is poverty wages. Thankfully, most City workers are at \$15 an hour already, and there isn't much that the City Council has to do to get all of them to that level. At Action NC, we think that would be a good use of our tax dollars. Making sure that everyone who provides the essential services to us as city workers make enough money to take care of themselves and their families. We are here on the anniversary of Dr. Martin Luther King's assassination in Memphis, Tennessee in 1968. He was there in Memphis supporting a strike of city sanitation workers. They were seeking decent wages and working conditions, and Dr. King knew that the fight for Civil Rights was also a fight for worker's rights, a fight for fair wages, dignity, and respect. The Charlotte City Council knows how to do the right thing. They have proven that when they passed a non-discrimination ordinance recently. However, shamefully this ordinance was struck down by the Legislature's House Bill 2, and we know there are members of the Council who support raising the city worker's wages up to \$15 an hour. So, we are here to show our support in raising the wage and to encourage all members of the Council to get behind it. Charlotte is an increasingly expensive place to live. Our city workers do right by us when we need them, so let's do right by them and make sure that those who aren't already at \$15 an hour get there soon. The cost to raise their wages would be one-half of 1% of the city budget, and that is all. We can afford that, and the city workers who make less than \$15 an hour afford not to be able to live unless. Members of the City Council, let's get this done. We would be making Charlotte a better and stronger place to live. Thank you.

Mayor Roberts said we appreciate our city workers greatly, thank you all for being here tonight.

### **Increasing Minimum Wage to \$15.00**

**Ashley Hawkins, 5527 Larchmont Avenue** said I am a lifelong Charlottean and a union member here with the International Brotherhood of Electrical Workers. I am here also tonight to advocate on behalf of our city workers who, although they have their own union, cannot bargain on behalf of themselves due to our states right to work laws. Currently, the City Council is in the process of doing the budget for 2017, and as a part of that process they are changing the wage structure of the lowest paid city workers from a broad banding pay structure that has shown irregularity, to a more regular one that will bring city workers to a median income for their jobs. So, what that means is that they will make about half of what the highest paid people in their jobs in the private sector make. Estimates and models from the North Carolina Justice Center say that a living, housing wage in Charlotte is \$17.38 an hour, that is a wage where a family of 2, a woman and a child, a man and a child, a young couple starting out, can afford to live and to advance and to invest in their communities. So, as the City Council is going forward with this budgeting process, we would ask that you bring the minimum floor for the lowest paid city workers to \$15.00 oppose to the currently posed \$13.58 an hour. As my colleague Jean said, it will only raise the city budget .05%, which we believe is a good investment, both in our workers and our infrastructure and our community.

### **Small Business Owner Concerns**

**Manolo Betancur, 5111 Silabert Avenue** said I would like for all of you to hear about how I feel as a small business owner in Charlotte about paying what our people deserve and also how as an immigrant I feel about the American dream. I am a member of the Business Advisory Committee of Charlotte and an immigrant, and I have had two kids and a small business owner. I own a bakery and a coffee shop, and I am also a very proud resident of the beautiful east side of Charlotte. As a small business owner, it makes me very nervous and very scared of how I can raise the salary of my employees. I have a few months of the year that my sales decrease 60%; People eat less bread when it is summer time. Also, I have to pay a lot of money in taxes, preparation, and I have a lot of debt in my business. So, even if I want to, I cannot pay more to my employees; however, what about if my customers are going for were going to get paid \$15 an hours instead of \$7.50? They would bring tremendous positive impact customers, have more money and will spend more money in my business. They will be helping another business. They will be helping the local economy. The positive changes keep continuing in this fashion across this great country. It is not a small matter of the local taxes that we will get more money to, more sales, more taxes to the city for the content of the government. As an immigrant, I truly have to be here to remind you of the meaning of these words. No matter of my skin color, no matter our religious belief, no matter if we are rich or poor, no matter if we are Republican or Democrat to Independent in this place, in this city, in this country, we all have something in common that unites us under one belief, that is the American dream. As an immigrant, I shouldn't have to be here again to remind you of the meaning of these words, the American dream. Correct me if I am wrong, but as far as I know, the American dream is about assurance that working hard is in the pursuit of happiness we will find prosperity as success. In a very soft way, what I am saying is that we are forgetting our sense of community. We are allowing American greed to kill the American dream. Currently, as a community, we are not doing enough to take care of our people. We need to provide for ourselves and our families. It would be even more ashamed the great hero that our people were killed 48 years ago fighting for the same reason that we are fighting for right now.

Mayor Roberts said we appreciate your service on the Business Advisory Committee, helping other small businesses. We appreciate that. We have heard a lot of people here talk about minimum wage; we appreciate that, and we are listening to you as we look at our budget, and we certainly appreciate our workers.

