

The City Council of the City of Charlotte, North Carolina convened for an Action Review on Monday, October 8, 2018 at 5:13 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps, and Braxton Winston II.

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

Mayor Lyles asked if there were any items on which Council would like to make comments.

Councilmember Bokhari said Item No. 28.

Councilmember Winston said Items No. 37, 38, and 39 for separate vote.

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#### ITEM NO. 2: AGENDA OVERVIEW

There was no Agenda Overview.

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#### ITEM NO. 3: CHARLOTTE CHAMBER CAMPAIGN UPDATE ON BOND REFERENDUM

Phil Reiger, Strategy and Budget Director said it is a distinct pleasure of mine to introduce Bob Morgan, President and CEO of the Charlotte Chamber. Bob and the Chamber contribute to many initiatives as you know in our community, including leading the City's Bond Campaign for the referendum scheduled for November 6, 2018. I would like to invite Bob to come up and speak and provide a quick overview of those campaign efforts as well as for opportunities for your involvement.

Bob Morgan, Charlotte Chamber of Commerce said the Charlotte Chamber is delighted to again be leading the campaign to approve the bonds that you all have put on the ballot. You don't need for me to describe what these are; I would tell you that we are very encouraged with the public support that we have found in our early campaign efforts. One of the things we have tried to do, there has been so much positive discussion and energy around the subject of housing that I'm not sure that everybody is aware that Transportation and Neighborhoods are on the ballot as well, so I would encourage all of you to help remind your constituents and others that in fact there are three ballot items.

We have a strong leadership lineup: Dr. Dwayne Walker, Carol Hardison, Jesse Cureton, Julie Porter, and Charles Jonas, leaders in the community with which you are familiar. Our Campaign Team is broad, is deep and many of these people are part of our Campaign Team year in and year out. Many of them helped to pass the Mecklenburg County \$922 million in bonds for the Charlotte Mecklenburg Schools last year. Many of them have worked on the 2016 and 2014 City bond issues as well that of course were so successful. We need your help communicating with your constituents we can provide you literature for events that you might be attending. We would encourage you to share social medial posts; let us know what you are hearing, and we need volunteers. Volunteers especially for yard signs and poll workers and you can find those on our website and Keith Kelly, my colleague at the Charlotte Chamber of Commerce, tomorrow will have delivered here to the Government Center some cards that you all can use to help spread the word and you can get involved through our website, through social medial the information is there.

A very quick update to tell you we are very encouraged with the fund raising that has taken place. We give a particular shout out to the members of the Charlotte Executive Leadership Council, who very quickly raised 75 percent of the dollars that have been raised so far. We think we have the resources to run a campaign to be successful, and I appreciate the support from all of you around the room.

**Councilmember Eiselt** said Bob, do you have any sense that there is any resistance to it or any pockets of resistance that we should know about?

Mr. Morgan said we are not aware of any organized opposition; we have a concern about the fact that there are six State Constitutional ballot items that will be on the ballot prior to the three city bonds. There is an active campaign encouraging people to vote no for those Constitutional Amendments. You don't vote no for the Constitutional Amendments; the way the ballot is worded you are either for or against those State Constitutional Amendments. The City bonds you are either yes or no, so part of the message that we need to put out is to help educate people so whatever you do on those Constitutional Amendments still vote yes for the three City bonds.

**Councilmember Driggs** said I just want to clarify since we are all sitting here; what exactly are the rules as far as promoting the bonds by City Council, because there are some limitations on the endorsement that we can do.

**Bob Hagemann, City Attorney** said there is statutory limitation on City employees. City Employees cannot engage in political activity while on the job or using City resources. That limitation does not extend to you, so you can advocate for or against as you deem fit on a political question including the bond referendum. City Employees cannot while on the job; they can off the job so long as they don't do so in a way that represents or signifies that they are acting in their City employee capacity.

**Councilmember Phipps** said do we have a list anywhere as far as the streets and neighborhood bond money appropriation or any kind of specific projects or anything or is it just monies that will be used for those purposes regardless all over the City?

