

The City Council of the City of Charlotte, North Carolina convened for a Strategy Session on Monday, September 27, 2022, at 5:02 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Lyles presiding. Council Members present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Gregg Phipps, Victoria Watlington, and Braxton Winston, II.

ABSENT UNTIL NOTED: Councilmember Matt Newton

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Mayor Lyles welcomed everyone in the building to the Charlotte City Council Business Meeting on February 14, 2022. I want to especially express my appreciation for all of us on Valentine's Day. How special that is. It's a day off, I'm not quite sure I can say love, but definitely, something in the air and I hope everyone is enjoying their day. We have a meeting today that will include our Action Review, where we talk about those things that are coming up and moving forward in the next several weeks. Then we have several business items.

This meeting is being held virtual in accordance with all of the laws that we have to follow regarding electronic meetings. The requirements also include notices and access that are being met electronically as well. You can view this on our Government Channel, the City's Facebook Page, or the City's YouTube Page.

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INVOCATION AND PLEDGE

Councilmember Egleston gave the Invocation and the Pledge of Allegiance to the Flag was led by all.

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ACTION REVIEW

ITEM NO. 1: MAYOR AND COUNCIL CONSENT QUESTIONS AND ANSWERS

Mayor Lyles said the first item on our agenda are the Mayor and the Council questions, and Ms. Harris is going to give an overview of those questions at that point, we'll then proceed to see if there's any items that the Council would like to have a separate vote on, comment on. I don't believe there are any staff deferrals on the consent items. So, those will be the two choices tonight.

Marie Harris, Strategy and Budget said good evening, Mayor and Council. You have in your e-mails, the questions and I was wanting to double check with Mr. Winston and Mr. Phipps, to make sure that I answered the information they needed and with anyone else to see if there's additional information. Thank you, Mr. Phipps.

Mayor Lyles said all right, [inaudible] Mr. Winston, are signaling virtually, that they're okay with the questions that were addressed. So, with that, I would like to ask the Council members of the consent items 23-43, are there any that you would like to see a separate vote on? Is there anyone that would like to have a separate vote? All right. Hearing no one with a separate vote.

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CONSENT

ITEM NO. 5: CONSENT AGENDA ITEMS 23 THROUGH 43 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS REMOVED BY A COUNCIL MEMBER. ITEMS ARE REMOVED BY NOTIFYING THE CITY CLERK.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve the Consent Agenda items 23 through 43 may be considered in one motion except for those items removed by a Council Member items are removed by notifying the City Clerk.

The following items were approved:

Item No. 23: Tasers, Body Cameras, And Related Equipment And Services

(A) Approve a contract with Axon Enterprise Inc. for an initial term of five years: To provide hardware, software, licenses, services, storage, and ongoing maintenance for the implementation and support for body-worn cameras; For the unit price purchase of tasers and related products, (B) Authorize the City Manager to renew the contract for up to five, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and (C) Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the City uses the system.

Item No. 24: Fire Mobile Command Post Incident Management Vehicle

(A) Approve the purchase of a Mobile Command Post Incident Management Vehicle from a cooperative contract, (B) Approve a unit price contract with LDV Specialty Vehicles for the purchase of a Mobile Command Incident Management Vehicle for the term of one year under an HGAC contract #AM10-20, and (C) Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.

Item No. 25: Firefighting Foam Concentrate

(A) Approve the purchase of firefighting foam concentrate by the sole source exemption, (B) Approve a contract with Buckeye Fire Equipment Company for the purchase of firefighting foam concentrate for a term of two years, and (C) Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and amend the contract consistent with the purpose for which the contract was approved.

Item No. 26: Reflective Traffic Sign Materials

(A) Approve the purchase of reflective traffic sign materials by the sole source exemption, (B) Approve a contract with 3M Company for the purchase of reflective traffic sign materials for the term of three years, and (C) Authorize the City Manager to renew the contract for up to two, one-year renewal terms with possible price adjustments, and to amend the contract consistent with the purpose for which the contract was approved.

Item No. 27: Cross Charlotte Trail Design Services

Approve a contract in the amount of \$687,257 with VHB Engineering NC, P.C. for design and construction administrative services for the Cross Charlotte Trail Segment 11 - Pavilion Boulevard to Kempsford Drive.

Item No. 28: Clarke Creek Pumping Station and Force Main Design

(A) Approve a contract in the amount of \$5,668,010 with State Utility Contractors, Inc. for Design-Build design services for the Clarke Creek Pumping Station and Force Main project, and (B) Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.

Item No. 29: Consulting Services for Water Projects

(A) Approve unit price contracts with Freese and Nichols, Inc. for collaborative delivery support services for Charlotte Water and Storm Water Services for an initial term of two years, and (B) Authorize the City Manager to renew the contracts for up to two, two-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

Item No.30: Industrial Pretreatment Information Management Software

(A) Approve a contract with SwiftComply US OpCo, Inc. to provide, implement, and maintain an industrial pretreatment software application, (B) Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved, and (C) Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the City uses the system.

Item No. 31: Stowe Regional Water Resource Recovery Facility Equipment

Approve a guaranteed maximum price of \$15,869,000 to Crowder/Garney JV for the purchase of equipment needed for Design-Build construction services for the Stowe Regional Water Resource Recovery Facility project.

Item No. 32: Insurance Broker Services

(A) Approve a contract with Alliant Insurance Services, Inc. for insurance broker services for an initial term of three years, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and amend the contract consistent with the purpose for which the contract was approved.

Item No. 33: Refund of Property Taxes

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$57,669.55.

The resolution is recorded in full in Resolution Book 52, at Page (s) 454-458.

PROPERTY TRANSACTIONS

Item No. 34: Charlotte Water Property Transactions - Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #28

Resolution of Condemnation of 13,841 square feet (0.32 acres) in Sanitary Sewer Easement, plus 3,854 square feet (0.09 acres) in Temporary Construction Easement at 4750 Reagan Drive from KT Trading, LLC for \$20,600 for Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #28.

The resolution is recorded in full in Resolution Book 52, at Page (s) 459.

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Item No 35: Charlotte Water Property Transactions - Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #32

Resolution of Condemnation of 14,197 square feet (0.33 acres) in Sanitary Sewer Easement, plus 20,199 square feet (0.46 acres) in Temporary Construction Easement at 4725 Equipment Drive from Ameritruck Real Estate Holdings, LLC for Ameritruck Real Estate Holdings, LLC for Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #32.

The resolution is recorded in full in Resolution Book 52, at Page (s) 460.

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Item No. 36: Charlotte Water Property Transactions - Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #2

Acquisition of 534 square feet (0.112 acres) in Sanitary Sewer Easement at 1608 Lombardy Circle at 1608 Lombardy Circle from Thomas T. Bryant and Lisa Bryant for \$14,950 for Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #2.

Item No. 37: Property Transactions - Dixie River Road WM Extension, parcel #37

Acquisition of 3,794 square feet (0.087 acres) Utility Easement at 6811 Dixie River Road from Kris K Frost for \$15,000 for Dixie River Road WM Extension, parcel #37.

Item No. 38: Property Transactions - Monroe Road Streetscape, Parcel #47

Acquisition of 76 square feet (0.002 acres) Storm Drainage Easement, 807 square feet (0.019 acres) Sidewalk Utility Easement, and 946 square feet (0.022 acres) Temporary Construction Easement at 4830 Monroe Road from Larry C. Graves and Christine B. Graves for \$25,275 for Monroe Road Streetscape, Parcel #47.

Item No. 39: Property Transactions - Monroe Road Streetscape, Parcel #48

Acquisition of 1099 square feet (0.025 acres) Sidewalk Utility Easement, 1266 square feet (0.029 acres) Temporary Construction Easement at 4836 Monroe Road from John Richard Joyce and Rachel Stone Joyce for \$21,100 for Monroe Road Streetscape, Parcel #48.

Item No. 40: Property Transactions - Monroe Road Streetscape, Parcel #59

Acquisition of 100 square feet (0.002 acres) Storm Drainage Easement, 1,284 square feet (0.029 acres) Sidewalk Utility Easement, 1,025 square feet (0.024 acres) Temporary Construction Easement at 5014 Monroe Road from James R. Miller and Trang T. Miller for \$32,200 for Monroe Road Streetscape, Parcel #59.

Item No. 41: Property Transactions - Parkwood Avenue Streetscape, Parcel #10

Acquisition of 1,426 square feet (0.033 acres) Temporary Construction Easement at 401 East 15th Street from Kyle and Meggan Short for \$65,000 for Parkwood Avenue Streetscape, Parcel #10.

Item No. 42: Property Transactions - XCLT Orr Road to Rocky River Road, Parcel #19

Resolution of condemnation 10,959 square feet (0.252 acres) Greenway Easement, 6,760 square feet (0.155 acres) Temporary Construction Easement at 6607 Old Concord Road from Malcolm B. Blakenship, Jr. and Frances Ann Blankenship, Malcolm B. Blankenship III., Benjamin H. Blakenship, Ann Elizabeth B. Clark, Martha Ellen B. Ebert for \$13,200 for XCLT Orr Road to Rocky River Road, Parcel #19.

The resolution is recorded in full in Resolution Book 52, at Page (s) 461-462.

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Item No. 43: Property Transactions - XCLT Orr Road to Rocky River Road, Parcel #20 and 21

Resolution of Condemnation of 83,483 square feet (1.917 acres) Greenway Easement, 54,239 square feet (1.25 acres) Temporary Construction Easement from Malcolm B. Blankenship, III, Benjamin H. Blankenship, Ann Elizabeth Blankenship, Frances Ann Blankenship, Malcolm B. Blakenship, Jr and Martha Ellen Blankenship for \$69,525 for XCLT Orr Road to Rocky River Road, Parcel #20 and 21.

The resolution is recorded in full in Resolution Book 52, at Page (s) 463-464.

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ITEM NO. 2: ACTION REVIEW AGENDA OVERVIEW

Marcus Jones, City Manager said thank you Mayor and members of the Council. As you see tonight, we only have two items for the action review. We believe that they are two significant items. We want to make sure we give the Council enough time to have a bit of a discussion. So, Alyson Craig will lead a discussion with the Charlotte Future 2040 Policy Map update. Then our City Attorney, Patrick Baker as he mentioned, I believe last month to come back to you for a discussion with city ordinances updates. No request for action tonight on it, but at least an opportunity for the Council to take the first bite at these ordinance updates. So, Mayor unless there are questions I would like to turn it over to Alyson.

Alyson Craig, Deputy Director Planning, Zoning & Development Department said thank you Mayor and members of Council for the opportunity to update you here on the

policy map. I'm joined here by Alysia Osborne, who is the Project Manager for the Charlotte Future 2040 Plan, as well as the Policy Map. She will be giving the majority of the presentation. The Policy Map is an important part in implementing the comprehensive plan. Its translation of the Comp Plans place-based policy to specific geographies. The commenting window closed on February 8th and the staff has been working to process the comments we received on the second draft. What Alysia is going to talk to you tonight about what we've heard from Council, what we have heard from the community, and what changes are being made as a result of the comments and the feedback we have received.

And also, if we aren't recommending changes and why we are not. I will be explaining that to you all tonight. We've had a lot of questions about what are the next step. So, the next steps with this next draft. Which will come out on February 21st. So, this will be the final recommended map. We will have an online tool. It will be available for people to comment on. That will be open through the end of March, which is when we are requesting Council adoption on March 28th.

As you recall one of the things we heard from you and from the community is we wanted a little more time. So, we've extended the public comment period from February 28th to March 28th. We've also had questions about what are the next steps after the map is adopted. How are changes being made? So, Alysia will talk through some of those as well. With that, I will turn it over to Alysia.

