

ACTION REVIEW

The City Council of the City of Charlotte, North Carolina convened for an Action Review Meeting on Tuesday, May 28, 2019 at 5:05 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Matt Newton, Greg Phipps and Braxton Winston II.

ABSENT: Councilmembers LaWana Mayfield and James Mitchell

ABSENT UNTIL NOTED: Councilmembers Dimple Ajmera and Justin Harlow

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ITEM NO. 7: CLOSED SESSION

Motion was made by Councilmember Egleston, seconded by Councilmember Phipps, and carried unanimously to go into closed session pursuant to G.S. 143-318.11(a)(4) to discuss matters related to the location of industries or businesses in the City of Charlotte, including potential economic development incentives that may be offered in negotiations; also, pursuant to G.S. 143-318.11(a)(3) for attorney client communication; and also pursuant to G.S. 143-318.11(a)(3) for attorney client communication in the matter of Tinsley v. City of Charlotte.

The meeting was recessed at 5:07 p.m. to go into closed session in Room 267.

Councilmember Ajmera arrived at 5:09 p.m.

Councilmember Harlow at 5:15 p.m.

The Council returned to open session at 6:10 p.m. in Room 267.

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Lyles said staff has requested to correct Item No. 16, it says set a public hearing for June 24, 2019 and it should state June 17, 2019, you will have the corrected copy at the dais. Item No. 18 which is another property acquisition they've asked that that be pulled because discussions are continuing. We will have a comment by Ms. Ajmera on Item No. 25.

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ITEM ON. 2: AGENDA OVERVIEW

Mayor Lyles said we are going to hear Item No. 4: Housing Funding Support Requests at the Manager's Report. The Zoning items will be last on the agenda.

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ITEM NO. 3: MCALPINE CREEK WASTEWATER TREATMENT PLANT NUTRIENT

Mayor Lyles said we are going to hear from Angela Lee; Angela, I saw your folks out working over the weekend on many streets in Charlotte, so they didn't get much of a Memorial Day. I want to say that we appreciate that. Talk to us about McAlpine Creek Wastewater Treatment Plan Nutrient Harvesting.

Angela Lee, Director of Charlotte Water said thank you for the opportunity to talk with you regarding our Nutrient Harvesting Public/Private Partnership (P3) project that we would like to explore and hopefully have your support on. Just a quick reminder of Charlotte Water Influent, and this wastewater, and we turn it into clean water. A

wastewater treatment plant really produces two products. We produce clean water, and we also produce bio-solids.

In the process of dewatering our bio-solids and think of it like a salad spinner or a washing machine where we are trying to dewater the bio-solids. It leaves us with this liquid that we call centrate or our operators call it side stream. The centrate is full of ammonia and phosphorus. We have phosphorus limits, and again, that is the water from the bio-solids as we are dewatering it, and we want the bio-solids to be dry. We've discovered that there is an opportunity to harvest the phosphorus and sell it to a private company who in turn can use it throughout our community. We completed a two-week project back in 2010, and we found that our conditions are just right to generate phosphorus pellets through harvesting technology. We go from wastewater, wash/brush/flush, to clean our two products; in the process of dewatering the bio-solids we have a centrate and from the centrate there are companies that can harvest the phosphorus from the centrate to create pellets that can be used as a part of a fertilizing mix in the community.

So why do we want to do P3? Well, P3 is a way to finance technology that is not a part of our core competency. We are in the water/waste water business; we are not in the nutrient harvest business. We can also shift the risk to the private sector, since it is new technology for us, and again, if we can pull this off it would be historical because this would be the first time Charlotte Water has embarked upon a P3 in our history.

This project also has a circular economy connection. It is phosphorous that is part of our process that can be sold to the private sector, who then can sell it or use it throughout the community. This is what is happening in some other communities in the United States and in Europe, so when you look at fertilizer you've got magnesium, nitrogen and phosphorus and instead of mining the phosphorus the phosphorus can come from our wastewater treatment process. This is happening in 12 other communities in the United States; Atlanta has a facility under construction. There is also another one in California and of course in Europe and the water/wastewater industry, folks in Europe are a little bit ahead of us in the United States, but it is going around.

This is a high-level business case; we have a consultant who is working with us, but we will have the opportunity if we can make this project work; we can reduce our chemical cost. We have a way to finance and this is an industrial like facility. We can also sell the phosphorus and then possibly still be a positive benefit to the environment and also to our rate payers.

Next Steps – We have our legal counsel here, and we were told by North Carolina Statute that it is a two-step process to embark upon a P3 project. The first step is that we have to have this Council adopt a resolution to identify the need of a capital project to remove or reuse phosphorus and also authorize us to go down the path of using this method of contracting for this project. Once that is done, we can really do the work to bring this project to bear. Then the second step would be coming back to this Council for a P3 agreement.

Councilmember Ajmera said good work Ms. Lee; in terms of this new initiative because this shows it is not only a cost effective economical thing to do, but it is also environmentally sustainable, there is a very critical piece that I see as the workforce development piece of the new technology. Have we looked into that with this partnership and how we can develop a talent for this?

Ms. Lee said we have not, but the beauty is that we will be in the position to negotiate if we get the Council approval. We will be able to negotiate the terms, and if that means some type of workforce training, or so forth, that is something we can definitely look at.

Ms. Ajmera said I think that would be important, because I know that we are doing circular economy concept especially with the innovation center, and I think this could be a critical piece to that, especially with creating jobs right here in our City and tying that with our upward mobility. Have other cities done this?

Ms. Lee said the workforce development or this type of technology.

Ms. Ajmera said this type of technology ties with the workforce development.

Ms. Lee said I'm not sure about the workforce development in the City; Chicago has the largest installation in the world using this technology so something that we can do is maybe contact our peers in Chicago and look for that workforce development angle. I think that is a good point.

Ms. Ajmera said are we going to have site tour of this new technology location?

Ms. Lee said once we get everything; it is an industrial facility so if you look at the two pictures here that is an example of what this technology looks like in other cities, but certainly if we can get this built and this would be the McAlpine Wastewater Treatment Plant, our largest plant which is in Pineville. It would be something that we could do tours and a lot of education in the community.

Councilmember Harlow said this is good stuff. A quick NIH search kind of looks at this and there are tons of research on this. I didn't have a clue that people were drawing out of the municipal wastewater. If we are looking at this just on the wash/brush/flush side is there opportunity in storm water or even some random ways in solid waste to do this as well?

Ms. Lee said there may be; this particular project is really harvesting the phosphorus from the side steam, but certainly, if we can get this type of project off and implemented is it wide open. This can be the catalyst of many other things that we can do in our community and what we like about it is using the P3 method of financing.

Mr. Harlow said I think there is a huge upside when you think about possible job creation, workforce training and things like that. You showed the cost savings charts, but what is the turnaround time? I don't know how much we flush a day, but what does that actually generate? What is the average city generating in this phosphorus?

Ms. Lee said we are making somewhere between 700 and 800 tons a year of the pellets that we will be able to generate with this new technology. Now, our part of the P3 will be to provide the phosphorus. The private sector's part will be the marketing, getting the nurseries on board, working in the community to market a product like we showed that would be a constituent in fertilizer and other uses. If we can Council's approval we are open up the door and provide many opportunities.

Mayor Lyles said are you asking for approval tonight to take the next step?

Ms. Lee said I didn't say that, thank you Mayor; it be on the June 10, 2019 agenda.

Councilmember Driggs said how does this affect the arrangements we have currently for the disposal of bio-solids? We have contracts for selling it to farms and does all of that operate the same way or what happens to it?

Ms. Lee said I would look at this as diversifying, and when you think of where we need to go long-term, right now, with our bio-solids we land apply, and we take it to the landfill. Now what you see Charlotte Water doing is saying we are looking 20 to 30-years down the road. How can we diversity the bio-solid product and if we can take advantage of something like this circular economy concept, it is just wide open.

Councilmember Egleston said you said this is at McAlpine?

Ms. Lee said yes.

Mr. Egleston said what did I miss; if it is our facility we are paying a \$900,000 lease?

Ms. Lee said yes, part of what we want to negotiate is the ownership of the building and the technology.

Mr. Egleston said we don't own the building currently?

Ms. Lee said it will have to be built so part of the P3, so it would be on that property.

Mr. Egleston said it will be new construction on the site that we already own.

Mr. Lee said this is right so we will be building something like this on the McAlpine Treatment Plant. At the end of the 10-years, we want to own the building, and we may try new technology. We may continue on with this same type of technology, or we have a contract with someone to come in and market. We want to have as much flexibility as possible.

Councilmember Eiselt said is this a technology, and obviously we have the volume to able to justify this for a P3? I assume they are looking at it as saying it is a big City we can justify our investment. I think about rural counties; I'm just curious, do you have to have a lot of people in a community to be able to justify this or is this something that would be a good example for other counties throughout North Carolina?

Ms. Lee said it would be a good example; you have to just look at what the motive is. If it is just an environmental type of focus, then a smaller county may not be in a position to get the financial payback.

Ms. Eiselt said I'm thinking of it as an industry for a rural county.

Ms. Lee said thought is that Charlotte Water is a regional provider, and so as we look to diversify there is an opportunity for us to create a partnership with some of the rural counties and utilities in our area.

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ITEM NO.4: HOUSING FUNDING SUPPORT REQUESTS

This item will be presented during the Manager's Report during the Business Meeting.

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ITEM NO. 5: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

There were no outstanding Consent Agenda questions.

The meeting was recessed at 6:28 p.m. to move to the Meeting Chamber for the regularly scheduled Business Meeting.

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BUSINESS MEETING

The City Council of the City of Charlotte, North Carolina reconvened for a Business Meeting on Tuesday, May 28, 2019 at 6:36 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmember present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Justin Harlow, Matt Newton, Greg Phipps and Braxton Winston, II.

ABSENT: Councilmembers LaWana Mayfield and James Mitchell

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INVOCATION

Mayor Lyles said as we begin our meeting we often talk about having a few words of information and it can be of inspiration and it is often around prayer, but we also realize in our community there is diversity in our religious community and in fact there are people that don't have a religious affiliation.

Today, I thought about how we started the weekend on Friday getting ready to celebrate Memorial Day and Memorial Day is important to many of us, especially those of us who had family members, the great generations of members and even before that, all of those folks, primarily men at the time, but now more men and women that have served our country and made the ultimate sacrifice, so we get to celebrate in this county a great day and a great weekend. We often have to pause and think why are we given this opportunity, and it is because of the service of many people that have kept our democracy strong and safe, but you know safe is an interesting word. We've been talking a lot about safety and a couple weeks ago, right after a young woman was shot and killed on Graham Street, I talked about safety and the number of incidents that we were having. Over this Memorial Holiday in our City, one that we call strategic, great place to live, great place to raise a family, we had a homicide in the 8800 block of Orin Court. We had a number of incidents where people used knives to intimidate, rob, and harass others. All of these incidents leading to Saturday, another homicide on Katherine Simmons Avenue, another loss of life. So, sometimes a holiday is to express a sentiment and often it is one that we feel really proud of, Memorial Day. Well, tonight let's think about those two people that died over the weekend as a result of violence in our community and how they didn't get to celebrate and will not get to celebrate Memorial Days to come.

To those folks that believe that an argument is best served by resolution with a gun or a knife that harms and damages our bodies, it is more than our bodies; it harms and damages our neighborhoods, our families and our community. So, today I don't want to say anything except we've got to do better; we've got to learn to respect each other, learn how to have a disagreement, but we've got to learn that any loss of life causes great harm, lots of sorrow. So, it is not just about that one incident; it is about all of us.

Thank you for allowing me to talk about this again. I think that we've got a lot of work to do so thank you.

PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Bokhari asked Scout Troop #3 to come down and lead the Council in the Pledge of Allegiance to the Flag. BSA Scout Troop #3 is sponsored by Myers Park United Methodist Church; the Troup was originally started in 1913 at the St. Martin's Episcopal Church and has been continuously chartered at the Myers Park UMC since 1938. In 2014, they celebrated their 75th consecutive year of service to scouts in Charlotte and Gentlemen and Ladies, I will allow you to take it from here.

Mayor Lyles said I see that we have another Troop present, Troop #63 from Friendship Missionary Baptist Church. Thank you for being here tonight.

PUBLIC FORUM

NOMO Organizational Objectives and Public Safety

Kyle Goodson, 5968 Moose Lane said I am the Chief Visionary and Founder of Not One More. We are an organization that was created to prevent unrelated deaths in Charlotte. Fourteen years ago, my son Gregory was shot and killed. He was 16-years old. He was number 67 in 2005. It is May, and we are at 52. If we keep going like this, we will be at 100 by September, and Not One More would like to connect with you City Council and have no more meetings so that we can voice our ideas to you, and we can bounce them off you and you on us, and we can find a common sense reasonable action plan to stop this violence in Charlotte.

Property Concerns

Tejender Dhillon, 1240 Lucky Penny Street said I'm the owner of Charlotte Express Inn, a motel of 99 rooms located at 1240 Lucky Penny Street, Charlotte. I came before this meeting on April 25, 2011 and discussed almost the same problem as given in the letter which is attached. After eight-years, I come back again to seek your help. My business is surrounded by a massive broken fence and undergrowth and trash all over. I have 11 photographs to give you the evidence as to how my property is taken care of. Photographs one through four indicates [inaudible] from Freedom Drive to dead-end of 1240 Lucky Penny Street. This is approximately 1,100 feet, and mine is the only business located on this. This fence is broken, massive trash and end of road. Photograph five is the dead end of Lucky Penny Street; this is a breeding place for snakes, opossum, and pets such as dogs and cats. Both these areas are the responsibility of the State.

Mayor Lyles said I'm sorry we won't be able to hear more from you, but we've got your letter and we will ask the City Manager to read through this and review every portion of it and respond to you as a result.

Mr. Dhillon said the only thing I would request is if I could have a telephone number or a person whom I can find.

Mayor Lyles said you will get a phone number and a contact and have someone work with you.

Noise Ordinance

Franklin Keathley, 2144 Park Road said next month, you will vote on changes to the Noise Ordinance; there will be updates to the amplified sound permit, which will create a 200-foot buffer around healthcare facilities and limit amplified sounds to 75 decibels. At 85 decibels however, the new ordinance includes absolutely nothing to stop commercial establishments from sending noise at literally twice as loud into residential areas. Mr. Phipps, in Committee meetings, you said you wanted to hear from residents. Well, our neighborhood sent five representatives, I saw community leaders from uptown, University, Greeneville Neighborhood and Colonial Village. They all talk about how commercial noise affected their quality of life. They filled out surveys; of the 707 response to those surveys an overwhelming 75% said they should have noise buffers in residential areas. Less than half through schools, medical facilities and churches should have buffers surrounding them, yet the new ordinance creates buffer zones for everyone except residential areas. The public input was ignored.