Mr. Autry said I certainly appreciate the work that the HR Department has been doing to address the lowest level of the paid hourly employees of the city's staff, and the opening of the MyClinic was a major boost and certainly cuts down on the out of pocket money for city employees for their medical care. Taking the wage to \$13.58 an hour I think is another positive step in the right direction, but the goal of 50% of market is rather disconcerting. In California, the Governor is going to be signing a state law that will put the state on a path to \$15 minimum wage. Other cities have passed ordinances to lay out a plan on how they are going to get to \$15 wages. Should this be

something that this Council considers to create a resolution, an ordinance, to put the city on a path to \$15 an hour minimum wage? Open that up.

Mayor Roberts said I think that is a worthy discussion to have during our budget deliberations, and we can certainly fit that into our agenda during the budget and have a conversation. I think it is worthy of a conversation.

**Councilmember Mayfield** said I have a concern with the last comment and giving an impression that we have the ability to do something that we can't considering if you actually read through HB2.

Mayor Roberts said this is city workers.

Ms. Mayfield said but I am saying, if we read through it, and according to our state representatives who stood on the floor and made multiple comments for us to even be having a consideration to say that we are even going to have a dialog to try to get to \$15, when it is still up in the air of what the impact of HB2 is going to be since in the language it can be interpreted as if we do not have the ability, that no municipality across the state has the ability to make a determination of an increase in the wage, but we have already started the conversation. So, the interpretation of HB2, one of the representatives stood on the floor and made a comment regarding the impact of local municipality being able to increase the rates. Now, how that is written and how it is interpreted could be completely different than the verbal explanation when they are sharing how they figured this is going to play out, but the city has already started this conversation last year, and we are working towards it trying to increase the salaries of another of our employees. Our staff is already in the middle of that. I do not want to give the impression that in this upcoming budget cycle, especially since the impression that I have received from the majority of my colleagues is that we do not even want to have a discussion about a tax increase. So, when we are looking at the different recourses that are needed, especially around public safety and some other things, to say that we are even going to have a real conversation and not a conversation that makes the community feel good, but a real conversation about increasing rates at a certain limit, I think it is not being completely genuine to give an impression that we are going to do much more than what we are already doing because we have started this conversation, but this has nothing to do with you coming in as Mayor. This is a conversation that we started more than a year ago. So, whoever is in this space, I just do not think it is fair to give an idea that we are going to be doing much more than what we have already started because we have started down a path to try to create this conversation.

Ms. Lyles said we have spent a lot of time working through our pay plan, and I would like to say that I think we are much further ahead than California. We are at \$13.58, and they are talking about reaching \$15.00 over five or six years. We will be there because our step plan, as designed right now, is 2.5%, so we will be at \$15 an hour in four years for the lowest paid employee in that system now, and they have promotional opportunities and others. So, I kind of go along with Ms. Mayfield; I think we ought to get some facts and data out on the table about what is possible and what we are doing, because I think that we have actually done a lot of work to address these low wages, and I would encourage us to have this conversation because I believe that the plan that we have in place will get us to \$15 at a minimum of four years, and I think California is a lot longer, and the cost of living in California is a lot higher in most of the state, I am not saying everywhere, but the cost of living in Charlotte isn't comparable to California, so I think that this Council has a lot to be proud of, and I would say that we are doing that. I do not know that we would need a resolution because we have all heard about it and we are working towards it, so thank you.

Mayor Roberts said we do not normally get involved in policy discussions about things that are not on the agenda in response to a citizen, and I regret that I let it go on that long. We will absolutely have many conversations during our budget season with factual information about precisely the things we have indicated.

### **Proposed Cell Towers in the Piper Glen Residential Community**

**Melissa Dobrovolski, 7540 Seton House Lane** said I am here tonight to discuss the placement of four 25 foot cell phone towers on homeowner's front lawns in the Piper Glen neighborhood and to ask you to take action. By now you have seen the numerous emails and the nearly 400 signatures from Charlotte voters and tax payers on the petition. Some of us moved to Piper Glen to start families, raise children, and some to retire and enjoy the golden years of life. Either way, for many