Alysia Osborne Plan Project Manager said thank you to members of the Council, the Mayor, and for the opportunity to share the 2040 Policy Map. This is the overview and presentation So, this is the schedule, here's where we are with the project. As Alyson mentioned, we started last year after the 2040 Comprehensive Plan was adopted. Working on this process to map the place base recommendations within the plan on the maps. So, if you look at this schedule, we started in July and now we're here in February, still continuing to iterate with the draft, [inaudible] with the draft map, and working with the community. If you think of how these three documents or three initiatives work together, the comprehensive plan essentially said here's our vision and how we want to grow. The Policy Map essentially provides guidance on where we grow. The Mobility Plan helps us to understand how we connect in the areas that we are brought in throughout our community and the UDO, the unified development ordinance, talks about the development rules to make it all work and make it happen.

You guys are seeing this slide before, but for those who might be joining us for the first time, the 2040 Policy Map, is again a translation of those place-based principles within the Comprehensive Plan. Actually, placing it on the map to guide how we think about and balance our future needs and opportunities around growth throughout our community. What's really important about this map as well is that it provides updated land use policy, throughout our entire community. We haven't done that since the 90s, where we looked throughout all of our parcels and provided updated land use policy, which would essentially be the foundation for doing future planning initiatives. I'll talk about those future processes later on in the presentation. What it also does is introduce a new way of thinking about places, how we use land use and thinking about building form and character. How do we address mobility and open space as we think about how we grow and develop over time?

So, the map was developed using a new tool called place types. That's the mapping tool that provides us with a more holistic comprehensive way of looking at how we will grow in the future. If you look at the image, it looks at not just how you use the land but different ways of mobility, how you move around the community, and just how things connect holistically. The place type tool is what allows us to think more comprehensively about how we grow and develop over time.

So more importantly, what the Policy Map is, is what it is not. I think we all know that this work can be extremely complex and confusing to the average person. So, this slide has been really useful in our communication and engagement opportunities to share what the Policy Map is and what it's not. If you think about the left-hand side of the screen, it's more

visionary. We're talking about principles and goals within the place types and general concepts about height and how things are arranged. What our Unified Development Ordinance does is provides the legally enforceable rules to achieve that vision or those concepts that are described within the comprehensive plan in which the map says we should grow, and how we should grow over time. Those are the kind of fundamental differences between those two major initiatives and this slide has really been helpful in having those conversations with the community to make those distinctions because this is complex work, but it's important to work. So, we want to make sure that our residents and those who are involved understand how these things all fit together.

So, we have done quite a bit of engagement. As we started with the comprehensive plan, and then transitioned to the Policy Map, the process was divided into three distinct phases to make sure that in each phase of the project we were engaging the community at every step of the process. So, the first step started in July and we talked about education, around what is a Policy Map. What are we trying to do? Then to kind poll the community about some of their preferences around adjacencies or how these land uses relate to each other, so we can better inform how we develop the map. The first map was released last summer and then the second map has released this phase of the project in the third phase of the project. At the bottom of the screen, you will see the 24 engagement methods that we've used throughout this [inaudible] project to meet people where they are in-person as well as virtually. I will say that the most impactful conversations we've had have been the one-on-one conversations where the staff is really listening, folks are really paying attention and they have a better understanding about this difficult work than we give them credit for a lot of times. So, they come to the conversations really prepared with their issues, with their questions about this process and how it impacts how we grow and develop in the future. Those one-on-one conversations have really been impactful and we plan to continue that in all of the phases of the project.

Here's engagement by the numbers, kind of the totals, we started out with the survey responses. There was a postcard that was sent out to every resident. Over 200,000, close to 300,000 postcards were mailed to each parcel within our community, asking people to participate in the survey and also make them aware of the project so they can stay connected along the way. Then you'll see between phase two and phase three that we're dropping the number of comments received. Talk a little bit later about why., but generally speaking, a lot of the comments were reduced because the second draft of the map addressed the comments that were mentioned in the first draft. Then, we envisioned in the next draft of the map, we'll see an even greater decrease in the numbers because we're working with our partners, our internal partners, and other departments to refine the map. Helping people to understand the purpose of the map as well. So, we're having really great conversations about what the map is and what it is not.

So, here's some key takeaways from that engagement and you'll see it reflected in the map and some of the comments moving forward. Prioritize preservation, particularly our neighborhoods, making sure our neighborhoods stay intact. Provide more opportunity for higher density where existing infrastructure can support it. That's particularly along our transit corridors, and our major thoroughfares, and thinking about how to provide those more intense or dense developments in those locations. Make sure that as we're thinking about our activities centers and our places for employment, they're the right sizes and the right location. We've heard a lot from our residents in the west side as an example about being mindful of the amount of industrial that's in that area. So, making sure that we understand and provide job opportunities while balancing that need for respecting the adjacency of potential adverse impacts of like industrial uses in the future. So that's one of the examples of that. Also, we heard a lot about transitions, really thinking about and being forward-thinking along our corridors, where there's existing commercials today. How might we think about those areas, transitioning more neighborhood centers, and introducing more walkable, more neighborhood-serving types of land uses over time? So, where there may be a gas station today, how might we be more intentional about placing future land uses that may complement that over time? As well as providing the right building character and form.

So, in the next series of slides, I'll walk through some of the examples. So, here's the second draft of the Policy Map. As Alyson mentioned, the comment period for that closed last Friday, February 11th. This map was designed to make sure that residents and anyone who would view it understood where the recommendations or changes from the first draft were to the second draft. So, the circles on the map indicate changes that were made from the first draft to the second draft. If you click on that particular circle, a table or a comment box will pop up explaining the different iterations. So, you can see the evolution of changes and why, and then if you need more detail, you can click on the individual parcel, and then you'll get a description about what the place type is, and then, what that means for that particular area. So, the online mapping tool is pretty robust in that it provides a lot of information. Allows people to see what others have said about their areas, as well.

So, here's the breakdown of the place types from the map, the adopted policy, and land use policies that we use today, that's the top. The different colors translate to the place type assignments From the first draft of the map and then to the second draft. Let's start with the residential. So, there was a big push and definitely comment goal for us to make sure that the neighborhood areas were preserved. So, you see that reflected in the percentage of what we're identifying as residential. Next, you'll see from the policy that we have today, to the drafts of the Policy Map, you see a significant increase in parks and open space. So, as we grow, we wanted to make sure that we identified those areas for parks, no matter what size they were. Be really intentional about understanding where our parks are planned, where they are today, and how they relate to our neighborhoods.

The next colors in the map or the next sections or place types in the map really speak to employment, the opportunities to provide jobs, and the mixture of uses in our activity centers. That's where the remainder of the map provides the supporting uses for where we live, work, and play.

So, you've seen in the last time I presented to y'all, you've seen really detailed information about the different revisions, so I'll summarize them into three big buckets. Here's the live place types where you have your parks, reserves, neighborhood one and neighborhood two, again, the key revisions in that second draft make sure that we responded to everyone's goal, ours and the communities goal, to preserve where our existing neighborhoods are, but also understanding where a future park might potentially go as well. Also, making sure that we understand the relationship between our historic districts and future growth in the area.

The other two around work and play place types, again, for the workplace type, we looked at the airport-owned property, making sure that we understood the future of their development, looking at the noise contours, making sure that we're not recommending residential in those areas. Looking at campuses, like our university campuses, and our medical campuses, understanding their growth, and how they support job opportunities and our community as well. Then, also, looking at manufacturing and logistics and light industrial mixed use or innovation mixed use. Thinking more creatively about as our community grows, how might we accommodate different types of jobs in our community and where might they go and how can we use our existing building footprints or provide an opportunity for new places as well. Then, the others changes were around the activity centers. Making sure that we are intentional about how these activity centers transition or relate to our existing neighborhoods and provide a transition from busy corridors to the neighborhoods as well.

So, in the next couple of slides, I'll walk through examples of changes that were made from the first draft to the second draft, and some changes that we're considering for this next round. So, this one is an example of where we were looking at the transition from the darker blue, which is a community activity center, to a more predominantly single-family neighborhood. So, what you see on the left-hand side of the screen is a recommendation that we originally had for Neighborhood-2, but looking more closely and working with the neighborhood, we changed it to neighborhood -1 to be more consistent with the use and character of that area. I wanted to make sure that we all remember that this process is kind of an, I want to say 10,000-foot approach to providing updated land

use for over 300,000 parcels within our community. There might be mistakes Or inconsistencies. But we'll talk about how we plan to refine that in the future, in other planning initiatives. So, this is to really just set the foundation for how we plan, to plan in the future.

Here's another example. Really, just going back to the whole notion about how we look at commercials in our corridors. This particular area is one of our areas of corridors of opportunity. Right now, it's zoned for commercial, all the plans before it says that it should be commercial but understanding that our direction is more now to support our transit investment in that area and how the community is really working hard to transform this corridor. So, we wanted to make sure that our visioning around those transformational areas are aligned. So, we are making a transition from commercial to the neighborhood activity center to reflect our work with the Corridors of Opportunity Across the city. So, this is just an example of what that change in the methodology looked like.

Here's another example of where we've worked really closely with the community to make some adjustments. Again, understanding the transition from community activity center, which is the blue, to recognize where our future streetcar will go, but understanding that there are existing neighborhoods in that area. So, we were thinking that it was more of a neighborhood activity center. Also, looking at the bottom of the screen, understanding that there's Independence Boulevard. So, it is sandwiched between two major infrastructure investments in our community. So, working closely with the community, and having those intense conversations, we were able to make some adjustments that were more aligned with where our visioning is for that particular neighborhood.

Here's another example of where we're looking to really make alignments on the map and in future planning initiatives. On the left-hand side, the purple is an existing shopping center or neighborhood center. So, the recommendation was for Neighborhood-2, which still allows for small-scale retail, but thinking about how do we create a better street frontage or relationship between both sides of the street. So, we're recommending a small change to a neighborhood activity center for that particular location.

Again, one of the other examples within our other neighborhoods, looking at the transition at the bottom from a neighborhood activity center back to a single-family neighborhood. How do we be more thoughtful about that transition? So that's a particular example where we're looking to change it from neighborhood one to neighborhood two, to be consistent with the transition of the land use pattern On the southern part of that slide Of that street. In the last example, as I mentioned there will be some instances where we don't change the map. We'll make sure that moving forward, we communicate with this body as we as the community, here's the comment we received, here's the evolution of the change, and the map, if there was one, from the first draft to the second draft, and also, in the third draft, here's why it changed or not. Then the discussion becomes more around why or why did something change to help build that level of understanding of is this something that we changed now, or something that warrants further analysis in our future planning initiatives, where we can have that more granular conversation about land use, what's on the ground, what's planned, what are the transportation or infrastructure investments that need to go in that particular area? In this example, it's near uptown. We're recommending a regional activity center, because uptown is one of those regional activity centers, and understand that that's the appropriate recommendation for this particular area. We heard some concerns from the neighborhood, but this recommendation is aligned with the existing development, the future requested development pattern, and the existing zoning that this development has. So, in this instance, we are not recommending a change, but we'll make sure that moving forward in the process, we communicate why or why not.

So, here's some of the outstanding issues. I mentioned some of these as I was talking about some of our particular examples. One thing that we'll continue to do is clarify the messaging around the map, and what the map really is. I think that there's some confusion rightfully so, about the map and what the unified development ordinance will and will not do. So, there's some questions around setbacks and those types of things when we're talking about the map. Those discussions might be more appropriate during the unified development ordinance process. We'll continue to push that message and continue to

educate people about the different processes. Then, looking at some piecemeal revisions. As I mentioned, those examples I showed, really are looking at a particular block and a particular area that will warrant that type of revision. We'll talk a little bit later about how we plan to address those types of revisions and future planning initiatives and amendments to the map. We'll work closely with our internal partners, about the campus, and silver line recommendations. They're right in the middle of working on the station area plans and making those I guess projections about development. So, we want to make sure that our work is aligned. Then there's other corrections that we want to make as we learn more, particularly about recent rezonings, making sure that the map reflects the recent direction and rezonings that you all have approved.

