

The City Council of the City of Charlotte, North Carolina convened for a Business Meeting on Monday, August 22, 2022, at 5:04 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Lyles presiding. Council Members present were Dimple Ajmera, Tariq Bokhari, Larken Egleston, Julie Eiselt, Malcolm Graham, Matt Newton, Gregg Phipps, Victoria Watlington, and Braxton Winston, II.

ABSENT: Councilmember Renee Johnson.

ABSENT UNTIL NOTED: Councilmember Ed Driggs.

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Mayor Lyles said I also understand that we have a proclamation that Mr. Graham will read. I understand that there will be a motion to suspend the rules for us to have a meeting and I would hope to do that after we have the proclamation and then we'll go to the consent agenda. Then we're going to move the decision on the UDO, Item number 76, immediately after the consent agenda. So, is everybody aware of where we're going to be and how we're going to go.

We begin our meeting with some expression of inspiration followed by as I said earlier, the Pledge of Allegiance. So, I have the awesome responsibility to give these words of wisdom. So, last night I was thinking about it, and I had these words that were written by Bruce Springsteen, our American singer and songwriter. As we've gone through this agenda and as I read it after looking about what Bruce would say about America, I thought maybe that I would talk about this in a little bit different way because tonight's meeting is the last business meeting of this council that has served a three-year term. It is going to have a number of very important decisions. So, I wanted to just take a moment to talk about a few words from the principle of Council's Code of Ethics as we begin this meeting and I'm going to just read a few of the general principles.

The Mayor and Council must be able to act in a matter that it maintains their integrity and independence yet be responsive to the needs of those they represent. As decision makers who arrive with fair and impartial determinations, treating other council members and the public with respect in honoring the opinions of others even when council members disagree with those opinions, and having respect for the office that we hold. Recognizing that we are part of a group, and we know that we will continue to be a part of a group at the council. I wanted to say this because this is the last business meeting for several members that are sitting at the dais tonight. These are people that have been our colleagues for over three years, and we certainly are going to celebrate their service in many ways. I just wanted to recognize Larken Egleston, Greg Phipps, Matt Newton and Mayor Pro Tem Julie Eiselt. I want to personally express my appreciation for the work that you've done, the advocacy that you bring to this position. The ideas that you brought and debated. The actions that you adopted and made possible for us to be doing this kind of work for our citizens, and most of all I want to say thank you for your willfulness to serve this great city that we call home.

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INVOCATION AND PLEDGE

Mayor Lyles gave the Invocation followed by the Pledge of Allegiance to the Flag.

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PUBLIC FORUM

ITEM NO. 2: PUBLIC FORUM

Mayor Lyles said thank you very much. We are now going to begin with our public forum, and we have I believe six speakers on our forum tonight. I believe all of them

may be present. So, we'll ask them to come down. Our first speaker, you have three minutes. Everyone gets three minutes.

Linda Lockhart, Charlotte Fire Department said good evening, everybody, how you doing? Most of you all know me. I am Linda Lockhart with the Charlotte Fire Department. You all know that it is my passion. I have been here several times with the same problem. We have a new administration. What you all did was took the old, brought the new in but you didn't change anything. The old left but the new came in with the same ideas and principles. Now the fire department said they are pro military, if that is so, why have they not adapted to women on the fire department? The Army has. They have allowed men to grow their beards, a goatee, but they are giving women class A for having long hair and wearing earrings in their ear. Has nothing to do with their job. They can still perform their job just as well as the men can. Here it is 2020 and we still fighting the same goals. We have hired more Black women in the 80s than we have now. They can't say that we are not applying. It has something to do with our hiring process. Things have not changed. It's still the same and Marcus Jones, I'm putting it on you, I'm putting it on Sheila Simpson. You all know what we are going through at the Charlotte Fire Department, but you all refuse to do anything about it.

It's time for a change. I'm sorry the old ones are leaving, but the new ones are coming in. I will be back and keep coming back until we get a change at the Charlotte Fire Department. It's terrible over there and nobody seems to care about what's going on over there because nobody has come in to try to fix it. If they have, it's not working, and we need a change with the Charlotte Fire Department. For it to be 2020 and a woman can't wear her hair long and wear earrings, come on now. We said that we are pro military. Even in the military they are allowed to wear a dress in their Class A uniforms they're allowed to wear a skirt. We can't even do that. I mean it is ridiculous over there. When you have a man at top tell you to the sweat the small stuff, there's a problem, a big problem. When you have administration at top walks by my desk, doesn't even speak to me because they don't like me, that is a problem with our head people, and it needs to stop. I will be back for the new people, and the old people, glad to have you back. I don't want to keep coming back until we see a change at the Charlotte Fire Department.

Mayor Lyles said thank you very much Ms. Lockhart.

David Hannes, City Code of Ethics said yes. The mayor stole a little bit of my thunder with the code of ethics, but I wanted to discuss this as it relates to some issues, I've had with the City of Charlotte over the last six to eight months. I'm a native Charlottean. I've lived all my life in Charlotte. The council and the city staff I've been dealing with since last November have made me ashamed to call Charlotte my home. For the past six months I've been trying to get the council's attention to prevent the illegal building of the volunteer fire department station on Woody Point Road, and basically for six months you've ignored me.

At this point in time, I really have very little confidence in this council. I don't feel like you've upheld the trust or been responsive to the interest or needs of citizens such as myself you were elected to represent, and you've exhibited poor judgment and been unwilling to listen to the truth. In trying to resolve this situation I've been involved in for many months, I've experienced a total lack of ethics by various members of the city staff. It's quite obvious that CDOT (Charlotte Department of Transportation) and the Planning Department staff believe they are not accountable to anyone for their actions and are not bound by any code of ethics. They have acted irresponsibly and dishonestly because they know they can. Since the council is blindly following these city staff in their actions tonight, you'll just be perpetuating this fraud and you'll be as guilty as the city staff is in violating the city's code of ethics.

Citizens expect to be treated honestly and fairly by the city and I haven't been. This unethical act by CDOT and the Planning Department also has a potential to harm the reputation of the city. These individuals are not protecting or enhancing the reputation of the city by their unscrupulous actions as the code of ethics demands. Thank you.

Mayor Lyles said thank you Mr. Hannes. Alright, so we're going to end our public hearing and I'd like to recognize Councilmember Graham for a proclamation that's going to be a lot of fun.

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AWARDS AND RECOGNITIONS

ITEM NO. 3: AGGIE-EAGLE CLASSIC DAY PROCLAMATION

Councilmember Graham read the following proclamation:

WHEREAS, on November 23rd, 1922, at Dudley Field, the A&T College, now North Carolina Agricultural and Technical State University football team would play the Durham State Normal School for Negroes now North Carolina Central University football team birthing a rivalry that would find its way to the Queen City decades later.

WHEREAS, Charlotte [INAUDIBLE] to serve as host for the 2022 Duke Males Classic and the 100th anniversary of the Eagle-Aggie Classic, and whereas the electricity of the Aggie-Eagle Classic is undeniable from the opening whistle to the halftime show rivals the intensity of the game, to the final play, HBCU football is more than a game, it's an experience. This is a display of Black culture and Black excellence, and whereas HBC [INAUDIBLE] will be on full display in Charlotte, the step shows, career fairs, alumni meetup, parties, entertainment and the biggest tailgate weekend this rivalry has ever seen planned by the Charlotte Sports Foundation and the 100 Black Men of Greater Charlotte.

WHEREAS, Charlotte has taken the city of purple and teal and black and blue, but come September 3rd, the city will be a wash of maroon and gray and gold and blue for the Aggies of North Carolina A&T.

NOW, THEREFORE, I, Vy Alexander Lyles, Mayor of the City of Charlotte do hereby proclaim September 3rd, 2022, as Eagle-Aggie Classic Day in Charlotte and commend the observance to all residents. Go Eagles. Go Aggies.

Councilmember Driggs arrived at 5:18 p.m.

Mayor Lyles said so, we're very excited about this opportunity for the Aggies and the Eagles to be here. If I can remember, we've had a governor that's been an Eagle. I don't know if the Aggies have had a governor yet, but I'm sure they have a lot of council members around that are across the state of North Carolina. Our HBCUs are very strong in our state university system. So, very fortunate to host that game and looking forward to it.

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CONSENT

Motion was made by Councilmember Egleston, seconded by Councilmember Newton and carried unanimously to approve the Consent Agenda as presented, with the exception of Item No. 25 which was pulled for a separate vote.

Councilmember Watlington said so real quick I just wanted to, looked up, and obviously we don't have to have this discussion right now. I saw that Mr. Winston had passed a similar question on Q&A, but I'd like to see results from where we are since the program began as it related to this in our future manager's report. Thanks.

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

The following items were approved:

pti:mt

Item No. 26: Violence Interruption Services

(A) Approve contract amendment #1 to the contract with Youth Advocate Programs, Inc. for the provision of violence interruption services to add \$31,000 and to renew the contract for a one-year term, and (B) Authorize the City Manager to renew the contract for up to two additional one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Item No. 27: Governor's Highway Safety Program Grant for Traffic Safety - Driving While Impaired Task Force

Accept a grant in the amount of \$202,674 from the NC Governor's Highway Safety Program for the Driving While Impaired Task Force.

Item No. 28: Off Duty Scheduling and Payment System

(A) Approve a contract with PowerDetails, LLC for an initial term of three years to provide, implement, and maintain an Off Duty Scheduling and Payment System, (B) Authorize the City Manager to renew the contract for up to two, one-year terms and to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved, and (C) Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance and support as required to maintain the system for as long as the city uses the system.

Item No. 29: Andros Spartan Robot Products and Services

(A) Approve the purchase of Andros Spartan Hazardous Robot Products and Services by the sole source exemption, (B) Approve a contract with Remote, Inc. for the purchase of Andros Spartan Hazardous Robot Products and Services for the term of five years, and (C) Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Item No. 30: Fire Apparatus Cooperative Purchasing Contract

(A) Approve the purchase of fire apparatus from a cooperative contract, (B) Approve a unit price contract with Rev Group (Source well Contract 113021-RVG) for the purchase of fire apparatus for a term of one year, and (C) Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.

Item No. 31: Citywide Trip Hazard Removal Services

(A) Approve unit price contracts with the following companies for Citywide Trip Hazard Removal Services for an initial term of one year:
- American Grinding Company, LLC dba American Sidewalk Management,
- Precision Safe Sidewalks, LLC, and (B) Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

Item No. 32: Street Maintenance Facility HVAC Replacement

Approve a contract in the amount of \$811,966 to the lowest responsive bidder Armstrong Mechanical Services, Inc. for CDOT Northpointe Street Maintenance Facility HVAC Replacement project.

Item No. 33: Coulwood and Valley Haven Stream Restoration Projects

(A) Approve a contract in the amount of \$1,151,000 with Wildlands Engineering, Inc. for Phase 1 Services for the Coulwood Stream Restoration Progressive Design-Build Project, and (B) Approve a contract in the amount of \$1,193,100 with North State Environmental, Inc. for Phase 1 Services for the Valley Haven Stream Restoration Progressive Design-Build Project.

Item No. 34: Stormwater Planning and Watershed Modeling

(A) Approve a unit price contract with Woolpert North Carolina PLLC for planning and watershed modeling 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 consistent with the purpose for which the contract was approved.

Item No. 35: Asphalt and Concrete Cleaning Services

(A) Approve unit price contracts with the following companies for asphalt and concrete cleaning services for an initial term of one year:

- Carolina Pressure Wash Co,
- Schettini Floor Solutions LLC, and (B) Authorize the City Manager to renew the contracts for up to four, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

Item No. 36: Centrifuge Preventive Maintenance and Repair Services

(A) Approve a one-year contract renewal for the contract with Andritz Separation Inc. for Mallard Creek Wastewater Treatment Plant centrifuge preventive maintenance and repair services, and (B) Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Item No. 37: Clark Creek Pump Station and Forcemain Construction

Approve a guaranteed maximum price of \$9,632,624 to State Utility Contractors, Inc. for Design-Build construction services for the Clark Creek Pump Station and Forcemain project.

Item No. 38: Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure

(A) Adopt a resolution authorizing the City Manager to negotiate and execute a municipal agreement with the North Carolina Department of Transportation for construction of water and sanitary sewer line relocations, adjustments, and improvements, and (B) Authorize the City Manager to approve the reimbursement request for the actual cost of the utility construction.

The resolution is recorded in full in Resolution Book 53, Page (s) 235-235F.

Item No. 39: CATS Bus Tire Leasing and Services

(A) Approve a unit price contract to the lowest responsive bidder Bridgestone Americas Tire Operations, LLC for bus tire leasing and services for an initial term of three years, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Item No. 40: Light Rail Vehicle Accident Repair

(A) Authorize the City Manager to negotiate and execute a contract with Siemens for light rail vehicle accident repair services for an initial term of five years, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms and to amend the contract consistent with the purpose for which the contract was approved.

Item No. 41: Federal Aviation Administration Reimbursement Agreement

(A) Authorize the City Manager to execute a reimbursement agreement with the Federal Aviation Administration for the relocation of the airport surveillance radar, and (B) Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.

Item No. 42: Airport Fire Protection Improvements

(A) Approve a contract in the amount of \$4,448,091 with Messer Construction Co. for Construction Manager At-Risk services for the Federal Inspections Station Facility and Concourse D Renovations project, and (B) Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Item No. 43: Airport Roadway Relocation Construction

Approve a contract in the amount of \$39,422,735 to the lowest responsive bidder Crowder Construction Company for the North End-Around Taxiway Old Dowd Road construction project.

Item No. 44: Airport Sprinkler Upgrades

(A) Approve a contract in the amount of \$3,605,800 to the lowest responsive bidder Edison Foard Construction Services, Inc. for the terminal building sprinkler and voice evacuation upgrades project, and (B) Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Item No. 45: Fiscal Year 2022 Tax Collector's Settlement Statement and Fiscal Year 2023 Order of Collection

(A) Receive as information and record in full in the minutes the Mecklenburg County Tax Collector's Settlement Statement for Fiscal Year 2022, and (B) Adopt an Order of Collection, pursuant to NC General Statute Section 105-321 (b), authorizing the Mecklenburg County Tax Collector to collect the taxes for Fiscal Year 2023.

Item No. 46: Set a Public Hearing on Cresswind Charlotte - Phase 9 Area Voluntary Annexation

Adopt a resolution setting a public hearing for September 26, 2022, for the Cresswind Charlotte – Phase 9 Area voluntary annexation petition.

The resolution is recorded in full in Resolution Book 53, Page (s) 236-237.

Item No. 47: Set a Public Hearing on Garrison Road Industrial Phase 1 Area Voluntary Annexation

Adopt a resolution setting a public hearing for September 26, 2022, for the Garrison Road Industrial Phase 1 Area voluntary annexation petition.

The resolution is recorded in full in Resolution Book 53, Page (s) 238-241.

Item No. 48: Set a Public Hearing on Orchard Creek Area Voluntary Annexation

Adopt a resolution setting a public hearing for September 26, 2022, for Orchard Creek voluntary annexation petition.

The resolution is recorded in full in Resolution Book 53, Page (s) 242-243.

Item No. 49: Set a Public Hearing on the Battle of McIntyre's Farm Monument Historic Landmark Designation

Adopt a resolution setting a public hearing for October 10, 2022, to consider historic landmark designation for the structure known as the "Battle of McIntyre's Farm Monument" (parcel identification number 037-116-05).

The resolution is recorded in full in Resolution Book 53, Page (s) 244-245.

Item No. 50: Set a Public Hearing on the Franks House Historic Landmark Designation

Adopt a resolution setting a public hearing for October 10, 2022, to consider historic landmark designation for the structure known as the "Franks House" (parcel identification number 073-063-12).

The resolution is recorded in full in Resolution Book 53, Page (s) 246-247.

Item No. 51: Set a Public Hearing on the Williams Memorial Presbyterian Church Wall and Marker Historic Landmark Designation

Adopt a resolution setting a public hearing for October 10, 2022, to consider historic landmark designation for the structure known as the "Williams Memorial Presbyterian Church Wall and Marker" (parcel identification number 041-171-01).