of us our homes represent not only our greatest financial investment, but also our sanctuary, our safe place. The notion that a company can essentially trespass in our community and use loop holes designed for actual regulated and public utilities to get this approved is inconsistent with our basic rights and values as American citizens. This city is within their authority to deny the permit based on the fact that alternate sites have not been considered by Crown Castle. A search on antenasearch.com yielded several large towers, more specifically six within a two mile radius and some within a half mile radius. The Stone Crest Shopping Center and Calvary Church currently have large structures. Further, numerous other cities in the US have been faced with a small, cell tower issue and have halted all pending and future permit applications for at least six months until they could rewrite zoning ordinances to address this new technology. As I am sure you are all aware, the FCC regulations regarding this sort of technology are obsolete and were created in 1996. Please issue a moratorium on the placement of these cell towers in residential neighborhoods. Our concern for the proposed cell towers include perceived safety implications to humans and wild life, esthetics, and decreased property values. There is strong evidence that electromagnetic radiation from cell towers is damaging to your health. Not only do studies show increased rates of cancer, Alzheimer, birth defects, infertility, and heart rhythm disturbances for those who live within close proximity to cell towers, but short-term effect from cell tower radiation exposure may include headaches, sleep disorders, poor memory, confusion, anxiety, depression, appetite disturbance, etc. Ever since I had my baby who is now eight months old, I have had a strong innate desire to do everything I can to protect him. I do not see how I can in good conscious raise him within feet of such a danger as not only one but four cell towers. After the placement of the proposed tower, my home would no longer be a place of safety and comfort for me. Furthermore, the proposed towers are inconsistence with existing character of our neighborhood, as all of our utilities are underground. These unsightly poles would not only detract from the beautiful of our community, by would decrease property values. Several realtors told me to expect a 20% decrease in home value based on comparable situations. With an estimated decrease in home value, my husband and I can't afford to sell our home. It seems unfair that a publicly traded, for-profit corporation can come into our neighborhood and place these poles wherever they like without compensation to the residents whose health they endanger and whose property values they destroy.

Mayor Roberts said we have gotten numerous emails; we know that the neighborhood is very interested in our position.

Mr. Driggs said I just wanted to clarify that there has been a lot of work done by the city staff. We are doing everything that we can within the city's authority to be responsive to the concerns that have been raised by residents. We are constrained by federal laws. If we go past a certain point we could get sued by the company. I think there is the potential for a legal clash. This is not the setting. This is a citizen's forum tonight which is why I have arranged the meeting where a city lawyer and Mike Davis from CDOT will be present, and we can talk about these issues. I think for the moment that is all I can say. I hope that you will be able to come on Thursday night, it is at TPC Piper Glen and everybody is invited, but let's have the conversation there. Last point to mention, there is technically no provision for Council action on this. It is administrative, which means that it is up to the staff to review the permit, determine its compliance with the federal laws, and then exercise the digression the City has to raise objection. This is why it is taking so long so far, because they have been putting out all kinds of concerns they have requiring the company to do things. So, we will get everybody up to speed on those issues on Thursday night and consider what the next steps would be, but thank you all for coming tonight.

Mayor Roberts said I am going to have Councilmember Driggs repeat the time and place of his meeting because the Observer is here, and they can also make sure that that is known so that folks in your area can have that time to answer questions with staff who are experts who are going to be there as well.

Mr. Driggs said 6:30 p.m. at TPC Piper Glen, which is the club there, and everybody is welcome to come. It is open invitation. All emails I have received I have sent responses to, and it is just very hard in this setting frankly to answer all of your questions. So, we will take it up then if that is okay.

**City Manager Ron Carlee** said we have gotten significantly behind schedule and a couple of Councilmembers already have conflicts. We have passed out a PowerPoint that has some framing issues in it at the back of it on slide five and slide six for the areas that we wanted to begin a discussion for the Council tonight, but what I would like to do if Council is willing, is for you to

take a chance to go over this material, let us get some feedback from you off line, and we will tee up a time where we will have this at the front part of the schedule and not be rushed through it and be able to hopefully have a thoughtful discussion about it.

Mayor Roberts said I am sorry; I thought our meeting tonight was going to go until 7:30 p.m. or 8:00 p.m.

Mr. Carlee said well, it is Council's discretion. I was hoping that we would be able to get through all of the presentations before citizen comment and that we would be able to wrap up about this time. Staff is here and we are happy to it, but we have already lost some Councilmembers, and I think we would have a more fruitful discussion if we could reschedule and have everybody together.

Mayor Roberts said if it is the will of the Council to schedule this for another time to take what we have here and give impute via email.

Mr. Carlee said email or conversations, we will be sure to circle back to everyone and we will schedule as soon as we can a different time when we can try to really have a meaningful discussion.

Motion was made by Councilmember Fallon and seconded by Councilmember Mayfield to adjourn this meeting and discuss the next agenda item at a later meeting.

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

YEAS: Councilmembers Austin, Fallon and Mayfield.

NAYS: Councilmember Autry, Driggs, Eiselt, Lyles, Mitchell and Phipps.