What happened after the Policy Map? As we have shown, Alyson mentioned tentative adoption date is March 28th. We're envisioning the effective date for the map to be July 1st. That will help staff and the community to understand what the map is and how to use it, give us a little bit of lag time. What is envisioned to happen is that we retired the current land use tool. So, the map that we use today, the adopted future land use map will be retired and be replaced by the 2040 Policy Place Map and the map will be used to future land use decisions and capital investments. And so, a lot of our planning beyond this point will help us to monitor and track the progress of the comprehensive plan. How do we know that our decisions and our policy work and our implementation actions are actually achieving the goals that we set out for? Then, how do we refine the comprehensive plan moving forward, then, we'll start to initiate supporting plan initiatives, like community area plans, transit station area plans, and other strategic plans as needed?

So, here's a timeline of some of that activity and they're in three buckets, so we'll adopt the Policy Map first, this spring, and then, the unified development ordinance which is the rules to accommodate the Policy Map, this summer. We will produce an annual report for the comprehensive plan, it's all outlined in the plan, which was adopted by this body. That holds us all accountable for reporting and tracking our progress. We'll produce that annual report every year. We also plan to relaunch our Community Planning Academy. Throughout these big initiatives, we have created some really robust engagement platforms and we want to make sure that when we're working with the community, there is an initiative, where we start the conversation, that we continue to have these conversations and educate our community at all levels about the planning process, and why it's important, And how they can play a role in that. We will be developing a community planning tool kit. There's a lot of communities or neighborhoods that are really, really good at planning and they have planning experts, and engineers, on the boards, but there's certain parts of our community who may not have those resources. So how do we help them to start that process on their own? Give them the tools to start their planning processes before we even get to them for the community planning process in the fall of next year.

So, the comprehensive plan provides a kind of our plan approach. Again, a comprehensive plan will be updated every ten years, but every five years kind of doing an assessment, based on our annual reports. Then we'll continue to do our city and county-wide plans, like our Strategic Mobility Plan, Our Parks Plan, and then get more granular with our community area plans and our area-wide specific plans like the transit station area plans. The point of it all is that the planning continues and this is how the hierarchy of the plan also be and how we plan to update the comprehensive plan by using these other planning initiatives over time.

So, here's what we're thinking that the Policy Map can be updated. Again, we know it's not perfect in that we know that there will be amendments needed to the map. So, we're thinking that we'll do that annually Right now, and then it will be informed by policy and regulation changes. So, as we learn more, we will have the flexibility to adjust to things that we learn over time. So, in terms of policy changes, really looking a using the community area planning process, our capital improvement process, and just some plans that not only our department, but our partners may develop, that may impact where our thinking around the Policy Map. So that's one way. The other way is also looking for inconsistencies as we're making decisions and revisions to the map over time. How do we keep track of that And make sure that we're changing as needed from a policy

perspective? We also know that there will be some changes to the Policy Map needed based on some of our regulatory changes. Making sure that as we have rezonings in the future, how do we make sure that the Policy Map is aligned with those And provides the process for that to happen? Also, providing a process that is predictable and transparent and that the people can still have input as these changes are being made for both the policy and the regulatory side of things.

So, here's the next steps for the map again before this body tonight. Tomorrow night, we'll go to the planning committee to provide an update similar to what we're discussing tonight. We'll release a third draft of the map, which will be our recommendation for adoption and approval. Residents will have the opportunity to provide you guys directly some of the comments at the public comment session on the 28th. We'll then continue our discussions with the planning commission and come back to the Council on March 28th for Council action.

We'll use the same engagement tools for the final map that we're using now to make sure that the residents have an opportunity to provide comments. I'll take any questions that you may have.

Councilmember Eiselt said thank you Alysia for the update, I know this has been a tremendous amount of work, trying to engage with everybody that has been commenting. I'm so glad to see the engagement. I know it is a lot, But I have a couple of questions, just to clarify. The release of the final recommended Policy Map, is February 21st, but if you could just clarify, that doesn't mean that there couldn't still be technical corrections on a parcel-by-parcel basis after that, is that right?

Ms. Osborne said Yes, the comment period for that map starts the day it's released and doesn't close until you all adopt the map. So, the tools that I shared at the end of the presentation are the means in which people can provide comments. So, that's the online application, if someone wants to have as they always have, throughout the process, one-on-one conversations with the staff, they can e-mail us, and have those. If it's a group, same thing and we'll make available hard copies at our libraries as we have throughout the process.

Ms. Eiselt said okay, great. I just wanted to make sure, that was still the case. Then, the second question I have is could you speak to the topic that I know you've gotten a lot of e-mails on, with regards to the, I don't want to say conflict, but in some ways, it's conflicting visions of the historic districts that tend to abut up against areas that we intentionally want to see more density. So, there's been a lot of concern from people that threatens the character of the historic districts. Have you made changes based on those comments or could you just speak to that a little bit?

Ms. Osborne said so we have had conversations with two parts of our community, really intense conversations around the adjacency of kind of the community activity center. Let's call it what it is. The more intense activity center and the neighborhood, particularly where the historic boundaries are outlined. What I will say is that the historic district boundary does not prevent higher intensity adjacent to it. What it does is protects the character of the development that's within it. So, existing zonings still apply, and existing land use still applies to those particular parcels. So, in the areas, we were consistent as much as we could be, with the vision of what the historic district is does. So, to that point, the place type map does not absolve historic district boundaries. That's what rules and the development regulations and entitlements within that is what supersede.

I think that there might be some conditions, particularly along South Boulevard where there's existing TOD (Transit Oriented Development), or the existing entitlement. Our map reflects those entitlements in the future development that is anticipated in those areas. I think that there's just a fundamental difference or I want to say, concern about the adjacency of the two, That this map can't necessarily resolve If that make sense? So, what I will say is that the staff is looking at transitions, how do we look at height? There are some conversations about how we make sure that we're providing provisions that from a regulatory standpoint, the details of that, I'm not sure of, but we are having those

conversations in light of the concern about the adjacency between historic districts and more intense development in the activity centers.

Councilmember Johnson said I need clarification on a few items. The first thing I wanted to ask is when we approved the 2040 plan, we talked about three phases in the approval process. Throughout the presentation, I didn't see any reference to that. So, can you remind us, and the public, how the approval process is going to work? Is this phase 1 or where are we as far as the phases and the approval and the time line?

Ms. Osborne said so I'll speak to and I'll ask Alyson to talk about it in more detail, But I'll just you're exactly right, in terms of the document being originally one document and then put into two different parts. The policy document was the first part, the second part was the implementation strategy, and then the third part being the main was metrics. In terms of adoption of that, we had conversations beginning of this well, not the beginning, but part way through this conversation, with the Policy Map, where we were given direction to focus on the Policy Map adoption right now. Where the other two pieces are, I'll let Alyson speak to the direction on where we are with that.

Ms. Craig said thanks, Alysia. Yeah, I think it was last fall, we heard from Council that the community just wanted additional time to really talk through those two parts of the comprehensive plan. Then, we also have Council committees, that are tasked to work through really important parts of the implementation strategy, particularly the nest and the equitable infrastructure. So, we don't have dates for the adoption of those documents but we're still talking through those details now

Ms. Johnson said okay. So just so the policy document, the implementation, and this then the metrics.

Ms. Craig said [inaudible] metrics, yes, those two.

Ms. Johnson said so, if we're adopting the policy document first, is that when the policy would be implemented Or applicable, or is it after all three of the phases are completed?

Ms. Craig said the Policy Map is, you know, as we're saying in the beginning, that's the translation of the place-based policies, into specific geographies that is the Policy Map. So, the Policy Map is the implementation tool for those place-based policies from the plan. So, the implementation strategy is something that there's a lot of other efforts underway to work through. So, I mentioned the other committees also have a Community Benefits Task Force, so we want to talk through those particular efforts before adopting that particular strategy.

Ms. Johnson said okay. I'm sorry. So, the policy map is the final document, 328. Then we are adopting the policy, and are we implementing the policy at that time?

Ms. Craig said the comprehensive plan was adopted last June. So that is an adopted policy that we are working from. So, the map will then translate that to the ground. There's a lot of different plans and programs in ways in which the comprehensive plan is fully implemented and it certainly is not all going to take effect at once. It's a 20-year vision for growth and so we will work through those through different ways in order to fully implement that.

Ms. Johnson said okay. So, it's going to be implemented once it's adopted, but the implementation strategy is kind of just tweaking it and ongoing perfecting and improvement of it, is that correct?

Ms. Craig said yes.

Mayor Lyles said Ms. Johnson, Mr. Jones wanted to address your question as well

Mr. Jones said thank you, Councilmember Johnson. What we will do for you and Alyson, I wanted to make sure we can do this, it's actually a crosswalk from where we started. As

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Alyson said beforehand, it was one document and then we had three documents and over time, the language has changed in terms of how we identify those documents. I think what you're asking is Council wanted to be able to approve all of these elements of the plan. I don't believe anything has changed. Let's make sure that we're using the right terminology so that you can feel assured that what you voted on last year is what we're doing. Does that help?

Ms. Johnson said yes.

Mr. Jones said okay.

Ms. Johnson said my second question is, so I guess on March 28th when it's implemented, how will that change the rezoning process? Like how does that change as far as the neighbor's or the resident's input? How will that change the rezoning process once the Policy Map is adopted?

Ms. Craig said it doesn't. What does change is the tool that you all use, it replaces the adopted future land use map that we currently use. So, that's the policy and this map will replace that. But the process for rezoning does not change.

Ms. Johnson said so it's my understanding that once the Policy Map is implemented and the neighborhoods are assigned their place types, if a rezoning petition fits that neighborhood type, then the public comment or the public input process or step is no longer required.

Ms. Craig said no. It stays the same. The rezoning process stays the same. What does change is the tool that the land use guidance or land use policy is used to base those decisions on? So, the process itself stays the same. So, if there's an inconsistency in what the developer wants, and what the map says, then you go through the rezoning. The process for filing, community engagement, all of that stays the same. It doesn't change.

Ms. Johnson said okay. Maybe I need more clarification on this, I need to ask it I a different way. Currently, when an area is conditional rezoning, the public hearing or public input process is not required, because it's conditional. After this map is approved.

Mayor Lyles said no, Ms. Johnson, we want to make sure we're right on the first statement.

Ms. Osborne said so for conditional rezonings or conditional zonings, the public process is required. This map doesn't change that process at all. It doesn't change the rezoning process. So, there's still and if the landowner is seeking different zoning, then what's already there on the ground, the process for doing that stays the same. The only thing that changes is what the staff and the community use from a land use perspective or a policy perspective, this map updates the current map that you all use today. So, the rezoning process stays the same. There will just be newly updated guidance for land use policy in which to make those decisions.

Ms. Johnson said I think it's important that we're really clear on this process and perhaps I mean the conventional process. There is a process in our rezoning that when a developer is developing a certain plot, that's unconventional or not conventional, there's a public hearing and for some developments or rezoning, there's not. So conventional or maybe we should have someone else speak on the zoning process? The concern is once there are more rezoning petitions that are I'm sorry, I have some background noise. The ones that rezoning petitions that are that fit the place types, the developers won't need input from the public for those petitions. So, I need clarification on what I'm saying.

Ms. Craig said yeah, I think you're describing two processes. The first one is a scenario where the land use policy says A and the zoning says A. There's no rezoning needed, that's conventional, where you go to the development just happens. Then there's the scenario where A is the policy and then B is the zoning. There's a misalignment or there's some type of development and then you go through a rezoning. process. Depending on

what type of district you might well, it's the rezoning process, so that triggers an application, community engagement, all of that. So, those are the I think the two scenarios you're describing. Whether it's an inconsistency with the policy and the proposed zoning that the developer wants, then they come through the rezoning process.

Ms. Johnson said correct. Thank you. Thank you. So, once this map is adopted and a neighborhood like neighborhood -1 or the developer will not have to go through the rezoning process. It will essentially be conventional. Correct?

Ms. Craig said if the land use guidance, say the Policy Map says it's Neighborhoo-1. There is a corresponding zoning district to the place type for Neighborhood-1. Say that's already on the ground. So, the policy says Neighborhood-1. The zoning said Neighborhood-1. There's no use for rezoning if the two things align.