The resolution is recorded in full in Resolution Book 53, Page (s) 248-249.

Item No. 52: Resolution of Intent to Abandon an Alleyway off Ridgecrest Avenue and Ellsworth Road

(A) Adopt a Resolution of Intent to abandon an Alleyway off Ridgecrest Avenue and Ellsworth Road, and (B) Set a Public Hearing for September 26, 2022.

The resolution is recorded in full in Resolution Book 53, Page (s) 250-251.

Item No. 53: Resolution of Intent to Abandon the Old Alignment of Ridge Road Off Lawrence Gray Road

(A) Adopt a Resolution of Intent to abandon the Old Alignment of Ridge Road off Lawrence Gray Road, and (B) Set a Public Hearing for September 26, 2022.

The resolution is recorded in full in Resolution Book 53, Page (s) 252-253.

Item No. 54: Refund of Property Taxes

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$3,485.76.

The resolution is recorded in full in Resolution Book 53, Page (s) 254-255.

Item No. 55: Meeting Minutes

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

- December 21, 2020, Zoning Meeting,
- December 13, 2021, Business Meeting,
- December 20, 2021, Zoning Meeting, and
- January 10, 2022, Business Meeting.

IN REM REMEDY

Item No. 56: In Rem Remedy: 3820 Northaven Drive

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3820 Northaven Dr Neighborhood Profile Area 21.

This ordinance is recorded in full in Ordinance Book 65, Page 213

PROPERTY TRANSACTIONS

Item No. 57: Aviation Property Transactions – 8704 Steeleberry Drive

Acquisition of 0.792 acres at 8704 Steeleberry Drive from Mikel Gubanez for \$255,000, and all relocation benefits in compliance with Federal, State or Local regulations for Aviation Master Plan.

Item No. 58: Charlotte Water Property Transactions – Irwin Basin Tributary to Remount Road, Parcel #14

Acquisition of 134.00 square feet (0.003 acres) in Permanent Sanitary Sewer Easement, plus 370.00 square feet (0.01 acres) in Temporary Construction Easement. at 648 Miller Street from Emma Young and/or her Heirs for the Appraised Value of \$2,650 for Irwin Basin Tributary to Remount Road, Parcel #14.

Item No. 59: Charlotte Water Property Transactions – Little Hope Creek Sanitary Sewer Improvements, Parcel #63

Acquisition of 1,649.00 square feet (0.04 acres) in Permanent Sanitary Sewer Easement, plus 673.00 square feet (0.02 acres) in Temporary Construction Easement at 1023 Sewickley Drive from Dennis Gordon Shytle and Annette Woody-Shytle for the Appraised Value of \$21,600 for Little Hope Creek Sanitary Sewer Improvements, Parcel #63.

Item No. 60: Charlotte Water Property Transactions – Water Transmission Improvement, Parcel #2

Acquisition of 2,216.00 square feet (0.05 acres) in Permanent Utility Easement, plus 3,173.00 square feet (0.07 acres) in Temporary Construction Easement at 2800 West Mallard Creek Church Road from Elizabeth P. Cook Family Limited Partnership for the Appraised Value of \$36,625 for Water Transmission Improvement, Parcel #2.

Item No. 61: Property Transactions – 1615 Burnley Road, Parcel #10.1

Acquisition of 1,210 square feet (0.028 acres) Storm Drainage Easement, 747 square feet (0.17 acres) Sanitary Sewer Easement, 744 square feet (0.017 acres) Temporary Construction Easement at 6301 Rosecrest Drive from Aaron M. Prim for \$10,676 for 1615 Burnley Road, Parcel #10.1.

Item No. 62: Property Transactions – 10120 South Tryon, Parcel #1

Acquisition of 23,472 square feet (0.539 acres) Sanitary Sewer Easement at 10015 John Price Road from BTC III Charlotte DC LP, a Delaware limited partnership for \$53,100 for 10120 South Tryon, Parcel #1.

Item No 63: Property Transactions – 8-inch Sanitary Sewer to Serve 6428 Lake Road, Parcel #1

Resolution of Condemnation of 1,054 square feet (0.024 acres) Sanitary Sewer Easement, 1,752 square feet (0.041 acres) Temporary Construction Easement at 6322 Lake Road, Mint Hill from Amanda Spriggs and Kevin B. Spriggs for \$3,875 for 8-inch Sanitary Sewer to Serve 6428 Lake Road, Parcel #1.

The resolution was recorded in full in Resolution Book 53, Page (s) 259.

Item No. 64: Property Transactions – 8-inch Sanitary Sewer to Serve 6428 Lake Road, Parcel #9

Resolution of Condemnation of 987 square feet (0.023 acres) Sanitary Sewer Easement, 772 sq. ft (0.018 acres) Temporary Construction Easement at 6500 Lake Road, Mint Hill from Asset Management Leasing Inc. for \$3,075 for 8-inch Sanitary Sewer to Serve 6428 Lake Road, Parcel #9.

The resolution was recorded in full in Resolution Book 53, Page (s) 260.

Item No. 65: Property Transactions – Harrisburg Road Sidewalk Gap – Phase 2, Parcel #1 and #2

Acquisition of 1,860 square feet (0.043 acres) Sidewalk Utility Easement, 973 square feet (0.023 acres) Temporary Construction Easement at 7300 and 7308 Harrisburg Road from Daniel Moody Lee and unknown heirs of Gertrude Hunter Lee for \$20,000 for Harrisburg Road Sidewalk Gap – Phase 2, Parcel #1, 2.

Item No. 66: Property Transactions – Idlewild BPS Supply Main, Parcel #1

Resolution of Condemnation of 122,343 square feet (2.80 acres) Water Line Easement, 20,231 square feet (0.464 acres) Temporary Construction Easement at 5400 Monroe Road from SCI North Carolina Funeral Services LLC for \$92,950 for Idlewild BPS Supply Main, Parcel #1.

The resolution was recorded in full in Resolution Book 53, Page (s) 261.

Item No. 67: Property Transactions – Monroe Road Streetscape, Parcel #21

Acquisition of 1,230 square feet (0.029 acres) Sidewalk Utility Easement, 2,174 square feet (0.05 acres) Temporary Construction Easement at 4331 Monroe Road from Seifert Group LLC for \$56,400 for Monroe Road Streetscape, Parcel #21.

Item No. 68: Property Transactions – Monroe Road Streetscape, Parcel #23

Acquisition of 1,285 square feet (0.030 acres) Sidewalk Utility Easement, 2,764 square feet (0.064 acres) Temporary Construction Easement at 4335 Monroe Road from Ultimate USA Real Estate Inc. for \$55,500 for Monroe Road Streetscape, Parcel #23.

Item No. 69: Property Transactions – Monroe Road Streetscape, Parcel #32

Acquisition of 2,626 square feet (0.061 acres) Sidewalk Utility Easement, 85 square feet (0.002 acres) Bus Stop Improvement Easement, 872 square feet (0.02 acres) Utility Easement, 1,386 square feet (0.032 acres) Temporary Construction Easement at 4500 Monroe Road from Domar04500 Monroe LLC and Waters-4500 Monroe LLC for \$72,426 for Monroe Road Streetscape, Parcel #32.

Item No. 70: Property Transactions – Monroe Road Streetscape, Parcel #44

Acquisition of 1,443 square feet (0.034 acres) Sidewalk Utility Easement, 761 square feet (0.018 acres) Temporary Construction Easement at 4806 Monroe Road from Ilma Realty Corp for \$32,730 for Monroe Road Streetscape, Parcel #44.

Item No. 71: Property Transactions – XDLT Tryon to Orr, Parcel #4, 5 and 7

Resolution of Condemnation of 5,342 square feet (0.123 acres) Permanent Greenway Easement, 9,514 square feet (0.219 acres) Temporary Construction Easement at 124 and 128 Mellow Drive and 221 Burroughs Street from Victor Murrillo for \$160,000 for XCLT Tryon to Orr, Parcel #4, 5 & 7.

The resolution was recorded in full in Resolution Book 53, Page (s) 262.

Item No. 72: Property Transactions – XCLT Tryon to Orr, Parcel #6

Resolution of Condemnation of 332 square feet (0.008 acres) Permanent Greenway Easement, 1,612 square feet (0.037 acres) Temporary Construction Easement at 4725 and 4727 North Tryon Street from Victor Murrillo for \$8,300 for XCLT Tryon to Orr, Parcel #6.

The resolution was recorded in full in Resolution Book 53, Page (s) 263.

Item No. 73: Property Transactions – XCLT Tryon to Orr Parcel #8

Resolution of Condemnation of 8,736 square feet (0.20 acres) Permanent Greenway Easement, 7,292 sq ft (.167 acres) Post Construction Control Easement, 7,640 square feet (0.175 acres) Temporary Construction Easement at 224 Burroughs Street from Victor Murrillo for \$100,575 for XCLT Tryon to Orr, Parcel #8.

The resolution was recorded in full in Resolution Book 53, Page (s) 264.

Item No. 74: Property Transactions – XCLT Tryon to Orr, Parcel #16

Resolution of Condemnation of 12,028 square feet (0.28 acres) Permanent Greenway Easement, 3,473 square feet (0.080 acres) Temporary Construction Easement at 400 Lambeth Drive from Harvey W. Gouch and Louise G. Couch (deceased) for \$36,225 for XCLT Tryon to Orr, Parcel #16.

The resolution was recorded in full in Resolution Book 53, Page (s) 265.

Item No. 75: Property Transactions – XCLT Tryon to Orr, Parcel #27 and 28

Resolution of Condemnation of 21,292 square feet (0.489 acres) Fee Simple and 765 sq. ft (0.18 acres) Temporary Construction Easement at 601 and 611 Dawn Circle from Roni R. Cook and Timmy R. Cook for \$49,375 for XCLT Tryon to Orr, Parcel #27 and 28.

The resolution was recorded in full in Resolution Book 53, Page (s) 266.

Item No. 76: Property Transactions – XCLT Tryon to Orr, Parcel #36

Resolution of Condemnation of 3,723 square feet (0.086 acres) Post Construction Controls Easement at Burroughs Street from Victor Murrillo for \$15,625 for XCLT Tryon to Orr Parcel #36.

The resolution was recorded in full in Resolution Book 53, Page (s) 267.

ITEM NO. 25: CHARLOTTE TRANSPORTATION CENTER DESIGN REIMBURSEMENT AGREEMENT

Motion was made by Councilmember Egleston and seconded by Councilmember Phipps to Approve Action: (A) Authorize the City Manager to negotiate and execute a design reimbursement agreement with WPTP Brevard Holdings LLC in an amount not to exceed \$2,900,000 for the design of the Charlotte Transportation Center redevelopment, and (B) Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.

Councilmember Eiselt said thank you Madam Mayor. The reason I pulled this, and I'd like staff to address this particular question with regards to the design of the Charlotte Transit Center. While Mr. Lewis is coming, I'll just explain why I have a question about it. I personally feel like right now we're not quite sure where all the pieces are going to fall for the transit system. We don't know if the blue line and silver line are going to interline Uptown. We don't necessarily know if in the future all buses should be coming through Uptown or with reduced ridership if there's an opportunity to really enact Envision My Ride and not have people come Uptown. So, it's just confusing to me that we would be approving a \$2 million design for the Charlotte Transit Center. If that's not exactly what we're doing, voting to have a consulting group, are they giving us options as to what the CTC (Charlotte Transit Center) could be or are they coming back and saying, "Here's a design for putting it underground." If that's what it is, I can't support it, but for the future council, if this is an open-ended question and what will come back from this design work is "Here are your options and here's what you should consider," then I'm fine with it. So, if you could clarify that Mr. Lewis.

John Lewis, Charlotte Area Transit said Well to your last question, this item before you today is to approve preliminary design and engineering to do exactly just that, bring back design options for council to consider for replacement of the current transit center.

Ms. Eiselt said okay, and I'm saying that really for the benefit of future council that you when this comes back, you should have the opportunity to look at it and make that decision. I think we all were a little bit surprised to see it should go underground. If the data comes back and says that's what it needs to be and you all agree, that's fine, but I wanted to make sure that what we are voting on tonight was not going to be a result that's a forgone conclusion on that design.

Mr. Lewis said that is correct.

Ms. Eiselt said that's correct. Okay, thank you.

Councilmember Ajmera said thank you Madam Mayor. So, I echo Mayor Pro Tem's concerns. I just wanted to make sure that this does not bind us to a specific design. So, you clarified that. I look forward to reviewing the results of this and making a decision afterwards. Thank you.

Councilmember Bokhari said while I'm very supportive of this approach and the new way we do things in lining up big projects like this so we can have the design phase and do it properly, I just need to stick by the point of until we address leadership issues within the CATS (Charlotte Area Transit System) organization, I have to be a no vote on these big strategic votes that are tied directly to that until it's solved.

Councilmember Driggs said so, I had a concern too along the same lines that have been expressed. I got a phone call from the assistant city manager with a kind of hasty notice that this item would be coming up with a request for action. My recollection was that we had left off the conversation about the transportation center and the tower some time earlier without actually having resolved. We basically said yeah, keep looking, let us know what you come up with. So, I was surprised frankly to get an RCA (Request for Council Action) for \$2.9 million and not be completely clear about what the status was, which direction we were headed, does this commit us to a certain course of action among the couple that we talked about? So, I have to say on that basis I'm going to be

a protest vote of no. I just don't like being dealt with like this. We should've laid a foundation for this vote in a prior council briefing and had a chance to discuss it and gotten caught up and then we could've voted on it. I don't understand what the urgency was that said that we had to do this vote before there had been any update. Thank you.

The vote was taken on the motion to Approve Action: (A) Authorize the City Manager to negotiate and execute a design reimbursement agreement with WPTP Brevard

Holdings LLC in an amount not to exceed \$2,900,000 for the design of the Charlotte Transportation Center redevelopment, and (B) Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved, and recorded as follows:

YEAS: Councilmembers Ajmera, Egleston, Eiselt, Graham, Newton, Phipps, Watlington, and Winston.

NAYS: Councilmembers Bokhari and Driggs.

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Mayor Lyles said alright, thank you. Alright, the next item on our agenda is going to be the UDO (Unified Development Ordinance) discussion. It's Item 75 in our existing book and the agenda that we have.

Councilmember Watlington said I've seen a few emails go back and forth regarding Councilmember Johnson's attendance and I just wanted to understand. I thought you said that we were going to address that. I just wanted to make sure that we hadn't missed that part of the agenda.

Mayor Lyles said my understanding, and I'm getting this on the screen, that Councilmember Johnson has asked not to have that item on the agenda tonight.

Unknown said she did that and then changed her mind.

Mayor Lyles said okay, tell me who is communicating? Madam Clerk?

Stephanie Kelly, City Clerk said she would like for it to be reconsidered for discussion.

Mayor Lyles said okay. Now I'm on the right page here. So, we will need a motion from the council for this action.

Motion was made by Councilmember Watlington and seconded by Councilmember Newton to Suspend Action: Suspend Rule 28(B) of Council's Rules of Procedure.

Mayor Lyles said alright we have a motion and a second. Because of this, I'm going to be sure to clarify the motion. We would have a motion to have Councilmember Johnson join us by speakerphone to participate and vote in the items on the agenda tonight.

Ms. Watlington said technically my motion is to suspend the rules.

Mayor Lyles said yes, as well as suspend the rules of section 28 of our procedure.

Mr. Newton said with the purpose of doing that, yes.

Mayor Lyles said okay. Alright. Questions?

Ms. Eiselt said yes, I'd like to ask the city attorney to state what you shared with us with regards to the implication of us possibly suspending the rules.