Mr. Harlow, you have mentioned multiple times at Committee meetings that you would have trouble practicing dentistry if amplified sound were played outside your practice at 75 decibels. Committee members have also mentioned the psychological and physiological effects on noise on patients and patient's outcome. I agree, but how can you stand by these statements and not acknowledge that noise at 85 decibels, which is literally twice as loud as the level you are talking about doesn't impact the quality of life of someone in their home? How can 75 decibels be too loud for a one-hour dental cleaning but twice that amount of noise is okay outside a single-family residence for hours on end? OSHA requires hearing protection in the work place at 85 decibels; the ordinance chart in your new ordinance describes 85 decibels as being directly beside a lawnmower. This couldn't happen in Atlanta, couldn't happen in L.A., couldn't happen in Las Vegas, and it couldn't happen in New Orleans, but it happens here.

Concerns with 5G

Anna Glodowski, 1209 Pegram Street said I would like to begin with a statement from the nation's largest provider of communications infrastructure Crown Castle International.

We cannot guarantee that claims relating to radio frequency emissions will not arise in the future or that the results of such studies will not be adverse to us. There are similar statements in the annual reports of Verizon, T-Mobile, and Microsoft Corporation. I'm here to share concerns related to a citywide rollout of 5G. There have been no independence studies done on the safety of 5G technology with 24/7 exposure. City Council has jurisdiction over our regulated utility poles. Scientists and organizations around the world have expressed concerns about the unknown health and environmental impacts on this technology. We can still focus on being a progressive smart city without 5G through fiber optic cable and the push for a circular economy, which we do know works.

I would like to share some words from Ashley Snider from Myers Park. She cannot be here with us tonight because she is currently fighting for her life at the top cancer hospital in the country, MD Anderson. She shares, "As part of my clinical trial treatment, I was asked a series of questions concerning my exposure to radiation, chemicals, and high-tension power lines. These are questions asked by the top cancer doctors in the country. I will choose to limit my families' exposure going forward". With a citywide rollout of 5G, people like Ashley won't have this choice. I'm not sure that the Fintech Moshpit podcast where a mockery was made between cancer and radiation would go over well with Ashley or her team of doctors and researchers. Do we know if 5G technology is dangerous? No, because the studies don't exist, but we also know that it has not been proven safe.

Problems Around Freedom Drive Church

Steve Carlton, 9921 Perth Moor Road said I am Pastor Steve Carlton, and I'm here on behalf of No Walls Ministry and the constituents of District 2 and the church located at I-85 corridor, exit 34 southbound, 28208 zip code and 3700 Freedom Drive and Lucky Penny Street. Exit 34 also serves as a main corridor to downtown, Bank of America Stadium traveling north or south. It is one of the fastest growing zip codes in the City and becoming one of enveloped. The bushes and the weeds located at Freedom Drive, Lucky Penny Street service, road are the worse of any of I-85 north/south interstate. They are seldom ever cut. I have personally contacted the county and the state to have the weeds cut several times, and it has never been done. The fence facing our church has been town down by a wreck over a year ago and needs to be repaired and the grass cut. The fence on the premises of Eddleman Road has holes cut in it by drug users, prostitutes and person that live in the hotel. Lucky Penny Street behind and along the fence has been a hangout for prostitutes, drug dealers, daily and nightly for years. There are contrabands, needles and contraceptives found constantly on our church property in public view where we have our children. Our parking lot has become a public highway, shortcut through neighborhoods, also a place where prostitutes are picked up and people pull into, fix their cars, and sleep overnight on our church premises. This community and area has been for years one of apathy and social strata. It affects the members and those visiting our church and community. I have contacted the office of District 2 Representative for meetings or a call back on several occasions to no avail, not as much as a call back or formal or informal meeting as of today.

Mayor Lyles said Reverend Carlton, can you provide your remarks to us in a written form because we have two minutes tonight to talk and I appreciate your expressions around this. We know that often times when highways like I-85 were built they came through communities that perhaps did not get some of the opportunities to rebuild appropriately, so we can deal with some of those issues as best we can, but we can get back to you from the State and the City Manager's Office will follow up with you, and you will have a name and a contact.

Airport Picket Restrictions

Maureen Kelly, 6821 Lakeland Drive said I come to speak with you today for help on changing the picketing restrictions at the Charlotte Douglas Airport. I know some of you may have been approached by the AFL-CIO or the International Association of Machinist and Aerospace workers as we have been addressing these issues for some time now.

Unfortunately, no action has been taken. As an employee of American Airlines who works at this Airport, I am personally affected by the specific sections of the ordinance. The first one is Chapter 4 of Aviation, Article III, Section 4-72(c)-2 reads, "No more than 10 picketers or demonstrators promoting the same object shall be permitted at the Airport at any one time." That is not only ludicrous and biased against workers, it truly infringes on our constitutional rights of peaceful assembly. We are nothing more than the small people of companies going up against big forces. We have only a few means to express our frustrations and bring awareness to the public for support. We need to be allowed to publicly display to the corporate forces our discontent. Every citizen should be equal as far as government is concerned. This ordinance inhibits our voices beyond reasonable measures. We, the workers, have no voice in this area as there is no Labor or Airport Commission for workers to participate in. The Airport has the most union workers in Charlotte, yet we are denied the means to a proper way of picketing outside our work site. As a member of Local Lodge 1725 of the IAMAW, which consists of approximately 3,000, if not more, in the Charlotte area, combined with the Southern Piedmont Central Labor Council, there are a minimum of five, probably more, labor unions on site at Charlotte Douglas. We are all requesting these changes. I am but one of many.

Mayor Lyles said if you will give us your remarks, understanding is this is something that the Council may be interested in going further.

Gun Violence

Cade Lee, 506 Falling Waters Court said I am Cade Lee with March for Our Lives; I know many of you recognize me. The main thing I would like to speak to Council about today is in partnership with the Charlotte NAACP; we have been working towards Gun Violence Prevention Strategy, and we've met with Mayor Lyles and many of the Council. We are still waiting for responses from meetings with certain members of the Council, and specifically, we are asking that the City Council take a more direct approach to addressing issues gun violence in the community. We are proposing it should be in either today or tomorrow; a proposal for an educational program that we are going to implement in the community and in schools. We are really looking for support for that but we are also looking forward to just working with City Council to make sure that there are actually stances taking against gun violence, because right now, we've had over 50 homicides this year and there has been very little response from any of City Council. So, we are really looking for people to do the jobs that they were elected to do and stand up and actually ask that people in our community stop dying of gun violence.

Noise Ordinance

John Keating, 1418 Rainforest Court, Gastonia said thank you for allowing me the opportunity to address the Council. I don't presume that all the folks who work at Latrobe Clinic have bad intentions. I think that many of them genuinely care for women. Likewise, you should know that most sidewalk Counselors and prayers have good intentions too. It is no surprise that the primary conflict between the two groups is about choice. Most women who have abortions tell us that they went through it because they felt desperate; they felt like they had no other choice, and I think that the Latrobe workers will confirm that they hear this regularly from their clients. Folks on both sides of the line want to help these women in desperate times. When a middle age woman who may well have had an abortion herself stands on the sidewalk and calls out, "ma'am don't do this; we can adopt your child, or ma'am don't abort your baby. We can help; we have resources." she is offering to a woman who arrived feeling like she had one choice, another two additional choices. This is what true choice looks like; we know this from the testimonials of women who have heard these counselors and walked out of the clinic and cannot now imagine life without their son or daughter to continue to receive help from the pro-life community. On the surface the proposed changes to the ordinance would not prevent the above interaction, right?

I was a college student in South Africa during the anti-apartheid student protest movement. At first, we were allowed to assemble and then the government decided to shut us down and they did two things. They moved us a significant distance away from

the venue through use of a buffer zone and then they banned loud noise. It started with banning mega phones and then they banned loud noise of any kind and they got to decide what constituted loud noise or course. Then they banned gatherings of any sort. Forgive me if I don't trust City Council's motives here; I've witnessed free speech silencing strategies before and this noise ordinance looks eerily familiar.

Peter Ascik, 8015 Ballantyne Commons Parkway said my name is Father Peter Ascik; I serve at St. Matthew Catholic Church in Charlotte, and I'm here too to also express my concerns about the proposed changes to the City's Noise Ordinance. Part of my ministry involves prayer and outreach on the public sidewalk in front of abortion clinics. We seek to reach out to the women and men who go there and offer them a better choice, help them to find a better choice than abortion. Now, our ability to offer help depends on the basic rights of free speech, and this free speech is threatened by the proposed changes to the Noise Ordinance. The language of the statute is very vague; it prohibits loud or disturbing noises but gives us no objective definition of these advocates who after all will get to decide whether a noise is loud or disturbing. Will every Police Officer be forced to be the judge here or will the complaint of those who are disturbed even by the site of pro-lifers be allowed to determine what we can say? There are those who oppose our efforts to help; for them they do not want any type of discussion or debate. They simply want us silenced and unfortunately the proposed ordinance with its [inaudible] seems to simply offer them a tool to silence us.

Now, many women who have heard out outreach efforts have accepted our offers of help on the sidewalk and have even thanked us for our presence and outreach. Their response demonstrates that many who come to these clinics do not find our presence on the sidewalk offering help loud or disturbing. They do not share the opinion that this speech is problematic and should be suppressed. If this ordinance is passed, I am concerned it will become a de facto weapon to suppress the free speech of one side of this difficult debate, and it will deprive many women in need of a life-saving message. I urge the Council to vote against it.

Linda Mooney, 2 Old Fox Trail, Clover, South Carolina said if we could just ask that the music not play while someone is speaking during the Public Forum, we would really appreciate that. I'm here to shed some light on the bias involved with the proposed changes to the Noise Ordinance and to lay some ground work. I just want to make sure everybody here knows that in 2016 and 2017 at least four members of this elected body received campaign contributions from local and national abortion providers and their employees. Then in December of 2017, WSOC aired a piece revealing the former Mayor's four-point plan for shutting down pro-life activities at abortion clinics including using the City's Noise Ordinance. You can see that online. The City Council was actually already working that plan. In early 2017, the City proposed parking bans on the public streets of two Charlotte abortion clinics for supposed safety reasons, although I'm sure there is plenty of less safe streets in Charlotte. At one location, it was successful, at the other it failed, then the Council moved on to the Noise Ordinance.

While the stated reason for updating the Noise Ordinance is the very vague City growth several members are on record discussing how pro-life activities could be stopped through it and admitting the revision actually began because CMPD asked for help at Latrobe. Despite the obvious bias the City plowed ahead designing, conducting a survey on noise for community input. The results of the City's survey overwhelmingly said no changes were needed around medical facilities, but the Neighborhood Development Committee had a goal, so the results were misrepresented to show support for changes. This misrepresentation and bias was pointed out to them rather nicely by Councilmember Ed Driggs at the April 17, 2019 meeting; however, his comments fell on deaf ears and all of the other members voted to push it forward. The City Council needs to stop this political motivated effort.

Gun Violence

Jasmin Pitcher, 2901 University City Boulevard said I am a student at UNC-Charlotte. On April 30, 2019, just before 6:00 p.m., I was practicing calculus on a white board in

[inaudible], just like any other Tuesday. On April 30, 2019, just before 6:00 p.m., a classroom full of students sat across the courtyard in Kennedy, like any other Tuesday. On April 30th, just after 6:00 p.m., I sat under a table in the dark, trying to imagine what it would feel like to die. On April 30th, just after 6:00 p.m. Reed Parlier was dead, and Riley Howell was dead, and the lives of four other students who had just been shot hung in the balance. I'm ashamed to be here, not to stand before you but because I've waited so long to do so. Gun violence in the City is not a new phenomenon.

According to the latest available CDC statics, North Carolina is hitting a rising mark of around 1,400 firearm related deaths each year. This is not acceptable. We are foolish if we assume that gun control alone can adequately address this issue; however, we are equally misled if we think that revision and enforcement have logged over ending access to firearms is or little immediate significance in this conversation. Every day in America, risk is assessed and managed on an individual organizational and legislative basis. For example, driving is one of the deadliest activities we engage in as a nation. Legislative action cannot single handedly eliminate traffic related accidents or associated deaths. Even so, we have elected to mitigate this risk through the implantation of and enforcement of laws designed to protect individuals on and around our roads. These laws are put in place to safeguard human life in light of its intrinsic value. How then does this logic fail to apply to firearms? We stand united, not just as Niner Nation but together with all those who have been in this fight for decades, calling for substantive reasonable change to the laws that govern access to and use of firearms in this state.

Mayor Lyles said if you will give us your remarks, we will have the Clerk distribute them to every member of Council, and we certainly continue to understand the trauma that occurred on the campus of UNC-Charlotte. I actually think that the student body, the faculty and the staff have been exceptionally resilient going through all of those, so thank you for coming down and talking with us.

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CONSENT AGENDA

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, to approve the Consent Agenda as presented with a correction to Item No. 16, the public hearing date will be June 17, 2019 and with the exception of Item No. 18, which was pulled by staff.

Councilmember Ajmera said Item No. 25: Airport Electric Bus Purchase Contract is for the approval of the purchase of Electric Buses for the Airport. I want to highlight this line item, because it further meets our SEAP goals, which is our City's transition to low-carbon future. CATS has also applied for the FTA Grant to following the lead of transitioning to low-carbon future, and I hope that my colleagues will also support this transition.

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

The following Items were approved:

Item No. 16: Resolution of Intent to Abandon Ridgecrest Street off of Tuckaseegee Road.

(A) Adopt a resolution of Intent to abandon Ridgecrest Street off of Tuckaseegee Road and (B) Set a Public Hearing for June 17, 2019.

The resolution is recorded in full in Resolution Book No. 49, at Page(s) 574.

Item No. 17: Resolution of Intent to Abandon and Close Marlynn Drive

(A) Adopt a Resolution of Intent to abandon and close Marlynn Drive, and (B) Set a Public Hearing for June 24, 2019.

The resolution is recorded in full in Resolution Book No. 49, at Page(s) 575.

Item No. 19: Video Monitoring and Door Access Equipment and Services

Approve a unit price contract with SAF Technologies, Inc. for video monitoring and door access equipment and services for a five-year term.