Ms. Johnson said right. So, it feels like our rezoning petitions are going to decrease significantly. I think that was part of the goal for the 2040 Plan.

Ms. Osborne said that part of the goal of the plan was to better align our land use vision with our regulatory guidance. Which may but we can't say for sure, may result in a decrease in rezonings, if the alignment is better. But we can't say for sure. Time will only tell what that will look like and if that type of direction will actually happen. We can't say that now until we map everything and then know for sure.

Ms. Craig said if I could jump in, just to clarify. So, we are anticipating that there could be a reduction in the number of rezoning, but that's really a function of having really outdated policies. So, all of the rezonings that you all hear that warrant very little discussion, those are probably the ones that will be better aligned with the current policy and will be able to move forward with those. The ones that are significant changes to what adopted policies are, those will continue to have, I'm sure robust discussion amongst the Council. I wanted to mention too, that right now we've got conditional rezonings and conventional rezonings. The conventions don't require community meetings. All of the rezonings going forward as proposed in the UDO (Unified Development Ordinance) will have a community meeting as part of them.

Ms. Johnson said okay If they're conventional or conditional.

Ms. Craig said correct.

Ms. Johnson said okay. My next question Alyson, since you're at the podium, the last time we talked, you mentioned that you were working or asking about the Government Television Station and engagement or videos or some outreach through the Government Television Station. Is there an update on that?

great question, thank you for asking. There was a presentation, I believe, last week or so, I can't remember the exact date when we were on the Gov Channel, but we're launching a new series on to channel starting, I believe on the 22nd and so, I'll be happy to provide that information for your weekly e-mail, but yes, we are launching a series of for the gov Channel.

Ms. Johnson said okay, we also talked about as far as engagement, some type of a website or something on the web page that shows how all of these policies align, such as the UDO and the TMN (Transformational Mobility Network), and the Comprehensive Plan, and all of that, has there been any progress on that, do you know?

I know that the staff has been working on that. We have a website now, that has all of those initiatives there, but I think it was something that we wanted to provide a little bit more information about and be more clear about where that is for you all. So, we're working on that and hope to have an update soon.

Ms. Johnson said okay. Then, lastly, can you give a brief overview or any updates on short-term rentals? We did receive an inquiry about that, as you know. Is there anything

that the public should be aware of or significant changes that we're looking at in the short-term rentals?

Ms. Craig said sure, we are not at a point at which we're ready to make recommendations for specific changes in the UDO as it relates to short-term rentals. We have of course heard a lot from the community on that particular topic. We have scheduled a series of listening sessions for topics that are generating a lot of comments on the UDO and so, this coming Thursday will be a discussion on heritage trees and the following Thursday will be short-term rentals. This is an opportunity to hear from the community, there will be very limited staff presentations on the topics and the individuals can sign up to attend and speak directly to the UDO team.

Ms. Johnson said and that's this coming Thursday?

Ms. Craig said this Thursday is heritage trees and the next Thursday will be short-term rentals.

Ms. Johnson said okay, thank you.

Councilmember Ajmera said I have a few comments and some questions. So, Alysia and Alyson, thank you so much for addressing the majority of my concerns and questions. Over the past several weeks, I had received or past several months, I had received comments about the place type maps and specifically, around preserving historic neighborhoods and neighborhood character. So, that comment has been addressed, it's great to see. I would like to see a comprehensive list of all of the comments and I know that the staff is working on that. I look forward to reviewing those comments, what's been addressed and what's pending, and why the reason behind that. One point that I consistently have heard in feedback on our 2040 Policy Map, is that we need to clarify to homeowners or property owners, that there is no change or there is no decrease in density. Especially those who may not be as engaged in this process in the 2040 Policy Map process. We have got in several feedback on that, where property owners were concerned about whether they were going to get less density, because of this exercise that we are doing with the 2040 Policy Map and the UDO. So, I think there just needs to be more clarification in our messaging. If anything, this is high this might result in higher density, but not anything less than what you currently have. So, Alyson and Alysia, if you could confirm how can we go about clarifying that message, moving forward? Do you want to comment on that or do you want me to continue and then you can respond all at once?

Ms. Osborne said oh, I can go ahead and respond to that one. You're exactly right. I think that the resounding number that was expressed during the Comp Plan is that Charlotte is expected to grow additional 400,000 people over the next 20 years. Depending on who you talk to, 150 or so people move here every day. So, it would not be a good idea for us to talk about decreasing density but being more thoughtful about increasing it in the appropriate locations. So, that's what this map essentially does is, recognize this growth of the community but being really intentional about placing where our infrastructure can support it and protecting our neighborhoods and open space while providing opportunities for job growth. That's our message and we'll continue to push that out with our project and moving forward, as we continue to plan for Charlotte.

Ms. Ajmera said thank you. Alysia. I would like clarification on the process for changes, afterward. So, once the Policy Map is adopted, I heard that it will revisions will be made annually. there might be unintended changes that we might find out later after adoption. So, is that every year, those changes will be made? I just want to understand that I heard that correctly.

Ms. Osborne said that's our thinking now. I think what is really important about moving forward and thinking about change is that we make sure that we create a very transparent process in doing that. So, in the next couple of months for sure, we have some ideas of how to do that, but making sure that we're transparent in the process, and then, predictable as well. So, the annual Policy Map update may align with the Annual Report

for the Comp Plan. Just thinking about how can we align some of these big policy impact initiatives and make sure that our community is expecting them and then they know how to participate in creating those types of changes throughout the process. We know that rezonings will continue to happen. Then, as we learn more about new development, that may have an impact, we'll start to record and make sure that we're tracking those. They may not be inconsistent with what we have adopted, but in those instances where there are, we're going to make sure that we're tracking it and then, making sure that we're thoughtful about making adjustments to the map in a transparent and predictable way moving forward.

Ms. Ajmera said so I agree that transparency and predictability is key as we have a process for changes that come after the adoption. But, you know, time is of the essence here. So, when someone has to wait for a year for the changes to be made, I think that could be a frustrating experience. So, what I would like to see is some sort of standard process, where it meets certain criteria, where we don't have to wait until a year, but I look forward to the recommendations that the staff has. I think a year just seems like a very long time if there are plans underway and just the Policy Map we adopted. I'm sure in is not going to be perfect. I mean their looking at hundreds of thousands of parcels. So, I'm sure there this I be a few here and there, where we didn't get it right. We got to have a standard process where it doesn't require the property owner to have to wait for a year. So, I would like to understand that process. I would like for that process to be part of our overall approval. So just that I have assurance, that yes, there is a process, there is a standard process in place, if we didn't get it right, there is here is another way to get it right. On other things, I just want to applaud you all for your one-on-one dialogues, and back and forth dialogues with some of our residents. I hope that you continue that as you move forward with the next phase. Thanks so much, ladies.

Ms. Osborne said thank you.

Councilmember Driggs said I wanted to clarify the conversation that Ms. Johnson had with the staff. I think she's asking very good questions. So, to be clear, if you want to develop a site in a way that is consistent with the existing zoning, that's called by right. You do that by right and there's no involvement of the Council. If you want to do it in a way that's different from the existing zoning, then you have two choices. You can seek a conventional rezoning, which allows for all of the uses, within the type that you're applying for, or a conditional one where you submit a site plan. In our existing policy, the conditional zone calls for a community meeting, and the conventional zoning does not. So, I think what we were just told is that distinction will no longer apply. Alyson, is that right?

Ms. Craig said yes, that's correct, the community meets will be required for both.

Mr. Driggs said all right, so the community meets will be required for all of them. I think that the outlook for how many rezonings we're likely to see is partly a function of how good a job we do with this map and sort of putting in place, zoning categories that are consistent with what people want to do with those locations. So, personally, I think what will happen is, because the task of creating this map is so huge, I think that a lot is going to come out in the course of our continuing process. I think we need to regard the first year after we adopt this map as kind of a trial period or, you know, breaking-in thing. It seems to me very possible that there could be a lot of people who want to change whatever was assigned to them as a result of the creation and adoption of our map. One question I have is how do you decide, if somebody wants to say, I think this category, this assignment, that I got, is wrong. I think it is wrong in the first place, I want it changed, versus I would like to change this because I have something else in mind. In particular, what I'm talking about is does the staff decide about changing the map, or do we decide about changing the map, or what distinction are we making between those two?

Ms. Osborne said I can speak to the Policy Map changes and how that could possibly play out, and what we're thinking preliminarily. One, changes to the Policy Map will require Council adoption and approval. So, that's not a decision that the staff can make arbitrarily. The two types of changes that we're anticipating are through Policy Map and processes or planning initiatives like community area planning, or the other one would be a change

that is because of some regulatory action. Say there is a rezoning that happens and there needs to be a change. Some of the examples we're looking at in terms of process, I think Memphis has it, Raleigh, Nashville, where when there is a change in the Policy Map as part of a rezoning, it becomes a two-part action. At that one time, Council is deciding potentially a revision to the map. As they are changing the zoning for that particular parcel. That's a process that we're thinking through, working with our entitlement services team. To your point, Mr. Driggs, you didn't say it, but I know you're thinking, that we need to make sure that it's a very succinct process and transparent and that the people know what that process is and how can it be done succinctly and not be drawn out in terms of making those types of changes.

Mr. Driggs said I was thinking that. Well done. So, the other thing that I think I understand from our past conversations, there will be a continuing process for the creation of area plans and conversions, I guess, that runs on for quite a while after these first adoptions. So, we're going to adopt the Policy Map and then there's going to be a three-month period where the Policy Map has been adopted, meaning, that the place types created by the Policy Maps are now effective. We still have the old zoning categories. Doesn't there need to be one, in that three-month period, after we adopt the map, and before we adopt the UDO, don't we have a kind of a mismatch between our existing ordinances, and the map?

Ms. Osborne said yes, and there is a kind of lag between both projects when they're adopted, and also, when they become effective. There will be some inconsistencies between the two in that time period, but also, there will be some time when the zoning districts need to be mapped as well. That will happen in phases. So, to your point about the rezoning process, we know it will be probably fewer, but it will take some time to level it out because both documents, the land use guidance, and the regulatory tool need to have some time to be placed on the ground. There needs to be intense education about how the two work together for the community, and the users, the developers. So, there's a lot of education that we're planning as well as a part of that process. So, it's definitely going to be some growing pains and some learning curves for everyone.

Mr. Driggs said yes and that's why I think we need to be flexible but also further to Ms. Johnson's point, if we do a good job on the map, a lot of development will be occurring by right and that's why we're hoping that we have fewer rezonings, because we don't have this big disconnect between our maps and area plans and the current situation. With that, with that reduction in rezonings, also, comes the elimination of community meetings that would occur in the context of redevelopment and I don't think that's simple. I don't think you can actually generalize on how you change these land uses and not have a whole lot of issues that you ought to be thinking about, concerning the neighbors. We're in sort of an unspecified place. I believe legally, the community benefit agreements and their enforceability is. So, one thing we do not want to have to happen is for us to streamline the process and to reduce the number of occasions on which rezoning is needed, thereby excluding people who live nearby from the opportunity they used to have to come to a community meeting and a public hearing and get us involved in what is being done near them. So, I personally have a feeling that you're going to see a lot of rezoning activity, as the map that you're creating is discovered by different people and the implications of that map become clearer to people who want to do development. Fine, we can deal with that as long as the Council once it adopts that map, knows that that map can only be changed on the action of us and that we're not once we've adopted the map, we're not in the mode where all kinds of changes can be made as a result of the staff action. And I think that's what I just heard you say. Is that right?

Ms. Osborne said yes.

Mr. Driggs said so I'll just point out, I agree with Ms. Johnson, that this issue of the community meeting and the meetings that residents have, speaking to us, and engaging with us, as development occurs, is something that I expect we're going to have to deal with. I just hope that as you pursue this further, you're being mindful of that. Thank you for the presentation today.