Patrick Baker, City Attorney said certainly. Let me tell you that I came upon this matter late last night was the first that I understood there was going to be a question

about this. I've done some research today in terms of suspending the rules and that's something that's in Roberts Rules of Order that you have available to you. Essentially if you suspend the rule, and that's 28(B) then you have no rule that doesn't so much prohibit but it sets the rule for remote participation and that will take that rule away. So, you wouldn't have a rule at all for remote participation. So, there's nothing to prevent it or to support it. I've given you a memo in terms of trying to identify what the state of the law is and we've been discussing this for about two years. The concerns from the School of Government about the lack of clear authority as it relates to remote participation outside of the state of emergency that was authorized by the General Assembly.

Between that, the way that this has come up and quite frankly the amount of work that you have on this particular agenda, I'm just not in the position to be able to recommend that you do that tonight. I think from a legal perspective, we run substantial risk of being challenged on any one of our items as an illegal vote was taken, but we haven't seen cases. We just haven't had local government doing that, particularly not having a policy or not adhering to the policy given the amount of conversations that we've had without making a decision as a body. It's just not an action that I can recommend.

Ms. Eiselt said so, because of the legal risk to any of the votes that we take tonight, those could be overturned potentially? There's no case study.

Mr. Baker said if a judge rules that this was in violation and we exceeded our authority, then it's quite possible that I think at a minimum the vote of the participating remotely could be nullified or a judge could determine that the entire meeting could be nullified. There is no case law on this and the concern that I have is that we're drifting off in an area that's really uncharted waters. I just can't recommend that you do that at this stage particularly given how this matter came about in all the conversations that we have had over the course of two years, and not coming down with a particular decision on Rule 28(B).

Ms. Eiselt said okay, I personally would just like to say, and I've said this before, I'm not great at making decisions at the dais that have weighty consequences like this. I do absolutely think that the next council needs to have discussion and really think about the impact. COVID is still here, but it's going to be with us forever and we certainly have had precedent in the past where if somebody is sick, they don't come to a meeting. So, I think we do have to have these conversations. Last we left it; it was put back in committee and no decisions were made and so the next council has the opportunity to do that. I personally just can't support doing that tonight because of the legal ramifications which we don't really know what it could be. We have a lot on the agenda tonight and having all of that overturned either I guess leaves it for the next council. I don't know if we all have to come back. I'm not going to be around, but if that's the case that the next council would have to vote on this, that opens up a big can of worms if they're not prepared to vote on a lot of these topics.

Mr. Baker said keep in mind the challenge could be on any one of your agenda items, not just this particular one.

Ms. Eiselt said on any one issue, but we don't know. Okay.

Mr. Baker said the way that it came up and I apologize to the group, there's just no way to have that discussion and to be able to provide a reason analysis or a potential alternative depending on what the actual goals are of the remote participant.

Ms. Eiselt said okay, but to be sure I do think it's a very valid question. We're not the only ones who are going to have to think about this. Every elected body in North Carolina is going to have to think about it and hopefully the School of Government will give some more guidance as to what council should do. Thank you.

Ms. Watlington said I would offer that much of what we do brings with it a risk. It ultimately is a question of what this council is willing to accept as a risk and the ability of

our attorneys to defend it. I would also say that towns across our state that are a fraction of our size have figured out remote meetings prior to the pandemic. So, I would say that it's probably not uncharted waters because other folks have figured out how to do it. I hope that as we go into this new council, we can have that discussion and we can make a decision. I do know that we've talked about this a number of times, and I find it unfortunate that over two years we haven't figured out how to do this yet, especially given a clear will among the balance of the council to do so. I think particularly in the current work environment that we're in, to even be having to have two years' worth of discussion on this is embarrassing. That said, I do look forward to working through that and I will reiterate my previous request to bring that back to council in September at this dais.

I would like to offer up a couple of words from Councilmember Johnson that I do see here in my email for the record in the event that she's unable to participate. She did want to be very clear about her commitment to her voters and to the residents.

Mayor Lyles said Ms. Watlington, I think what we have to do is get that motion on the table. Under our procedures the discussion should be on the motion to suspend the rules and then when we get to the UDO there would be, am I correct on that?

Ms. Watlington said sure. "District 4 voters and Charlotte residents. I apologize for my inability to attend tonight's council meeting because I have COVID. Unfortunately, per a previous vote council has lifted our COVID protocols that goes back to a previous vote that we took to keep those indefinitely which was reversed by this council. Although Mecklenburg numbers are currently at a high transmission level and we've successfully met virtually for the past 29 months, we currently do not have a virtual option for council meetings. I apologize to the voters of District 4 that you will not have representation tonight and to the residents who've asked us to fight for changes to the UDO. I look forward to working with our next council to set effective and forward-thinking policies in the future. Thank you."

Councilmember Graham said Mr. Attorney, could you help us put it in context in terms of what the governor did last week in reference to why we're having this conversation tonight? I think that would put it in perspective in terms of what we're dealing with tonight.

Mr. Baker said so, back in early July, Governor Cooper issued an order rescinding his original state of emergency that he enacted back in I think March of 2020. It expired at the end of the business day on August the 15th. So, that state of emergency was tied to a statute of 166 of the code that allowed for and created a structure for holding the virtual meetings that we've had for the last two years but that was tied to the existence of a statewide state of emergency. So, as long as the statewide emergency was still enacted, we had access to that statute and at the end of the day, in fact at the end of your last meeting on the 15th, we no longer have access to that statute and no longer have access from a statutory perspective to have remote meetings.

Mr. Graham said thank you. I think that helps set the stage better for the discussion.

Ms. Ajmera said so, follow up question for Mr. Baker. If the rule is adopted soon after this vote, would that give you comfort for us to eliminate Rule 28(B)?

Mr. Baker said please repeat your question.

Ms. Ajmera said so, let's say council discussing this topic in our next agenda.

Mr. Baker said the UDO or changes to Rule 28?

Ms. Ajmera said changes to the rule where special circumstances are considered in this case, COVID-19, medical or other reasons where someone could be participating virtually. If council adopts such a rule, would that give you comfort if we were to eliminate that rule today?

Mr. Baker said it would give me comfort that you all have looked at it and made a decision. Keep in mind that we've been looking at this for two years. There hasn't be a decision and then the idea of abusing the suspension of the rule process to basically move that rule away so you don't have anything I think from my perspective I want my clients to be very educated and understand everything that they're doing. I think just the way that this has happened to come up, I would be concerned that I can't tell you what potentially could happen because there's no case law on this. There are some, as Councilmember Watlington stated, there are some smaller communities that have taken the plunge and for very limited reasons have created and one in particular did it before the pandemic happened. A lot of the larger communities haven't. So, we would be out on a limb and we're a big target. It's one thing that I've learned in my time here is that

we are a very very big target, and I would expect that there would be a lawsuit and that's where I can't tell you what would happen. So, I would at least like for everyone to understand the risks associated with whatever policy comes out that it's very limited in nature because some communities have ventured into the pool probably on the baby end trying to put their foot out there. Other smaller communities have gone a little deeper and it's a conversation that I can tell you all city attorneys are having right now with their councils.

Ms. Ajmera said so, I serve on the Budget and Governance Committee, and I think it was last year when the committee had discussed this. Committee had approved or discussed special exceptions in the case of medical or death in the family or even in the case of caring for another family member. I know that it was approved at the committee level. The majority of the committee members felt that we needed special exceptions now. So, this is a difficult decision to be made because certainly there is a risk but at the same time, I do not want to deprive District 4 residents from their representation. I think it's important that we let Councilmember Johnson participate because it could be any one of us in that situation. COVID is still around. So, thank you.

Councilmember Newton said yes, thank you Madam Mayor. So, Mr. Baker, just so I understand this. You're saying that if we were to proceed, include Councilwoman Johnson virtually, we would not be breaking law?

Mr. Baker said I can't tell you whether you are or you're not. There are arguments on the both sides of the issue and the School of Government has consistently come out with it's unclear.

Mr. Newton said so, there is no specific law that says we can't or is there?

Mr. Baker said if there was a specific law that says you cannot do it, I would have said that.

Mr. Newton said okay, so there is none. From the standpoint of other municipalities that have done this, have lawsuits been brought against them?

Mr. Baker said I don't know that anybody has been challenged. I quite frankly don't know of any of the major cities that are continuing remote meetings at this time.

Mr. Newton said okay, so, you're not aware of any lawsuits or anyone challenging prior actions to continue virtual?

Mr. Baker said that's correct.

Mr. Newton said okay and you had mentioned something about indications that lawsuits would be brought?

Mr. Baker said no. My point was Charlotte is a big target and given what you have here tonight, I would expect that someone would challenge the motion. We've already been challenged quite frankly on virtual meetings as it related to a land use matter and that was when we had the clear authority to do that. Now we survived that challenge and we

won at the Court of Appeals. As I'm sitting here, I'm going to assume it's going to be my client.

Mr. Newton said but we don't know right? I mean it's really just [INAUDIBLE].

Mr. Baker said I'm giving you my best information. If I had a specific answer to this, I would give it to you. I want to make sure that the council understands what it is that's potentially at risk.

Mr. Newton said okay. Yeah, I would agree with my colleague, Councilwoman Ajmera in that it's very important that we as elected officials represent the communities in which we've been elected to represent. Councilwoman Johnson would otherwise be here but

for COVID. It's a bit ironic that we entered into these types of virtual meetings in the first place as a result of COVID, and now we're kind of in a situation where someone who does have COVID will be prevented unless we make that exception to suspend the rules tonight from participating. That includes all of the people she represents. It's my understanding, and I couldn't hear all of what Councilwoman Watlington said a moment from Councilwoman Johnson, but it's my understanding that she would be here but for being prevented. Frankly if not for the fact that she had COVID, if it was anything else, any other symptoms any other illness, she would do everything she could to participate as well, even being here in the government center which she's prevented from doing simply because of that specific illness.

So, what we have here I think is a question between what constitutes an unknown, something speculative and something which we do know which is democratic representation of the people and the ability for a council woman to do just that and we have the ability. We have all the technology in place to make that happen. So, for me I would rather move forward with the certainty rather than move forward with some sort of fear of the unknown.

Councilmember Egleston said the City Attorney's concern is not that we have not given him a decisive decision of our opinion, it's that we don't know whether or not we have the authority to do this. There undoubtedly haven't been lawsuits yet challenging virtual meetings held after the state of emergency was lifted because the state of emergency was lifted seven days ago. So, there haven't been many. Small towns doing something is not the same as Charlotte doing something. We've seen that repeatedly and if we would like clarification on what authority we do and don't have, I can assure you that if we do something we don't have the authority to do tonight, the General Assembly will let us know and they'll probably throw some other stuff in there too.

It could literally be any one of us in this position tonight and it has been. I think every one of us at some point during our tenure on council we've all missed council meetings because we had to be out of town for family obligations, we've been sick and unable to attend. We've all had to miss council meetings. It's part of the reason I imagine they have four At-Large seats so that everybody has five representing them, not one. So, to me while obviously I want as many council members to be able to participate in any meeting that we have as possible, we have all missed meetings for reasons like this. There are still people up here that are elected by and held accountable by voters in District 4. For us to do something shooting from the hip where even 15 minutes before the meeting it was said that it wasn't going to come up and 15 minutes later said it was, "No never mind, we are going to bring it up," is not the right way to proceed and it opens us up to more risks than I think we should tolerate.

Councilmember Driggs said I just wanted to add to Ms. Ajmera's comments. Yes, the committee as you recall spent a great deal of time. We were briefed at great length by Ms. James. We looked at draft language, we worked on it, we got to a certain point and then I think it was three to two majority we passed on to the full council the recommendation that there not be virtual participation except for two situations. So, I reported that out to the full council and it was offered as an action item. That night there was this unstructured conversation, nobody seemed to know what to do with it. So, the

conclusion was sent it back to committee. Now it was nothing new to talk about. We didn't get an instruction to look harder at this or talk further about that. It was just a failure of council to reach a consensus and that's how we arrived at the position where this is unresolved.

I have to say my personal opinion is that we are kind of between a rock and a hard place here because I would very much like for Ms. Johnson to be here at this last full session of this council and I think we all would. My concern is that using the suspension of rules process in a situation like this is actually not entirely appropriate to a typical use for that process and I'm concerned that it sets a precedent where people might see a low threshold for invoking suspension of rules whenever they don't like the rules. So, I would like a suspension of rules personally to be a pretty rare circumstance and the truth is in this situation we have a colleague who is sick. COVID may be kind of unusual

but the fact that a colleague is sick is not an unprecedented circumstance. So, once again I don't think that the threshold for the bar that we would to be able to clear, to actually take the step of suspending our rules applies in this case. I absolutely feel bad about it. I would hate to be in that position. You can hear me. I was able to come here because I'm not going to infect anybody, but I didn't want to miss it. I'm sure if there was any way for Renee to be here, she would've been here. I can't support suspending the rules particularly in the face of the advice we're receiving from council. Thank you.

Mayor Lyles said alright. So, now I'm going to call for the vote. Everyone has been recognized that wanted to be recognized. So, if I can have the motion repeated Madam Clerk.

Ms. Kelly said the motion was to suspend Rule 28(B) of council's rules of procedure.

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

YEAS: Councilmembers Ajmera, Newton, and Watlington.

NAYS: Councilmembers Bokhari, Driggs, Egleston, Eiselt, Graham, Phipps, and Winston.

ITEM NO. 12: Unified Development Ordinance

Motion was made by Councilmember Eiselt and seconded by Councilmember Egleston to adopt the Unified Development Ordinance with an effective date of June 1, 2023.

Councilmember Driggs said this is a difficult decision because what we have here is a substantial piece of work that was developed over six years which addresses many issues of the city and replaces a thoroughly antiquated system of land use ordinances. Therefore, there are many reasons why it should pass. There's a lot in it that's good. For me personally it has a couple of fatal flaws frankly and one of them was that early on when we were working on the 2040 plan, the preamble to the plan that a lot of the conversation around the plan put a kind of social dimension on this. It started to look like the intention was to deliver a win to one group at the expense of another group. I feel very strongly that this is inimical to our success in building a more just and equitable society. I think if we keep talking to each other in hostile terms we are going to obstruct our ability to solve problems. We need to work together. This needs to be a partnership.

So that's just one issue. Obviously, the centerpiece of the thing was the 2.1 provision that eliminated all single-family zoning, recognizing that 70 percent of the land area of Charlotte was zoned single family. My own feeling was that that again had kind of a political overtone. It was intended to deliver a feel-good moment to some people and was a sort of poke in the eye to other people. I don't think it was necessary. I think good policy would've been for us to allow 10 percent or 20 percent of land use still to be single family. I feel that in particular because that 10 or 20 percent could've been

mature communities and particularly communities. So, had we done that, we would've reserved for ourselves on council the right to make a decision when there was a plan to invade vulnerable neighborhoods. I want to also mention there's a fundamental problem with the premise, this central premise of the UDO which is you liberalize land use and that increases supply of housing and that brings the cost of housing down.

So, Econ 101 maybe yes but here's what really happens. The housing market is very segmented. So, in fact you have price movements at different price levels that go up and down and what we're seeing already with people who are invoking the UDO for their petitions is a huge rush to create high density developments with \$300,000 to \$600,000 apartments, duplexes, condos, etc. So, the good news is the people who buy at that level are going to see a big increase in supply and their cost will go down. Then you study the thing, and you say, "What are we doing about our top priority," which is to protect or expand the stock of affordable housing. Frankly I just don't see a meaningful protection. I'm seeing in my own district right now that people are coming in with proposals in R3 areas with R17 type of petitions. It overcrowds our infrastructure which

we also started to see. It's like a gold rush. So, it's really hard for me because I worked myself to try and make the UDO better and to improve its many good features and I don't think that we should discard this plan. I think this is a plan that we've worked on very hard. We need to adopt it. I just regret that I see a fundamental defect that makes it impossible for me to vote for it as it stands. Thank you.