Item No. 20: Charlotte Water Security Monitoring and Patrol Services

(A) Approve unit price contract with Harrisburg Security, Inc. for security monitoring and patrol services for an initial term of two-years, and (B) Authorize the City Manager to renew the contract for us to five, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Item No. 21: Charlotte Water Grounds Maintenance Services

(A) Approve unit price contracts with the following companies for grounds maintenance service for an initial of two-years: Carolina Commercial Landscaping, LLC, Diane B. Honeycutt dba Carolina Lawn Pro LLC, Locust Property Management LLC, Mark D. Leake dba Cutt'n Up Yard Services, Triple L. Landscape, 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. 22: Charlotte Water Design Manual and Standard Details Update

(A) Approve contracts for up to the following amounts with the following companies to update Charlotte Water's design manual and standard details: Brown and Caldwell \$796,214, Stantec Consulting Services, Inc. \$1,308,865, and (B) Authorize the city Manager to amend the contracts consistent with the purpose for which the contracts were approved.

Item No. 23: Airport Heating, Ventilation, and Air Conditioning Maintenance Services

(A) Approve a unit price contract with AirTight FaciliTech, Inc. for heating, ventilation and air conditioning maintenance services for a 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 to amend the contract consistent with the purpose for which the contract was approved.

Item No. 24: Airport Ramp Cleaning and Pressure Washing Services

(A) Approve a contract with Sunshine Cleaning Systems, Inc. for terminal ramp cleaning and pressure washing services for a 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 to amend the contract consistent with the purpose for which the contract was approved.

Item No. 25: Airport Electric Bus Purchase Contract

(A) Approve the purchase of electric buses by Piggybacking on a previously bid contract, Georgia State Contract 99999-001-SPD0000138-007 with Proterra Inc., and (B) Approve a contract with Proterra, Inc. for the purchase of Electric Buses for a term of two years.

Item No. 26: Airport Airfield Guidance Signs Rehabilitation

Approve a contract in the amount of \$2,083,555 to the lowest responsive bidder Brooks Berry Haynie & Associates, Inc. for the Airfield Guidance Signs Rehabilitation Project.

Summary of Bids

Brooks Barry Haynie & Associates, Inc.	\$2,083,555.00
Rifenburg Construction, Inc.	\$2,536,800.00

Item No. 27: Airport Rental Car Facilities Management Agreement Amendment

Approve contract amendment #3 for three years to the contract with MVI Field Services for the maintenance and management of the consolidated rental car facility and remote rental car facility at Charlotte Douglas International Airport.

Item No. 28: Airport Valet Services Management Agreement Contract

(A) Approve contract with AmeriPark, LLC for valet parking services at Charlotte Douglas International Airport 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 to amend the contract for consistent with the purpose for which the contract was approved.

Item No. 29: Airport Parking and Revenue Control System Maintenance Contract

(A) Approve a one-year contract extension with Scheidt and Bachmann USA, Inc. to provide maintenance and monitoring services for the Airport's parking and revenue control systems, and (B) Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Item No. 30: Branch Banking and Trust Company Hangar Ground Lease

(A) Approve a 10-year lease agreement with Branch Banking and Trust Company, and (B) Authorize the City Manager to amend the lease for two, five-year lease extensions consistent with the purpose for which the agreement was approved.

Item No. 31: Refund of Property Taxes

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$3,584.91.

The resolution is recorded in full in Resolution Book 48, at Page(s) 580A-580B.

Item No. 32: Meeting Minutes

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of April 1, 2019 Strategy Session, and April 3, 2019 Budget Workshop.

PROPERTY TRANSACTIONS

Item No. 33: Acquire Land for Charlotte Water Elevated Water Storage Tank

Approve the purchase of 6420 Old Statesville Road (tax parcel identification number 045-431-17) and 6430 Old Statesville Road (tax parcel identification number 045-431-16) in the amount of \$1,267,000.

Item No. 34: Property Transactions – Chandworth Drainage Improvements, Parcel # 13

Acquisition of 2,597 square feet (.06 acre) in Storm Drainage Easement, plus 1,297 square feet (.03 acre) in Sanitary Sewer Easement, plus 1,196 square feet (.027 acre) in temporary Construction Easement at 3920 Chandworth Road from Carol C. Soggs Living Trust dated July 8, 2011 for \$18,475 for Chandworth Drainage Improvements, Parcel #13.

Item No. 35: Property Transactions – Cross Charlotte Trail Brandywine/Tyvola, Parcel #1

Resolution of condemnation of 73,862 square feet (1.696 acre) in Greenway Easement, plus 47,462 square feet (1.09 acre) in Temporary Construction Easement, plus 13,141 square feet (.302 acre) in Utility Easement on Wakefield Drive from Selwyn Village Homeowners Association for \$769,200 for Cross Charlotte Trail Brandywine/Tyvola Parcel #1.

The resolution is recorded in full in Resolution Book No. 49, at Page(s) 576.

Item No. 36: Property Transactions – Cross Charlotte Trail Brandywine/Tyvola, Parcel #5

Resolution of condemnation of 17,314 square feet (.397 acre) in Fee Simple, 74 square feet (.002 acre) in Temporary Construction Easement, plus 13 square feet (acre) in Utility

Easement at 5126 Park Road from Selwyn Fair, LLC for \$450 for Cross Charlotte Trail Brandywine/Tyvola, Parcel #5.

The resolution is recorded in full in Resolution Book No. 49, at Page(s) 577.

Item No. 37: Property Transactions – Cross Charlotte Trail Brandywine/Tyvola, Parcel #5.1

Resolution of condemnation of 10,404 square feet (.239 acre) in easement name, plus 7,276 square feet (.167 acre) in Temporary Construction Easement at 5126 Park Road from Selwyn Fair, LLC for \$137,375 for Cross Charlotte Trail Brandywine/Tyvola, Parcel #5.1.

The resolution is recorded in full in Resolution Book No. 49, at Page(s) 578.

Item No. 38: Property Transactions – Cross Charlotte Trail Brandywine/Tyvola, Parcel #7

Resolution of condemnation of 21,130 square feet (.485 acre) in Greenway Easement, plus 3,270 square feet (.075 acre) in Sidewalk and Utility Easement, plus 9,510 square feet (.218 acre) in Temporary Construction Easement at 5200 Park Road from JGL I, LLC for \$91,700 for Cross Charlotte Trail Brandywine/Tyvola, Parcel #7.

The resolution is recorded in full in Resolution Book No. 49, at Page(s) 579.

Item No. 39: Property Transactions – Cross Charlotte Trail Brandywine/Tyvola, Parcel #14

Acquisition of 5,766 square feet (.132 acre) in Greenway Easement, plus 1,429 square feet (.033 acre) in Temporary Construction Easement at 2112 Hassell Place from Stephen Deutsch and Catherine Deutsch for \$75,553 for Cross Charlotte Trail Brandywine/Tyvola, Parcel #14.

Item No. 40: Property Transactions – Cross Charlotte Trail Brandywine/Tyvola, Parcel #25

Resolution of condemnation of 4,107 square feet (.094 acre) in Greenway Easement, plus 2,521 square feet (.058 acre) in Temporary Construction Easement at 1508 Seneca Place from HDP Seneca Woods, LLC for \$49,500 for Cross Charlotte Trail Brandywine/Tyvola, Parcel #25.

The resolution is recorded in full in Resolution Book No. 49, at Page(s) 580.

Item No. 41: Property Transactions – Irvins Creek Trunk, Parcel #8

Acquisition of 7,977 square feet (.183 acre) in Sanitary Sewer Easement, plus 5,169 square feet (.119 acre) in Temporary Construction Easement at 1124 Lawyers Road from James Curtis Bartlett and Elizabeth Wentz Bartlett for \$25,500 for Irvins Creek Trunk, Parcel #8.

Item No. 42: Property Transactions – Sardis Lane Bridge Replacement, Parcel #2

Acquisition of 2,062 square feet (.047 acre) in Fee Simple, 230 square feet (.005 acre) in Storm Drainage Easement, plus 2,530 square feet (.058 acre) in Temporary Construction Easement, plus 4,637 square feet (.106 acre) in Utility Easement at 701 Sardis Lane from Karen D. Rosenheimer and Robert L. Rosenheimer for \$52,925 for Sardis Lane Bridge Replacement, Parcel #2.

Item No. 43: Property Transactions – Water Oak Storm Drainage Improvements, Parcel #5

Acquisition of 804 square feet (.018 acre) in Storm Drainage Easement, plus 182 square feet (.004 acre) in Temporary Construction Easement, plus 37 square feet (.001 acre) in Utility Easement, plus 1,923 square feet (.044 acre) in Existing Drainage Accepted as Storm Drainage Easement at 808 Bridlepath Lane from Walter Chavez and Marie Chavez for \$23,724 for Water Oak Storm Drainage Improvements, Parcel #5.

Item No. 44: Property Transactions – Water Oak Storm Drainage Improvements, Parcel #19

Acquisition of 1,562 square feet (.036 acre) in Storm Drainage Easement, plus 1,020 square feet (.023 acre) in Existing Drainage Accepted as Storm Drainage Easement at 4718 Walker Road from James M. Clark, Jr. and Gail W. Clark for \$16,250 for Water Oak Storm Drainage Improvements, Parcel #19.

Item No. 45: Property Transactions – Water Oak Storm Drainage Improvements, Parcel #21

Acquisition of 2,993 square feet (.069 acre) in Storm Drainage Easement at 4808 Walker Road from Carl E. Godman, Jr. and Mendy L. Godman for \$20,970 for Water Oak Storm Drainage Improvements, Parcel #21.

Item No. 46: Airport Property Transaction – 9416 Dorcas Lane

Acquisition of 1.38 acres at 9416 Dorcas Lane from William P. Wallace for \$80,000 for EIS Mitigation Land South.

Item No. 47: Airport Property Transaction – 9402 Snow Ridge Lane

Acquisition of 0.79 acres at 9402 Snow Ridge Lane from Marlin K. Clevenger (deceased) and Michael C. Clevenger for \$209,000 for EIS Mitigation Land South.

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PUBLIC HEARING

ITEM NO. 9: PUBLIC HEARING FOR AIRPORT 2019 GENERAL AIRPORT REVENUE BONDS AND 2019 BOND ANTICIPATION NOTES

Mayor Lyles declared the hearing open.

There being no speakers, either for or against, a motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to hold close the public hearing.

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to adopt a resolution authorizing and approving the issuance of up to \$235,000,000 in General Airport Revenue Bonds, and up to \$145,000,000 in Airport Revenue Bond Anticipation Note program, and calling for the execution and delivery of various documents necessary to complete the sale.

The resolution is recorded in full in Resolution Book No. 49, at Page(s) 493-523.

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POLICY

ITEM NO. 10: CITY MANAGER'S REPORT

Marcus Jones, City Manager said before I turn it over to Pam Wideman to provide you an update of where we are with the latest round of Housing Trust Fund request, I do have the 30-day memo in front of you, and we are trying something a little different this time. On the back, you will also have what we consider some of the upcoming events over the next 30-days. Whether or not you would like those to be a part of your calendar or not, I'm also asking that if you could work with your Council support to see if any of these items are something that you would like to have on your calendar. That is what we have for the 30-day memo as well as upcoming events. I would like to test that with the Council to see whether or not that is something useful going forward.

One of the things we have tonight is that, as you may recall, we hit a bit of a pause with the Housing Trust Fund requests and we asked earlier this year that all of the four percent deals wait until we had an opportunity to see how the Housing Trust Fund dollars could work with some of the private fund dollars that have been raised; so, we are at that point in time where we would like to just give Council a quick overview of where we are with the concept of having you have the opportunity to touch this three times before you have an eventual vote on Housing Trust Fund dollars later in July. We thought it would be good if Pam would also provide you with a bit of an overview of many of the different programs outside of the Housing Trust Fund that also help us with our issues related to affordable housing.

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ITEM NO. 4: HOUSING FUNDING SUPPORT REQUESTS

Pam Wideman, Director of Housing and Neighborhood Services said it is my privilege to be in front of you today to talk about your Housing Programs. We are joined by our LISC Team Raphine Caldwell and Albert Mills as well. I'm going to spend a few minutes going over all of your Housing Programs; we have a total of about 12 that we are going to talk about tonight, one of which is the Housing Trust Fund. These programs are consistent with HUD, the US Department of Housing and Urban Development, meaning that they serve households earning 80% and below the area median income. I would also point out that our House Charlotte Down Payment Assistance Program with some local funding we go further than that. We serve up to 120% of the area median income and one of the goals is to continue to create mixed income neighborhoods and to promote home ownership.

In terms of our federal programs, just a little bit of background on all of these. You all approve our annual action plan; that is the application that we submit to HUD every year that gets us about \$12 million of federal funding, and it is based on a formula grant. That formula is consistent with the size of our population. We have Community Development Block Grant Program; this program addresses housing rehabilitation, public facilities, infrastructure, job creation, and public services. Some of these examples of how you all have used that here is obviously our rehabilitation; we do public facilities. We help fund those and one recent funding was we helped some shelter funding. We also do job creation as noted through Project P.I.E.C.E. and then public service activities like your Out of School Time Partners. We do HOME; that is primarily used in collaboration with our community development corporations, some of your local CDC's. The primary use of that is for building new and doing your down payment assistance and I'll show you that. The Community Development Block Grant and the HOME, those are your two largest federal funding sources. Emergency Solutions Grant, that funding is used to assist our homeless households and individuals and then housing for person with AIDS and HIV, it provides housing assistance and supportive services for individuals and families living with AIDS. I will tell you that the funding that we anticipate receiving this year is on par with what we received last year. The CDBG is slightly down from last year. We saw a slight decrease in HOME, a slight increase in the Emergency Solutions Grant and a slight increase in the HOPWA funding.

House Charlotte is your primary down payment assistance program; I want to point out here that we provide assistance to our public-sector employees, they can receive up to \$17,000 in down payment assistance. You can see the funding sources and the allocations there so this year in 2020 we've received \$2.4 million. Your Save Home Rehab Program provides funding to low-income homeowners to address needed home repairs. Some look at this also as how we've helped folks age in place. Seniors are the primary users of this fund, and the allocation there is \$3 million.

The TLC by CLT is our targeted rehab program. We recognize that while the Safe Home is more about one off rehabs and that is really good, but in order to do holistic neighborhood revitalization we wanted to target specific neighborhoods where we could do streets of rehab to really turn the neighborhoods around. We started with two neighborhoods, historic Camp Greene and LaSalle at Lincoln Heights. This year we are going to be moving to two new neighborhoods, Washington Heights and Revolution Park. So, you have \$1 million allocated for that funding.