Mayor Lyles said I do want to check 6:19 now, and I think that we still have the code question coming up. So, I just want to make sure that we can go through this round.

Councilmember Winston said I have two quick comments. Thank you, Ms. Johnson, for bringing up the idea around the Government Channel and producing content for that. That's something that I remember came up about a year ago, now, when we were figuring out how to better engage with constituents around this very subject. I know that this pops up around different topics we discuss as well when you think about transportation and the budget process, but I will tell you, you know, from experience in the industry, that we are running the folks that we have working down there, are really spread thin right now. As everything is virtual and everything is being broadcasted. Which is a good thing, but in order to effectively do that, we're going to have to really invest in that space. That is something that if we're serious about it, we're going to have to deal with that budget process. We're going to have to create that type of staffing and infrastructure that can support that. On the other hand, we also would have to support planning and other departments with the type of creative staff that is necessary to produce the type of content that doesn't necessarily come cheap, or easily. I think that it's a worthwhile thing to do and I hope that this is something Mr. Jones, that we can seriously consider from a relationship specifically to the Comp 2040 Plan implementation on all of the kind of pieces of that, but really, hopefully, take a more general look at how to do we better use our abilities to produce content that can break down difficult and dense information in an effective way, so we can disseminate those facts far and wide.

Again, thinking about the regional aspect of things, our Government Channel is something that goes beyond the borders of Mecklenburg County. So, that can be helpful in a couple of other places. Again, something that Ms. Johnson and other people have harped on; I was really struck by the yearly look back of this Policy Map. Planning staff, I think, that it is something that we should flesh out. That should be a kind of reality right in the center of adoption, perhaps, as Ms. Johnson said. For us, that's really where the rubber hits the road, right? Obviously, you know, the staff and planning professionals, that might not be the main meat on the bones but that's how we do our job, right? That's how we work with the public. That's how the public interacts with our government. It's through these processes that everybody that can plug into and that knowledge is kind of constant. I think that that type of process really could alleviate some folk's fear of the unknown, that is coming with this process. I also think that you know, for my colleagues, and for my constituents out there, for us to remember that what we're dealing with are living documents, living policies, and really a living subject, Right? We're dealing with the growth of a city. So, it should be obvious that what we plan for today, we might have to make different plans for in 12, 13, or 14 years. In order to do that, in an effective manner, the public and us as elected officials need to know how to communicate with people how to plug into that process and have confidence in that. So, that yearly look back is the biggest takeaway I'm taking from today. I hope that we can bring some more clarity through that as we go through this adoption process. Thank you.

Ms. Johnson said I had a question about the slide presentation. If you can you back to the slide presentation with the percentage, the difference between preplanning and the second phase. Yes, that one, thank you. That's a great visual, thank you. I wanted to ask you about the campus percentages. Can you clarify what I'm looking at, currently and what the proposed percentage per campus land use would be, please?

Ms. Osborne said so there's three scenarios here, the first one is our adopted policies and what that campus place type would look like today. The first draft of the map shows the campus being 1.6 percent, which really recognized a lot of our schools and large universities and hospital campuses and those types of uses. Then, in the second draft, we had to make some corrections because we included more school sites. Smaller schools but add them as campuses. So, that's why we're still iterating on what that percentage is. So, if there was a neighborhood school, let's say, possibly a trinity, which is right up the street. We would code that as campus, but what we've heard from the community is that schools that are within a neighborhood should be envisioned more of a neighborhood type of feel and not a campus type of place type, which would be comparable to UNC-Charlotte or queens University. So, we're still making some

adjustments around the thresholds for that. So that's why you see such a significant increase from the first map to the second map. That second map included more of our smaller school sites and so we're going to make some adjustments to those thresholds based on what we know, what we've heard from the community, and how they want to make sure that our neighborhood schools are recognized as part of the neighborhood fabric. If that makes sense.

Ms. Johnson said it does, thank you for that clarification. As the university representative, I saw that significant change and just wanted clarification. yes. So, thank you.

Ms. Osborne said you're welcome.

Mayor Lyles said I think it has been a very productive discussion. I have to say that the work has come a long way and how much we appreciate the work that the community residents have put in and the staff has taken the time to walk through. We'll continue to hear this in our TAP (Transportation Action Plan) Committee and continue this process. So, thanks everyone, we're going to move to our next topic. Which is a discussion of ordinances.

Councilmember Newton arrived at 6:18 p.m.

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ITEM NO. 3: ACTION REVIEW ITEMS

Patrick Baker, City Attorney said I am here to discuss with you the criminal enforcement options as it relates to the city code. Back in December, I know I had some communications with all of you, regarding what the City Attorney's Office along with the administration was doing in response to SB300. Which ultimately required all cities to look at our code of ordinances and make a specific determination as to which ordinances it would like to retain a civil or a criminal authority to enforce and which ones it did not. So, I'm just going to go through a very quick review of the history of this process.

So again, how local governments enforce their ordinances are either civil enforcement or criminal enforcement. All of the ordinances will be enforced, certainly, at least civilly and by civil enforcement, we're talking about issuing citations, assessing fines, and penalties, seeking a court order, essentially enforcement that doesn't ultimately result in a criminal charge. The office that it would be criminal, which in our ordinances ends up being a class three misdemeanor, which is at the infraction level. It doesn't require jail time but there's a criminal conviction for a class three misdemeanor and fines that can be a maximum of \$500. Back in 2018, the General Assembly asked for all of the local governments to review their ordinances and provide the General Assembly with information related to the ordinances, which those individual local governments have chosen to enforce criminally as part and parcel of a very broad and expansive criminal justice reform study that occurred over the course of two years and ultimately came out with SB300 was the final product that came out of that.

I want to remind Council and the public, that the vast majority of enforcement action that the city takes with city code violations is civil in nature. Typically, we start with seeking voluntary compliance, for a violation of a particular ordinance and we focus on civil work, but several ordinances do enforce criminally, but the vast majority just can't repeat that enough, is and the civil nature. The city ordinances are not talking about violent crime issues, or major fraud issues; robberies, murders, or anything like that. Those are all state law issues, that are handled at the state law level, and what SB300 talked about did not relate to the enforcement of state laws. It only reports to the enforcement of civil ordinances in a criminal fashion.

I'm going to skip down; these are the sources of the authority for cities to enforce both civil and criminal. I want to skip down to the bottom of that, which is Section 221 of the city code. I would like to refer to this as the default criminal code provision. Most every local government has something to the effect that says, unless otherwise provided, any

provision of the code may be criminally enforced. This is specifically the item that the General Assembly was targeting. Which this idea that you have a default criminal enforcement authority, the General Assembly wanted the local governments to identify which of the ordinances essentially wanted to continue to have criminal enforcement on as opposed to a default provision, which essentially would say, any of these code provisions could be enforced criminally. The focus, again, was to not over-criminalize all of the ordinances that are there for local governments to be very specific about which ordinances they wanted to continue to have criminal enforcement.

Where we are now, this is a new SB300, what ultimately came out of this entire process. What SB300 did was it eliminated the default penalty criminal enforcement; local governments have to be specific if you want to criminally enforce your ordinances. It also deprived the local governments of the ability to criminally enforce ordinances in ten areas of regulation that I'll go over with you shortly. This process is the first step of a minimum two-step process. It could be more steps, where we have to introduce what we would like to continue to have criminal enforcement. Then, at a subsequent meeting is when the Council would pass whatever amendments are being put in front of the Council or whatever amendments the Council desires again, in terms of which of the ordinances it would like to continue to enforce criminally.

Again, this is part of a much broader criminal justice and reform package, and I want to highlight those last three bullets at the bottom there. To tell you really what the tenor of this entire package was. A big focus was to not criminalize poverty. So, a number of the actually the statutory defenses to some of the criminal prosecutions that can occur in a municipal ordinance, include situations where individuals are trying to address their unemployment or homelessness situation, or situations where individuals suffering from mental health or substance abuse issues. If there is evidence that they are suffering from mental health or substance abuse issues, again, related just to these city ordinances, that can be a defense, and the focus then, shifts to getting them help for their issues rather than criminalizing their activity, when they're suffering under unemployment, homeless, mental health or substance abuse.

Another aspect of this particular law is that if you are charged criminally, with one of these ordinances, the City Council determines should remain to have the option of criminal enforcement. If you haven't been cited by the violation within 30 days of the first time you've been cited with a violation, then that can be a defense to potentially get your charges dismissed. So, I wanted to give Council the general tone of what the General Assembly was trying to do. It's often referred to as decriminalizing the city ordinances, there's definitely a push towards not having so many ordinances that the local governments have to potentially have a criminal impact.

So, this is the statutory list now of ordinances that local governments can no longer criminally enforce and you see there, businesses and trades, a lot of these issues are permitting related as opposed to specific things. Again, violence or something like that. That's not what we're talking about, but a lot of these areas relate to permits, having permits for certain things, a vehicle for hire, and what have you. This is the list on the page, yes, on this particular slide, that we no longer have the authority to enforce. The asterisk that you see there are ordinances that are more likely going to be combined in the UDO. We don't have those in front of you. Those will be handled through the Unified Development Ordinance process.

The next two slides that we have are the statutes that we would like to continue to simply civilly enforce and not have criminal enforcement associated with them. Again keep in mind that that default provision that says everything in the code can be criminally enforced goes away, as this statute has been enacted. So, we're in the process now and what we've been doing for the last two months is literally reviewing every ordinance in the code, to determine which ordinances have we typically used. Criminally enforcement again, keep in mind, I wanted to reiterate the vast majority of what we do is civil in nature, but we identified those ordinances that we have used for criminal enforcement and those ordinances that we would like to retain the ability to criminally enforce going forward. The list on slides six and seven are the ordinances and these are the chapters of the

ordinances that the city administration is proposing that we only focus on civil enforcement and not either retain or add the ability to criminally enforce going forward.

I'm going to turn slides 8 and 9 over to Deputy City Attorney, Lina James. These are the ordinances that the administration would like to retain the ability to permanently enforce.

Lina James, City Deputy Attorney said thank you. Mr. Baker, I'll pick up and try to go quickly through this topic that I know is not really riveting on valentine's day. As we go to slide number eight, you have a list of the ordinances. Again, just for ease of reference, we have the chapters in the code, the name, and the section, specifically, where we are proposing to reinstate or restore what we call options for criminal enforcement. Again, as Mr. Baker said, this would be our last resort, so to speak. We would usually use other tools and other measures before seeking criminal enforcement. I won't go through the whole list, but I will tell you that I would be remiss if I didn't thank the team of ten attorneys who have been working with us going through this process. We started a couple of months ago as Mr. Baker said and so we have this group of folks who have been working with the different client departments to help you identify which sections within each chapter we really believe we need to have that ability for criminal enforcement. Those are the sections that you see on this list, divided by the chapters and the specific areas. For some of the areas where we have bolded it, just to give you examples of areas where we're looking for those kinds of offenses or violations of the code where we would want to have that option. If you have specific questions on some of those, as we go particularly to slide nine, happy to answer those. I think that they speak for themselves. I think that particularly, the Police Department can tell you about the ones that you see on slide nine with reference to when there might be a gap in state law. Police believe we might need the option to have one of these violations as a basis to issue a citation or criminal charge. Slide 10, simply just summarizes the reasons why, and I know we've had a number of questions from folks about, you know, what are the typical civil law measures or civil tools that the city uses. Again, as you'll see, I think similar to what we do when we went into a state of emergency, a couple of years ago, the city always starts with education, and an attempt to try to obtain voluntary compliance. I think most offenses in our experience or most violations of the city code, usually have compliance. If education doesn't work, if voluntary compliance doesn't work, then the city has the tools of civil citations, notices of violations, [inaudible]. All matters of things and in addition to the right to issue civil fines and citations. It's when those tools fail that we say we ought to be able to have these in these particular areas. Again, the areas are on slides nine and 10.