Councilmember Watlington said thank you. I know we've been talking about this for a long time. So, I will do my best to be brief in that I agree with much of what Councilmember Driggs has said. I think that fundamentally across districts virtually in any forum we can agree that we want increased density in certain parts of the city. We also agree that we care about equity, we care about affordability, we care about displacement. It would behoove us to do our due diligence before signing off on something without going through the proper protocol and the proper steps to make sure that what we're baking is actually going to come out good. I don't think that there has been any reason why we couldn't have done that and that is a piece that I find unfortunate. That despite the continual push back from our residents about this, the continual concerns that Mr. Driggs has already reiterated, we have gone full steam ahead and essentially in a lot of cases have said, "Too bad, so sad, this is what we're doing, and because six people around this dais will agree to do it, we don't work on better policy."

That's a problem for me. I've shared with many of you where I stand and what I would like to offer tonight. I will be moving in a moment to amend the motion, but I would like to share with the broader audience where I stand with it because I think ultimately going forward whatever we decide tonight, if we really want to continue to have better outcomes for people, it cannot be an us versus them. It cannot be a dismissal of anybody who doesn't agree with your position. There are ways that we can get win-wins for folks, and it is our responsibility around the council to do so and that requires work. That requires understanding where our constituents are coming from. That requires not vilifying people who are maybe on the other side of an issue. That requires accountability to ourselves. That requires us to have opinions that didn't come straight from staff. That requires us to hear staff but understand what their barriers may be.

So, I look forward to going forward and working on the implementation of this UDO in that direction, making whatever moves we need to make. To your point earlier Mayor Pro Tem, whatever future council wants to do that we can do what's right by our citizens. So, I have verified with the city attorney my proposal to be within council's legal authority to enact if so chooses. He has confirmed no legal issues and so I have asked my council members for their thoughtful consideration for the following: I'm offering an amendment to the motion that is only intended to address the effective date of allowing duplexes and triplexes in 1A through C to be four months after council adoption of an anti-displacement strategy. Therefore, the proposed language would be to adopt the UDO with condition that allowing duplexes and triplexes in place types in 1A through C beyond permissions consistent with current zoning are not effective until four months

after the adoption of an anti-displacement strategy to be adopted no later than August 31, 2023. This ensures the strategy is adopted timely without eliminating the intended proceeding action while also keeping spirit of the December 31, 2023, effective date of the full UDO. Follow up to this discussion we had our Great Neighborhoods NEST (Neighborhood Equity and Stabilization) Committee our anti-displacement committee.

One of the committees that we specifically put in place to address this ahead of the UDO but unfortunately here we stand today in the same position we were last year. They did go back and rework their timeline and what it's done, and I would ask for it to be pulled on the screen for folks viewing. I provided it to staff to do so.

Mayor Lyles said while we're waiting for the screen Ms. Watlington, are you making that a substitute motion?

Ms. Watlington said no, it's a motion to amend. So, you can see here that we're front loading the UDO density analysis to run September 2022 through March 2023. Also, you can see how the short-term NEST priorities and program recommendations align

with the fiscal year 2024 budget process which would put us in a position to allocate any dollars we need to base on what we've learned. We would deliver the anti-displacement strategy to Great Neighborhoods Committee for our review in the May/June timeframe and that work aligns with the council vote on the UDO adoption and the implementation which as I already mentioned before is slated for the back half of next year. In the meantime, we'll be working on existing programs and continuously improving those so that certainly we can pull together and deploy as soon as they're ready additional anti-displacement strategies.

Ms. Watlington said so, I do offer this. I move to amend the existing motion in order to do this that way we can get the benefit of the UDO but also do the due diligence that we were supposed to do last year. That way we can do the due diligence associated with the UDO that we said we were going to do last year when we enacted the NEST Committee as well as the Infrastructure Committee. Thank you.

Motion was made by Councilmember Watlington and seconded by Councilmember Newton to amend.

Mayor Lyles said it's not a motion. Give me a minute Mr. Newton. Mr. Baker, I believe that if an amendment is to be made, that the original owner of the motion has to be able to accept that amendment or it becomes a substitute motion that you may wish to move.

Ms. Watlington said that's inconsistent with what I read in the rules and procedures.

Patrick Baker, City Attorney said if I could speak to that. The motion to amend is separate. Typically, you ask for a friendly amendment and oftentimes you just ask the maker of the motion to add that, but there is a separate process where you can amend a motion. That requires a vote of council to amend the motion.

Mayor Lyles said it is a motion and a second for the amendment. So, I believe the discussion then begins around the amendment for discussion. Is that correct Mr. Baker?

Mr. Baker said you can still go around the dais like you were. This is not a substitute motion, so you don't have that change where the focus becomes on the substitute motion. At the point of going around the dais if you so choose, at that point in time I would suggest that you take up the amendment and council can determine whether or not they want to vote to amend the original motion.

Unknown said if we don't then we revert back to the original?

Mayor Lyles said that's my understanding that if the amendment fails, then the motion is on the table.

Mr. Baker said exactly. Yes.

Mayor Lyles said alright, I'm going to start with the person that seconded the amendment.

Councilmember Newton said I'll speak to the motion. I think that's what appropriate right Mr. Attorney? Alright, so in my estimation this UDO which codifies the 2040 Comprehensive Plan will lead to gentrification in vulnerable areas within our city. We know that there are areas that are wholly protected in as much as they have deed restrictions and also the means to pursue avenues to exempt them from the UDO and 2040 Comp Plan and others that are vulnerable. In my estimation those vulnerable communities are in both east and west Charlotte, and I don't think we've done enough to protect them. Right now, we know that gentrification is occurring. I think that that's something that we can all readily acknowledge, and I think that it's unwise for us to proceed forward knowing that multiple units can now be placed in the areas where singular units have been placed. To not acknowledge or recognize that if it was multiple units, those structures in and of itself will hold more value than singular structures thereby running up property values and also property taxes and in turn leading to gentrification.

The NEST Commission was tasked with addressing this issue. They are still undertaking their work. We don't know exactly how long that work will take, but I think that Councilwoman Watlington's amendment allows for the commission to do its full fledge diligence and work. A plan that this council can then later assess and adopt to address that inevitable gentrification that will occur as a result of the combined UDO and 2040 Comp Plan. That's why I'm in full support of this.

Councilmember Bokhari said I wish we had been willing to do our homework on the impacts this would have had to affordability. We weren't. I wish we had rolled this out differently and engaged the council upfront, and we didn't. The last two years were a self-inflicted wound. I'm very worried this will have lasting negative effects on affordability in Charlotte, but I've done everything I possibly could to spread awareness across this dais and the community and I was not successful. So, I'll be voting no on the broader issue and crossing my fingers. I'll be voting yes on Ms. Watlington's amendment but again it's the same thing. If somebody's going to go and do some work to figure this out and we're going to delay it, the body of work is the same thing that we've been screaming for the body of work to be for almost three years which is an economic impact analysis on the impact to affordability. Otherwise, they're just going to separately say let's throw a bunch of money at the problem we created in affordability with the UDO and abolishing single family zoning. So, that's all.

Councilmember Graham said one thing I think we all can agree upon around the dais and in the community is that our community is growing at a rapid pace. It is changing. It is not the same community that received me many years ago when on the square that was the Eckerd's Drug Store, the Burger King and the pawn shop. I think the number now is 110, 12 people every day move to the City of Charlotte all looking for some place to live, all looking for jobs, all looking for a way to get around this community. Four years ago, in 2018 was the first public kickoff for the 2040 planning process and the Comprehensive Plan. There has been tremendous community engagement over the last four years, two of which occurred in the height of the pandemic, COVID-19 where we did meet in public. We then transferred those meetings to virtual meetings, we met with developers, neighborhood organizations, neighborhoods themselves. A number of discussions within this chamber, with staff and council members first with the 2040 plan setting a vision for our community. Where do we want to go? How do we want to get there? What it's going to look like once we get there and then follow it with the UDO in terms of putting together the rules and regulations of the guardrails that will help us develop in the future.

In short, the UDO is a set of regulations and guidelines designed to guide the city's future growth and development. I think that over the last four years, specifically the last two years there's a lot to be proud of. This is what we have to work with. I think if I

wanted to go through this tablet and find fault I could. In terms of gray areas, questions not answered, ideas of unintended consequences based on what may occur in the future, I've been doing this long enough to know that you can't let perfection be the enemy of the good. While this document is not perfect, it has freely put us on a trajectory for change for our community and how our community will grow and the rules of the game that will govern that growth. It's time to approve the plan in whole and not in part. I really believe that as we move forward the development community, others need a sense of certainty understanding that this is a living document that can be changed and amended along the way. I think certainty is needed as we move forward and I think that dividing it, we will leave the meeting tonight with a comma versus a period and I think we're ready as a community to put a period behind this vote. That doesn't mean that we won't continue to massage it. Doesn't mean that we won't continue to fix unintended consequences when it comes up and it certainly doesn't mean that this council member doesn't care about inner city communities. I spent a career working in inner city communities making sure that communities like Hidden Valley and Hampshire Hill and Shannon Park and Druid Hills when I represented District 4 and now Washington Heights and Beatties Ford Road corridor and others as I represent District 2 get their fair share.

We talked a little bit about gentrification and it's here you all. It's not coming, it is here and for the last four or five years I think this council has done a good job, the last two which I was here trying to work as hard as we can to put resources in place to protect neighborhoods and communities that feel the impact of this city's changing and its rapid growth and development. A lot of people have done a lot of good work in supporting the plan. I see planning commission members here who have really done a deep dive and working through and with us along the way, helping us understand the attendant and the unattended consequences. They approved it, the NEST Commission themselves sent a letter supporting the adoption of the UDO. I think this council as we move forward we talked about the NEST Commission itself which is basically a group of citizens who were appointed about three months ago by former Councilmember Harlow and Kim Graham to look at all the tools that we have in our toolbox to help to assist neighborhoods and communities in making sure that the City of Charlotte has all the tools we need to address these issues of equality and affordability and gentrification. The Stabilization Committee is up and operating looking at infrastructure needs for our community in terms of how we begin to work to ensure that again, inner city communities are not impacted severely by the adoption of the UDO. This fall, hopefully Mr. Manager, we will have the Housing and Economic Development Summit where the community as a whole will have the opportunity to weigh in. Not only the community but our partners. I see partners up there in reference to what we can do to impact affordability and inner-city communities, communities that feel that they're threatened. So, not only will our partners be hopefully joining us, helping us, answer the question where do we go from here, but the community as a whole will be joining us helping us answer the questions in reference to workforce preparedness and readiness, affordability, homeownership, etc., etc.

By the way, we still have the Corridors of Opportunity that's continuing to work with the corridors, six of them in all, all which impact the same communities that we're talking about to ensure that the economic development activities along the corridor which impact neighborhoods will be there. We have public money; we have private money. There are a lot of people thinking out of the box about what we can do to address the issue of affordability and gentrification and impact. Actually, there's a \$50 million bond referendum on the ballot in November. So, the whole community will be talking about affordable housing and the resources that we have to put towards it and maybe the discussion after we pass hopefully this bond in November is, is \$50 million the right amount? Should it be larger to impact housing in Charlotte? So, I'm going to support it knowing that it is not a perfect document. I'm going to support it because I know this book that I showed before has been a lot of compromises along the way from neighborhood leaders and residents and developers and staff and council members to get it to this point. So, as I said earlier it's not perfect. I'm not going to allow perfection to be the enemy of the good. It's a very very good start for how we manage our growth. How do we put into place rules and regulations that govern that growth, acknowledging

that it is a living document that is subject to change knowing that there's a wide variety of community resources being deployed currently on the ground in a wide variety of ways to address affordability and equity and trying to impact the tools that we have to control and manage the growth therefore that will not impact our communities.

So, I'm going to support it. I'm going to listen to my colleague Mrs. Watlington's motion when it comes back to us for discussion. I think fundamentally I believe it's time to vote. It's time to vote this thing in whole and not in part. It's time for some certainty as we move forward and that's where this representative stands. Thank you.

Councilmember Egleston said I think we're discussing the amendment and the motion all at the same time as opposed to it being a substitution motion and those being a split discussion. So, I'll discuss both at once. I'm going to be a no on the amendment for two reasons. One of which is that it states that the next council would adopt an anti-displacement strategy no later than August 31, 2023. I don't see any legal means by which this current council can force the next council to adopt anything on any specific date or ever for that matter. The next council could choose, I don't imagine that they

would, but the next council could choose to not adopt an anti-displacement strategy at all, or one could be proposed, and it could fail, or they could decide to delay the vote on an anti-displacement strategy. A number of things could happen, but I don't see any way the current council can make the next council vote on something by a specific date. So, I don't actually think that that's enforceable. Beyond that, a number of our colleagues over the last couple of weeks have proposed potential changes to this document and I've consistently said I wouldn't support any of them. Not because they didn't each have merit and I didn't believe in the spirit in which they were made, but because throughout this entire process, and it has been a long process, every time there had been changes made, they'd been made in a way that allowed for all of the people who had around the table throughout this entire process to get back around the table. To discuss those changes, debate them, compromise on them and end up in a place usually where no one felt like that got everything they wanted but everybody felt like they were heard.

With the changes that have been discussed in the last couple of weeks, I know that that opportunity doesn't exist for that to happen and for this council to still vote on it. I've said before why I think it's important that this council has been working on this be the one who votes on it. It is a living document too. So, going forward as more information is available to the next council, they will have the opportunity to continue to improve this document to continue to amend this document. It doesn't have to be, nor could it possibly be perfect tonight. If we waited until we had a 100 percent certainty on the exact impacts that anything we vote on is going to have, we'd never vote on anything. We have to vote on stuff with the information we have in front of us, and we have to continue to be willing to say we were wrong if and when we are wrong and make changes accordingly. Right now, this does a lot of things that are direly needed in terms of, not to be redundant, unifying all of our ordinances and it moves us in the right direction generally. Some of it we will have gotten wrong, and council is going to have to continue to pay attention to that every single day moving forward and as new information comes in, adjust accordingly. They'll be able to do that, but we need to move forward with this in an unequivocal way tonight. So, I'm going to be a no to the amendment, but a very emphatic yes to the Unified Development Ordinance tonight.

Councilmember Eiselt said I think what my last two colleagues said covers a lot of how I feel. I do want to emphasize that this document is a document that has been in the works for six years just about. The primary reason for doing this is to unify layers and decades of ordinances that have been written going back to a time when our city was almost a third of the current size. Actually, Mr. Driggs will remember because we had this conversation. The UDO was being worked on in 2016 before we ever even talked about or knew what a Comprehensive Vision Plan was. We stopped and we said, "Hang on. We can't wrap our head around what the vision is." So, the UDO was paused. We developed a Comprehensive Vision Plan that says what do we want our community to look like for the next several generations. My colleagues have made the point that the

work that has been done to come up with this book isn't perfect. If it were perfect, it would be nothing in here because nobody would have agreed on it.

So, it is a work in process, but I do want to acknowledge the people that worked on this. This wasn't 11 council members and the mayor that sat around and decided what we wanted this to look like. We had the Planning Commission which is a group of volunteers. Not just the current Planning Commission, the last Planning Commission and probably the one before that, that worked for pretty much gas money on the Unified Development Ordinance. The approved in unanimously, the current one. The Ordinance Advisory Committee was two different groups of citizens. Mr. Phipps and I used to sit before COVID, a good year before COVID, sit in the back of those meetings and listen to the discussions. They had one that was more for professional stakeholders and one that was for citizens and neighborhood leaders. Those folks were engaged going back to at least three or four years ago. We have the committees that have been put together as a result of the comments from the Comprehensive Vision Plan like the NEST

Committee that is working on anti-displacement measures because despite where we are on these votes, everyone of us is concerned about. Some of us feel that they know what the outcome is going to be. Others like myself don't know exactly what the outcome is going to be. So, that was the point of having the NEST Committee, again a citizen-led group that is going to bring forth recommendations to the next council. They will have the opportunity to vote on that. If we vote on this tonight, it doesn't go into effect for nine months. So, to speak to Ms. Watlington's amendment whereas I absolutely support the spirit of the amendment to be able to incorporate recommendations from the NEST Committee into the UDO, but there's a very fine nuance between what was proposed and what we would otherwise vote on tonight.