We continue to partner with Habitat for Humanity. They do critical home repair; we have \$375,000 allocated this year to continue to help them as they help us with critical home repair. We have our Save Home or our Emergency Repair; this is funded with local dollars, and we primarily use this program, or we see the highest use of this program in our winter months. It is just what it is; it is used to make emergency repairs that we typically see in the winter months for people and that enables them to remain in their home. Aging in Place is one of our newer programs; it provides grants to low-income seniors, and the grants are used to offset the City's portion of the tax increases and that is really important. We have tenant based rental assistance, and that is exactly what it says. There is a misnomer that many people who live in our shelters don't work. Many of them do work, they just don't make enough money to make the ends meet, and so we partner with agencies to provide tenant based rental assistance.

Voluntary relocation, that program is run by Community Link and the way that program works is when we go out, and we do code enforcement and we find that a house is unsafe for human habitation, we offer voluntary relocation to a similar housing situation. Emergency Rental and Utility Assistance. We partner with Crisis Assistance Ministry to help folks who might be late on their rent or with overdue utilities in order to avoid cut-offs and eviction. That is a form of prevention, helping folks stay in their homes and avoid eviction. The HOPWA Grant is just we said it is; it provides assistance to low-income residents and supportive services to those living with AIDS and HIV. Carolinas Care is our partner there, and they administer our funding for us.

The A Way Home Endowment; we talked this program and a number of times we've made our full \$10 million commitment to that, and that is leveraged with a \$10 million pledge by the private sector, and again, those are short term-rental assistance, two to three-years to help find suitable housing and give them short-term rental assistance.

I will pause right there; I know that is a lot, but I think it is important for you all to remember and give yourselves credit. We have about \$12 million to \$13 million every year so we do a number of housing programs on an ongoing basis in addition to the \$50,000 million in our Housing Trust Fund. So, those range from helping to create new homeownership opportunities to rental assistance.

Councilmember Newton said Pam, thank you for the presentation thus far; this is very, very important work that Council and staff are undertaking here. I'm seeing that a lot of these programs are funded by PAYGO money, and I was wondering, in our recent budget talks a lot of the PAYGO money we were discussing were one-time expenditures. Is this PAYGO recurring or is this one-time?

Ms. Wideman said these are recurring expenditures Mr. Newton within your Housing and Neighborhood Services Department's budget.

Councilmember Winston said I've said this in the past; I think we have a lot of numbers here, especially with dollar amounts, and we often compare dollar amounts year to year, but as we move forward it is sometimes difficult to translate what the impact that money is having, especially absent a plan to move forward to bridge those gaps. As we look forward to presenting these numbers, I'd like to know month over month, year over year how that is actually impacting the situation on the ground, and we don't get that in a presentation like that.

Ms. Wideman said that is a great point, and we do track those numbers internally to talk about how many rehabs we are doing, how many households we are assisting through down payment assistance and the like, so we could provide the performance for each of these programs.

Mr. Winston said I think it would be important for the next budget process for the next City Council to be able to look at how these number, not only add up to get to a balanced budget, but how we might gauge adjusting our spending in the future to get different types of outcomes that we want to get.

Mayor Lyles said we will move on to our most current project around those applications.

Ms. Wideman said I just want to remind you all that earlier this year we promised that we were revamping the process and that you would have multiple touch points before we were in front of you all with requests or doing an action review. I would just highlight that we promised you after we issued a request for proposals, that you would be notified of the submissions; so, that is what we are here to do today. We told you several months ago that the RFP would be issued in early April; that was done. We said the submission deadline would be late April, we've done that, and so we are here notifying you of the proposals that we've received. We are going to present you a project summary in late June, we will be back before you with an Action Briefing in early July and then we will finally be before you in late July requesting your approval of the proposals that have been presented to us.

By way of a reminder, you have the \$50 million in your Housing Trust Fund, you've approved two four percent deals and one NOAH (Naturally Occurring Affordable Housing) development. We are still waiting to be notified of the award of nine percent housing tax credits, so that number may fluctuate based on how many we receive. We anticipate knowing that in mid to late August, and so as things stand today you have a \$30 million balance there. Again, that number will change subject to the awards that are made by the North Carolina Housing Finance Agency in August.

So, just a little bit about the proposals and the intent tonight is high level to be true to our process and our funding partners. We received a total of 14 proposals, of those 14 proposals 12 are requesting Housing Trust Fund dollars; three of those request City land and let me preface this by saying all of this is being evaluated in concert with your Charlotte Housing Framework that you approved in August of last year.

Mayor Lyles said does the City land overlap with the Trust Fund money? So, are they asking for both money and land?

Ms. Wideman said in some cases Mayor, it does, but not in each case. You also have 10 of those 14 requested Charlotte Housing Opportunity Investment Fund and/or low interest debt funding.

Councilmember Driggs said on the City land transactions, we looked at some situations where the developer was going to buy the land from us at market and others where we would contribute. So, are these ones where our donation of land is part of our subsidy for the entire project?

Ms. Wideman said it is a combination Mr. Driggs, and we will have that detail for you when we come back to you in late June with each transaction. Ten of those, as I said, of the 14 have choice, as we are calling it, and low-interest debt. If you look at the leverage ratio,

just at a glance, you have a one to 10 leverage ratio, and that leverage ratio is based on the total development costs and also at a glance we have 1,669 units within those 14 proposals.

Just to break it down, I know this has been a big concern to you and to many of our community members, if you look at the unit area median income breakdown you will see that 20% of what we received is serving households earning 30% of the area median income. Two percent are serving households earning 50%; 47% are serving households earning 60%; 27% are serving households at 80% and then four percent are serving households earning above 80%. Again, all of this goes to help us on our quest to continue to create mixed-income neighborhoods.

The next steps include City and LISC staff finalizing and reviewing the proposals to make funding recommendations to you. As we said to you several months ago, you will receive a project summary in your packet the Thursday before we are in front of you for the Action Review, so will be another touch point that you will have with it. We will do a presentation during Action Review and then we will come to you at a subsequent City Council meeting requesting your consideration and a vote to move proposals forward.

Councilmember Harlow said I am appreciative of the early breakdown of AMI schedules and in knowing that we will get a deeper look at each individual of the 14. Two questions really quickly, will we be asked to vote on these one by one or in a package?

Ms. Wideman said you traditionally have been asked to vote as a package, and that is how we will present them to you, but it is your prerogative as Councils have formerly done to deviate from that.

Mayor Lyles said usually someone would ask for an exception of one that they wanted to see a separate vote on.

Mr. Harlow said I know we broke out the four percent last year, and I didn't know if they were going to come in that same format, because I know we've had a lot of discussions about those before. Second question, you said we've got \$30 million remaining in the Trust Fund. Is it safe to say we really only have about \$22 million if we take out next year's nine percent as well?

Ms. Wideman said you could do that math if we looked at the same amounts, and the reason it is safe to say that Mr. Harlow is that we've had earlier discussions about how the investment fund that is set up does not work for nine percent deals.

Mr. Harlow said when we get these in our packet is it going to be just the traditional; here is the location, here is the ask, here is the unit breakdown, or will we get the matrix and stuff and the scorecard as well?

Ms. Wideman said what will be new is that you will get the location, you will get the District, you will get the total HTF or [inaudible] or land; you will get the total development costs. You will get a leverage ratio based on that. You will get the scoring tool, and I think I said the AMI's it will be serving and the rents there.

Councilmember Ajmera said I have a question on the first presentation that you had done on CDBG and PAYGO funding. The programs that are involuntary allocations, emergency rents assistance, House Charlotte, Safe Home, Emergency Repair, the funding for those, CDBG and PAYGO, has it been consistent or has there been changes from prior year's funding?

Ms. Wideman said the federal funding as I said is a formula. It is based on the size of Charlotte's population; so, as our population grows that formula change and so from year to year we've gotten more. It is also dependent on the mood at the federal level, and so some years it has been less. What I will tell you is that our PAYGO funding has pretty much been consistent for those programs.

Ms. Ajmera said has there been an ask from some of those programs to increase the PAYGO funding?

Ms. Wideman said this year we got an increase for our Emergency Repair Program; Habitat has pretty much remained the same. I will say where the increases have occurred is the rehabilitation program, the Safe Home and targeted rehab programs if I'm remembering that correctly.

Mayor Lyles said we have a list of what the County is budgeted this year. I think it went out to everybody today and the County I think put in I think \$300,000 plus for Habitat repairs. So, they did over all get an increase, but I'm going to assume that they do those throughout the County.

Ms. Ajmera said for the RFP for the Housing Trust Fund, is that both nine percent and four percent combined?

Ms. Wideman said no ma'am, the nine percent you have already done that and you only get to do that one time per year so these are primarily for just four percent.

Ms. Ajmera said does this include any NOAH?

Ms. Wideman said yes.

Mr. Newton said the 14 are four percent deals and NOAH's?

Ms. Wideman said I want to be true to our process, and we are really trying to keep this high level tonight and so the intent is not to drill tonight into the individual 14 proposals, but what you all should know is that we will have more detail for you when we send out that project summary and when we bring these to you at your Action Review.

Mr. Newton said I appreciate this first opportunity to see this; having said that understanding that we are looking at the possibility of all four percent, all NOAH in the 14, and we know that those are a little bit more of a public ask on those rather than our nine percent. I'm looking at the possibility of the remaining Housing Trust Fund balance of around \$22 million. Is there a real scenario here where we could be presented with a full package that would exceed, potentially to well exceed, that \$22 million and if that is the case what efforts up front might be taken by staff or is that on us to be more discerning?

Marcus Jones, City Manager said if you start to think about the four percent deals the Council hasn't done a bunch of four percent deals. I think last year may have been the first year that we really got into it at a big pace, because we also have to remember that until the last bond that was passed you had about \$15 million to spread over two-years. So, with the four percent it is going to be your call how much want to fund, and I would say that Mr. Harlow asked the right question early on, is that what is going to be left for calendar 20? I believe if we didn't take this pause, you would have gone deeper into this \$38 million, because you would not have had the opportunity to use private and philanthropic dollars and LISC dollars also. I pushed staff to make this presentation tonight which is probably weeks prior to what they would have liked to have done, but for me I thought it was very important to just get this out in front of Council to let you know that the process has started. The different proposals are being vetted, and I would almost work backwards from your last meeting in July which would be an opportunity for you to vote on the proposals, and I would back up two-weeks from that to another Business Meeting where there would be a presentation, and I would back up the Thursday before that in which you would get a packing in your Thursday packet. Again, I guess what Pam is trying to not do tonight is get into the details of any deal because the deals we hope will get better as they become vetted.

Mr. Newton said it sounds like we are possibly going to have some tough decisions to make, particularly if you want to keep something in the hopper for nine percent deals in 2020. When you say the scoring breakdown do you mean the four categories, so we will see the four categories within locational policy?

Ms. Wideman said right, remember if I go back, the Housing Locational Policy was intended for four percent deals and so with that you will see that is one component. Additionally, we look at the developer experience, the developer track record, we look at the affordability, and we look at the unit mix so that is one component, one lens that we look through in bringing the deals forward for a funding recommendation.

Mr. Newton said I want to make sure that the community at some point has an opportunity to weigh in on some of this. I am assuming that the opportunity would be at our Council vote, so this would be an item on the Business Agenda and then there would be a public hearing associated with that.

Ms. Wideman said this will be like in years past Mr. Newton; it has always been on your Business Agenda. In terms of the community weigh in, each of the developments, they either have already had, or they will have a public meeting. We enhance the criteria for those the public meeting based on the last discussion that we had when we did the nine percent. If you will remember that discussion, we included that language in the RFP, so the public would have had plenty of time to weigh in on these.

Mr. Newton said I think what we've seen is often times weighing in with the developer is one thing; it is another thing to weigh in with us and it sounds like we will have that opportunity for the community to weigh in with us before we make any final decision.

Ms. Wideman said it is my understanding that developers are already making the rounds to some of the Councilmembers or have already made, and I'm sure the public will do that as well.

Councilmember Eiselt said I thought when we first talked about the community engagement piece that you all and LISC was really going to focus on a community engagement model so that if that has been taken care of we are not negotiating every single deal when it comes before Council and sort of takes it out of the deal making on every single deal when a group that lives right there doesn't want it. Is there a community piece of this?

Ms. Wideman said I don't want to speak for Ms. Caldwell; so, LISC is putting together a grassroots, I believe it is called group, and she can talk more to that, but what I will tell you is in your Housing Framework you have some stipulations; you said 20% of the units should be for 30% and below. We heard from the different community groups, and we are checking to make sure that happens. We are having the community meetings for each development. We did the seven community engagement sessions around the Housing Locational Policy Guidelines that you approved. We heard from the community about what they thought about the scoring tool so there have been various instances of community engagement through this process and we've incorporated that into our review and to our proposal. The community engagement is iterative.

Ms. Eiselt said I'm sorry I keep asking the question; I'm just trying to understand where that falls in the process, because I think we do want to get to a point where we've said the community advocates have looked at this strategy, and this is the right go and not have to negotiate all these things.

Ms. Wideman said I think where we get challenged is we've got lots of community advocates, right, and so we've tried to engage as many as we know about or who wants to talk to us. Again, I said we have the seven housing locational policy meetings to make that policy; LISC is doing their grassroots thing, we have a mandatory community meeting for each of the developments, and so again, we continue as we go along this process to try to hear as much community engagement as we can during this process, but at some point, we bring to you the best deals based on what we've heard from you, what we've heard from the community and what your policies say.

Ms. Eiselt said to me there is neighborhood engagement and there is housing advocate engagement, and I think we really want to get to a place where we are focused on strategy overall Housing Trust Fund use money. Having said that, just looking at some of these

numbers I just want to say how thinking back four-years ago it was my first year on Council, and we were approving these deals, to look at one to 10 leverage ratio is really phenomenal, because it used to be we were looking at one to four, one to six; so, we've really come a long way which is fantastic. I'm sure we are still going to have questions on the process, but it is a process that we are taking on that a lot of cities haven't quite figured out.

Ms. Wideman said one thing I would say to your point earlier about community engagement. This very step that we are doing tonight to show down here in the Chamber on the Gov Channel, although it wasn't initially planned this way, somebody knew better than we did; this is the first glance at what we are looking at or this is another glance.

Ms. Eiselt said the County just announced that they are going to get involved in housing. What is the interaction at the staff level between you all and the County so that hopefully there would be a strategy that we said we will take this you take that because as we know, especially at the 30% below level there are a lot of services that the County has traditionally provided that have to go with?