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## **REZONING PETITIONS: ISSUES, CHALLENGES AND OPPORTUNITIES**

**Assistant City Manager Debra Campbell**, said thank you for allowing us to present some really important information to you; however, our presentation, or at least my presentation, is going to be very brief. This is designed for you all to have a conversation about the rezoning petitions, the content of those petitions and in particular, information sometimes that is requested at the zoning hearings, the ask of a petitioner when there hasn't been any conversations before that with regards to expectations of the petitioner. So, on the first page, again talks about the purpose of our conversation tonight, and I want to reemphasize that this is the beginning of some conversations that we want to have with Council. We are very concerned that there are, as I said, a number of issues that are being brought up at the hearings that we think may take longer term for us to respond to those issues, but we do want to focus on, and hopefully you all will help us identify some of the short term things that Council would want to address so that we can provide some certainty to the petitioners and also because you have a number of policy documents that are in the process of being developed that we think some of these much longer term policy issues and objectives can be incorporated and addressed through those issues. For example, your zoning ordinance is in the process of being updated, revised, a thing called the Community Character, the bike and the Pet Plan, the Transportation Action Plan, those are plans where you might be able to incorporate a lot of the policy objectives related to sidewalks and types of streets and design of streets, and also, just to make a point, your zoning ordinance the consultant Camiros and representative from Camiros, that is the consultant firm that has been selected to do the update, will be in town and attending your Transportation and Planning Committee Meeting as well as, I think that Planning staff desires to have a number of conversations with you all in May and June about the scope of work for that effort. It is not news to anyone that Charlotte is booming. It is growing by leaps and bounds, and it has been for a number of years, housing units, vehicles, just a number of indicators of growth. The next slide, with regards to the rezoning petitions, is another indication of the growth that is occurring, represented pretty much by the sheer number of petitions. You can see between 2011 to 2015, the number of petitions that have been added for example. There is a difference of 80 petitions between what was processed in 2011 and what was processed in 2015.

Another thing to note with regards to this bar chart is in the blue you can see the urban districts, the petitions that have been submitted related to transit oriented development or the mixed use urban development or some of your urban districts, which is an indication that our community is growing but also urbanizing in a way that we are getting much more compact development. We are actually also getting much more intense development, which means the character of the community is changing, and it is much more noticeable particularly related to infield development, when that development happens within the context of an existing community.

Based on the number of rezoning petitions, the discussions that Planning staff has heard during the rezoning hearings, we have heard from you all concerns expressed about traffic congestion, in particular in areas where there is already congestion, like a SouthPark. School capacity, especially when you see in your staff analysis something that says that a school may be well over 100% capacity. You are wanting to do something to address that issue. Affordable housing, in particular looking at certainly the [inaudible] that we already have, but also a desire to not lose what we already have. So, some of our petitions obviously are for developments where we may be losing that housing stock. Precedent and cumulative impacts, that is again, for infield development, when a rezoning petition happens, it may be beginning to set a certain tone or precedent of development pattern and we not know where to stop that cumulative effect. Character and form, again development is becoming much more compact, more intense, and again it is changing, and it is much more obvious again in an infield environment. Environmental implications related to tree preservation and storm water run-off and a number of other issues.

So, what I think the manager's office and planning staff feels is that yes, we have some issues and some concerns that you all have expressed and tonight what we wanted to do was to try to see if we have captures all of those issues and concerns to see if there is anything missing but also to talk about priority concerns, but what we want to express is that this actually is an opportunity. It is an opportunity for us to press a reset button particularly again as we are developing all of these other plans that we are in the process of developing and updating and modifying, and in particular, the regulatory tool that regulates land use, which is the zoning ordinance. So, there may be some things, again that we can do in the short term, but longer term policy issues that I don't think that maybe we should be addressing on a project by project basis that their needs to be broader policy objectives and attention paid versus again having those discussions case by case through the rezoning process. We have, again, a number of those opportunities through the planning initiatives that are currently underway to begin to address those in a much more intentional and hopefully impactful way. So, the last slide is the three questions we want to pose for you all: does the list, which is the slide above, capture the areas of concern for Council? What, if anything is missing? What are our priority concerns? Ed McKinney is here, the Interim Planning Director, and he is going to record issues.

**Councilmember Mayfield** said the question is between three and four, so when I look at two and three, school capacity/affordable housing and then looking at the precedent and cumulative impacts, what I am looking for is business and office space because we said live, work, and play. We are having a lot of multi-family that is being built, but we are not having a lot of offices, a lot of businesses, a lot of job creation that is coming around this retail. So, I do not know if what we currently have in place is addressing that live, work, and play with having accessibility for jobs that are being created in these immediate areas.

Ms. Campbell said and I think that that's certainly one that if that is a concern we would certainly add that to the list of having more true mixing of uses live, work, and the play aspects, in particular addition of employment.

**Councilmember Driggs** said right, Debora I wanted to make the general comment. In our zoning meetings, we should implement the adopted ordinances and strategies that we have. That would be the ideal so that nobody develops a proposal and then encounters something that wasn't there at a very late stage, but I will also say that the events are our running our regulator environment. They are just out running them, so in my district for example, it often happens that I have an R3 or whatever the area plan says it is all pastures, move the cows over and build single family homes. The minute that you arrive at a situation where it is not practical to adhere to that plan, you are in nomads land. So, the truth is that even with the best of intentions on our part, we are going to be in situations where we are making it up as we go along. That probably means that we need to identify that the efforts that you described and kind of prioritize a little bit in order to kind of identify those situations with the disconnect between what the rules say and what is reasonable. It often says