That is if we vote tonight to approve the UDO, it goes into effect in nine months. That is time for the NEST Committee to come forward. It's time for the next council to change it, to make recommendations and change it. They could vote to throw the whole thing out frankly, but this doesn't go into effect for nine months. If we were to vote on the amendment, it compels council to have to take a vote to put into effect his provision on single family houses or duplexes and triplexes. That's the key difference. If that amendment is accepted there is no way that this goes into effect unless the future council takes a vote and that is just something I can't support. If there was a date certain in here that said the NEST Committee will come forth with recommendations, but in lieu of that, if they never do that, this goes into on a date, I would be with that amendment, I would support that. If I'm wrong in that interpretation Mr. Baker, could you correct me on that?

Mr. Baker said I believe that that's correct. I'm going to look to Terrie Haglar Gray to see.

Terrie Hagler-Gray, Assistant City Attorney said that's correct.

Mr. Baker said yes.

Ms. Eiselt said okay, so our legal department is saying that while the language is legal, what it does is it says nothing is going to happen until a future council takes a vote to put this provision in place. I think we've worked really really hard on it. It's not perfect. There are people who absolutely support it, they're sitting here tonight and there are people who don't support it. We have the time and the flexibility to continue to work on it and so therefore I will support the UDO, but I won't be supporting the amendment tonight. Thank you.

Councilmember Phipps said I'm not going to rehash everything that looks like the proponents of this passage of the UDO have already said but, I must say that I've been involved early on in this comp plan process every since I guess dating back I guess circa 2009 working with Ms. Harmon and Debra Campbell when we first talked about getting consultants to consolidate all of our ordinances in one. Then the division came up. I see this as the best path forward in consolidating a variety of development rules for

a growing city. At nearly 700 pages, I think there's something in there that somebody can find fault with that they couldn't live with, but I think we have to move on and I'm optimistic that over the course of the next nine months through this community planning process that those stakeholders and staff and the community will point out those areas that might need adjustment and revision.

I agree with the NEST Committee's current recommendation that they sent to all of us this week. They essentially said they support passage of the UDO tonight without any real contingencies at the moment because I think they have looked at it. I thought it was a very thoughtful well written support letter. They understood what the comp plan is supposed to do, what it's supposed to accomplish. They acknowledge the tools that they have in place, and they acknowledge the work that's going to be done to give them extra tools to work with. So, I'm optimistic about it. I've even met during the course of all these many months that we've been discussing this, I've met with a developer who specializes in building affordable duplex units and they're looking forward to having the opportunity to be able to do that in Charlotte even though they have some projects in Charlotte that's on corner lots.

So, I'm thinking that we can move through this. I don't see any compelling reason why there should be a delay in it moving forward with the caveat that even as we move forward, we would take care in recognizing anything that needs to be adjusted through working with the community as we move through that nine-month process. So, I've talked to people that's in one particular corridor, the Sugar Creek Reagan Drive corridor, they just finished their playbook and they're ready to get rolling on the playbook in coordination with the comp plan and the UDO. So, I didn't get any real indication from them that they had any objections to this process other than to get started and get busy in working on that troubled corridor over that way. I'm an optimist by nature. So, I'm convinced that the work that's going to be done, the work that has been done by the staff and the community to get us to this point and I think the work that's projected in the future will lead us in the right direction. So, I'm going to be supporting it. I will not be supporting the amendment that's on the floor in terms of a delay until such time as the NEST comes up with another recommendation sometime in the future. Thank you.

Councilmember Winston said thank you. When you replace one home with three or four homes you get more housing. When you get more housing, you can supply more demand. When you better match the supply of the demand you get more price stability. This UDO does not eliminate single family zoning. The UDO if I'm not mistaken actually allows for single family homes to be built in more places. The UDO does eliminate exclusionary zoning. Exclusionary zoning reduces the supply of housing making it impossible to supply demand. Exclusionary zoning leads to more price stability to the upside in a growing city like Charlotte. The status quo of our land use optimizes involuntary displacement in our city and any further delay of the full implementation of the UDO would further extend prime conditions to develop an inequitable city. I support the redline adoption draft that is in front of us, and I will not support the amendment. Thank you.

Councilmember Ajmera said thank you. Before I make my remarks on the UDO, I have questions on the amendment.

Mr. Newton said I was just asking that the mayor afford me the opportunity to speak because I only spoke to the motion before which I think would've been procedurally in order, but it sounds like we're speaking to both. The motion to amend as well as the UDO proper.

Ms. Ajmera said you can finish your remarks. That's fine.

Mayor Lyles said let's follow the procedure. I thought you had spoken to both the amendment and the UDO.

Mr. Newton said no. I thought I made that clear that I was only speaking to the motion to amend at hand which is what I thought was procedurally in order. I know that we're all

speaking to everything now. So, I'd just ask to have the opportunity to also address the UDO proper.

Mayor Lyles said Ms. Ajmera would like to give you your opportunity to do that.

Mr. Newton said thank you. I will move forward. It does sound thus far as though the motion to amend will not succeed. I wanted to start by thanking Councilwoman Watlington on her efforts to broker compromise on this policy before us tonight. The language she proposes will institute deliberate, careful more prudent approach that would have made me feel more comfortable in supporting this Unified Development Ordinance before us tonight.

However, as I mentioned a moment ago, it would appear as though that language will not pass. So, be that as it may, this UDO codifying the 2040 Comprehensive Plan is once again what I consider to be flawed. It proclaims to exact equity, inclusion and

opportunity within our city but will in reality exact the opposite on many of our most vulnerable residents, especially in communities of color. As I've said before when you allow developers to upzone by a factor of two, three and even four times without them ever having to meet the community or the community's elected representatives and without a mechanism to mandate affordability or homeownership, it's the developers and investors who win and not the community.

Allowing the building of more units will provide residential developers the opportunity to make more money. It will also mean that there will be higher value structures built rather than single unit structures and gentrifying areas which will result in higher property values and higher property taxes. As the development market catches on to the increased profitability of duplex and triplex development, property values for that type of development will rise even further. This will be a double whammy for residents in gentrified neighborhoods who will now face an influx of duplexes and triplexes that are unaffordable as well as additional rise in property values for even more unaffordable duplexes, triplexes and homes later. Under this policy property values and property taxes will inevitably increase in those neighborhoods and it's not a matter of whether gentrification will accelerate, but a matter of how much it accelerates.

Until we know more, this policy relegates whole communities to this fate. I understand that the NEST Commission will be looking more thoroughly into this, and I commend them for their efforts, but believe it is unwise to increase the frequency of the problem before we're able to address the gentrification that exists in those areas today first. This UDO also fails to meet the quality-of-life litmus test in its pursuit to accommodate growth. It is incontrovertible that we are falling short when it comes to infrastructure, public transportation, economic growth and other essential services and amenities in many areas of our city. The example I commonly refer to as the Thincó Area, which is the far east area of town that is a majority-minority community. There are at least 25 new subdivisions constituting thousands of new units going in there today, yet Thincó's two lane arterial corridors lack sidewalks and streetlights. There is no public transportation option in most of Thincó, so residents have to have a car to get to work, pick up groceries or to just enjoy an evening out. This UDO with its reduced parking minimums will further hamstring the community by allowing developers to build more units where parking spaces would have otherwise been required.

In the past when residents have asked when the critical infrastructure and amenities would be built in the area, they had been told that the city doesn't have the resources to do it, and yet the policy before us tonight will allow residential developers carte blanche authority to build much more in this area moving forward, all by right without working or meeting with the community and its elected representatives and without any commitment or plan for needed infrastructure and transportation other than sporadic short and disconnected sidewalks. We do have data generators such as the quality-of-life explorer which the city has handsomely paid for, but this UDO does not use that information to protect these as well as gentrifying neighborhoods. Making matters worse, the communities most susceptible to the pitfalls of this policy will be the ones

least equipped to combat those pitfalls. Areas where land is cheaper without deed restrictions or covenants and where the community lacks the resources to pursue a complicated overlay or otherwise legally protect itself will be in the crosshairs. For those keeping score, that is east and west Charlotte.

Finally, approving this policy tonight will rob the people of their voice in many development-related matters in the future. Under this UDO not only will many more developments be subjected to a quicker less costly process that benefits developers, but as I briefly mentioned a moment ago, they will also be allowed to proceed without a community meeting or a decision by the city council, the community's duly elected representatives. The only approval they will need is that of our city staff members. This will constitute a shift of power away from the community and its elected officials, placing decision making authority in the hands of unelected bureaucrats who will make decisions behind closed doors. The community and elected officials will only learn of those decisions after the fact eliminating the process by which the community can weight in and come to any sort of community benefit agreement with a corresponding developer. In that regard, this UDO will also undermine the community's voice and the purpose of democratically elected representation. On numerous occasions, myself and others, have requested that a more thorough deliberate and careful approach be taken, one in which my foregoing concerns and the concerns of other council members as well as the community be fully addressed and vetted. One in which we possibly move forward but exempt vulnerable areas until we know how the UDO and 2040 Comprehensive Plan will impact those areas in practice rather than in theory and not simply just respond that we will fix the mistakes later.

That's not what we have before us now. Understanding that Councilwoman Watlington's motion to amend will likely fail and I'm not ready to jump into the shallow end of the pool headfirst just yet, gambling on the futures of so many underserved residents in our city. I believe that our residents are better and that we can do better. So, for those reasons on the underlying motion regarding the UDO I will be voting yes to motion to amend.

Ms. Ajmera said so before I make my remarks on the UDO, I have a couple of questions on the amendment. So, Ms. Craig if you could come forward. Could you please share with us how the implementation of this amendment would work and how would that align with our UDO timeline?

Alyson Craig, Charlotte Planning, Design & Development Deputy Director said so, the way that the amendment as proposed would work would be that council would have to take a vote on the anti-displacement strategy and it would be four months afterwards, but as a couple of council members have mentioned, if there is no vote on the anti-displacement strategy or it's delayed that would also delay the implementation of duplexes and triplexes as well.

Ms. Ajmera said thank you. So, I understand that council will always have an opportunity to go back and change anything that they would like on the UDO document. Is that correct? So, the new council could do that after the recommendations are made?

Ms. Craig said that's correct. So, we work closely with Housing and Neighborhood Services as well as the NEST Committee and we moved the work that NEST is doing related to duplexes and triplexes forward. So, that was one of their first work items. I anticipate from their schedule that they would finish that work in March and that would still allow time to make a text amendment to change something should council decide a change is warranted.

Ms. Ajmera said what has been the NEST Committee's stance on this document?

Ms. Craig said I believe all of you received an email in support of the UDO from NEST.

Ms. Ajmera said that's all I have. Thank you. So, the UDO is a living and breathing document. It modernizes outdated regulations as Mayor Pro Tem mentioned earlier, especially around infrastructure, tree save, open space and if you ask anyone who has

moved to Charlotte recently or who has lived here for many many years, born and raised here, they'll tell you what makes Charlotte so unique is our heritage tree canopy. No other city of our size has the tree canopy that we enjoy today. I want to do everything in our power to preserve that heritage tree canopy so I can tell my daughter my daughter when she's old enough that this council took action to preserve and protect our heritage tree canopy. What I understand that some of my colleagues worry about the displacement and how this UDO will accelerate displacement, especially of our elderly residents who may not be able to afford to live in our city. I share those concerns.

That's why it's so critical for us to implement anti-displacement recommendations provided by the NEST Commission and Neighborhood Equity and Stabilization Commission and I expect the NEST Commission to be cautious in their recommendation. Especially on any document that is going to accelerate the displacement of our residents, but their endorsement of the UDO gives me the courage and comfort to adopt the UDO. The members on the NEST Commission cares deeply about the displacement and they've endorsed this. They've sent us a letter in support. So, I think everyone who has contributed to this document, it truly has been a grueling process, especially over the past year and a half and I'd like to recognize also some residents who have expressed their disappointment especially in the final draft to see rolling back of several protections that were in place in UDO draft number one around heritage trees, open space, parking, green space and EV (Electric Vehicle) charging. This document is a compromise. None of us on the council got everything they wanted in this document. That's how governance works and that's how the democracy works. Governance is difficult. It's difficult to build consensus to get to six. That's where the negotiation happens, but still the overall document makes significant improvements than where we are currently and that's why I support the UDO. I appreciate everyone's work to get us to this point. The committee has put so much effort into this. Our planning staff, our advisory board, so many organizations including the Sustain Charlotte to get us to this point. This is just the first step and I look forward to continuing to make changes as necessary to ensure that our resident's concerns continue to be heard. Thank you.

Mr. Driggs said I didn't speak to the amendment Mayor. I just want to make a brief comment about that. So, I communicated with Ms. Watlington this afternoon that I appreciate the thought behind her action, and I think that kind of beefing up the NEST in order to have a good answer to the question of what are we doing about this issue makes a lot of sense. However, I am concerned that trying to get it done this way tonight is not fully resolved and I don't see why we can't keep working on this and why the council all the way up until the adoption date cannot add restrictions or take on board recommendations. For that reason, although I support the idea, I will not support the amendment. Thank you.

The vote was taken on the UDO Amendment and recorded as follows:

YEAS: Councilmembers Bokhari, Newton, and Watlington.

NAYS: Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Phipps, and Winston.

The vote was taken on the motion to Adopt the Unified Development Ordinance with an effective date of June 1, 2023, was recorded as follows:

YEAS: Councilmembers Ajmera, Egleston, Eiselt, Graham, Phipps, and Winston.

NAYS: Councilmembers Bokhari, Driggs, Newton, and Watlington.

The ordinance is recorded in full in Ordinance Book 65, Page (s) 177-180.

Mayor Lyles said I want to thank all of you for patience, but I also want to commend this council for the dialogue, and we've heard a lot about what we can do better together,

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and I believe that that is always possible. Our NEST and Infrastructure Committee will be making recommendations to this full council. This council has the ability to fund those recommendations. It is what we make the decisions on how these tax dollars are allocated and supported in every aspect of this new UDO. So, hopefully we will begin this working together, working with other people in the community that are very, very interested in how this UDO continues to improve the quality of life in our community.

POLICY

Councilmember Driggs said Mayor, before we move on, I just wanted to suggest that we specifically acknowledge Alyson Craig and the planning staff and congratulate them.

Mayor Lyles said I think that's a pretty good sign, a standing ovation. So, thank you team. So, the next item is item number 13. These are documents that are consistent with the adoption of the UDO, and I would expect that many of these issues have been addressed in comments, but please let me know if you'd like to speak to one.

ITEM NO. 13: AMENDMENTS TO THE CHARLOTTE TREE ORDINANCE

Motion was made by Councilmember Egleston, seconded by Councilmember Graham and carried unanimously to adopt an ordinance to amend Chapter 21 of the City Code with an effective date of June 1, 2023.

The ordinance is recorded in full in Ordinance Book 65, Page (s) 181-211.

ITEM NO. 14: CHARLOTTE STREETS MAP AND CHARLOTTE STREETS MANUAL

Motion was made by Councilmember Egleston and seconded by Councilmember Winston to (A) Adopt a resolution approving the final recommended Charlotte Streets Map, and (B) Adopt a resolution approving the final recommended Charlotte Streets Manual.

Councilmember Watlington said yes, I'd like to understand what is this context about this Woody Road that we have in our face, Woody Point Road.

Mayor Lyles said Woody Point Road?

Ms. Watlington said yes.

Mayor Lyles said that is a fire station I believe by Steel Creek.

Ms. Watlington said let me ask it differently. I wasn't clear. I want to know what our response to this is. I know that we've had some back and forth. Where are we today?

Mayor Lyles said this is in response to the request on Woody Creek. Mr. Jones?

Marcus Jones, City Manager said I know that Jason Snyder sent something to council late last week as an update related to this and we can do a follow up for you also.

Unknown said that was Friday at 3:59.

Ms. Watlington said are we going to hear from the speaker before we vote or not?

Mayor Lyles said hear from?