Ms. Wideman said this is the first time the County has taken such a robust approach to affordable housing and we are thankful for that. Previously, we've collaborated around the Emergency Solution Grant Program; that is the \$4 million that comes in this community, so we collaborate with them in providing TEBRA assistance to the homeless shelter in the slide that I showed you. There is still what is called the Charlotte Mecklenburg Housing Advisory Board that is evolving so that has been a place where we've been involved with them. Also, as the Mayor mentioned earlier around doing rehab with Habitat, we've been in conversations with them in previous years discussing with them the County Habitat and the City to discuss with them how we could possibly as they foreclose on properties due to non-property tax payments, how we could work in partnership to have those houses roll over to Habitat to be rehabbed and then reused as affordable housing. So, there has been some conversations with the County in those three areas, and we are looking forward to having more conversations with them as they ramp up the evictions and the other work that they are going to do.

Mr. Winston said Mr. Jones, when the bonds that the citizens voted for in November, when does that money hit the books? Does it go to the next fiscal year or is it immediately?

Mr. Jones said if I understand your question; the bond that was approved last November, one of the things I think this body will recall is that after it was passed there was already a dipping into it so, we really didn't start off with \$50 million, so going back to Mr. Harlow and also Mr. Newton, at some point there will be a few dollars remaining from the 2018 bond and hopefully with some of the funds that are in the budget that hopefully you will approve on June 10, 2019, which includes funds for NOAH's. We are trying to think about some alternatives, and maybe alternatives isn't the right word, but if we get ratios like this, it is spreading the dollars much more then would have been spread back in January so that is a great positive. There are some stop gap measures by still having funds in the innovative housing pots that we have in PAYGO, but ultimately what happens in the July timeframe, if these are great deals that are good for what the Council is attempting to do, then I just think you are in a very good position to approve what is in front of you at some level and then when 2020 comes about, what is proposed is another \$50 million bond in the budget that I introduced or handed over to the Council, and I'm not sure you would repeat what happened last year, but I think as Pam sorted through this it was working with the developers who are doing the affordable housing with some understanding of if you went beyond that any project would be contingent upon the 2020 bond being passed.

Mr. Winston said that really didn't answer my question but it was a lot.

Mr. Driggs said the public votes right, at what point in time can we start selling bonds and see cash?

Mr. Jones said after the public approves it we work immediately.

Mr. Driggs said the cash is there, but they don't necessarily sell the bonds right away.

Mr. Winston said I asked that question like Mr. Harlow and Mr. Newton were alluding to, we have to be pretty strategic in how we allocate these dollars, or we are going to be making decisions for future Councils or worse-case scenario we won't be effective in achieving the goals, and that is making sure less people are housing insecure, everybody is house secure in dealing with those inequity issues. I'm looking at these numbers again, and I might sound like a broken record and might sound like that for the foreseeable future. These numbers are good, but it still doesn't tell me how to be strategic with choosing these deals, because leveraging dollars one to 10, that sounds like a good thing, but does that mean we are getting more units now or does that mean it cost more to build one unit? We are getting more private dollars but we are building the same amount of units. I don't know how these numbers are telling me or informing me, and again I know this is a very high level, and we haven't dug into the details of these deals yet and we will. How we should choose with the strategy of what should move forward and what is a good deal and what is a bad deal? A good deal on paper compared to past deals might be one thing but how is it moving us forward to making sure we are hitting the levels of AMI we need to hit or not. I think we need to have a better plan, a better strategy to kind of guide us and I don't think it is necessarily the Housing Locational Policy. I thought we had great outreach with that, but I'm still not convinced that the Housing Locational Policy is where all the efforts needed to be put into it.

Ms. Wideman said again, we are really high level; I think first as your housing staff and Team Charlotte you should assume that we are not going to bring you bad deals so, that is the first thing. Remember nine percent, you can only do those one-time per year so, you've done that. We get three to four deals per year; that federal source or that state source brings you the largest equity, so kind of free money. If I were to advise you, you would always set aside some money to do that. Four percent deals you can do them twice per year if you choose to. What we are seeing here again, keeping it really high level, and was previously articulated, with this new private sector funding you are really able to cut your contribution that you would normally put in a four percent deal in half almost. NOAH's, as we talked about earlier, those we can't really predict when they are going to come along so as they come along we will evaluate them, but with all that said after you guys approve whatever you are going to approve from this deck, the next opportunity effectively to leverage state and federal dollars will be in January of 2019 outside of any NOAH's that might come forward.

Mr. Winston said we are talking about the four percent tax credit projects, but what I heard Mr. Newton say well, we've already identified that for instance NOAH's are the best way to secure housing now and we are losing it day in and day out so fast. How do I know that it wouldn't be smarter or wiser to put \$9 million to NOAH's and only \$2 million to four percent deals because of the impact of our spend and the choices that we make that will further advance us towards our goals? I don't have any type of guidance or tool to help me make those type of decisions.

Mr. Jones said I will say that the framework that was passed by the Council suggests that 41% of the dollars would be for NOAH's, and 40% would be for new construction and the 19% is family self-sufficiency. So, there is this roadmap that is being deviated from but that was the roadmap to have 41% of the funds for NOAH's.

Mr. Winston said what I have in front of us, I'm not that great at math, but that doesn't equate to 41%.

Mayor Lyles said it is just the proposed project; it is not the approved project.

Mr. Jones said you can choose to do none of these and take all of the money that is remaining and do NOAH's if you wanted to. We just don't have NOAH's that are coming down the pipeline to the same extent of these.

Ms. Ajmera said Ms. Wideman, you had touched upon the CDBG funding earlier, so that is based on the population and it goes up as population goes up. For CDBG is there specific criteria about how much of that funding has to go to our seven housing programs versus let's say After School Programs or something else?

Ms. Wideman said I want to walk back; it is a formula based grant based on our population, but it is not necessarily always to say that as your population goes up you are going to get more money. I said earlier, that it is slight down that it was last year and some other things come into play with that, but that is a real easy way to think about it. There are percentages, and I don't want to quote them off the top of my head, but there is a percentage that is for admin; there is a percentage that you can use for your public services. There is a public service cap that you can use for your Out of School Time, but the majority of the funding is used for just the intended purpose; it is to rehab naturally occurring affordable housing, and that is how we use it here, primarily in the single-family category.

Ms. Ajmera said what is the breakdown currently; what is the total amount we are getting? How much is going toward NOAH; do we have that breakdown?

Ms. Wideman said we can put this in the follow-up. It is also in the budget; I think it is about \$5 million for CDBG this year, but that is not the exact.

Ms. Ajmera said if you could provide us that I think that would help us on the breakdown how the CDBG fund is allocated. I know the Mayor had mentioned the County taking a lead in tackling affordable housing; do we know what amount?

Mayor Lyles said I sent you an e-mail earlier today with that information in it. They will approve their budget tomorrow.

Ms. Ajmera said there are several programs such as House Charlotte, Safe Home, Habitat for Humanity, Emergency Rent and Utility Assistance, so some of this funding has been consistent from prior years. Have there been asks for additional funding for some of these programs? I understand some of these programs are not internal to City, and we have partners that manage this, so has there been additional ask for additional funding for this?

Ms. Wideman said Crisis Assistance is one of your financial partners, and they are funded through this, so I think your budget reflects an increase for Crisis Assistance.

Ms. Ajmera said so they have asked for an increase and that has been reflected?

Ms. Wideman said correct.

Ms. Ajmera said that is coming from CDBG funding?

Ms. Wideman said correct.

Mr. Driggs said I had picked up on the one to 10 as well, and I assume that the improvement from the one to six or seven is because of the private money.

Ms. Wideman said it is the additional money; the one to 10 is the private money.

Mr. Driggs said private money from other sources; that is good, but it doesn't get us a metric that we can compare with old transactions to see how leveraged they are, because now all we are looking at is the amount of our money that is going in, but if you want to judge the quality of the transaction and the structure then you need to know how much we are investing from our own sources and from the sources that we have developed for private investment. I think it would be a useful metric to have some way of seeing what the total non-bank, non-private equity money going in is.

Ms. Wideman said that is the detail that we will bring back to you at your June meeting. You will see Housing Trust Fund investment; you will see the CHOIF investment, and you will see the total development costs, so you can do the leverages that you are talking about in the detail that you will see.

Mr. Driggs said these are applications that we are talking about right now. Based on the funding availability, how many of them do we expect to be able to fund?

Ms. Wideman said that is a good question Mr. Driggs; we likely won't be able to fund all 14; so, we are evaluating them based on all of the things that you guys have told us and that we've used the scoring tool, the developer track record, the experience, the unit mix. So, we are going to bring you what we believe, we being City and LISC, the best and highest quality development, and we will be able to explain to you why we brought those to you.

Mr. Driggs said I think you know from a lot of what you've heard, and I've said this too, about the LISC process, we want to have a part in the prioritization and to understand your thinking and then to overlay our thinking on top of that in terms of whether we think that particular deal really ought to be higher on the list. I look forward to hearing your recommendations and seeing your rational and then we will have to run it through our filter as well.

Ms. Wideman said we've tried to marry our filter with your filter with what we've heard from you over the months that we've been discussing this and the policies that we have. Ms. Ajmera, I want to go back to what you said; Crisis Assistance is PAYGO money so I wanted to make sure that I honored that correction.

Ms. Ajmera said the increase was for \$100,000, that was the ask?

Ms. Wideman said I'm not going to remember that detail but we can follow up with you.

Councilmember Phipps said over the weekend I was reading an article and housing activist were talking about the need to be more proactive and have a more sense of urgency and they compared Charlotte with Baltimore in terms of the types of programs that Baltimore was engaging. All of these Housing Trust, bonds and priorities, it is going to take time for these things to come online, but the acuteness of the affordable housing issues are immediate. Even if you start construction tomorrow, when is the likelihood that some of these projects are going to come on line for somebody to take advantage of? They were talking about programs that Baltimore had and some were still in the pilot phase, but I don't if anybody else saw it but I thought it was –

Mayor Lyles said I read the article and I will be sure to get it out to everybody. One of the things that I think we have to do about this is we've got a new way of looking at the financing that has been very successful, but I really do believe that the data from the public and community process Ms. Wideman has to be done in a way that shows the relationship and the comment. It needs to be clear; I think it is something that we have to address. The idea was that the developer would have a number of things to measure and check off but not just check the box but actually have comments from an assessment of that work, whether it was done well, whether it was representative of the community. I also thought that we were then going to have the Board of LISC, not the grassroots group, but the Board to actively engage and participate in those meetings, because we need to have a different lens. Those meetings I am sure are open to the public, and I would encourage us to put together that advocacy list and let them come in see how it goes. I know that is not that everybody can get to comment, but I think the ability to have an open process is really important. I'm looking forward to seeing what goes on with that and seeing that it is almost like we have some buckets; we have what is the community impact, what is the neighborhood impact, what is it about how we are trying to go long-term against the framework, because I do believe the framework has some metric in it that sometimes we just kind of look at it as a verbiage, and it has some metric in it so how does it accomplish that. Then I think the next bucket is really the financial bucket that says how much money, whose money, the same king of things that Mr. Driggs was talking

about but that last bucket ought to be about how we are building neighborhoods, and I think if Ms. Mayfield were here tonight she would be talking about proximity and things like that. I hope that we are going to see that clearly with comments from the community and challenges from people that may say we can do this differently or better because that was our idea, we would do this one time and we would actually sit down and assess through the committee what went well and what didn't go well so that we would be on top of this.

The other thing that I think is really important is that no matter what we do, and Mr. Phipps really did get to this, everyday people are walking up to us and saying I can't find a house. When I went to the Mulberry Unit that the partnership built out on Freedom Drive a woman came up to me and she said I've applied five different places. They all charge me \$25 application fee so, we need to begin to think about this differently because there are going to be some changes that we have not implemented. It is great that we've been talking about building houses but we have to begin to start thinking about how do we get people into places and the rental subsidy, the work that Charlotte Family Housing is doing, opportunities that come up, we need to be nimble on NOAH's and we said we would really work hard at that so that people didn't lose their homes. I really appreciate the County allocation to have an additional 500 evictions with attorneys present and operating for those folks, because the numbers show, if you have an attorney you are not as likely to be evicted from your current location.

I really think our next step is starting to talk to our Apartment Owner's Association. Two years ago, they came in and they brought one of the Realtor's Association from Tennessee, and they talked about having allocations for re-entry. We know that we are going to have 20,000 plus felons coming out of federal facilities into Mecklenburg County. If we don't have a strategy for that, we are not going to have safe communities. We know that many people have to apply for credit checks, and they know that they are not going to get into that. We need to look and ask our apartment community how do they actually deal and train property managers with that \$25? There has got to be, just like we dealt with homelessness, a concerted collaborative coordinated effort, and it really takes a partnership, because we don't own enough property to solve this problem. We've done, I think, an excellent job getting our Trust Fund to this place, now the next step is getting people actually to stay in their places and find out the strategies that we need to take in this case and as well begin to bring forward a larger collaboration. Someone asked me today, what can I do? It is amazing what one person can do. It is not around this dais just because we got elected doesn't mean we are going to solve this problem. I really appreciate it; the federal money continues to decline; the work that we are having to do continues to grow so fast and so quickly. I'm just looking forward to being able to say that we kept somebody in their house, that we didn't allow someone to be evicted, that we are building something that is better, but we have focused a lot on this Trust Fund but that is not going to solve the problem, and we need to start focusing on what does address some of these strategies.

Kudos to everybody that supported the bond. We are going to deliver on that but now what is your next though, what is your next place, where is the strategy to keep people in their housing? I'm okay on where we are with the Trust Fund; what I think is the next step, we've got a metric for being successful with the Trust Fund? We do not have a metric to say how do we keep people in their houses. We need to get jobs; we need better paying jobs. We need more jobs; we need apprenticeship programs, that is the next step that we ought to be focused on because if you have the ability to have a decent job that pays enough I think the market will respond.

Thank you Ms. Wideman and Mr. Jones; it is going to be a long process, but it can't be just what we are doing to build and preserve. We've got to start talking about people.