inconsistent with the plan, but it is in the public interest. What does that mean? Everybody can sort of make up their own interpretation of that. The other thing that I would just say in response to your question is I don't see here how we are getting effect to the vision we might have for the city that we want to be, right? So, you could follow these six points and still take them pretty much one at a time if you look at the SouthPark plan that we saw, or you think about efforts that we might make to coordinate development activities in such a way that there is a kind of complementarity between things that people are doing. I do not see that there yet. It is very ambitious. I am not sure how it works, but the comment was made earlier that we should have more engagement with the developers and other people where we show them a direction that we would like to go, and we kind of persuade them that it is in their interest. Maybe we will create some space here and maybe they can count on having a little park which makes whatever it is that they want to do more valuable, but I guess just generally this is a little incremental compared to where we are, and there are some things that people would like to do that wouldn't happen just from these.

**Councilmember Fallon** said even when I was a Planning Commissioner, Debra you remember, I use to go crazy with the variances we gave, and that is our fault; that is why places look like they do. We give so many variances. We don't know what is coming down the block when we approve something; we build in silos. How can you build in a silo? I don't know are we allowed, because you can't tell a builder you can't build if it is your land, but we build like topsy, willy-nilly, and that is why we look like we do, and everything looks like a factory or a barracks now.

**Mayor Roberts** said that is a good point about legally how can we look at the big picture? I am going to add a couple of my own. Since Patsy is not here, historic preservation. It is sort of part of the same thing but transportation access and transportation choices as sort of part of that because it is not just traffic like car, road, it is other things that have access, and those are my two to add.

**Councilmember Lyles** said I think that the Mayor expresses that whenever we talk about things we ought to be talking about transportation options so that you have more than one way, which is usually your car. I do not know quite how to describe this, but you know how the doctors say do no harm? I think about people every day and they have invested in their homes or their offices or their institutions, whatever it be, a corporate entity or an individual. How do we make sure that we are not harming that investment? I think so often about the issues where there is a problem that devalues their home or their neighborhood because of some public project or rezoning and so I think that when we look at zoning issues, they ought to preserve or increase the value of the entire area instead of just being for an individual property, so that is one that I don't know quite how to express. The other thing is that I think we have to look at our demographics and this 8 to 80 idea has got to be incorporated in here. We are going to have more people that are going to need smaller spaces, access to transportation options, and open space for recreation. So, we have to have a way to have seniors live, and we also have to have a place where families can be that don't have to have a 2,500 square foot home with a big yard because that is just the changing way of doing business I think. I don't know where we put in the open space Ed talked about, how we did the SouthPark plan, but everybody needs to be able to walk out and find some grass somewhere, or something green somewhere I think. Those would be the ones that I would like to see inconsideration, but my biggest thing that I'd like to say about our zoning is we ought to make it possible that everyone is proud to live in their neighborhood and it doesn't mean that everybody lives in an expensive place or it has to be an expensive place to live. It has to be that it is of the appropriate design; is that character in form? Is that what design is kind of?

Ms. Campbell said yeah, I think it is, and precedent and cumulative impact, I think those are.

Ms. Lyles said is the big picture for me, which is no matter what your wage level is, you ought to be able to live in a community that you are proud of.

Ms. Campbell said just again to clarify about these six items, these are issues when we have been at the zoning meetings that we have heard you all express concerns about that I think staff is looking for direction. How do we then respond so some of these concerns? Again, they have broader policy implications.

Ms. Lyles said I remember this is a project in Al's district, and they were going to build a swath of houses, and they were affordable homes and we all wanted that, but there was not an amenity. The storm water drainage retention, whatever it was, at the front, there was no signage; those are things

that matter that give people a sense of pride and ownership that we have got to make sure it happens because we can't just build affordable housing like the one behind Sunset Road, where we ended up having to go back in and tear the houses down or restore them. It just failed. It is just our responsibility to get the standards that a concrete pad isn't washed over by red mud every time you go out in your backyard, and that you invested everything that you have from work to get \$120,000 mortgage to have your dream, and it is not livable. It is just not right.

**Councilmember Eiselt** said not having any experience in planning at all, I cannot imagine what you are going through when you hear everybody coming at you with different ideas, but it just seems to me that we have to look at the city and carve it up into segments. Not even from a ULI stand point, but just carve it up into segments and every area, the Park Road Corridor, where we are seeing all of this growth, every area fits into one of those segments and we say what is the capacity for each one of these? What is the capacity for schools? What is the capacity for traffic? What is the capacity for stormwater runoff? There was an article in the Observer yesterday that I cut out because I thought, wow, this could be us. They are now saying that all the dams that burst in Columbia, South Carolina last year was because upstream development. So, when you are talking about what is the rate that you apply to people for storm water runoff, are you doing that just to repair pipes, or are you doing it to say we have to look 20 years down? New York is doing that right now with a \$3.5 billion project to work on their aqua duct system and go under the existing aqua ducts because their 100 year old system is starting to crack. So, are we pricing it so that we are always just repairing it, and is that realistic, or are we pricing it to say we have to look at the whole system and what that part of town and the growth that we know is coming, what is the impact on that area of town and on the system in itself?