To the extent somebody is charged with a criminal offense, the prosecution would be through the District Attorney's Office. They do what they call the environmental court, which is where simply for city code violations. I think most cities across the state have something comparable, where the District Attorney's Office prosecutes for the criminal offense. Again, the objective with having the option of criminal enforcement is to reduce or minimize those continuing violations and have an opportunity to get something that is a nuisance or some bad action to stop, for a lack of a better word. I will pause there and let Mr. Baker wrap it up with the last slide, Slide 11, and then be happy to answer any questions.

Mr. Baker said essentially, what we are asking for Council right now, is to review the proposed amendments that we have brought to you. That is specifically to retain criminal enforcement ability in the areas specifically the sections that are included in sections eight and nine. These are the areas that again, we would like to retain that criminal enforcement and or areas that we have used criminal enforcement in the past. Again, I want to reiterate and emphasize that criminal enforcement is the last resort in these situations. We try to get voluntary compliance or go through the civil route when it's available. Sometimes and these are more of the high-profile matters that we can still criminally enforce that are here in front of you, that don't necessarily have an equivalent civil or state law remedy going forward.

So, we would like for you to review what we've put in front of you on slides eight and nine. We do have folks from the administration-specific departments, that enforce these areas, here to answer any questions that you have. What we would intend to do is if the Council

was satisfied or when the Council gets satisfied as to which ordinances it would like to retain the ability to criminally enforce, we bring those ordinances and any adjustments that we would have to make to you, for you to pass. We could do that as early as your February 28th Council meeting. We don't have to have a specific public hearing on these, simply need to have the Council's assent to continue to have criminal prosecution in these fairly limited areas. I'm happy to take any questions and again, the staff is here if you have very specific questions about some of these ordinances.

Mayor Lyles said I'm going to try to say what you said, Mr. Baker. If the Council approves this recommendation to the staff, then you will come back on February 28th with Council action. So, we're looking at whether are there any exceptions to the staff's recommendation, or any changes to the staff recommendation that you have. Then, we would treat those accordingly.

Councilmember Ajmera said Mr. Baker, and Ms. James, thank you so much for your work on this. I'm going through so many ordinances and requires a lot of time and effort. So, I appreciate your and your team's work here. Specifically, while addressing that we don't criminalize poverty in our city. That is important. A couple of questions, do we have any data? I appreciate the recommendations here. What I'm looking for is how many times we have enforced criminal charges for a specific area. I think having that would really help. I know Mr. Baker had mentioned earlier that the majority of it is civil, but I would like to know the areas where we have had to use criminal charges and how many times. Just to gather some data. Would that be possible, Mr. Baker or Ms. James?

Mr. Baker said we should be able to pull that information for you. I can tell you that I did get some information from the Police Department that from 12/1/2020 to 11/30/2021, we used criminal charges in 191 cases. When we talk about civil enforcement, that can be a situation where we seek voluntary compliance, when you tell someone to turn the music down or whatever the noise maker is going on. So, I don't have the number of times that we have used civil enforcement, but the vast majority of those 191 cases that occurred in 2021, 122 of them were discharging firearms in the city, which we are proposing that we retain the ability to criminally enforce. The second-most was 21 cases of possession of a firearm on city property, which again, we have continued to maintain needs the ability to criminally enforce. The third highest at 15, was loitering for drug activity. That was a little bit more complicated because oftentimes, there was a state law prohibition that's involved in that as well. So, I don't know that we've had 15 times where we just cited that particular issue, but that's quite possible that that was included with other state violations. All of the other violations are less than 10. So, that just gives you an idea of what we're criminally enforcing for that one particular year. We'll see if we can pull some more statistics for you because I think that's important for you all to have a clear understanding as you make this decision.

Ms. Ajmera said yes, I think that would be very helpful along with the description. For example, discharging a firearm. Definitely, we do need to provide CMPD (Charlotte Mecklenburg Police Department) the option to criminally charge someone. I think that is something very important when we have gun violence issues in our city. So, I would like to just get data on that. Maybe over the past couple of years so we get an idea about where we definitely need a criminal charge, and why we need it. Other things, on the noise ordinance, can you go back to slide number nine where it shows the areas where recommendations are for a criminal charge? Mr. Baker said for this one, we do have noise. So, I know we have gotten complaints over the past and that's an ongoing issue with the health access, to healthcare services for women. Have we ever charged anyone with a criminal charge for harassing an individual from accessing healthcare services?

Mr. Baker said I'm not sure specifically what the charge was, but I know we have used the noise ordinance in some of those picketing areas, where it's the amplified sound, was the issue, that we had going forward. Even in that situation, the vast majority of the ordinance enforcement was civil, but I'm certain it has happened at least once. Maybe twice, not very often. Most of the time, it's that we're asking for voluntary compliance, which we typically get.

Ms. Ajmera said all right, I look forward to that, and thank you so much.

Councilmember Driggs said just quickly, did we use to have the authority to impose jail sentences of 30 days? Has that gone away?

Mr. Baker said I'm not sure about that, I know with the misdemeanor, it is jail sentences not available to us. It is possible that at some point in time over the past, we may have had that.

Mr. Driggs said but you don't think we do now?

Mr. Baker said I don't believe so

Mr. Driggs said basically, what you just told us, you're asking us in essence to vote on it tonight?

Patrick Baker said no, in fact, the statute specifically says you can't vote on it tonight. We can introduce it to you. If you have questions or as Ms. Ajmera asked, for more data, we can provide that to you. The earliest we would bring something back to you to vote would be February 28th. If there was a particular ordinance, particularly in slides eight and nine, that you have concerns about, or want more information about in terms of whether you agree with us, that the particular ordinance should retain the criminal enforcement ability. That's the information that we would like to get from you tonight. Really, any time between now and the 28th would be good, but, no, we're not asking you to vote on anything tonight.

Mr. Driggs said so you would like a nod from us to proceed tonight but we're not finalizing.

Mr. Baker said that would help and if you have concerns about anything specific, we'd like to know that sooner rather than later.

Mayor Lyles said I think Mr. Driggs, especially the ones that you may say I have a question about whether we should do this. So, by exception, I think that looking at the list, is there one that you would like to pull out for more information or more data? I think it's really important to kind of identify those that you want the attorney's office to bring back more information to or you have questions about why we're doing this.

Mr. Driggs said all right, I just would like a little more time to look at these and maybe get in touch with the attorney in the next couple of days. I do have a question now, Mr. Baker, could you characterize this whole process as kind of reducing our authority to keep maintain order in the city? How does it impact our overall kind of police powers and law enforcement?

Mr. Baker said well, it definitely curbs the ability to use criminal enforcement. I think that was really interestingly enough, a fairly bipartisan group of State Legislators that came together with the idea that having that default everything is potentially criminally enforced was not a good idea. Some local governments were using it maybe more in ways that weren't as equitable as others. I think that's where they really wanted Council and oftentimes, this is the first process that I've been aware of, where Council has done an exhaustive review. We've done it for you, but you can dig into it for a couple of months if you would like to as well. This is the first time in my career that we've initiated a complete exhaustive review of the entire city code, to determine okay, which one of these ordinances really needs to have criminal enforcement going forward.

Mr. Driggs said do you have any indication that Charlotte in particular that prompted this action on their part or do we know anything about that?

Mr. Baker said I don't know what prompted it. This really starts coming out I think in 2017 when the study commission was put out there. I know that nationwide, there's been concerns about local governments using their city ordinances to essentially build add to their General Fund, with the expectation that they were going to be citing folks criminally

and getting money from that. I know that that nationwide is an area of concern and that the state Legislature here has asked the local governments to look at it.

Mr. Driggs said last quick question, are there any examples where a civil offense, initially, if repeated, over and over again, can become a criminal offense?

Mr. Baker said not unless we specifically state that is going to be the case. By then, you know, again, you know, some of these ordinances on pages eight and nine, haven't had the ability to [inaudible] used criminal enforcement in a while on those. So you've got a group where we would like to retain the ability to because of the nature of the particular ordinance violations and that could address some of those situations where normally we wouldn't use criminal enforcement. If we're seeing someone doing it over and over and over again, and they're just not listening to us, whether it's, you know, attacking animals or the noise ordinance or what have you, these are areas, these qualities of life areas, where an absolute abuse of the process, could justify using criminal enforcement as a higher level of punishment. That's why a number of these situations we've passed for that authority.

Mr. Driggs said right, for a lot of people, the fines that we're able to assess would be a very minor cost of business. If there wasn't anything more that we had that we could throw at them, you know, in a commercial sense, they might just ignore us, right? Just write the check and say, okay.

Mr. Baker said correctly.

Mr. Driggs said Like a utility bill. Anyway, thank you, Patrick.

Councilmember Winston said I thank you for this work from the attorney's office. As they have mentioned, they did the exhaustive work for us, by going through all of our code and kind of whittling it down to this list. I would question or yeah, question if that's enough. Since these are ordinances that are in fact, adopted by Council and considered by the Council. I feel like we should be going line through this whittled-down list. I'm wondering why we would not refer this to two committees. One is the SAFE (Safety and Accountability For Everyone) Communities Committee. So, that we can have a robust discussion about whether or not criminal enforcement of this list that the attorneys are presenting actually does actually help us to keep our community safe. Then the equity, the EEE Committee. You know, this effort will start on the state level and as Mr. Baker said on the national level, from concerns about equitable distribution of enforcement of civil and/or criminal codes. This slide right here, you know, there's for instance, there are two things that I would ask to look at from an equity perspective if they can be enforced on a criminal perspective. On an equitable basis. That would be, you know, just, for example, youth protections of curfew violations. Is that going to be the same in parts of District 7 as it is in District 2? How do we think about those things? Would we make those decision camping on city property? We know how those things can be used, subjectively, to deal with certain types of civil discourse. So, I don't think it should be as simple as the attorney's office presenting us something to vote on, on the 28th. I think that there's a lot of here that the Council should do its work and ask and be given a venue and time to go through this line by line. I know I would love to spend time by myself with the attorneys doing this. Perhaps if a combination of individual meetings, group meetings, and or committee meetings, we can get through this in the next couple of months. I wouldn't want to rush through this

Councilmember Johnson said can we go back to the slide where you talked about the mitigation of the charges if they were seeking treatment for mental health or they were unemployed?

Mr. Baker said yes, that is slide four.

Ms. Johnson said okay, so just explain the last bullet for me, again, please?

Mr. Baker said the statute, it's codified in the statute, that there are certain defenses that could be valid defenses against a criminal charge. That is, it could be the subject of a dismissal of a charge. Again, this is a new statute, so we haven't really gone through it. It is brand new. They specifically carved out if an individual is working to address unemployment issues, homelessness, mental health, or substance abuse, and I know that for instance, the homelessness piece, that may in the part, particularly, if you've decided to sleep on a public bench or something along those lines, that that is a violation of the ordinance or camping if you will. That could be the type of thing where if you're homeless, it doesn't give you the now reason to be able to violate the ordinance. It could be a defense to a criminal charge of violating the ordinance. Keep in mind, that the bullet above talks about noting violations within 30 days of the first violation. So, using that example, if you were charged with camping on public property, and then you went away from that, you weren't camping any longer, that could be a defense to a charge going forward. Ms. James, do you have anything to add to that?

Ms. James certainly, just to clarify, it's you know, there's a criminal statute that's clinical here and I think it's on one of your earlier slides, 14-4. So, what these two new defenses do is add a subsection to that statute, which is in the criminal code. Of the state statutes, not the city code. It simply is allowing; I think aligning with that public policy intent of reducing the criminalization of poverty. So, it allows these defenses as somebody whose charged with a criminal offense may be able to assert if they are being prosecuted or in court for this. That they were either working in good faith to address one of those underlining conditions or that they have been cited once already in the last 30 days. I just wanted to provide that context.