Ms. Watlington said the speaker before we vote?

Mayor Lyles said we already heard from the speaker; Mr. Hannes spoke.

Ms. Watlington said oh I thought you were saying he was going to speak again tonight.

David Hannes, City Code of Ethics said I wasn't allowed to say anything about the Streets Map as far as speaking about a vital matter.

Mayor Lyles said right. I understand that. Because we've had a public hearing, our rules are that if you've had the public hearing and it's closed that they're not open to be spoken to, those items again. Mr. Hannes, you've heard what Mr. Jones has said, but you will have further communication.

Mr. Hannes said from Mr. Jones?

Mr. Jones said yes.

Mayor Lyles said yes. Alright. Thank you. So, now we are at our business agenda. Let's go back to 14.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Graham, Newton, Phipps, and Winston.

NAYS: Councilmembers Watlington.

The resolution is recorded in full in Resolution Book 53, Page (s) 198-199.

Mayor Lyles said Alright, the next item is arts and cultural funding administrative services.

Mr. Jones said do you want to finish policy first or do you want to jump to business?

Mayor Lyles said how many policy items do what have?

Mr. Jones said we have four more.

Unknown said number eight.

Mayor Lyles said alright, let's start. We're going to continue policy. We're going to start with the city manager's report and then go to our sewer backup policy.

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ITEM NO. 7: CITY MANAGER'S REPORT

Marcus Jones, City Manager said okay, thank you. Thank you, Mayor, and members of council. I am going to ask Shawn Heath to come. We just have one item and I know that there has been a little bit of discussion about it, but we thought that before there would be a council action in September along with a potential county board of commissioners' action, that we would like to have a public discussion about what I believe is a great opportunity for collaboration between the city and the county. Shawn?

Shawn Heath, Director of Housing and Neighborhood Services said thank you City Manager Jones. If we can go ahead and pull up the slides here. This is an investment opportunity associated with naturally occurring affordable housing development on the east side of town just a few miles outside of up, a little bit further east than Plaza Midwood referred to as Peppertree Apartments. This would be an investment opportunity to preserve close to 300 units for a 20-year affordability period. I only have about 10 slides. I'll pace through this fairly quickly.

In terms of the body of the presentation, I want to focus on just a little bit of a background reminder in terms of why the City of Charlotte has been focused on

naturally occurable affordable housing in particular over the last few years. The types of policies that city council has put in place to give staff clear direction in terms of the valued proposition that you're interested in. I'll dive into the specific opportunity, talk about next steps and then as City Manager Jones mentioned based on tonight's discussion, the plan would be to have this on the agenda for a vote on September 12th.

This is just a quick reinforcer on a few actions taken by council over the last few years as a demonstration of the importance of NOAH (Naturally Occurring Affordable Housing) preservation. First the reference here to the housing Charlotte framework in 2018 which recommended a prioritization of large scale NOAHs and recognition that when you look across this community NOAHs are in fact by far the largest source of affordable housing whereas the supply of those properties is declining over time. So, the housing Charlotte framework put a fine point on the importance of taking actions to preserve that where possible and where cost effective. In March of 2019, council solidified a number of very specific goals and guidelines which have been helpful for staff. So, we have sense for the types of opportunities that you would be interested in in terms of the size of the development, the age of the development, the AMI (Area Median Income) mix, the cost per unit leverage ratio, etc., etc. Then in November of 2021 as kind of an offshoot from the emphasis on NOAHs in general, council took action to establish NOAH rental subsidy guidelines with Lake Mist as the pilot program and here you will recall the emphasis is on identifying a way for the city to support vouchers for 30 percent AMI residents.

Just a little of an emphasis here on some of the specific city guidelines reflected in your policies in terms of what is the profile of a NOAH investment that's of interest to council. Age and size of the development, the affordability being at risk is something of particular interest. The AMI mix as I mentioned before with an emphasis on 60 percent AMI and below, and an affordability period of at least 15 years. Identifying properties that are in opportunity areas is of great interest. Then there's some specific guidelines in terms of city investment per unit up to a maximum of \$35,000 per door and a leverage ratio of at least 1 to 3 whereby for every city dollar put into the property, there's \$3.00 from other sources that are invested as well. So, the opportunity that we'll talk about here momentarily meets or beats all of those guidelines.

This is a little bit of an I-Chart, but we just wanted to, in full transparency, show you the last seven NOAH investments that city council has approved going back to 2019. We won't go through each one of these in line-item detail, but this is a diverse mix of properties in terms of location and size, the age and conditions of the property and the cost profile. You can see on the green bar near the bottom that gives a sum total for the seven previous investments which have been a little over 1,000 units in total. Obviously, a significant number relative to the roughly 10 to 10,500 units that the city has supported through the Housing Trust Fund with either new development or preservation of NOAHs. For comparison purposes, we have the Peppertree development shown here at the bottom. A few things that stand out for Peppertree to me first would be the large size of the development. At 292 units, it's almost twice as large as the average NOAH investment that we've made historically. When you look at the total development cost of \$55.8 million and the recommended city support at \$8 million those are of course large numbers relative to the previous NOAH investments. That's a reflection of the size of the development, the quality of the asset itself and then also market conditions obviously over the last couple of years. We'll talk a little bit more about city support per unit and the leverage ratio as well on a subsequent slide, but these fall well within our guidelines.

These are a couple of photos of Peppertree itself and the development team is Ascent Real Estate along with the Housing Impact Fund which you will recall was assembled with some private sector investors a few years ago. Truist, Atrium, Lending Tree, Movement Mortgage have put their money behind the Housing Impact Fund. The location is on Central Avenue as I indicated just a little bit further east than Plaza Midwood and this development was built in the mid-1980s.

Just to get a little more into some of the specifics around this opportunity. You can see mainly one-bedroom apartments, 204 out of the 292 units. You can see the current asking rents here for the one and two bedrooms that range from 1,150 for low end on a one bedroom up to 1,750 high end for a two bedroom. Those numbers are generally speaking below the average asking rates in Charlotte right now, but fast approaching that average. In terms of the proposed plan, one of the attractive features with the NOAHs has been our ability to go pretty deep into the AMI mix. So, you can see here 88 units at 30 percent AMI households, 146 units for 60 percent AMI and 58 units were 80 percent AMI. When you do the math on that, that is 30 percent of the units go towards 30 percent AMI coincidentally and 50 percent of the total units go to the 60 percent AMI households. So, in total between those two categories, you have 80 percent of the total units are going to 60 percent AMI and below.

In terms of proposed rents, just to give you a sense for what affordability would look like for this project going forward, you can see at the 30 percent AMI and below, the range would be between \$390 and \$465 and then for 80 percent AMI and below, \$845 to \$1,295. So, this would put those in the affordability ranges.

As I mentioned before, this would include the rental subsidy feature which we've had in place for the last four NOAH opportunities that have come your way. This is an opportunity to focus on that 30 percent AMI and below segment of the market. This has been a great collaboration. This particular feature in something the city and county have partnered on in recent years. So, the developer has committed to half of those 30 percent AMI units. So, a total of eighty-eight 30 percent AMI units. So, half of those would be participants in the NOAH rental subsidy program that we've had in place since the Lake Mist pilot program.

This gives you a sense for where the property is located on Central, just a little bit to the east of Eastway Drive and with housing, we've always talked about the importance of location and trying to identify the locations that are high opportunity areas. This particular spot is attractive, of course it's just a few miles from Uptown and the job potential there. There's access to public transit, access to banking, access to groceries, etc., and it is adjacent to Albemarle-Central Corridor of Opportunity.

Here on the left is a snapshot of the sources of funds for the overall project. Where would the money come from in order to make this possible and I think two key points here would be first significant private sector investment and the private sector alliance would be a combination of the Housing Impact Fund which is closer to the bottom on the left side. Almost 13 and a half million dollars and then CHOIF (Charlotte Housing Opportunity Investment Fund) is contemplating coming in with equity in depth for this particular opportunity to the tune of \$8 million. So, significant private sector support and what would be a first of its kind collaboration with Mecklenburg County on the investment in the NOAH itself separate and distinct from the rental subsidy program. Mecklenburg County will be considering a \$4 million investment in this project at their September 20th board meeting. So, they'll still need to go through their full vetting process, but they've staged that for discussion with the board of county commissioners in September.

Everything on the right is kind of a summary of what I've shown on previous slides, but just to distill it down into some of the key features here in terms of the AMI mix affordability period for 20 years has been our standard over the last four or five NOAH investments that we've made and a very attractive leverage ratio. For this particular opportunity, ARPA (American Rescue Plan Act) would be the relied upon funding source. You're aware we're kind of in between the Housing Trust Fund bond cycles at this point and roughly \$50 million has been staged for strategic housing and anti-displacement work. Staff's recommendation is that council consider leveraging some of those resources for this particular opportunity.

In terms of just a few key takeaways. As I've mentioned before, this is a large NOAH investment opportunity. Would be the second largest that the city has ever undertaken. The first of its kind collaboration with Mecklenburg County in terms of underwriting the

overall acquisition and the rehab work that would be necessary. It meets or beats all of the NOAH related guidelines that have been established by council over the last few years. Then there are a few other things that I would draw your attention to as well in addition to the rental subsidies. On the MWSBE (Minority, Women, Small Business Enterprise) Ascent Real Estate has demonstrated and they have a proven track record on this, that in excess of 90 percent of the rehab work associated with this project would be devoted towards MWSBE. I didn't mention before, but of the total development cost, roughly \$3 million would be devoted to renovation rehab kind of work. So, they play seriously in the MWSBE space with these kinds of projects.

One last point on this slide and then we're about done with the formal presentation. One of the things that Ascent has been doing which we find very attractive is working with their properties to conduct a resident needs assessment. That's basically a survey of the residents and it's an opportunity to glean some very direct information from them. What are the types of impediments that they are facing, what are the types of supports that they could potentially benefit from. It can range from anything covering childcare,

education opportunities, employment opportunities, financial literacy, healthcare, mental health, nutrition, transportation, pretty much anything that you can imagine. With that information and then in partnership with Atrium Health who designates a community health worker to these NOAH properties, it's an opportunity to essentially have resources onsite that are serving to facilitate referrals to the types of support services that are needed for the community.

Councilmember Driggs left the meeting at 7:00 p.m.

So, we need to do more in this area, but just as a demonstration to council that we are thinking about how to connect these types of investments with other types of supports recognizing that ultimately what we're trying to do is build healthy households. It's not just the housing alone or in isolation that's going to do it, but how do we get them connected to the other things that are really going to help them thrive. So, we look forward to doing more work in that area. Next steps, as I mentioned before, this would be something that we would have read to go for September 12th for council consideration and vote, Mecklenburg County Board of County Commissioners staged for September 20th for both considering their NOAH investment as well as the NOAH rental subsidy. Then Ascent is working to get their financing squared away within the next 30 days in hopes of closing on the project in the mid to late October timeframe.

So, that was a whirlwind view of where we're at. I can pause there, and I'd be happy to answer any questions you may have.

Mayor Lyles said so, I just want to make sure that the presentation that you've given us will be on the council agenda on September the 12th and it is the acquisition of the NOAH property that's about 292 units. One other question Shawn. I drive that way a lot, but I don't know that I remember. A lot of those apartment complexes were built with very low density, with large yards and playgrounds and things like that and I'm sure those would be maintained as a part of this, but also, I wonder if there are opportunities that we can increase the number of units on the site when we're doing the rehab or the possibility of that as the renovations are being done. I think this is a great example of how we can maintain the affordability of existing units that we have.

Councilmember Phipps said yes, Mr. Heath, you mentioned that this Peppertree was located in an area experiencing significant rental growth. I was wondering are there any areas of the city not experiencing substantial rental growth?

Mr. Heath said I appreciate the question. One of the things that we'd be happy to provide is there's a little heat map that shows the percentage of growth and rental rates around the city. To your point, most all of them are increasing. Some are kind of flattish. I don't know, there might be a couple that are decreasing. I'm not sure about that, but they're increasing to varying degrees.

Councilmember Winston said I just wanted to make a comment. I think this is a significant way that we're finding ways to serve the zero to 30 percent AMI population. This is something that, to Mr. Jones, that came to a head I think around the discussion in mid-2020 after Tent City expanded and we all challenged ourselves to figure out how to better serve this population. I think something I said, and others said, how can we think of ourselves from a developer mindset to say how do we be partners in these developments as they are happening? How do we bring the county to the table in an effective way to help to provide some of those social services that are needed to serve this that we don't have in our own organization. So, this is encouraging in terms of going down that path from this challenge that was received from council to staff using the tools that we already have and not settling for we don't have enough tools to figure out how to serve our constituency. So, this is good stuff.

Mr. Jones said Councilmember Winston, I was going down that path. I'll deviate just a little bit. I see Ms. Hart in the audience from the county. So, thank you. Many of you around the dais, this is the point that was the challenge. How can it be more than just building units, how can we do things with upward mobility, how can we bring in social

services to it. So, I'm very thankful to Dina and her team for partnering with Shawn and his team. Hopefully we can take this across the line, both the city and the county in September.

Mayor Lyles said alright, any other comments? Hearing none, thank you very much Mr. Heath. I want to just recognize Nancy Carter, former city council member still hanging in there in the audience and [INAUDIBLE] and conservation board member. So, thank you Ms. Carter for being attentive to these issues that are so important, many of which you helped forward in the time that you served on the council. So, thank you. So, we're going to go to our next item agenda, item number 8 to adopt a resolution improving revisions to the Sewer Backup Policy. Do I have a motion?

ITEM NO. 8: SEWER BACKUP POLICY REVISIONS

Motion was made by Councilmember Winston, seconded by Councilmember Newton and carried unanimously to Adopt a resolution approving revisions to the Sewer Backup Policy.

The resolution is recorded in full in Resolution Book 53, Page (s) 189-191

Councilmember Ajmera said so, on the Sewer Backup Policy I just wanted to highlight the revision to this policy. This is the first time we are updating this policy since 1990 and to address resident's concerns, recently we had an incident where \$15,000 which is the current payout could not address the resident's damage. So, this increase from \$15,000 to \$45,000 we addressed some of the concerns. This revision will also help aging in place, especially for residents who can't afford emergency repairs due to sewer issues who may otherwise be displaced. So, I just wanted to highlight that.

ITEM NO. 9: THE UMBRELLA CENTER

Motion was made by Councilmember Egleston, and seconded by Councilmember Eiselt to (A) Approve the Safe Communities Committee's recommendation to allocate \$5,000,000 for the establishment of The Umbrella Center, and (B) Authorize the City Manager or his designee to negotiate and execute any necessary contracts and agreements for allocation of \$5,000,000 for the establishment of The Umbrella Center from the Coronavirus State and Local Fiscal Recovery Fund provided by the American Rescue Plan Act of 2021, contingent upon the Umbrella Center raising additional financial support by September 2024, including: \$10,000,000 from Mecklenburg County, and \$20,000,000 from private-sector contributions.

Councilmember Egleston said given how long the agenda is, I'll be extremely brief. I just want to thank everybody who's worked on this because it's been a long time

coming. This is something that the service providers around serving victims of domestic violence have long said that our community. It's a nationwide best practice. Not something we have, but something we will have now and I'm proud that we were able to be a part of that. So, thank you to everyone for their support.

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

ITEM NO. 10: SOURCE OF INCOME PROTECTIONS IN CITY SUPPORTED HOUSING POLICY

Motion was made by Councilmember Watlington, seconded by Councilmember Newton to Adopt a resolution approving the Great Neighborhoods Committee's recommendation to amend the Source of Income Protections in City Supported Housing Policy to: Add enforcement provisions, and clarify the applicable policy term.

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

YEAS: Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Newton, Phipps, Watlington, and Winston.

NAYS: Councilmember Bokhari.

The resolution is recorded in full in Resolution Book 53, Page (s) 192-197

Mayor Lyles said I recognize the committee chair for comments.