Ms. Campbell said I do not want you to take our silence as if we are not responding. We really want to hear from you and digest this and then we will come back with some next steps.

Ms. Eiselt said I guess if it sounds like I am frustrated, it is because I know you all do not have the capacity either. It is a hard problem to solve, and we do not necessarily have the blue print to solve it.

**Councilmember Phipps** said I am wondering if we are shooting ourselves in the foot when we always talk about these buzzwords, walkability, bike ability and at the same time we approve and probably rightfully so all of these different apartment complexes. Some of the student housing complexes have 700 units in them, so you are going to have a corresponding increase in vehicular traffic with cars. So, if you look at SouthPark, which has received tremendous interests in growth by the development community. You've seen that even with all of that infrastructure development and growth, that it hasn't done anything to improve walkability or bike ability. The same could be said, I think, even with the South End, all of that light rail associated growth and development buildings popping up. I mean, articles I read says that the areas is not more walkable so I do not know if there is anything, how we can do to counterbalance it, but it seems as if on the one hand we talk about that but at the same time we are just increasing the capacity of vehicular traffic out the yazoo in my opinion. I can see the same thing happening in University City. We have the parking decks, the student housing, and ground zero for so called student housing complexes where they are going to park all of these vehicles, how people are going to walk and get around safely. So, I do not know if we are creating some of it, but I do not know what the answer is, and I do know, it might be a topic for a debate over a glass of wine. What can be done, or how do you balance it? You talk about 8 to 80 but really, I don't know. I think maybe in some parts of the world, some countries they can get away with that, but I am wondering if we are just too car centric in the United States.

Mayor Roberts said or bicycles, right John?

**Councilmember Mitchell** said I guess the first question I have for Debra's staff is are we saying affordable housing and that means affordable housing and workforce housing, because I do think in the community mind, even in my mind, there are two definitions. Workforce Housing to me is our police officer, our school teachers and affordable Housing is that 30% AMI. So, I do think we could talk about those as two different items. Secondly, I at least know the at large representatives; we were on the campaign trail and probably Mayor. We need to use this opportunity to have some collaboration with the school system. There is a tremendous burden to think just because we approve the rezoning that we control the housing, the demographics of the school, and I just think that is not the case. People put tremendous expectations on the city, so you all are causing schools to look a certain way when in reality we know we don't control who moves into those communities.

So, we could use the opportunity to work closely with the school board and really talk about neighborhoods, what our role is and managing their expectations. So, those really were the three I had: Workforce Housing, manage expectation, and having dialog with our school board members.

**Councilmember Autry** said I think it has been around the robin with you, but in talking about traffic congestion, there is a component that we need to be talking about, and that is our transportation network and how we are not meeting the needs of the city growing at the rate that it is to provide transportation to and making it easy for folks, especially when it is the second most expensive component of a household in the city after housing, is transportation. So, considering access to transportation, our coming transportation, where transportation already has a lot to do with where we want to see that more intentional and intense development, because I do not think that the city is going to grow out anymore anytime soon. We are concerned about school capacity, but again, what is our role in that? I look here on page two, that top slide there, Charlotte over all growing and booming, 8+ million square feet of commercial space. Is any of that going to be in District 5? One hundred plus retail establishments, 9,100 employees, can we expect any of that in District 5? Why not? The question is does anybody care? It has been a central point of frustration for me to see investment going in all over the city and not getting any traction in East Charlotte. Now Meridian Place is a very promising future looking piece of work that we got a little good news last week about Hawthorn going to move out there, but we need more than that, and that means, how many people who live in East Charlotte can work in East Charlotte and make a living? If they can't make a living there, how are they going to get to where that job is? We certainly cannot keep widening roads induced demand is a reality, and the affordability of the housing and the quality of that affordable housing. We are struggling trying to get some of this old stock in East Charlotte that was build back in the 70's and 80's when it was the wild, wild west some of that replaced because it is in really bad condition, and if we cannot get anything in there to compete with it. There is nothing going to be raising the bar, I see, anytime soon to getting some of that stuff rehabbed or replaced, but you know zoning is so important, and I think a lot of the tools and mechanisms that we have currently are driving more concentrated pockets of poverty that hurts the schools, it hurts the surrounding areas of those pieces, and I just wish there was a magic wand because it is uber frustrating, but then the environmental impacts, we have heard some folks tonight talking about storm water and certainly whenever you have a city that is growing like Charlotte and especially as we did not have a storm water department until the mid-90's that we are probably 100 years behind, underfunded, and constantly playing catch up with the needs of our storm water system. Thankfully, we do have a four tier system now, but I am just frustrated with the lack of the investment that I am seeing in the part of the city but yet we are going to go on the other side of I-485 and knock down trees and grade land for a huge development, and nothing is happening in East Charlotte. I have had enough, thank you.