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BUSINESS

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|----------------------------------|------------------------------------|
| – Barbara Ratliff (Incumbent) | Community Relations Committee |
| – Delores Reid-Smith (Incumbent) | Community Relations Committee |
| – Rochelle Rivas (Incumbent) | Community Relations Committee |
| – Jeffrey Simpson | Community Relations Committee |
| – Shalinda Williams | Community Relations Committee |
| – William Cornett | Charlotte Water Advisory Committee |
| – Patricia Wiley | Domestic Violence Advisory Board |
| – Casey Brewer | Keep Charlotte Beautiful Committee |
| – Caroline Burgett | Keep Charlotte Beautiful Committee |
| – Jon Giles (Incumbent) | Keep Charlotte Beautiful Committee |

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ITEM NO. 14: APPOINTMENTS TO COMMUNITY RELATIONS COMMITTEE

Phillip Benham, 761 Harris Street, Concord said the Community Relations Committee established in 1961 was basically based on color of skin, and that is what it was intended to be. Then on May 8, 2015 we had an anti-discrimination thing going on here to open up bathrooms to transgender individuals, and we won that battle at that time, but the Community Relations Committee was an essential part of that battle that we fought. It is far from what it was originally intended to be; it has now become the long hand of the LGBTQIRST; however, many pronouns you want to put there. There may be 62 different gender pronouns. It has become that, and it is becoming an enemy of the Gospel of Christ. Now, it is supposed to be diverse and inclusive, and my question is to you how many really true Evangelical Christians make up the 45-members on that Committee? How many?

Mayor Lyles said I don't think that we are allowed to ask that question of people.

Mr. Benham said I understand that. I could even ask you how many of you really believe the Bible and believe Jesus?

Mayor Lyles said I really don't believe that is pertinent to this effort and this Community Relations Committee. I really believe that you are not addressing the issue.

Mr. Benham said you guys are talking about impossible things that you can't fix; only God can fix them, but you are trying to do it without him.

Councilmember Egleston said I think what he would like is an application so he can apply to be a member of the Community Relations Committee.

Mayor Lyles said he doesn't live in Charlotte, so he wouldn't be eligible to apply.

Mr. Benham said I appreciate that Mr. Egleston; that is probably one of the profound things you have said, and I appreciate that.

Mayor Lyles said we do have applications for people of any race, color, religion, ethnicity; anyone that believes that we would love to have you submit those applications. You are not required to address your religious affiliation on any application for any Board for the City of Charlotte.

Mr. Benham said it would be a good idea to allow an Evangelical Christian to at least have a voice there. There is great frustration in this community, and you don't represent all of them.

The following nominees were considered for two appointments for three-year terms beginning July 1, 2019 and ending June 30, 2022:

- Emma Allen, nominated by Councilmembers Ajmera, Harlow and Winston
- James Bello, nominated by Councilmembers Driggs and Mayfield

- Jesse Boyd, nominated by Councilmembers Ajmera, Harlow and Phipps
- Temako McCarthy, nominated by Councilmembers Bokhari and Winston
- Shay Merritt, nominated by Councilmembers Driggs, Egleston, Eiselt, Mayfield and Newton
- Deborah Wollard, nominated by Councilmembers Driggs, Egleston, Eiselt, Mayfield and Newton

Results of the first ballot were recorded as follows:

- Emma Allen, Councilmembers Ajmera, Harlow
- James Bello, Councilmembers Driggs
- Jesse Boyd, Councilmember Phipps,
- Temako McCarthy, Councilmembers Ajmera, Bokhari, Egleston, Eiselt, Newton, Winston
- Shay Merritt, Councilmembers Bokhari, Egleston, Eiselt, Harlow, Newton, Winston
- Deborah Wollard, Councilmembers Driggs, Phipps

Motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to appoint Tameko McCarthy and Shay Merrett.

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ZONING HEARINGS

ITEM NO. 48: HEARING ON PETITION NO. 2019-013 BY ANDREW KLENK FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.22 ACRES LOCATED ON THE SOUTHEAST SIDE OF NORTH DAVIDSON STREET BETWEEN EAST 33RD STREET AND EAST 34TH STREET FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT – MIXED USE, OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is a current R-5 zoning and they are looking to go to TOD-M(O); if you will take note the petition was advertised prior to the adoption of the new TOD Ordinance back on April 15th so they are still eligible to be considered and approved under the TOD-M(O) zoning even though we've adopted a new Transit Oriented Development ordinance since then. I just wanted to make that point of reference. The site is on North Davidson Street in the NoDa Neighborhood, and we are looking at primarily an R-5 zoning behind this property with properties along North Davidson Street zoned MUDD-O, TOD-M(O), Neighborhood Services and a mix of your typical mixed-use zoning and some of the new transit oriented zoning with the extension of the Blue Line coming on line here recently.

The adopted future land use for this property is for transit oriented development so it is consistent with the adopted future land use plan, and this is for an establishment and reuse of an existing structure and the addition of a new structure for an eating and drinking establishment. We do have a proposed attached structure on the backside of the property. There is going to be a 45-foot wide Class A buffer provided along that rear side; they may be able to reduce that with a fence. The optional request that is being considered is to allow three on-street parking spaces and three on-site vehicular pads to satisfy the otherwise 24 parking spaces required. Parking is generally a challenge in this North Davidson area so typically the on-street parking is used; neighborhood parking is used for these types of establishments. Staff doesn't have any significant concerns with that optional request at this time and staff does recommend approval of this petition upon resolution of outstanding issues related to the site and building design for the project.

Maggie Watts, 1318 Central Avenue, Suite E6 said this is the existing structure as it is today and this is adoptive reuse of this structure will be largely remaining. The exact location is 3040 North Davidson Street, and it adheres to the 36th Street Transit Station

Area Plan. It has been vacant for quite a while. This is the current site plan as it stands; upfront in the dash line you will see the existing structure and there is an addition proposed to that and then there is a secondary structure in the rear which is primarily indoor/outdoor. Three sides will be largely open with the ability to be closed and then that rear wall will be solid with minimal openings. That in conjunction with the 40-foot buffer is hopeful to provide access screening to the residents. This is just a conceptual elevation of what it might look like from the front on North Davidson Street. We would like to thank Jacob Horr and the NoDa Neighborhood and Business Association for their continued effort and communication during this process.

Jacob Horr, 3040 North Davidson Street said I am President of the NoDa Neighborhood and Business Association and the NoDa Neighborhood and Business Association sent a letter to City Council last week showing our support for the petition. We really appreciate the petitioner's efforts to include community input over the past couple of months. Adaptive reuse of our Historic Business District and especially our original mill homes is extremely important to the neighborhood and as mentioned during their presentation that this rezoning will preserve the mill home that will provide value to the community and also align with the neighboring businesses that are already on that street. We thank the petitioners for their efforts and look forward to continuing to work with them.

Councilmember Egleston said this is a good proposal with no opposition.

Motion was made by Councilmember Egleston and seconded by Councilmember Ajmera, to close the public hearing.
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Councilmember Winston said you showed us a picture of the interior, and it looks similar to some of the pictures we get for our In-Rem transactions on our Business Agenda. I would like to know a little bit more about this, because sometimes we see houses or units that it is really tough for me to vote to tear something down if it could be remodeled and reestablished to create housing that is adaptable for reuse in a different sense. We don't get to see a lot of pictures like this, and I would love to talk to you more and learn about why this project was good enough to reuse and not tear down, because it might inform us of how we look at our policy in the future.

Mayor Lyles said think Mr. Winston has a point that we establish the ratio for what would come forward for demolition in a very different time, and we may need to go ahead and look at that for review. We can ask the staff to say what it was founded in and what might be changes to do to go forward.

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

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ITEM NO. 49: HEARING ON PETITION NO. 2019-015 BY GREG GODLEY/SUGAR CREEK VENTURES FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.5 ACRES LOCATED ON THE WEST SIDE OF EAST SUGAR CREEK ROAD, SOUTH OF NORTH TRYON STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is an I-2 zoning requesting Transit Oriented Development, Community Center, TOD-CC one of our new TOD districts adopted back in April. The site is located on East Sugar Creek Road at Greensboro Street, kind of in between Craighhead Road and North Tryon Street. It is the old Concrete Plant that has been out there for quite some time, just to give you some additional context. It is located next to the shopping center also on Sugar Creek Road. The existing zoning is I-2 and there is some B-1 and B-2 zoning as well as some TOD zoning along Sugar Creek Station that is coming on line and some other TOD zoning to the west of this property on the other

side of Craighead Road. The adoptive future land use is for TOD supportive uses; the Blue Line Extension Transit Station Area Plan recommends that so this petition is consistent with that. It is a conventional rezoning request; there is no conditional site plan that is associated with it. That is going to be common with the new TOD districts that we move forward with. Staff does recommend approval of this petition, and there are no outstanding issues to make mention of at this time.

Daniel Wendover, 2410 Dunavant Street said I am here representing Sugar Creek Ventures on the planned redevelopment of the site at 4101 Greensboro Street from heavy industrial to a mixed use, urban neighborhood requesting a zone change from I-2 to TOD-CC. This property has been used as a pre-cast plant for decades, back to the 60's I believe, possibly the 50's. Production ceased there late last summer or early fall and there remain several large aged pre-casted structures on the site. Until recently, much of the site was stacks of either defective or surplus products that had been made there. We've done a cleanup of that; we also recently repaired lighting and upgraded for the safety of the site around the entire parameter. One of the key issues here is that if the existing I-2 zoning remained and pre-cast production were to have continued the dust, and the noise would be incompatible with some of the redevelopment and what the plans are for this area. So, in that sense we think a zone change to TOD is a positive for the larger area.

As a conventional rezoning, we weren't required to meet with adjacent neighbors, but we reached out to the Howie Acres Community, and we met with NoDa Association, twice with each of those neighborhoods and had good conversations. We discussed the scale and the potential mix of uses of the project, and we were given ideas and very good insights that will help us with planning this as we move forward.

We also spoke to Robert Dawson of Action North Carolina about the impact that we are having on the neighborhoods in the area and the opportunity that we have to kind of support this community through the redevelopment of this site. We made a personal commitment to make a good faith effort to integrate into the plans the suggestions we got from both Howie Acres and from the NoDa community. Our business interests are based here in Charlotte; we done projects in the past all across the Charlotte area and we do want to make sure that any development project we do here would be embraced by the local residents. Some of the comments that we heard were looking at our street grid to make sure that we could make as direct as possible a connection to the Sugar Creek Light Rail Station as other properties between us and the station redevelop that we would examine with C-DOT traffic impacts on NoDa, that we would include affordable housing in the residential component, we would provide public art, use native non-invasive landscape plantings. A lot of these are some comments you often hear from NoDa. We also discussed providing affordable business co-working space to compliment affordable housing with affordable business opportunities. One that I really liked was considering to use local historical family names possibly for buildings, streets or public open spaces to really tie this new development to the area. There were also some good suggestions on potential tenants, Urgent Care, small grocer and obviously to actively recruit local businesses.

The requested TOD-CC zoning is consistent with the City's proposed TOD alignment rezoning, which is calling for TOD zoning on other parcels that front on Greensboro Street and all of the parcels opposite ours across Sugar Creek Road all the way up to North Tryon Street as well as numerous properties of course all along the light rail. By pursuing an individual zoning, we were able to have these conversations with the community, kind of engaging them directly about this specific site, so that was our motivation to take this out of what would otherwise be included in that alignment rezoning.

The redevelopment of this site we hope serves as a catalyst; there are several other nearby large parcels that would be a huge benefit to the area if they redeveloped as well. We are well within the half-mile walking distance of Sugar Creek; actually, I think it is about a quarter mile and in order to support the billion-dollar investment that the City made in the Blue Line Extension increasing ridership, we think that this site is far better with a variety of TOD allowed uses that it would be remaining as an I-2.

Kim Mason, 4126 Bearwood Avenue said I am a resident of Howie Acres and we have had meetings with Sugar Creek Ventures about these plans. We think that the builders have been transparent about their plans and do not see a problem with this venture. Brownfields into housing needs and amenities. There are a few community benefits we have asked for from the developer; the first one that two apartment buildings should be tall enough to require affordable housing units [inaudible] and TOD higher than the proposed 90-feet. The second, that the apartments will allow the community they are doing the development for which is Howie Acres and other developments, because Howie Acres is one of the oldest communities out there. We feel that working with this developer will be hopefully a good thing for us and in the future, using the community rooms and the many rooms for our community meetings because we are using another place right now.

Roma Durham, 3108 Cresthill Drive said I am the Vice President of Howie Acres Community, and I have to really give these gentlemen their props, because they have been very transparent with us; they have sat down with us, and we know with the new TOD-CC. They don't have to meet with communities anymore and we do appreciate that. We've had several extensive meetings with them where we have asked for several things, an Urgent Care, and we also need a grocery store. That is something that we could use, not just with our neighborhood, but surrounding neighborhoods as well because you all know there is a food desert over there. We asked for a community garden, which we know would have to be raised beds because of the brownfield, but also you said that you wanted to get things right this time around regarding the light rail; you don't want to go back and made the same mistake as you did before in the past. We can't hold you all accountable for that, because that was previous Councils, but this time this can be a model. This is the first time with the new TOD Ordinance that this TOD rezoning project. So, moving forward with future rezoning this could be a model, not just for the City of Charlotte, but also for other cities as well.

Charlotte wants to be a Queen City, a World Class City, well now is the time to look at what has happened in the past to make some wrong right this time. So, around the light rail we can have mixed use income and because a lot of our Civil Service workers out here, our Police Officers, healthcare workers and teachers cannot afford to live around the light rail, but I think these gentlemen would put forth a good faith effort to make things work, not just for our small community, because we have been overlooked in the past, but not anymore. Some of your constituents are here tonight; one gentlemen and his wife have lived over in that community since 1946. Mr. George Evans was the first African American man to buy property over there, and they are still living in that same house. So, I think this time around we all can get it right, and I do appreciate everyone, especially Camp Rock taking the time out to meet with us, and we can move forward and they have promised us they would keep an open dialogue, and I do appreciate it.

Jacob Horr, 3401 Bernard Avenue said I am President of the NoDa Neighborhood and Business Association. As stated in the letter, we sent to City Council last week this decision on the rezoning was difficult for us and while NoDa generally agrees that this parcel is a great candidate for the new TOD zoning classification, the lack of mechanism to retain community feedback makes us unable to support it at this time. We are extremely appreciative of Dan and Gregg and their willingness to work with us over the past months. As Dan mentioned, there were a number of great conversations, not just about what could come to that parcel, but the impact that it has on the surrounding area, whether it is the alignment of streets and really setting a stage for a number of redevelopment that is going to happen in that area. They presented to us back in April and May and under the newly adopted TOD Ordinance no site plan was provided by the petitioner, because one is no longer needed as part of the process. Historically agreements between the petitioner and the association would be documented in formal and binding rezoning notes, and while we are pleased that the new TOD regulations account for things that are important to NoDa like inducements for affordable housing, sustainable building practices, adaptive reuse and community art we feel strongly that the new process does not allow adequate assurance that our concerns will be met and that the petitioner will be held accountable to negotiated agreements. We firmly believe that the involvement of the Community Association and petitioner discussions has added

value to our community, provided the ability to share and shape the vision of NoDa's past, present and future. We desire to continue to play a role as informed active participants in zoning conversations. With the letter that we sent for this rezoning, our association submitted an additional letter that more broadly details some of our concerns around the TOD rezoning process, chiefly the lack of future engagement with neighbors as well as the proposed alignment of aspects of our NoDa Business District. We have raised the need for additional discussions about the effects of those new protocols with our Council Representative Mr. Egleston to understand how we can ensure these concerns are addressed with City Council and the Charlotte Planning Department.