Councilmember Watlington said just wanted to say thank you to staff for working on this. I know that it is a beginning. We will take the step forward as we continue to try to understand how we can protect all sources of income in our city. Certainly, there is going to be more work to do in terms of expanding our authority to make sure that that source of income protection extends past our public investment, but as it stands today, I'm happy to be raising my hand in support of source of income protections for publicly invested in housing. So, thank you to Mr. Shawn Heath, Housing and Neighborhood Services Department as well as my fellow committee members who have done a tremendous job of staying with it and making sure that we get as much as we can given the environment that we're currently in. So, thanks.

ITEM NO. 11: SOCIAL DISTRICTS

Motion was made by Councilmember Egleston and seconded by Councilmember Eiselt to (A) Approve the Safe Communities Committee's recommendation to adopt an ordinance establishing Chapter 15, Article XV-Social Districts in the City Code, and (B) Amend Chapter 15, Article I, Section 15-3 of the City Code to add references to Article XV-Social Districts.

Councilmember Egleston said again, I'll be brief in talking about this ad nauseam, but it's a great way for us to be able to help our small local businesses in the community. It will require more work on the back end of this vote by the next council to approve these specific districts that come in. Those districts need to be brought to the next council with plans in place to address some of the concerns that have been voiced my people in the community and people at this dais around quality-of-life impacts in those adjacent neighborhoods around the waste that could be generated if single use plastics were to be implemented as part of this. We want to see a sustainable process. We want to see social districts that are not to the detriment of people who live around them but are just simply additive to their quality of life and to the success of those small local businesses that will benefit. So, this is step one but I'm glad we're finally taking a step.

Councilmember Ajmera said I agree with Mr. Egleston. This is just the first step of approving the social district idea not the plan. It can be proved, these social districts can prove to be a catalyst for restaurants, bars and retail shops. However, we do need a

solid plan to keep our neighborhoods safe and sustainable. In the past couple of weeks, we've heard from many residents expressing litter concerns around the use of single use plastic that Mr. Egleston mentioned about. I share those concerns. In the coming months I look forward to working with our neighborhoods and businesses on the implementation ideas to make sure that we are not littering our streets. Today I support this idea and will work on getting a good solid plan that is safe and sustainable. Thank you.

Councilmember Bokhari said yes, two things. One, emphasize to the community that we aren't voting today on the social districts popping up. This is just step one in a two-step process. Number two, just to recognize the really hard work by Councilmember Egleston who carried a lot of the water on this one for all of us and set up a two-phase process by which a lot of folks around the state are looking closely at right now and thinking about as they roll this out themselves.

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

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BUSINESS

ITEM NO. 15: ARTS AND CULTURE FUNDING ADMINISTRATIVE SERVICES

Motion was made by Councilmember Eiselt and seconded by Councilmember Egleston to Authorize the City Manager to negotiate and execute a contract with the Foundation for the Carolinas for administrative services for the city's fiscal year 2023 allocation of arts and culture funding in the amount to \$6,000,000.

Councilmember Eiselt said I want to comment on this because we brought this back to the agenda after stalling it on the last vote and I think it's really important to acknowledge why we did that. A lot of council members even weren't fully informed because this has been something that's been going on for quite a while. Council members, including on the past council recognized that the traditional model for arts funding in our community that has existed for 60 years in Charlotte was that the Arts and Science Council would solicit arts funding from private donors and allocate the money it raised to arts organizations. In recent years, over the past decade, private donations to the ASC (Arts and Science Council) have virtually dried up for reasons that are within and not within their control.

There has been pressure on local governments to replace this funding and Charlotte has in fact increased its commitment and has partnered with private donors to create a stable arts funding schedule of \$12 million a year for three years ending in fiscal year 2024. However, because these funds were not raised by the Arts and Science Council, the city and its partners decided that they could establish their own priorities and procedures for allocating funds rather than turning them over to the ASC grant making process. This decision was supported because of the belief that the arts funding tax referendums in 2014 and '19 failed because the public did not want the ASC to have the same latitude to allocate public dollars that it had had when it was raising money itself from private sources. So, the city council, members of the council really took a look at this and said, "The arts is important to our community. We can do better than this. We can approach this differently if we agree to be bold and to say that we will find a way, an end goal of finding a permanent source of funding for the arts sector, but we also want to have a voice in how that's done."

It is our job to look at our tourist economy and our economic development economy. I think heretofore a lot of people didn't consider the arts sector to be an important sector that hires people, that attracts people to our community. That means filling up our hotels and our Uptown restaurants and restaurants around town. So, that's why we agreed to this plan with the Infusion Fund to partner with the private sector for three years and allocate funding in a different way while we were taking on financial support to execute a Culture Vision Plan. We appointed board members. The private sector also appointed

board members that make up the Arts and Culture Advisory Board and we did give them the authority to allocate the funding from the first fiscal year and the second fiscal year. What didn't happen was clear communication from this council as to what our priorities were, and first and foremost is that it would not be presumed that the ASC would be ultimately the funder and the only funder again for the arts and culture sector. We do want the Culture Vision Plan to come up with recommendations, but we also have to acknowledge that the council ultimately will be the ones that decide whether or not we want to allocate a portion of our existing tax or future taxes to support the arts and look at it through a totally different lens.

So, I don't think that we gave enough direction to the Arts and Council Advisory Board and that caused a lot of confusion. I'm not sure that was completely in our control to do that. So, moving forward, although I think it's important to honor what the Arts and Cultural Advisory Board has recommended even if we don't necessarily agree with it, the only way to the fix that going forward is that the city council needs a vehicle to convene to establish and track a set of funding principles and priorities. With the end goal of identifying a permanent source of funding for the arts sector. There also has to be clear and consistent communication between the city council and the Arts Advisory Board going forward in a way that we can communicate with them so that they

understand what our priorities are and what led to this in the first place. I also just want to recognize the commitment made by the Arts and Culture Advisory Board members. They are putting far more hours into this process than they had anticipated, than we had anticipated but I want to recognize that this is a really transformational effort that we are taking to not only support our organizations including the ones that are living in our buildings that we own. The six or seven arts buildings that we own in the community.

We have a vested interest to make sure they not only succeed and thrive, but we also want to find a better way to support individual artists, small arts organizations, other sectors that in the past might not have been considered to be arts and culture. So, we want to keep an open mind about this, but we also want to be very clear about why the council started this to begin with and that was to put more money into the arts and cultural sector. Not necessarily to fund existing funders.

So, with that, that is why I support this motion. I think it keeps us on track with the Culture Vision Plan and it lets the advisory board members know that we respect, and we appreciate the hard work they're doing. We hope that we can all communicate better going forward for the final fiscal year of the Infusion Fund.

Mayor Lyles said Mayor Pro Tem, can you tell us the schedule for the cultural plan?

Ms. Eiselt said so, the Cultural Vision Plan has just started. Lord Resources is the organization that's running it. They are a nationally recognized organization. They've done Culture Vision Plans for cities like Dallas, I think it's St. Louis or Louisville and this is what they do. They've started that work. I believe they'll conclude within a year. Mr. Manager?

Marcus Jones, City Manager said yes.

Ms. Eiselt said at which point they will make recommendations. It's going to be a very open process where community members can engage and get involved. What I would ask of the advisory board when they continue to meet is to not only give the public an opportunity to share how they feel about what constitutes arts and culture, what could be funded, what the needs are of that community, but also hear from our organizations that have been around for a long time. They have tremendous institutional knowledge that they bring from other cities. I've heard from some of them talk about cultural tourism grants, all sorts of ideas that we've never had here in Charlotte. So, that will be done through the process of developing this Culture Vision Plan.

Councilmember Bokhari said yes. So just to be clear, inside that wording of the agenda item and what we're approving now isn't just an allocation for the manager to go

do some stuff, it's to codify what this advisory board did and that we all read about in the news. Is that correct? Okay, I'm trying my best not to just give up on all fronts, but I think this is too important just not to make a comment at least because I already know where it's going to go. We were crystal clear when we set about this path that we would put a pool of money larger than we ever had before next to the private sector's match, larger than we ever had before and we moved forward in parallel that city council would set to designing our ultimate policy vision statements while in parallel the manager would hire a head of arts and culture and appoint an advisory board not a voting board or anything like that so that we would meet in the middle and form a plan. An arts and cultural road mapping plan for the future once we finished our vision policy and that would inform these other things.

Whatever happened, which we all agree didn't happen properly, we were shut out of that while this board most of which were coming in with the right intentions and did all the hard work, went down a path and started making decisions that we did not allow for and some of them we had laid out. Which was going to solve the private sector issues of the BIGs (Business Investment Grants) as we've referred to them, the larger organizations that we've normally funded that exist in our buildings. We said we'll go to pre-pandemic levels and that way we all don't have to negotiate that, and this would be the new extra money on where we go to the smaller organizations and what we do, that

that's what we're going to figure out. It starts with our policy vision; it goes and informs that group that's ready to go and then that turns into both a long-term strategic arts and culture plan and a process by which that money gets allocated to other folks. Somehow the ASC hijacked this process and they cut themselves a larger check to be able to then fund themselves and their overhead as a portion of it and give money out that was ours to give to this process. No idea how that happened, but that was not correct and that shouldn't have happened.

So, this is going to get passed and it's going to be voted through and I think it's a terrible mistake because it took 20 years for us to get to this point where we could reset the deck and set the future for a new way of funding arts and culture in this community and that is being hijacked and we are going to lose this opportunity. It will take another 30 years before we ever get that back like we have right now. So, I sit here, and it just kills me inside knowing how much work we put in to this, that this is all falling apart on us right now. So, whether you vote today to let this move forward like this, I think any of the members of that advisory board that would feel slighted that they didn't have all the information and we were left in the cold not to do our job, when they hear that and understand the ASC money they gave away inappropriately, that's not going to happen right now. Any of them that have a problem with that and think, "Oh they don't respect me," then those are the wrong people for that body because they have to understand they were hoodwinked as well.

So, regardless of if it feels like we're all going to go down that path, I'm a hard no on this motion and I think we all really should be and go back to this drawing board and get our part done correctly even if that passes. I heard another thing that really bothered me there which is they hired the external consultant to begin building the Arts and Culture Road Map and Strategic Plan. Anyone have a guess on the one thing they're missing to be able to start that work? Our policy statement, our policy vision. We still haven't done that work. I haven't heard anyone talking about how we're going to start it, yet they're now moving forward to the other step of this process. So, Mr. Manager, regardless of how this vote goes, do you hear the missing part that we as a council have to do before that ultimate arts and culture plan gets any more legs under it and moves forward? If we don't define our policy with our money and what our vision is and what we need done, how are these folks who have no idea not going to go and build the same ASC giving money like they did on the front end to create this plan. We have to do that first. So, I pray that you all would stick with me on this and vote this down right now, but if you don't, we have to start doing the work that we were supposed to do in the summer back before when we were actually doing it.

Mayor Lyles said I guess one of the questions that I have is my understanding is when we have the meetings with the cultural arts consultant, that we were supposed to talk about those principles and values that we have.

Mr. Bokhari said yes, and so this is exactly what happened Madam Mayor. They went and got in front of each one of us individually and they asked us questions on their agenda of which I said, "You don't need to ask me any questions because I haven't gotten with my colleagues to build our policy vision yet. So, we'll give you that and you frame your questions based on what we've given you, not you managing us individually." Again, tail wagging dog once again, that's how ASC is funding their overhead and it's going to be worse if we let this next step happen.

Mayor Lyles said so, again, when I had the conversation, I think Mr. Winston was in the room and what I thought they were supposed to do is something as simple and basic as ask us those questions and give us an interim report and to give us those ideas of what they thought we heard. That that would be the next step for us to actually hear more around what they would say we said as well as well as what's being done across the country. So, that's what I thought that was about and some of those areas. So, I guess what I'm saying is I see this as the interim step, and I completely understand your sense of urgency about it, and I think that that urgency means that we have to come back and hear from the consultants more frequently and actually understand what they're doing. I think Mr. Jones, I would like to see this as one of our real workshops to say, "Tell me where this is," because if everybody did it individually, we need to see what the collective looks like.

Marcus Jones, City Manager said maybe I can be helpful with this Mayor. So, Mr. Bokhari I don't disagree with what you're saying. Mayor Pro Tem I don't disagree with what you're saying. What I believe there is a general agreement on is the stabilization of the 38 organizations that had been funded over the years. Whether you're saying go back to the higher of the '19, '20 level, or go back to 2011 the peak. I think, just call it what it is, there's a dilemma around the ASC and what should have been the role of the ASC in this, how much funds the ASC should have. Then I would say the third thing that's clear is, and you used the term the policy vision, and whether it was loosely formed with the Ad Hoc Committee or whether there needs to be a more robust discussion in let's say the Economic Development Committee. I think that is something that we have struggled with, is what was the direction of council as it relates to the board.

Mr. Bokhari said correct. We had never done that work.

Mayor Lyles said it's true and I think that's what's missing and I'm asking the question. I can appreciate the people that know a lot more about arts and culture than I do, but I think that we're paying some people that ought to come and talk to us about what these things are and then we ought to have that conversation. I just want to know more.

Mr. Bokhari said I understand what you're saying. I think it's the other way around. I think we have to have our conversation and then we take these highly paid people and give them the structure of what our desires are, and they can challenge us back, us being individually put in a situation where we're being interviewed by people who have built an agenda. We didn't direct them on what direction to go. So, that's where we have to be the foundation of that. It was always designed that way and it just didn't happen.

Mayor Lyles said I guess again, I don't disagree with that, I'm just saying I would not have the knowledge of what to even begin to talk about. We've talked about some housing issues, we've talked about some design issues, all of those, but I expect that there's a lot more to be considered in this than what we have right now in our own heads running around. Maybe some of us. Let me speak for my own head that might have the knowledge and whatever. So, I think clearly the ASC is a problematic institution. That to me I think I've heard consistently across the council, but for me to say, "Well what is the right thing?" I'd like to see some models and some discussion around it and that's why I would say we need to bring it back.

Mr. Bokhari said Madam Mayor if I could just make one more comment to that because I think we're starting to get more aligned. We are not the arts and culture experts around this dais. We've never claimed that. We all have different angles of things that we're passionate about that we might be singular experts. None of us are the complete expert at this body, but it's for us as a group. The difference in the two routes is in one front you have individual council members that are one on one being interviewed by a group of professionals that we don't know how they were tee'd up. Basically, it's checking a box to say everyone contributed and here, we crafted this nice statement out of all the things we liked that they said. Versus us all being in a room having a structured expert elicitation type environment. Those consultants can be in that room too, but it's about us having the dialog to say, "Okay, now we're going to talk about the music scene." Councilmember Egleston and I over the weekend got to attend the first live music festival in Charlotte in two decades and we might have a robust dialogue to say something like that is really important to us. Not just to put this money behind, but also put ARPA dollars behind because that is the bringing back of an entire industry that was shutdown.

So, then we'll debate on that and what we'll do through these working sessions is come up with this skeleton that will ultimately be in the form of a policy vision. That policy vision may not be perfect, but we're handing it off to the people who are designing an arts and culture plan with these high paid consultants that are professionals in that theoretically, but they're taking our initial thing. Why that's so important is when the votes come up, well it'll be the stamp of this body that will have said to do those things. So, when \$5 million is needed, we know there's more than six people behind that conceptually. That's why that's so important.

Mayor Lyles said okay, I know that Mayor Pro Tem wants to respond, but I just want to make sure Mr. Winston has before we conclude on this. This is about the immediate that's on the agenda tonight. I don't see that as standing in the way of any of the actions that you suggested that we take. We have Mr. Winston, Mayor Pro Tem and Ms. Watlington.

Councilmember Winston said yeah, I'm not going to support this for many of the reasons that Mr. Bokhari illuminated. I think we were crystal clear that we were supposed to work together to create that policy vision statement. That was ignored. It was even clear that from the advisory board that they did not have clarity on some of council's desires, and I'm not blaming any one entity, but instead of the work being done to present clarity between the council and the advisory committee, it was decided that the committee was just going to decide on their own what council intended. That's not the way public policy should work. Mr. Bokhari is also right in that the consultants came and spoke to us as individuals. Nobody is able to represent council's policy vision here because council has not come up with a policy decision. So, they were really talking to us as constituents with very distinct responsibilities of course.