**Councilmember Austin** said my concern has been over the last couple of years as I have watched development in and around Charlotte and I guess Charlotte's big booming growth is that I almost feel like our pace of growth and our ability to serve our residents, we are being out paced. For example, in my Northlake Mall area, I have already visited four different sites that we are going to have 300, 400+ apartments, but yet I know those apartments and all that development is going to come online way before we ever make a decision about providing a fire station or engine/ladder out there. So, I am concerned that we have the growth but we may not be able to provide all of the services that we are supposed to be doing. I know we are going to be addressing police and fire, police and how many more that we need on this cycle, but I feel like by the time we even bring those guys online, or women online, we are going to really need a whole lot more than that. So, for me, I have become very concern about that and how the only way we can resolve it is that we have got to have a tax increase, and we are going to be out paced continuously. So, that has been kind of my quandary around it, and I do not know how to solve it.

Ms. Mayfield said so, with thinking about the comments that you have heard regarding storm water fee as well as the multi-family and single-family that we are building. So, and Ms. Campbell this is actually going to be a question. The way we are currently set up, new development comes in, we charge them whatever amount that is. Once a development is completed, we then take over the storm water maintenance for that, but then we fast forward 10-15-20 years, hopefully we make it that long. We start running into challenges in the neighborhood and it traces back to that apartment complex, I have run into a couple of these in my district. What I am wondering is, going back to those fees on the front in, have we had a real conversation, or is staff in the middle of conversations about what is the real cost of your development, because we created a structure where you get to

basically pay, in my opinion, a small fee to side step a lot of mitigation fee that in the end fast forward many years, tax dollars are having to go in and in field infrastructure that you should have probably contributed to them in the front end. Has there been any conversation around what that really looks like for you to pay to go in and develop in a community? More often than not, these are not owner maintained and owner occupied. That developer builds; that developer sales off and then they are off somewhere else not even a local developer, they have moved on but then tax dollars and whatever Council has in place is then looking at how do you fix or repair what has happened? Are we having any real conversation of that real, not just the real cost of development, the storm water fees? How are we charging multi-family development, not rental but large housing developments or townhomes as well as multi-family rental?

Ms. Campbell said Ms. Mayfield, I can't even fake a response in terms of that question because it really is complicated. We will have this information, we will provide it to Engineering and Storm Water Services, and we will get a response back to you. The only thing that I would say in terms of a response is as you mentioned earlier, it is a big debate in communities through this country as to whether growth pays for itself, and there are implications of positive things related to growth and then there are negative and unattended consequences that come from that growth. Again, we go back to what you have in terms of for this community, opportunities that we are in the process of working on some major documents that are going to set some very important policy around a lot the issues that you all raised today, but it is not just about policies. It is also about, now since we have these goals, how do we implement? Implementation will cost. It is going to cost real dollars, and the issue becomes how do we share the cost? Today in many other communities, there are lots of financing tools; there are development impact fees, there are lots of things in terms of financial ways to raise revenue that certainly we have discussed but have not been adopted for this community.

Ms. Mayfield said that is what I would like to understand, the shared cost.

Ms. Campbell said okay.

Mr. Driggs said I just want to say and it is kind of in line with what you said, there is not in my mind a presumption that anybody who builds anything is responsible for ever for all of the costs associated with it, and if you look at the model that we have for Charlotte Water for example where we can project the capital costs, and we look at the operating expenses, and we look at rates, it is supposed to be a self-funding enterprise; that is the idea, and that includes capital costs. So, the chances are for falling behind it is because we are allocating too much money to operating and not enough to capital, or we are not fully funding the thing, but that has to be done kind of in an economic sense of knowing what the full operating and capital cost is of maintaining it, because we get new revenue strings with this development too. We get new property tax receipts; we have new opportunities, so just that is a longer conversation. I agree with what you said. The other thing that I would mention though is there are a lot of things being thrown out here. The risk that we always have is that we kind of dissipate our energy; I am hoping that what you could do for us is kind of sequence this a little bit and come back with actionable items to help clarify a conversation with developers and a plan for rolling out some of this bigger stuff.

Ms. Fallon said I have a hypothetical for you Deputy Manager. A builder comes, and he wants to build, and he wants to change zoning, but he is going to double the size of that school with the number of children because it is that kind of a development. What right do we have in zoning to stop him? Can we refuse to allow him to build or change zoning?

Ms. Campbell said we can absolutely allow that developer not to have the petition approved.

Ms. Fallon said so we can't legally?

Ms. Campbell said absolutely.

Ms. Fallon said another thing is we allow low income developments to come into places where there is no transportation. They can't possibly get to work. We have to change that. The bus system either has to have genies going at intervals so that people can get to work, so they have incentive to work, because what we are doing is we are allowing builders to build low income in places where there is no transportation, and that is upward mobility again. So, that has to be rethought also.