In rebuttal Mr. Wendover said as I hear it the driving concern expressed tonight by NoDa is really about the TOD Ordinance itself, and I understand the concern about the core historic mill village business district. They have done a great job over many years maintaining and keeping NoDa what NoDa is and what everyone loves it for. This ordinance is what is in effect for all of us to use and to work within and to comply with and as it will be for all of the sites along the light rail in other locations where TOD has been determined to be an appropriate zoning. The other thing is that while our site is within the technical bounds of NoDa, it is quite remote from the actual core historic village. We still recognize and respect the concerns of NoDa and have made personal commitments again, to make a good faith effort to incorporate their thoughts and comments and to keep in touch with them. We did meet twice with them, we answered the questions, we listened to their comments and we expect to continue to do so. Really, the best thing for us since we do so much work and it is almost all in the Charlotte area is to live by what we have promised to do. So, consistent with those discussions we have committed to follow through on observations and comments that they made in their letter. I would like to know and Jacob said it too, that in their letter they did say this parcel is a great candidate for the TOD zoning classification, so I just thought I would repeat that, and we will request approval of this petition.

Councilmember Egleston said I think there is almost complete consensus that this does make a lot of sense for TOD, if this doesn't make sense for TOD then nothing does. It is taking what was an active industrial site off line, so not only is it going to bring value add to the communities around it by what they will be putting there, but I think they are adding to the quality of life around there by what they are taking away. I am glad that there was enough push back on this to make me really think more about how we create a process with TOD going forward, because I think that- Shout out to our friends from Howie Acres, thank you all for being here tonight. -you really outlined the point I wanted to make which is even though TOD now through these conventional rezoning to the large rezoning we will do this year, would not as we currently have it drawn out require a community meeting or require a site plan that is as specific as maybe a lot us have grown accustomed to but doesn't mean that there is not a whole lot of value in having an engagement with the neighborhoods that you guys just perfectly outlined. I think it not only benefits the neighborhoods, but it benefited the petitioner in this case, and these are local petitioners, so in this case I think you started out with a decent sense of this community and your surroundings, but other people will be investing in our transit corridors with out of town money, people that don't live here, they don't know what matters to Howie Acres, what the needs are there, what matters to NoDa and what the needs are there. They will be flying blind to some extent and not having those community meetings I think will leave them less capable of building something that really benefits and is loved by the community that they build it in. That said, I've put a bug in Taiwo and Marcus' ear about this, but I would like to explore the option of. I think we've got a phenomenal TOD policy that we passed; I think it is going to create a much better and more consistent process that neighborhood leadership transcends City Council leadership over different iterations, but I do think there is a way that we can bake into the process for any conventional rezoning, particularly TOD and any of the parcels that we will rezone TOD in that lump rezoning, anyone who is utilizing that new TOD designation that we will be giving them or anyone who subsequently comes in and request a conventional TOD rezoning. I think there is a way to create in the process that neighborhood meeting that this petitioner had with NoDa and had with Howie Acres as a requirement, not that they come in with site plans, not that we undermine the process that we've set forward that will be more consistent but that they have the opportunity, whether they are an in town developer or an out of town

developer to engage those neighborhoods and hear from them. In this case, I think you would say that you got ideas that maybe you wouldn't have had otherwise that will help you build your project. I think you've got a sense of what is most important to NoDa and Howie Acres, deeper than what you might have had going into it by having that meeting. You were willing to have that meeting just because you wanted to do the right thing. Not everyone necessarily will but I think everyone would benefit from those dialogues. So, I would like to see from our Planning staff and the Manager's Office how we can create that as a step in the process, just to say we expect you to engage with the community that surrounds where you want to build if you are going to build in our TOD. I think Mr. Phipps and Ms. Mayfield I'm sure have heard from some people that have some anxiety about we are accustomed to having this engagement and we are accustomed to having this input; though TOD makes sense we understand why you are doing it, we fear losing some of that engagement with the developer. This project makes a lot of sense. There is no way this should not be TOD, but I do think it was a good opportunity to think a little bit differently about how we create this process going forward to make sure that our neighborhoods don't feel disengaged as we develop along the Blue Line Extension.

Councilmember Ajmera said I have a technical question for staff or City Attorney; for the conventional rezoning some of the requests that were made by community leaders, Ms. Mason and Ms. Durham, could this be part of the note in the rezoning or since it is conventional that is not required?

Mr. Pettine said there will be no notes associated with it; if it is approved it would go to a standard TOD-CC district, and they would operate and develop under the guidelines of the ordinance, so there wouldn't be any conditional notes replaced. It is great information to just have and listen to, but we don't use it in evaluation for our decision making or carry forward any conditional notes to implement after a rezoning is approved.

Ms. Ajmera said is that something the developer agrees to?

Mr. Pettine said really it is not; I don't know if I would equate it as an agreement. It is something the developer has said they would put a good faith effort into achieving some of those outcomes, but it is not really part of our decision making process; it is more just of a narrative about what they would like to do, but there are no written commitments through this process.

Ms. Ajmera said I certainly appreciate the petitioner's willingness to work with community leaders. The challenge I have is there is no commitment; so, I'm not saying that you are not going to follow your commitment. I just feel that with conventional there is no commitment. So, you may say yes now and you may follow through, but it is not something for us that we can hold you accountable for, and that is the challenge I have with conventional rezoning. I do agree that it should be TOD.

Councilmember Winston said I wanted to echo a lot of what Mr. Egleston said; I think often times we try to ask very difficult questions or try to get to the root of things, but it needs to be mentioned how well the community and the development team worked together. Ms. Roma may show that I came down and was present for one of these meetings, and I don't know if it should just be a rule that we write, because I think sometimes me and the Manager talk about this; how can we set house rules, right? Welcome everybody into the house, but when they get here to say this is what is expected when you walk into my door and you sit on my couch. Like, we want development to happen with the community and not for the community, and I think that is what I saw happen. I just got a little glimpse and things work better when we work together and if we are truly in the business of building communities, which is what we are supposed to be here for on all the sides, on staff, developers, community, that is what should be expected. We have to find ways and Howie Acres, look how many people are here on a second day after sitting through a long meeting last week and they know this is not going to be the last City Council meeting and the last negotiation that they are going to have to go into with what is happening around their neighborhood, but hopefully, this partner can share this experience with further developers that are going to come into this neighborhood and with other businesses that are going to be moving into this development and really set

that expectation that you are not going to overlook the people of Howie Acres, but you are going to work with them, and your business is going to be better for it. So, kudos to you, love to see how we can create this culture of development, not just in this little corner of Charlotte, but make it kind of viral all across the 310 square miles of our great City.

Councilmember Phipps said I can agree with my colleagues on some point, but I would hate to see that given that the ink is not even yet hardly dry on our decision to approve TOD ordinance that we are going back now and wanting to reimpose conditions. I know we are all satisfied and comfortable with the conditional zoning process but I think that it should be strongly encouraged, but not a requirement at this point. I think it is good and I think more enlightened developers would see the benefit to talk to communities to thrash out some issues and to inform them of what is going on but to go back and require that they would have a meeting, I don't think that is something that we should do given the recentness of what we approved to go back and reimpose a conditional requirement on a conventional, something that the staff has been working on this for months and months and have all kinds of good feedback. I think this is a process that has worked well; it demonstrates that it can work, and I think we should leave it to the discretion of the developers to engage in such meetings which I would think they would find beneficial, and that we need not to impose as a requirement.

Mr. Egleston said I just want to make sure I wasn't vague in my stating that I'm not trying to move us away from this being a conventional process. I think staff did a phenomenal job of TOD, and I want to see if move forward. I don't think asking a developer to have one meeting with the community that they want to build in is an undue burden, particularly when they are not negotiating the granular details of the site plan, but just getting a better understanding of the neighborhood. I think the developers like the local developers on this project would do that even if it was just strongly encouraged because they are invested here. Personally, they are going to want to continue to build here; it doesn't behoove them to burn some of these neighborhoods and then the next time that might not work out too well for them, but when we have people who are coming in with outside money doing one off projects they might not see the downside to just doing something to a neighborhood instead of with a neighborhood if we just strongly encourage a meeting. I do think we've got to codify that if we expect it to happen on a consistent basis but in no-way am I trying to subvert having the conventional process instead of the conditional process. I just wanted to make sure that was clear.

Councilmember Driggs said I just want to say I agree with Mr. Phipps; I think the idea of this meeting is back sliding and compared to what we have set out to do with the TOD in the first place, which was to create a very rigorous environment and we said developers you have to play by these rules, but if you do you can count on getting an approval. So, I feel that it would be wonderful for the developer to talk to the community, but it does open up the prospect the community says we don't like this; we start to hear about that, we start to wonder, and the whole idea was to streamline this process and create some certainty provided that the developers play by the rules that we laid out.

Mr. Phipps said I have a question of the petitioner; I thought I heard you say something about you had some mitigates to the brownfield effects of the site. Did I understand you correctly?

Mr. Wendover said regarding the brownfields, we are in the process of working through a brownfields agreement with the state. For the most part, what is on site there were a few underground storage tanks and a few other small leaks and then there were two I would say more significant incidents offsite that have migrated into the site.

Motion was made by Councilmember Harlow, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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ITEM NO. 50: HEARING ON PETITION NO. 2019-024 BY INVESTICORE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.74 ACRES LOCATED ON THE WEST SIDE OF SOUTH BOULEVARD, NORTH OF CLANTON ROAD FROM I-1 (LIGHT INDUSTRIAL) AND I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Planning said the current zoning is I-1 industrial and I-2 industrial; the request for this petition is to go to TOD-CC. The site itself is located on South Boulevard and stretches down towards Clanton Road along the light rail line. You do have a mix of uses and zoning districts out there from B-2, Office, some TOD districts as well and some residential districts also as you migrate a little bit to the east of South Boulevard and a little bit southwest down towards the Clanton Road and south area.

The adopted future land use is for transit oriented development supportive uses under the New Bern/Scaleybank Transit Station Area Plan, so it is consistent with that transit station area plan and staff does recommend approval of this petition, and we do not have any outstanding issues to mention.

Motion was made by Councilmember Winston, seconded by Councilmember Ajmera, and carried unanimously to close the public hearing.

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ITEM NO. 51: HEARING ON PETITION NO. 2019-025 BY WHITE POINT PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.20 ACRES LOCATED ON THE SOUTH SIDE OF THE INTERSECTION OF WEST KINGSTON AVENUE AND CAMDEN ROAD FROM B-1 (NEIGHBORHOOD BUSINESS) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT – URBAN CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Planning said we have a current zoning of B-1 neighborhood business and the proposed zoning is TOD-UC, transit oriented development, urban center. The site is on Kingston Avenue and Camden Road just north of East Boulevard and West Boulevard and east of Hawkins Street. The existing zoning is B-1, and there is a mix of zoning as we've seen in this area; TOD, MUDD, B-2, some office and U-MUD as well. Again, just a mix of different commercial and mixed-use zoning districts. The future land use is for transit oriented development. The South End Vision Plan recommends a mix of uses that are supportive of transit along with design guidelines, so this petition is consistent with the South End Transit Station Area Plan, as well as the South End Vision Plan. Staff does recommend approval.

Motion was made by Councilmember Winston, seconded by Councilmember Ajmera, and carried unanimously to close the public hearing.

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ITEM NO. 52: HEARING ON PETITION NO. 2019-026 BY BEACON DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.0 ACRES LOCATED ON THE SOUTH SIDE OF CLANTON ROAD, BOTH SIDES OF DEWITT LANE AND TRYCLAN DRIVE, EAST OF SOUTH TRYON STREET FROM I-1 (LIGHT INDUSTRIAL) AND I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER) AND TOD-TR (TRANSIT ORIENTED DEVELOPMENT – TRANSITION).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this petition is a conglomeration of several parcels zoned I-1 as well as I-2. The proposed zoning is TOD-CC as well as TOD-TR, and we will talk a little bit about where those break points are between the TOD districts. You can see another aerial of the site and how it sits here on Dewitt Lane as well as on Tryclan Drive and Clanton Road. Again, the existing zoning is I-1 and I-2 surrounded by several TOD rezonings, B-2 and some residential just to the south on Elmwood Place and Yorkshire Drive. That break point that you see with the residential; this is where the TOD-TR would be. That is a TOD district that is intended to provide a better transition to existing residential uses. The adopted future land use in the Scaleybark Transit Station Area Plan recommends, a mixed use of transit supportive uses. This petition is consistent with that area plan and staff does recommend approval.

Councilmember Phipps said I notice a pattern in these last few rezonings inasmuch, as it looks as if I-2 zoning, industrial zoning is not welcome along the rail line. I know in prior years Council was a little concerned about the disappearance of industrial zoning within the City limits, so I'm wondering is this something that we really want to happen. I-1 and industrial zoning along the light rail vanished; everything is TOD. There is no room for those kinds of development along the light rail for jobs and things; is that what we are saying basically?

Mayor Lyles said I think the last time we had an analysis of industrial sites and property it was more than just one case. It was like where do we have it, and where do we want it, so can we pull that information back up?

Mr. Pettine said I will add; in general, yes, you are correct, but I think what we are starting to see from our perspective as staff and some of the meetings we have some of the petitions we have coming forward will be reestablishment of some industrial zoning in other areas of the City now that is becoming more conducive, some areas out by the Airport. We've got some more opportunities to have some of those industrial uses that may be transitioning and some are being displaced in the sense as well from that light rail area, but they are looking to other areas of the City where industrial uses are becoming a little bit more conducive because of the transportation network. Even though we may be losing some of the light rail I do see potential moving forward that we are going to continue to gain some opportunities for new industrial zoning in areas that are becoming a little better environment for them to operate in outside of what we are seeing in this transition along the light rail line.

Councilmember Ajmera said ultimately, the market drives some of this redevelopment petitions that we are seeing where we are seeing concentration of industrial sites in one part of our City where we are seeing more usage of TOD closer to transit which makes sense. What I'm concerned about with this transition, and that is where I think a detailed report would help. Are we concentrating more industrial sites in an area where it could affect the quality of life. Seeing where the concentration is, not just existing, but where the future transition is happening, I think that would help, especially if it is away from the residential site.