Ms. Johnson said thank you for that and as an advocate, I have to just say that, you know, one of the statistics shows that one in two homeless individuals have possibly a history of a head injury. Here's a study at the University of Denver where 96 percent of the inmates they studied in their sample had a history of head injury. As a brain injury advocate and also as an advocate for individuals with disabilities and who suffer from mental illness, I really want to take a look at this bullet, and you know, if Councilmember Winston wants to really get down in the weeds with this policy, I'm game, because I think this is a policy that we really have to consider what this means. So, in North Carolina, Medicaid has not expanded. There are many people walking around who don't have access to mental health treatment or substance abuse treatment or if there are clinics that are out there they may need case management or support in finding those resources. The same with employment. So, if I'm sleeping on a bench at night because I don't have a place to live or I'm having a mental health episode, there is a likelihood that I might sleep on the bench tomorrow or the next day. So, I think that we really want to take a look at the process. I don't know if we could work with an organization perhaps if we're looking at decriminalizing mental health and poverty if we can look at an organization that can provide wrap-around services, perhaps a referral to that agency to actually work with individuals if it truly is a matter of mental health or something where a person needs treatment and not criminalization. Which just magnifies the problem. If the person has mental health and not getting their treatment and then they have a criminal record, I mean, just the downward spiral and the cycle that it leads to. When of course, I appreciate this and I think it's awesome and necessary in the approach to criminal justice reform. I think that I want to see this be more than words on a document and really implement the practices and the tools to really make a difference for individuals that might need this mitigation.

Mayor Lyles said thank you, Ms. Johnson. As I said, the staff made a recommendation. I think Mr. Winston has suggested that the staff work with Council in one of the formats that he suggested to review this in more detail. I think Ms. Johnson agreed on that approach to see something more than just what's recommended before the 28th. So, I guess the question is for the Council to give some guidance to us for all of this. I guess I'm going to ask the question Mr. Baker, what would be the impact of a three-month delay?

Mr. Baker said so there really isn't. If there are certain elements that you would like to go ahead and move forward with. For instance, I know the one that hit my inbox the most in December was the noise ordinance. The noise ordinance does already have very specific

criminal penalties attached to it, but if that was something that you weren't interested in removing the criminal penalties from that would be something that we could bring to you and just go ahead and give that assurance to the police officers. Because what we didn't want to do is tell the police officers, you can force enforce certain ones but don't enforce all of them. That's why we took the approach of let's just go through everything and do it all at once. If something like the noise ordinance particularly the discharging firearms in the city and possession of firearms on city property, for those, you know, I would certainly recommend that we go ahead and make that clear that we want to retain unless there was a move among Council to not do that. We can take a look at the list and at least call some of the big ones out, the more I wouldn't call them more important it is. They're all important, but the ones that get the most in terms of citizen interaction and concern, we can pull those out and bring those to you.

Mayor Lyles said I wonder if it might be possible for you to identify those in the next week.

Mr. Baker said we can.

Mayor Lyles said that really does have to do with violence and guns and things like that, and then for the others that Ms. Johnson and Mr. Winston have called into question to have a conversation around that with the staff and see how that might be referred to the SAFE Communities Committee or the Great Neighborhoods Committee. We'll figure that out based upon a meeting we have later this week, and we'll go from there. Is that acceptable to the Council?

Councilmember Graham said I guess I'm talking to the attorney. A lot of the sourcing has already been done, though in terms of the attorneys actually getting in the weeds and pulling those weeds out and what we have in front of us is what you think are those items that we are to pay close attention to.

Mr. Baker said This is the vast majority of the ordinance we're saying we don't need to criminally enforce.

Mr. Graham said I agree with the Mayor that those items that are first in line, which probably slide nine, I just don't want us to get in the weeds, right? I'll defer to my colleagues and it seems like a lot of the work has already been done. I'll defer hearing the rest of the debate.

Mayor Lyles said let's have the Council look particularly on the page on slide nine, offenses and miscellaneous shooting possession, state-of-emergency, noise, those are some of the things that perhaps, but I think the question on some of the others are different.

Councilmember Eiselt said just to maybe say it a little bit differently. I think it might be you know, what if Mr. Winston and Ms. Johnson work with the staff specifically on the ones that are of concern to them, and then if there is a different process that they'd like to see based on the outcome of those discussions, they could bring it back to Council? Because the list is long. We've got a lot to do and let's focus on the ones that are important and do impact people most directly. Such as what Ms. Johnson brought up, but I don't know that we should be bringing all of this back to the committee right now if, in fact, a good portion of it is going to be categorized as it is now. I like the fact that some of the violations could go from civil to criminal for the individuals that are intentionally trying to do harm versus making a mistake or, you know, it just happens and there's civil violations because of that. That's a big difference between criminal and civil, right? So, I would just like to suggest that Council members who got issues with specific things work with staff, and then if it needs to come to Council, you know, share it in an email. Let's do some of the work not behind the scenes but do some of the work outside of this format right now to get more information and then share with everybody, what you have learned if it differs from what's being presented.

Mayor Lyles said I think that's a really good suggestion as well. I think that usually when we designate and someone volunteers to do it and they are actively engaged, that's great.

Before I think we have to get Ms. Johnson and Mr. Winston to agree that's what they would like to do and if anyone else cares to join them, they can raise their hand, but I don't want to impose a decision that they I'm assuming that they would volunteer.

Ms. Johnson said I do not want to propose that we delay this. I'm simply saying I just think that we need to really get more into the weeds, at least on that process. I just want to make sure that we're looking at it, but I would not recommend that we defer this any longer. To piggyback off what the Mayor Pro Tem is saying, she's saying that we go ahead and vote on it next week and then we work behind the scenes with the attorneys to tweak the process or really ask the questions and share ideas because I'm willing to do that as well. It's kind of like implementing and then developing an implementation strategy. So, I'm certainly willing to do that and also willing to step back if it goes to the committee but I'd like to see this implemented if that's what the attorneys are recommending. I'm certainly willing to do the work ongoing.

Ms. Eiselt said can I make a clarification? Okay. The vote is for the 20th. That's two weeks. So, next week is zoning. It gives a little bit more time to have that conversation before the vote comes up.

Ms. Johnson said okay. Yeah. I support that. Again, we can implement it and if there's more work to be done, we can work on the strategies and perfect it and tweak it ongoing.

Mayor Lyles said so far what we have is Mr. Winston and Ms. Johnson working with the City Attorney, but we would delay this. It would still come back on the 28th and you could provide some more guidance and more thoughtfulness and say, how do you proceed further? I think that's what Ms. Johnson is saying to make sure things are going the way we intend it to. I may be overstretching that.

Ms. Johnson said I am willing to do that. I can't speak to Mr. Winston. This is what I do and who I am. Advocating for criminal justice and mental illness and all of that. I am happy to be a part of the team.

Mayor Lyles said Mr. Winston, how do you feel about you and Ms. Dobson.

Mr. Winston said I am only talking about getting into the weeds. I certainly do want to get into the weeds of the items that the attorneys are suggesting that we restore criminal enforcement on. I will certainly speak to the attorneys on my own. That's something I do regularly. You know, I just was suggesting that we might consider having a public conversation about this in the appropriate workflows that we do have, but if Council doesn't want to have a public discussion about these recommendations and adopting these recommendations, that's up to Council. I'm certainly going to talk to the attorneys and other colleagues on our own behind the scenes or through emails or texts or phone calls.

Mayor Lyles said we certainly will have public conversations. We have these public conversations and the City Attorney will be reporting back. I think Mr. Baker had a comment.

Mr. Baker said It's actually possible to do both. In fact, I would recommend that we do both. Because keep in mind, up until December 1st of last year, you always had the ability to do both criminal and civil enforcement. Now you have to say specifically that you want to have criminal enforcement. So, what you could do, again, unless there's an objection to any of what we proposed, you could adopt that on the 28th and then we can still have that level of discussion to determine whether or not that's your final, final answer and if Council decides, you know, there might be one or two that we want to take off the list, we can always come back and do that.

Mayor Lyles said We have a plan so far. That Mr. Baker says we do both. We go ahead and implement it and we track and follow.

Councilmember Phipps said I wanted to call out on slide nine, the fact that you have some ordinances that are applicable based on whether or not it's within the city limits, whether or not it's on city property, or whether or not it's on public property. So, what about those instances where, you know, like we had tent city? I think some of those tents were on property owned by NC-DOT (North Carolina Department of Transportation). So, are we saying that because that property lies with them, even though it's within the city limits, we have no authority to exercise any kind of penalties?

Mr. Baker said that's not what I'm saying, but that could be a situation where if the property owner, not the city, but a private property owner or even DOT (Department of Transportation) requests that someone leave the property, that could subject them to trespass, which I believe there was a state law provision there and it's quite possible that you wouldn't need a city ordinance to enforce a criminal trespass.

Mr. Phipps said It seems so confusing. As it pertains to nuisance-type activity, like loitering, are you saying that there's a carveout for panhandlers that contribute to litter but because they could use that as a possible excuse that they are somehow would be an acceptable defense for them?

Mr. Baker said I don't want to get too far into these new defenses that have been put together by SB300 because they've not been tested before. Again, this is an ordinance or a statute that's only a few weeks old. I suspect that case law will develop over the course of time. So, I'm not saying that simply because you're homeless means that you can violate all the statutes of the city and all the ordinances of the city repeatedly and just have that as an excuse. It's a potential defense because the General Assembly was particularly concerned about local governments essentially criminalizing poverty, but it just hasn't developed yet to where we're allowing a class of folks to ignore all the ordinances and they've got a built-in defense. That's not that was not the intent of the General Assembly.

Mayor Lyles said I believe that what we have is an agreement for the City Attorney to continue as the staff recommendation. Come back to us on the 28th and have a conversation with Ms. Johnson and Mr. Winston on how this might be best handled both short and long-term.

Mr. Baker said Absolutely.

Mayor Lyles declared the hearing open. I would like to take a moment to express the City Council and Mayor's deepest condolence to the family of Ethan Rivera, a CATS (Charlotte Area Transit Center) driver who was shot and killed in the line of duty over this weekend. Mr. Rivera was a public servant and had been a part of the CATS Family for just over one year. He came to us during the height of the pandemic and when many people were leaving the workforce, he stepped up and came to work for us. I want you to know that he was a father, a brother, and a son. On Friday night when many of our residents were enjoying the night out with friends and family, Mr. Rivera was serving our city by providing a much-needed and very valuable service to our residents. The ability to be in transit. Mr. Rivera, like all of our CATS drivers, what proud to provide his riders with a way to get to work affordably and get to the grocery store, make medical appointments, and pick up prescriptions. He was proud of his job and getting people where they needed to go. You know, since the pandemic began, we use the term essential worker a lot. Mr. Rivera truly was an essential worker in this community and by all accounts, he was well respected and appreciated by those who rode on a daily basis with him. I ask all of you tonight to join me in my prayers for Mr. Rivera's family. There's nothing we can ever do or say to lessen the pain that they're feeling tonight but I want them to know that their father, husband, and brother served the city with honor and pride and I am proud, along with the Charlotte City Council. We are grateful that he was a member of our CATS team and this unfortunate accident, this unfortunate loss of life is still being investigated. We hope that we will bring someone to justice and peace will be found and a resolution to the loss of Mr. Rivera.

It's always difficult when we lose a member of our community and we truly are a community and especially a community that's been serving us so well during the time of this pandemic. To the Rivera family, our deepest regrets, and we're with you.

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ITEM NO. 4: CLOSED SESSION

There was not a closed session.

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PUBLIC HEARING

ITEM NO. 6: PUBLIC HEARING ON A RESOLUTION TO CLOSE ORMAND COURT OFF SLOAN STREET

Mayor Lyles declared the hearing open.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, to (A) Conduct a public hearing to close Ormand Court off Sloan Street, and (B) Adopt a resolution and close Orman Court off Sloan Street.

The resolution is recorded in full in Resolution Book 47, at Page(s) 447-450.

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POLICY

ITEM NO. 7: CITY MANAGER'S REPORT

There was not a City Manager Report.