Mr. Driggs said just a brief comment in response to that. Yes, the school funding is a process where growth creates new revenues and new expenses. We need to balance that. I am very concerned about just putting on a moratorium so that we live within the constraints of what is there now. Creating a moratorium of some kind where we stifle growth in order to live within the constraints of what is there. We have new revenues coming and new expenses; you should be able to make it work.

Mayor Roberts said I got you; you are against the moratorium. I am just going to add, what would be interesting to know since we can't do impact fees, there are so many things that we are constrained against helping mitigate the cost of growth and we can't annex. We can't annex anymore either. So, there are a number of things.

Ms. Campbell said it is difficult; we can, but it is a [inaudible.]

Mayor Roberts said it is a much higher threshold.

Ms. Campbell said it is.

Mayor Roberts said we can't do it like we use to do it. So, there are things that have changed that are some constraints and you know, I think that it is also important, I know we are going to get public input as we talk about this zoning ordinance, but it is important for people to understand the cost of growth and even the gentleman talking about stormwater, the fact that when you pave over so much with apartment complexes and roads you have to have a working storm water system or you get floods where people's lives are endangered. We have actually had to buy out apartment buildings that were built 50 years ago or 40 years ago when there was hardly any asphalt around them, and you get this question about well whose fault is it that the developers developed, and the city kept growing and kept paving and it has happened over decades, and I think that for folks who have been here a while and seen kind of that explosive growth and the challenges, I think it is helpful to look at the components of growth. When people do have adequate vote facilities ordinances, which we can't have either, they look at how many more police officers? How many more traffic lights? What is the public infrastructure? So, it is not just the road and the sidewalk but all of the other things that go along with that. I know that you mentioned somebody evening concerned about our tree cover, and so we actually have money actually devoted to replacing trees, and again that is not something that someone thinks about when you think about filtration and shade and all of the other things that trees provide, oxygen, clearing the air. There are a lot of reasons that there are things that might seem at the surface to be nice to haves that are really when you are maintaining growth and being sustainable, they are really must to haves. So, I think that has got to be part of the conversation too about why is it the growth doesn't paying for itself? What are all of those components and how can we be a little clearer in articulating that?

Ms. Eiselt said I just also want to add to that comment because I did not understand it that a lot of the public really understands that all of those services aren't covered 100% by fees, by the fees that people pay into the system. So, if it is only covered 50% and we are growing exponentially like that, that is just that much more of a gap that we have in the ability to cover those services. So, I just wanted to add that in there.

Mr. Mitchell said Councilmember Austin and Councilmember Driggs touched on it, and I just, I do not have a solution staff, but I think it is a big problem. Councilmember Austin mentioned that there is so much development going on in the Northlake Mall area, how do we get ahead and make sure that the infrastructure is there? Councilmember Driggs, I think then brought up a good point, but as we rezone things, our plans are so outdated so we find our-self rezoning kind of spur of the moment. So, here is the big challenge for us, if you look at all our district plans, are we doing district plans or area plans? I can't remember now.

Ms. Campbell said mostly area plans.

Mr. Mitchell said so, area plans, so if you look at our area plans, part of me is saying that we are putting so much burden on staff that we want you to update the area plan, and we have this big planning, redoing this planning, and yet as Councilmembers, we are saying this train must continue to run. How do we help you all prioritize which area plans to update, at the same time, forecast where is growth growing? I just think as a staff, who we depend so much on, it is good time for us

right now, our zoning books are really thick. I like to see cranes in the sky. That means we are a community that is growing, but there is what I call, law of diminishing returns, because if you do not do it right, it will start having a negative impact on the quality of life for our citizens, and I think that none of us want that, but I do not know how we help each other to help staff, to prioritize and work on those that we need you all to work on, at the same time be able to multi task and be able to say, okay here's 44 more rezoning this month, here is 50 this month, then we tell you to stop at 10 o'clock because we are tired, yet to Ed's point, we have a rezoning coming up and it is an old 2001 plan, we are in 2016. The citizens will say uh-uh, in 2001, you cannot do that. It is a tough challenge for all of us, so City Manager is that on our plate to really say, and all of us said the key word, what is our vision? So, maybe if we get clear on our vision, it can help direct staff to kind of work on those things. I hate to be winded, but there are a couple of points that I think two Councilmembers made, and I was trying to tie them together.

Mr. Autry said cut to the chase.

Mayor Roberts said good discussion, for folks who are ready to leave at 7:00 p.m. I just want to appreciate everybody taking the time to really express the challenges, frustrations, and good input for staff to work on as we continue to struggle with this.

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#### **ADJOURNMENT**

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to adjourn the meeting.
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The meeting was adjourned at 7:31 p.m.



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Emily A. Kunze, Deputy City Clerk

Length of Meeting: 2 Hours, 47 Minutes  
Minutes Completed: April 25, 2016