Mayor Lyles said I hope they were doing better than that.

Mr. Winston said but we're not able to. It's like city council member orientation 101, that you cannot represent the will of the council if there's no will of the council. You're just representing yourself as an individual. Even talking to the consultant, they don't understand the particulars of Charlotte and Mecklenburg County policy making to come in with an understanding of what the canvas is. When we started talking about, we don't have any control of what happens in classrooms or in a library, it was like a ghost appeared in front of their face. They were like, "Well we didn't know that." So, I would've hoped that we would have learned from this. We had a great example I thought in the Comprehensive 2040 Plan when city council made a whole lot of discussions ahead of time in TAPE (Transportation, Planning and Environment Committee) Committee meetings and all types of committee meetings about what we wanted to prioritize moving forward in the planning process before we hired a consultant to go about the planning process. That didn't happen here. So, I don't think we should move forward, and we should do that necessary work like I said last month, so I will not be supporting this.

Mr. Bokhari said I'll make a substitute motion.

Councilmember Watlington said so, this is a very interesting conversation to me simply because I think I'm hearing recurring themes. Tail wagging the dog, not leading from the front, absent, particular direction, decisions being made. I just want to offer that while I don't necessarily disagree with where they ended up, I absolutely can respect the position of some of my colleagues around the dais. I hope that we remember that the way this intended to work is even if we are not the experts, that we can go and gauge our constituencies because certainly even though they're not all experts, they're the people who are telling us we need to be telling the experts to go design something. Inasmuch as it feels like we consistently lack that process, I won't be supporting this particular motion. While I do support the work that has been done, I think we have to do better about how we go about doing work to make sure that there is not such a disconnect between what we consistently hear from our constituents on the broader scale, and what we hear from a smaller group.

Ms. Eiselt said so, I just want to acknowledge what Mr. Bokhari and Mr. Winston have said because they are members of the Ad Hoc Committee and five of us have been deep into this for quite a while. I agree. I agree that the problem was we didn't have a vehicle to be able to set that policy framework. I will also acknowledge the elephant in the room with the Arts and Science Council that the time has come to reform the model. That's why we're doing this. That's what brought us here. If there's anything unclear about that for the advisory board, please hear us now. I ask whoever is listening to it to tell your colleagues on that board to listen to it. That is why we did this. To open up the avenue to have others considered to be creatives and be worthy of support from their local government so that they too can thrive.

What's happened at the point that we're at now, this motion tonight is for funding for this current year budget. In talking to colleagues but also advisory board members who said, "Why didn't you tell us this? Why didn't you tell us this before?" We didn't feel like we even had the ability to form a policy framework and that is a problem because it has to be done and it has to be done before next year's funding is approved. I think where we disagree is on releasing funding for what was approved this year by the advisory board. The reason I'm supporting it with a lot of trepidation is because I don't agree that we should've been covering the debts of the Arts and Science Council. I don't agree. We didn't know we were frankly. There is some valid trepidation and fear on the advisory board, who some of them are putting in 10 to 20 hours a week even more on this, that they could go through all of this work over the next year with the Culture Vision Plan which is no small undertaking, and that council could come back and say, "We don't like what you're recommending." That would be a big kick in the gut.

So, it's a difference of opinion on not on substance, but on how we're doing it this year. I think I ended up on the side of supporting the recommendation simply to keep this moving forward, but to be crystal clear on what our expectations are as a council. I won't be on this next council. So, I hope that you continue to push to say not a penny can go out until the council has put their policy framework out there, and whatever a staff recommendation is, is a pretty good reflection of what the council feels too. So, that's why I'll be in support, but I completely understand where you're coming from, and I agree with it as well.

Mayor Lyles said I know you want to make a motion, but what I want to make sure. The money that we're talking about now is not for next year but this current year?

Ms. Eiselt said this current budget year.

Mayor Lyles said so, I just want to ask Mr. Bokhari, are you saying if we shouldn't do the money for the current budget year?

Mr. Bokhari said I'll clarify that, but yes that was what I'm directing. Not exactly. I'll make a substitute motion.

Mayor Lyles said so, because I really do believe that we cannot back up these plans for people.

Mr. Bokhari said understood.

Mayor Lyles said I also believe that we were looking for a model and some of that is on our own accountability to have what we want to do and be clear. I think that the arts and culture team or staff that's working on this ought to be able. I think Ms. Watlington did a right job aligning what the NEST Committee could do and when it should come back. Why aren't we getting something like that from this group with the consultants helping? I just want to make sure that we don't become the arts and science council ourselves.

Mr. Bokhari said agreed. So, I believe one, Ms. Eiselt, I like the word you used there, policy framework. That's the right word for what we're talking about going forward, I think. Madam Mayor, I agree very much with you that almost everything that we need to do is not in the critical path of this, but it has to be done specifically before the consultants start building that arts and culture strategic plan. That needs to pause and we need to get to work on this front and I think there's one exception to that in this. I think this substitute motion will provide a nice balance of giving the manager the authority he needs to make sure things are moving forward, showing deference and respect to the advisory board and the work they've done, but kind of allowing us to still get this right. So, my substitute motion would be the exact motion that's in the agenda with one tweak which is to take the funding allocations of the advisory board as recommended minus all of the dollars associated to the Arts and Science Council. So, everything as it is. All the BIGs, everyone we've talked about, everything we've already agreed. Those fundings and all the hard work they did, go. One line item out is the recommendation that would send the ASC that bucket of money and that would enable us to move forward while the rest of us get to work over here and get the right wheels in motion before all the additional allocations are decided.

Mayor Lyles said I don't know what the funding is for the Arts and Science Council. Really, I don't know. There's lots of buckets, I think?

Mr. Bokhari said see this is why this wording of this motion that's in the agenda right now is a little sketchy because it said, "Back to all the recommendations that we heard in the July meeting," that were listed out, but we don't have those in front of us now. So, it was a laundry list of things, most of which were aligned to our pre-pandemic. If not, they should have been pre-decline levels for the BIGs, but the one thing I'm saying is let's remove the ASC line item and let everything else move forward so that we can not allow that hijacking to completely demolish everything that has occurred.

A substitute motion was made by Councilmember Bokhari to tweak the funding allocation, minus all of the dollars allocated to the Arts and Science Council.
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Without a second, the motion was not considered.

Ms. Eiselt said can I just make a comment about that because we went down that road for a while and the advisory board brought up a valid point that they're not a grant making body. When we allocate this money, there's a pool of money the opportunity fund that can still be allocated through the years. We wanted that right, not to use up all the money now, but give others the opportunity if a festival comes up or whatever. The advisory board really struggled with the idea that they're a grant making body. They said, "We didn't plan on being that. We don't have that expertise." The ASC is a grant making body. They do know how to make those grants especially with small arts organizations. So, somebody still would have to do that work and I would acknowledge that there has to be some operating funding for them to be able to do that.

Ms. Watlington said point of order. I don't know if your motion got a second.

Mr. Bokhari said is there a second?

Mayor Lyles said we did not have a second. I didn't know that you actually said your motion.

Mr. Bokhari said my substitute motion. Everything that's in the current motion with the adjustment of funding allocations of the advisory board as recommended minus the ASC.

Mayor Lyles said is there a second for that motion? Okay, hearing none. So, we're back to the main motion to authorize the manager to do this. I think that if this action is passed, what I'd really like to see is the critical path for the consultant and to actually get the consultant in a room so that we know what's going on. So, it's just one of those things that I think the disruption of this is maybe just the timing and all of the efforts that we have. So, right now we have the current motion on the table. I believe we've already had a discussion and you've spoken on this Mr. Winston. So, it's time to go ahead and consider the motion on the table which is the motion that's included in the agenda. So, we have a motion and a second for the action to authorize the manager to execute the agreement. So, all in favor of that, please raise your hands. One, two, three, four, five, six. So, the motion passes, and Ed as well, that makes him a yes vote.

I think Mr. Jones, what you hear is that we are not really quite prepared as we're talking about this cultural action plan, where we fit in and how it works and how are we going to actually deal with a plan for funding this. I think that most of us would say that the Arts and Science Council is not that plan. I don't know if that's everybody's opinion, but I think I've heard that enough. So, the question is well what is the plan? I think that requires us to have a discussion around it.

Councilmember Graham said I just want to know where does it live now? Who's accountable for the next step? I know Priya is over there, we had an Ad Hoc Committee, but who is going to process the work in the interim to get us where we need to go?

Mayor Lyles said my opinion is that we own this, and Mr. Jones and Priya will be able to give us a plan.

Mr. Winston said does he know? We've been asking for things to happen around this, and nothing has happened. I have a question. Where does this live? Who is dealing with this?

Mayor Lyles said Mr. Winston, I was saying that we will refer it to a committee when the new council is sworn in. So, with that, the next item on our agenda is item number 17, the lease of city-owned property on Seigle Avenue. Adopt a resolution approving the restated lease agreement with Envision Charlotte, a North Carolina non-profit for lease of property formerly known as the city's Light Vehicle Maintenance Facility. Together with the parking lot across the street on Otts Street being a portion and authorizing the manager to negotiate and execute all of these documents. Do I have a motion?

The vote was taken on the motion to Authorize the City Manager to negotiate and execute a contract with the Foundation for the Carolinas for administrative services for the city's fiscal year 2023 allocation of arts and culture funding in the amount to \$6,000,000, and recorded as follows:

YEAS: Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Newton, and Phipps.

NAYS: Councilmembers Bokhari, Watlington, and Winston.

Mayor Lyles said we're going to come back to 16.

ITEM NO. 17: LEASE OF CITY-OWNED PROPERTY ON SEIGLE AVENUE

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt and carried unanimously to (A) Adopt a resolution approving the restated lease agreement with Envision Charlotte, a North Carolina non-profit corporation, for lease of the property formerly known as the city's Light Vehicle Maintenance Facility (being a portion of parcel identification number 081-115-01), together with the parking lot across the street at 1100 Otts Street (being a portion of parcel identification number 081-114-53), and (B) Authorize the City Manager to negotiate and execute all documents necessary to complete the lease of the property.

Councilmember Ajmera said yes, I had some concerns about the Innovation Barn. I've visited this site a couple of times in the past month, and I've been pleased to see the progress that's been made to date to implement the circular economy concept. So, I feel comfortable with us moving forward and I'll be supporting this.

ITEM NO. 16: EASTLAND REDEVELOPMENT PUBLIC PRIVATE PARTNERSHIP

Motion was made by Councilmember Newton, seconded by Councilmember Egleston and carried unanimously to (A) Authorize the City Manager, or his designee, to negotiate and execute an amendment to a contract with C4 Development, LLC (Crosland Southeast) for the reimbursement of costs for public infrastructure in an amount not to exceed \$6,000,000, which will be reimbursed from the General Capital Investment Plan, and (B) Authorize the City Manager to negotiate and execute any further ancillary instruments or non-material changes to the agreement as may be necessary.

ITEM NO. 18: FUNDS FOR RENTAL AND HOUSING STABILITY ASSISTANCE

Motion was made by Councilmember Egleston, seconded by Councilmember Phipps and carried unanimously to (A) Adopt a budget ordinance appropriating \$3,836,054.57 from the Emergency Rental Assistance program provided by the Consolidated Appropriations Act of 2021 in the General COVID-19 Assistance Fund, and (B) Authorize the City Manager, or his designee, to negotiate, execute, amend, and renew any documents necessary related to the program.

ITEM NO. 19: LEASE AT THE CHARLOTTE TRANSPORTATION CENTER

Motion was made by Councilmember Egleston, seconded by Councilmember Newton and carried unanimously to (A) Adopt a resolution approving a five-year lease agreement with Golden Meal, Inc. for restaurant space at the Charlotte Transportation Center, and (B) Authorize the City Manager, or his designee, to execute all necessary agreements and documents to complete this transaction.

The resolution is recorded in full in Resolution Book 53, Pages (s) 203.

ITEM NO. 20: INTERLOCAL AGREEMENT FOR YOUTH DIVERSION PROGRAM GRANT

Motion was made by Councilmember Egleston, seconded by Councilmember Phipps and carried unanimously to Adopt a resolution authorizing the City Manager to negotiate and execute an interlocal agreement with Mecklenburg County through its Criminal Justice Services to provide an alternative to arrest for youthful offenders while maintaining accountability for delinquent acts and providing support to redirect behavior.

The resolution is recorded in full in Resolution Book 53, Page (s) 204-222.

ITEM NO. 21: RESOLUTION SUPPORTING A NORTH CAROLINA DEPARTMENT OF TRANSPORTATION SAFETY PROJECT

Motion was made by Councilmember Egleston, seconded by Councilmember Phipps and carried unanimously to Adopt a resolution supporting a safety project on East W.T. Harris Boulevard at Delta Lake Drive to improve traffic safety in support of the Vision Zero Action Plan.

The resolution is recorded in full in Resolution Book 53, Page (s) 223.

ITEM NO. 22: CITY ATTORNEY'S COMPENSATION

Motion was made by Councilmember Winston, seconded by Councilmember Eiselt and carried unanimously to consider a 2022 Compensation Adjustment for the City Attorney.

ITEM NO. 23: AUTHORIZATION OF STORM WATER REVENUE BOND ANTICIPATION NOTES

Motion was made by Councilmember Winston, seconded by Councilmember Ajmera and carried unanimously to (A) Adopt a bond order and resolution authorizing the issuance of up to \$125,000,000 of revenue bond anticipation notes, and calling for the execution and delivery of various documents in connection with the issuance, and (B)

Authorize city officials to take necessary actions to complete the financing, including making the application to the Local Government Commission.

The resolution is recorded in full in Resolution Book 53, Page (s) 224-231

ITEM NO. 24: MECKLENBURG SOIL AND WATER CONSERVATION DISTRICT URBAN COST SHARE PROGRAM

Motion was made by Councilmember Egleston, no second required and carried unanimously to adopt a resolution ratifying an Urban Cost Share Program agreement with the Mecklenburg Soil and Water Conservation District.

The resolution is recorded in full in Resolution Book 53, Page (s) 232.

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PUBLIC HEARING

ITEM NO. 4: PUBLIC HEARING AND DECISION ON EASTFIELD STATION AREA VOLUNTARY ANNEXATION

Mayor Lyles declared the hearing open.

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt and carried unanimously to (A) Conduct a public hearing for the Eastfield Station Area voluntary annexation, and (B) Adopt an annexation ordinance with an effective date of August 22, 2022, to extend the corporate limits to include this property and assign it to the adjacent City Council District 4.

ITEM NO. 5: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF MCALPINE STATION DRIVE

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt and carried unanimously to (A) Conduct a public hearing to close a portion of McAlpine Station Drive, and (B) Adopt a resolution and close a portion of McAlpine Station Drive.

The resolution is recorded in full in Resolution Book 53, Page (s) 181-185.

ITEM NO. 6: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF UNOPENED MCADEN STREET

Motion was made by Councilmember Egleston, seconded by Councilmember Phipps and carried unanimously to (A) Conduct a public hearing to close a portion of unopened Mcaden Street, and (B) Adopt a resolution and close a portion of unopened Mcaden Street.

The resolution is recorded in full in Resolution Book 53, Page (s) 186-188.

CLOSED SESSION

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera and carried unanimously to go into closed session pursuant to North Carolina General Statute 143.318.11 (a)(3) to preserve the attorney client privilege in the matter of Van vs. City of Charlotte.

The meeting was recessed at 7:53 p.m. for closed session in Room Ch-14 p.m.

ADJOURNMENT

The meeting adjourned at 8:12 p.m. at the conclusion of the closed session.


Stephanie C. Kelly, City Clerk MMC, NCCMC

Length of Meeting: 3 hours and 6 minutes
Minutes Completed: December 4, 2023