Mr. Pettine said as we see each petition come forward we are looking; some are close to some neighborhood edges, and so we've got some questions and concerns we are working with folks to try and get some of those answered prior to them coming forward. Others are in areas that makes sense but yes, when we start to see some of those new areas pop up that are trending towards some industrial development we need to ensure that we are looking at how they are going to interface with some of the existing single family residential that is out there, and are those appropriate locations for that. Those will be some things that we carry forward to you when we get the public hearings on some of those petitions that could be pending.

Ms. Ajmera said I think that would help and also, I think this further reinforces the need for us to have section in our rezoning package on sustainability and the quality of life, especially when we are seeing some of these industrial sites being concentrated in one part of our City. How does that affect the quality of life for residents that live in that area? I think having that as part of the package would certainly help us make decisions.

Councilmember Egleston said on the point Mr. Phipps made, I think we do need to have a discussion about how much of a need is there to continue to have industrial zoning inside the City of Charlotte, and we do need to have a discussion about where is it being located. If it is being concentrated; if we are putting new industrial somewhere that is a decision we have to make separately, and we can determine whether it is appropriate or not, but I would just contend quickly that it is not the highest and best use to be along a million dollar plus investment in light rail. I don't see how we could make that argument so I think Mr. Phipps' question, no, I don't think it is welcome along light rail. It is not what you build transit for to have industrial that doesn't feed ridership, it is not boosting the tax base of an area. It is the opposite of what we build transit for so, there is a need for industrial and we do need to be mindful about where it goes, but I think that is a separate conversation about should we be preserving it along transit corridors.

Taiwo Jaiyeoba, Planning Director said I thought I should jump in on this and say that is part of the conversation with the Comprehensive Plan as well. I wouldn't want us to do anything short-term, because we are trying to be reactive to something. I think we need to watch how the process plays out during the Comprehensive Plan process. Mr. Egleston is correct, industrial use like this is not the highest and best use along the multibillion dollar investment of the light rail system; however, if you look at where we are right now, you see that most of our industrial areas are concentrated in the crescent, hardly any in the wedge, and when we talk about equity we definitely need to be looking at that as part of our Comprehensive Plan, but when you are also talking industrial. It is not just light; it is also heavy, and we are big on logistics in the Charlotte area; so, this particular phase of the Comprehensive Plan that we are in where we are talking about growth scenarios. It is not just about growth as people are related. For growth as far as its impact on industrial uses and jobs and all of those things, so this is the right time to be having the conversations we are having, yes, but it will be right time also to definitely take a good look at that as part of our Comprehensive Plan. I can tell you that sometime around this time next year you will see an illustrative draft of that plan and then you will be able to at least begin to give us some feedback as to your comfort level with where some of this industrial – we are very mindful of that. We do not want to assign industrial zoned land areas in the City, but we also want to make sure they are in their appropriate places in the City as well, close to certain areas where people can move and get to jobs quickly and where the conversation around environmental sensitivities are also very important as you look at that as well. I just wanted to put that in your mind as you have that conversation.

Councilmember Winston said to answer Mr. Phipps' question thought, is industrial zoning not welcome along the transit line; the answer to that question would be yes, it is not welcome, and the reason why I made the motion to close the public hearing so quickly because on those particular cases staff didn't have any outstanding concerns and this is going to be basically how this corrective rezoning is going to go on along the Blue Line, that if there are zones that aren't TOD that they are going to go TOD. So, we should just ready for it, right?

Mr. Jaiyeoba said it is not just industrial but any use that does now result in uplifting the value that you have in the light rail system, but any use that does not generate enough ridership is very important. I will say that any non-transit supportive uses are not something you want along your light rail corridor.

Colin Brown, 214 North Tryon Street said the petitioner on this petition happens to be Beacon, which is one of your leading industrial developers in the City of Charlotte, and I think they would tell you too, the needs for their industrial clients are changing, and they would agree that it is not the appropriate location for it, but we are engaged in a robust conversation with your Planning staff about where the future of industrial should be located.

Mr. Phipps said I would like to say that the reason I brought that up is because along the Blue Line Extension in University City, we have new gas stations going up, QT on the corner, so I wish this would have come at an earlier time; it is like a day late and a dollar

short in my opinion when it comes to how some of the Blue Line Extension was developed along University City, and we tried to get it changed back when, but I guess we didn't have the apparatus in place to move it forward as we do now, so I applaud the effort.

Mayor Lyles said maybe one day those places will have to have a rezoning and we can do something with that.

Motion was made by Councilmember Ajmera, seconded by Councilmember Egleston, and carried unanimously to close the public hearing.

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ITEM NO. 53: HEARING ON PETITION NO. 2019-032 BY US DEVELOPMENTS, INC FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.72 ACRES LOCATED ON THE NORTHWEST SIDE OF HIGHWAY 29 NORTH, EAST OF CAPRINGTON AVENUE FROM R-3 (SINGLE FAMILY RESIDENTIAL), R-17MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) AND MX-2 (MIXED USE) TO R-17MF (MULTIFAMILY RESIDENTIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is a current zoning from R-3, R17(MF) and MX-2; the proposed zoning is a conventional R-17MF. The site is located on US 29 next to Caprington Avenue. There is a single family residential community that is surrounding the site on both the north size and western side of the property. As we get into the zoning in the area, the existing zoning as stated is R-3, and you see predominantly you have single-family residential with a small concentration of UR and some UR(CD) conditional zoning here and then you have the MX-2 district, which are predominantly single family although there is a mix of uses along this project off Caprington Avenue and then some office uses next to the existing single-family subdivision, then the county line where you can see the zoning boundary stops.

The adopted future land use for this particular parcel is for single family, as well as multifamily, institutional. That is really recommending a mix of those types of uses on the site rather than just one individual use, so it would support all of those different uses if they mixed into an integrated development. There is some other single family and other residential at 12 dwelling units per acre to the south that is recommended in this area. Staff does recommend denial of this petition. It is inconsistent with the Northeast Area Plan from 2000, which does recommend residential uses for up to eight dwelling units per acre and/or institutional land uses. Part of the rational was with some of that density that was recommended. Also, the R-17MF would more than double that density; it does about lower density single-family neighborhood with 4.5 dwelling units per acre to the north and east. The conditional zoning that is to the west of this property really limits those uses to a daycare center, assisted living facility and/or community rec center. Right now, it is developed as a community recreation center. The multi-family units that are across the project from Caprington Avenue actually were separated from some of those adjacent single-family uses. That project started to transition back as it got closer to some of those single-family projects to create a little bit more compatibility. This project, with it being conventional, we really don't understand how those interfaces will go between the proposed multifamily uses as well as the single-family uses that are surrounding the property. Without that type of plan, without the understanding of how we may transition densities to those single family uses and how we will integrate some of that existing street network really gives us more questions than we have answers to. That is one of the main reasons that staff doesn't support this petition at this time and does recommend denial.

Stephen Rosenburgh, 14822 Resolves Lane said I represent US Developments and Westin Bulls from W. K. Dickson is our land engineer who is with me tonight. First, I want to thank you for your service. As somebody who chaired the Planning Commission for six years, last Monday night was a step-back in the past for the time and effort that you folks put in to sit here, and I know you do not do it for the money. It is the service to the

community and having done it I thank you very much as I thank members of the Planning Commission for what they have to participate in.

This is an application for a conventional rezoning; it is in the County; it is 14 acres fronting on Highway 29. It is passed UNC-C and it is out near the Speedway. This site is currently zoned R-3, R-17 and MX-2, and it is only 14-acres. As you can see on the right side of the site, there is two residential rows of houses and then there is office in the O-1 that you see on the right side. Then to the left is R-17 then you have 16.65 UDI for multifamily, across the street you have multifamily, commercial, and mixed use.

We are requesting that this site be zoned all R-17. If you go to page 35 of the Northeast Plan it states that Highway 29 should be high-density residential. Nine zonings have happened in this area since the Northeast Plan was approved in 2000. All of the nine rezonings are equal to or high density than what we are requesting. Petition 2016-007, which is directly across the street was rezoned to R-17 in 2016. We have met with staff several times over the last 14 months and with plans in hands. Only four days before the public hearing we were asked to change to a conditional rezoning. We understood that the City wanted more conventional re-zonings and if we misunderstood that I found the discussion earlier interesting, again as development community we will go anyway we are told, just give us clear direction, that is what we will follow.

To address staff concerns, we will increase the buffer by 50% to 75-feet; we will limit any buildings adjacent to residential homes to three-story, which will be equal to approximately what a home is now. We will add a fence where the seven homes are located on the east side of the property; we will convey green space to the County Parks and Rec, and this may be something new, but we believe after speaking to our attorney we can enforce these conditions through deed restrictions, which we are happy to do.

In summary, we think that the petition is consistent with the intent of the Northeast Plan and in the public interest. We are requesting a rezoning that is already on the property and is surrounding the property. We addressed staff concerns; we believe we are meeting City objectives. These are affordable rentals; these are housing for the growth of UNC-C. This is density on a collector that feeds into an interstate, generates riders for the Blue Line. In addition, a site plan submission has to be presented before anything will ever be built, and this gives staff ample opportunity to review and comment.

Councilmember Phipps said while that was a mouthful; I live on that side of town, and I can tell you that stretch from Pavilion going up to the County line towards the race track, that is like apartment city there, in term of the type of development, and they have even got for sale signs that said already zoned multifamily. So, I was taken aback by the fear in which staff had proclaimed that this should be denied, but I want to ask a question of staff. Given what the petitioner has said in terms of ways that he would mitigate the concerns of staff, is that something that the staff could review and entertain in terms of something that would move this closer to providing some housing along that corridor?

Mr. Pettine said as they were presented this evening; again, as we had talked about earlier on an earlier case it is a narrative regarding the potential development of the property under the R-17 district. There are no conditional commitments that the City can enforce outside the confines of the ordinance; so, again a narrative of increasing the buffer, transitioning some of the building heights, whether they get deed restrictions or not, the City has no role in enforcing those deed restrictions. Those deed restrictions can change through a private party agreement outside of any understanding from the City so, we get those plans in and we review them under the ordinance, and that is really it. The deed restrictions aren't something that we would get involved in or enforce so, those conditions outside of them actually being on a conditional plan and get approved as part of a conditional plan really don't have any bearing on our ability to enforce some of those commitments that the petitioner had put forward for some consideration and discussion this evening.

Councilmember Ajmera said I want to follow up on what you just said about deed restrictions and our limited ability to enforce those. Could you help me understand the process? If it is part of the deed restrictions you are saying the City cannot enforce it.

Mr. Pettine said I'm not aware of the City being involved in enforcing deed restrictions.

Patrick Baker, City Attorney said that is between the two private entities as I understand it. He is offering that as a means to an end, but it not something that we can enforce.

Ms. Ajmera said when you say private party would that be between the party who finances it?

Mr. Rosenburgh said no, what we would do is put deed restrictions on the deed; for example, in some HOA communities you can't have rentals. That is a deed restriction, and it is absolutely correct what the City Attorney said. That is an agreement, but it is something we would willingly put on, which could be tied to the zoning and we would put that on the property in conjunction with the zoning. I've been a developer here for 25-years; I'm not going to stand before this Council and the community that I've served on different communities for 19 years and say we will so something and then do something else. I find that a little offensive quite frankly.

Ms. Ajmera said I appreciate your willingness to even go to this step and offer that; this is the first time I have ever heard about having a deed restriction being offered by the petitioner, so that just shows your willingness to even go that extra mile, and we certainly appreciate that. I would also echo what Mr. Phipps said about buffer. I see the area plan was something that was back from 2000; if it were to be devised how would the density look today, considering there are so many apartment sites nearby that are higher density?

Mr. Pettine said you may have a higher density recommendation if we were to continue to consider density as a main factor in making land use recommendations. I think we at a point now with the Comprehensive Plan we may be looking more at context than how things are integrated with uses around them. That is another concern that staff had with the lack of understanding of that integration with these apartments. We did talk to the petitioner and say maybe we would consider front loading the site with more density on North Tryon Street and then transitioning back, maybe not even to a three-story building but a townhome product that would potentially provide a little bit more comparison and context with the single family that is surrounding it. So, those were the kind of transitions that we had put forth as a recommendation on how we might be a little more comfortable with the petition overall. I don't think it is necessarily that that density wouldn't work on the site, I think it is the way that we don't have all the answers to how that would interact with the single-family uses. With the existing road network, there is going to be subdivision road requirements that would have to be built; how do those get integrated into the site. There were more questions, as we said, than answers for this. So, I don't want to get to a point where we think staff doesn't agree that there is some need for density along North Tryon Street. I think that is certainly something we understand and can support. I think it is that transition of how that density then starts to work with that single-family neighborhood around it that we have questions on that we just can't answer through a conventional rezoning request.

Ms. Ajmera said this is the site which is a little bit further away from the apartments close to the [inaudible] Theater. I remember about eight or nine years ago I had first relocated here for a job, and I had lived in those apartments right next to the ample theater, and I remember how much demand there was, and I was in a wait list for several months to even get an apartment there. I see the need has continued to go up, especially in that area with more students living in that area looking for apartments and having seen apartments nearby it certainly makes sense to have that kind of density in that area.

Motion was made by Councilmember Driggs, seconded by Councilmember Winston, and carried unanimously to close the public hearing.

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ITEM NO. 54: HEARING ON PETITION NO. 2019-048 BY B & B RE VENTURES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.6 ACRES LOCATED AT THE INTERSECTION OF OLD PINEVILLE ROAD AND THE NORTH SIDE OF SCHOLTZ ROAD, SOUTH OF SPRINGBROOK ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Planning said the current zoning is I-2 general industrial; proposed zoning TOD-CC, transit oriented development community center. This petition is located on Old Pineville Road and Scholtz Road. It is predominantly surrounded by I-2 uses; there is some TOD to the north up Old Pineville Road, as well as to the south on the east side of Old Pineville Road and some B-1 conditional uses along Old Pineville Road on the east side from this petition. The adopted future land use is for TOD supportive development, mainly with an employment focus transit supportive development for this particular property. It is consistent with the vision of the Woodlawn Transit Station Area Plan for transit oriented development. Staff does recommend approval.

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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ITEM NO.15: MAYOR AND CITY COUNCIL TOPICS

There were no Mayor or City Council Topics presented.

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ADJOURNMENT

Motion was made by Councilmember Ajmera, seconded by Councilmember Egleston, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 9:31 p.m.

A handwritten signature in black ink that reads "Stephanie C. Kelly". The signature is written in a cursive, flowing style.

Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hour, 26 Minutes
Minutes Completed: June 28, 2019