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BUSINESS

ITEM NO. 8: RECOMMENDED USES FOR CORONAVIRUS RELIEF FUNDS

Motion was made by Councilmember Graham, seconded by Councilmember Ajmera, and carried unanimously to authorize the City Manager to negotiate and execute any necessary contracts and agreements related to the Coronavirus State and Local Fiscal Recovery Fund provided by the American Rescue Plan Act of 2021, for the following investment recommendations: (A) up to \$14 million for small business, workforce, and hospitality support: - Up to \$2.5 million for a Small Business Partner Support Program,- Up to \$2.5 million for a Small Business Innovation Grant Program, - Up to \$3.0 million to implement recommendations associated with the Employment Study for the City's Corridors of Opportunity, - Up to \$500,000 for the Renewable Energy and Energy Efficiency Training Program, - Up to \$1.5 million for a Workforce Partner Support Program, - Up to \$4.0 million for the Charlotte Regional Visitors Authority for Hospitality Sector Support, (B) up to \$3.5 million for non-profit operating grants, and (C) Up to \$1.5 million in operating support for a local foods production and distribution facility.

Mayor Lyles said I am really glad to see the ARPA (American Rescue Plan Act) money coming out of Washington going into the hands of our community.

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BUSINESS

ITEM NO. 9: CONVEYANCE OF CITY-OWNED PROPERTIES FOR THE DEVELOPMENT OF AFFORDABLE HOUSING

Councilmember Johnson said we have some questions last week about the formula and about the conveyance. Is there anyone to speak on that tonight?

Mayor Lyles said we received a report and it's a follow-up to the February 7th session. It talks about [inaudible] addressed, the first one are LIHTC (Low Income Housing Tax Credit) dollars available for home ownership and I will read the report. It should be in your email box, Ms. Johnson, or sent out in a Council packet sometime last week. The first one knows that low-income LIHTC dollars cannot be used for home ownership. I believe your question, Ms. Johnson, what is the standard formula for a LIHTC project? If these are city land conveyances, I think the percentages should be greater or different to allow the city to leverage our land to get what we need for the most vulnerable because the developer is saving money. The answer is while there's no standard median income mix for LIHTC projects, there are requirements that the developers must meet to qualify for a 9 percent tax credit through LIHTC, development must target 25 percent of the units to households at 30 percent AMI (Area Median Income) with an eligible income cap of 80 percent AMI.

To qualify for a 4 percent tax credit through LIHTC, the average AMI for the entire development must be 60 percent or below. For the city-supported developments, a minimum of 20 percent of the units must be available for 30 or below. It's a document that's titled Housing Initiatives 2022 and it was sent as a follow-up from the questions on February 7th.

Ms. Johnson said not the email that was sent at 3:46 today.

Mayor Lyles said no.

Ms. Johnson said okay, so my question is, are we requiring a higher percentage for our most vulnerable residents since we are either giving the land to the developer or selling it at a nominal price? Are we changing our are we requiring more from these developers since we are giving them the benefit of the land? I think that will be appropriate for to us do. It's a win-win situation. Am I understanding this correctly that the developers are getting this land from the city and it belonged to them at, again, a minimal or nominal price or free? I don't know what the details are. We didn't have them last week. I think that we're going to do that, this is our opportunity to ask for more, for our hardest-to house.

Mayor Lyles said I read very quickly. I will have Shawn Heath come in because he also has an answer on that document that was sent out. I will let him take it from here.

Shawn Heath, Special Assistant to The City Manager said a quick reminder that what we've contemplated here is a two-step process. Tonight, is really the intermediate step where we're seeking Council authority for staff to move forward with negotiations. The second and final step being the final resolutions themselves, which would have all of the negotiated details that you have expressed interest in, Councilmember Johnson. Back to the conversation from last week where we discussed a little bit the whole notion of ensuring through the conveyance of city-owned land that we're finding a value proposition of interest to the city through affordability terms, through a number of affordable housing units, through the AMI mix, etcetera. Those are just the sorts of things that we'll be working through in the negotiation process. Tonight's vote is just giving us the ability to move forward with the negotiation. Not to execute the deals themselves.

Ms. Johnson said okay. Thank you, Shawn, and again, I would just say if they're required for LIHTC at either 20 or 25 percent, whatever the percentage is, you know, for 30 percent AMI, if we are reducing their debt and we're giving them the land or giving it to them at a

much lower price, I think this is an opportunity for the city to raise the bar or to raise the expectation for most vulnerable citizens. Thank you.

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously to authorize the City Manager and staff to work with recommended affordable housing developers to finalize preliminary affordable housing proposals and negotiate conveyance of four vacant City-owned properties for the development of affordable housing, as follows: * 11217 Providence Road West (parcel identification number 223-132-40) conveyance to Crosland Southeast, * 1654 Newland Road (parcel identification number 077-061-13) conveyance to Habitat for Humanity of the Charlotte Region, * 7605 University City Boulevard (parcel identification number 049-241-15) conveyance to Dreamkey Partners and Conifer Realty, and * 7204/7202 South Boulevard (parcel identification number 205-173-03) conveyance to The NRP Group.

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ITEM NO. 10: SALE OF CITY-OWNED PROPERTY ON DIXIE RIVER ROAD

Motion was made by Councilmember Driggs, seconded by Councilmember Graham, and carried unanimously to (A) adopt a resolution accepting the highest qualifying bid to purchase a portion of land containing approximately 0.857 of an acre for future right-of-way improvements and a temporary grading easement from the 130-acre City-owned parcel (parcel identification number 113-291-02) located along Dixie River Road, and (B) authorize the City Manager to negotiate and execute all documents necessary to complete the sale of the property.

The resolution is recorded in full in Resolution Book 47, at Page(s) 451-453.

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ITEM NO. 11: APPROPRIATE PRIVATE DEVELOPER FUNDS FOR THE BROWN-GRIER ROAD WIDENING PROJECT

Motion was made by Councilmember Eiselt, seconded by Councilmember Graham, and carried unanimously to adopt a budget ordinance appropriating \$915,000 in private developer funds from Pringle Square, LLC for the Brown-Grier Road Widening project to the General Capital Projects Fund.

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NOMINATIONS TO BOARDS AND COMMISSIONS

Mayor Lyles said explained the rules and procedures of the appointment process.

ITEM NO. 12: NOMINATIONS TO THE BICYCLE ADVISORY COMMITTEE

The following nominations were made for one appointment for a partial term beginning upon appointment and ending December 31, 2024.

- Dustin Branham, nominated by Councilmembers Driggs, Eiselt, Graham, Phipps, and Watlington.
- Lindsay Mccleary, nominated by Councilmembers Ajmera, Egleston, Johnson, and Newton.

This appointment will be considered at the February 28th Business meeting.

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ITEM NO. 13: NOMINATIONS TO THE BUSINESS ADVISORY COMMITTEE

There were no nominations made for one appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning upon appointment and ending April 28, 2023.

Nominations will be kept open until the next Business meeting.

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ITEM NO. 14: NOMINATIONS TO THE CHARLOTTE BUSINESS INCLUSION ADVISORY COMMITTEE

The following nominations were made for two appointments for two-year terms beginning March 1, 2022 and ending February 28, 2024.

- Vernetta Mitchell, nominated by Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Watlington.
- Stephanie Moore Hand, nominated by Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Watlington.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to reappoint Vernetta Mitchell and Stephanie Moore Hand by acclamation.

Vernetta Mitchell and Stephanie Moore Hand were reappointed.

There were no nominations made for a two-year term for an At-Large representative of a Prime Construction Company beginning March 1, 2022 and ending February 28, 2024.

Nominations will be kept open until the next Business meeting.

The following nomination was made for a two-year term recommended by the Black Chamber of Commerce beginning March 1, 2022 and ending February 28, 2024.

Harrison Williams, nominated by Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Jonson, Newton, Phipps, and Watlington.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to reappoint Harrison Williams by acclamation.

Harrison Williams was reappointed.

The following nomination was made for one appointment for a two-year term recommended by the Carolinas Asian-American Chamber of Commerce beginning March 1, 2022 and ending February 28, 2024.

- Alex Bui, nominated by Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Watlington.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to reappoint Alex Bui by acclamation.

Alex Bui was reappointed.

There were no nominations made for one appointment for a two-year term recommended by the Hispanic Contractors Association of the Carolinas beginning March 1, 2022 and ending February 28, 2024.

Nominations will be kept open until the next Business meeting.

The following nomination was made for one appointment for a two-year term recommended by the Latin American Chamber of Commerce beginning March 1, 2022 and ending February 28, 2024.

- Griselda Bailey, nominated by Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Watlington.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to reappoint Griselda Bailey by acclamation.

Griselda Bailey was reappointed.

The following nomination was made for a two-year term recommended by the Metrolina Minority Contractors Association beginning March 1, 2022 and ending February 28, 2024.

- Valerie Del, nominated by Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Watlington.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to reappoint Valerie Del by acclamation.

Valerie Del was appointed.

There were no nominations made for one appointment for a two-year term recommended by the Metrolina Native American Association beginning March 1, 2022 and ending February 28, 2024.

Nominations will be kept open until the next Business meeting.

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ITEM NO. 15: NOMINATIONS TO THE CHARLOTTE INTERNATIONAL CABINET

The following nominations were made for one appointment for a partial term beginning upon appointment and ending June 30, 2024.

- Kaelan Boyd, nominated by Councilmember Graham.
- Paula Broadwell, nominated by Councilmember Driggs and Eiselt.
- Tenessa Moore, nominated by Councilmembers Ajmera, Johnson, and Phipps.
- Kimberly Nelson, nominated by Councilmember Watlington.
- Dr. Blanche Penn, nominated by Councilmember Newton.
- Joshua Young, nominated by Councilmember Egleston.

Nominations will be kept open until the next Business meeting.

ITEM NO. 16: NOMINATIONS TO THE CITIZENS REVIEW BOARD

The following nominations were made for one appointment for a partial term beginning upon appointment and ending July 31, 2024.

- Sa'idah Sudan, nominated by Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Watlington.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to appoint Sa'idah Sudan by acclamation.

Sa'idah Sudan was appointed.

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ITEM NO. 17: NOMINATIONS TO THE COMMUNITY RELATIONS COMMITTEE

The following nominations were made for one appointment for a three-year term beginning March 9, 2022 and ending March 8, 2024.

- Priscilla Ashe, nominated by Councilmember Graham.
- Jasmine Hines, nominated by Councilmember Eiselt.
- Maritza Ortiz, nominated by Councilmember Newton.
- Najam Usmani, nominated by Councilmembers Ajmera, Driggs, Egleston, and Phipps.

Nominations will be kept open until the next Business meeting.

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ITEM NO. 18: NOMINATIONS TO THE DOMESTIC VIOLENCE ADVISORY BOARD

The following nominations were made for one appointment for a partial term beginning upon appointment and ending September 21, 2022.

- Emon Northe, nominated by Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Watlington.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to appoint Emon Northe by acclamation.

Emon Northe was appointed.

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ITEM NO. 19: NOMINATIONS TO THE HISTORIC DISTRICT COMMISSION

There were no nominations made for one appointment for a partial term for a Resident Owner of Heritage Court beginning upon appointment and ending December 31, 2023.

Nominations will be kept open until the next Business meeting.

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ITEM NO. 20: NOMINATIONS TO THE HISTORIC LANDMARKS COMMISSION

- Nadine Ford, nominated by Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Watlington.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to appoint Nadine Ford by acclamation.

Nadine Ford was appointed.

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ITEM NO. 21: NOMINATIONS TO THE PASSENGER VEHICLE FOR HIRE BOARD

There were no nominations made for one appointment for a representative of the Hospitality / Tourism Industry for a three-year term beginning July 1, 2021 and ending June 30, 2024.

Nominations will be kept open until the next Business meeting.

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ITEM NO. 22: NOMINATIONS TO THE TRANSIT SERVICES ADVISORY COMMITTEE


There were no nominations made for a partial term in the Vanpool Rider category beginning upon appointment and ending January 31, 2022, and for a three-year term beginning.

Nominations will be kept open until the next Business meeting.

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ADJOURNMENT

The meeting was adjourned at 7:40 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 2 Hours, 46 Minutes
Minutes Completed: December 21, 2022