Mr. Reiger said they can be accessed both on charlottefuture.com or also referenced on the campaign's website.

**Mayor Lyles** said so yes, there is a list.

**Councilmember Mitchell** said let me follow-up on Mr. Phipps' question, because I think it would be very helpful, any material we have that we can list those because the question we would get is how are you spending the \$55 million in neighborhoods, what neighborhoods? So, anyway we can capture that I think would be very helpful if we inform the citizens what they voted for.

**Councilmember Bokhari** said Bob, since there is very little to absolutely no organized opposition to this, and when I look at that list of people who have signed on both the Committee and the broader campaign some of the names are surprising for folks that aren't normally behind bonds of this nature. I'm wondering if this is an opportunity for you and your team to go back, aside from the clarification from the broader state level referendum that is up, to really go out and help articulate what the challenge is, how people can get involved and also how to hold us and the other related policies accountable once it is past. Is there an opportunity there for maybe a little bit over and above a normal bond type campaign that has more organized opposition?

Mr. Morgan said certainly there is opportunity after the fact. I would say between now and the election the job is to get 50 plus one, and I would be very surprised if we don't do significantly more than that. If you go back two years ago all three bond issues I believe got upwards of 70 percent or very close to it. The \$922 million in school bonds last year got 73 percent of the Mecklenburg County voters. We are very blessed to live in a community where the public understands as a growing community there is a need to invest; we do so knowing that you all are AAA bond rated. It is good cheap debt, and it is a part of who we as Charlotteans. We see the message between now and then is don't get confused about anything else and pull yes on these three, and I would love to talk to you about ways to further education. One of the things I'm not sure we give ourselves enough credit for is this is the third of four such bond installments that are targeted disproportionately towards the crescent, and so when we talk about economic mobility and economic opportunity the billion

dollars plus over a decade investment by the voters of the City of Charlotte are significant toward that end. We would love to be a part of any effort to help further educate people to those realities.

Mr. Driggs said as a representative of the wedge, I can only concur with that statement. My question was, and I apologize if this is up, and I just haven't seen it. Is the actual language that will appear on the ballot on the website?

Mr. Morgan said I believe that it is; no do we have the sample ballot yet? I'm sure we have the ballot language Mr. Attorney, and we can certainly get the language to you if it is not on the website.

Mr. Driggs said as it pertains to affordable housing we have a framework that is contemplating different programs and things, so if the ballot says generally \$50 million to be used to promote affordable housing fine, there is some latitude there, but if is said to be put into the Trust Fund with the understanding that the Trust Fund does these tax deals or whatever. I just want to make that the ballot allows us to do all the things that we want to do.

Mr. Hagemann said it is general language, flexible.

Mr. Morgan said consistent with the previous two bond cycles.

Mr. Driggs said I was talking about the housing in particular which is sort of; I guess we had \$15 million before, and now we have \$50 million. I don't think we are talking about using the \$50 million only and exactly the same way we used the \$15 million in the past but you are saying that we do have the latitude to use the money in other ways.

**Mayor Lyles** said thank you very much; we look forward to a celebration on November 6, 2018.

Mr. Morgan said we will let you know where the party will take place.

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## **ITEM NO. 5: INFRASTRUCTURE PLANNING FOR THE FUTURE**

**Marcus Jones, City Manager** said it seems like have the infrastructure conversation next would flow a little bit better since it relates to the bond presentation that we just received.

Mr. Jones said as you start to look at the end result, which is the bond print package, the one thing that came out of the FY2019 budget discussion was that there is no place holder for the 2022 bond package, so as a part of the process that Mike started to talk with you about during the last budget discussion, I think you may have realized or remembered that at some point there were \$47 million in cost overruns that related to previous projects. The commitment was to come back in and almost redesign how we go about measuring our CIP projects to make sure that we don't have these types of surprises in the future. I'm very proud of what Mike has done and Phil and other members of the team as we've come together almost every three weeks to start to prepare for the 2022 bond cycle and all of those community investment plans in between. There are really two pieces; one piece is how do you prioritize for the projects that are out there for the many plans? That is really what Mike and Phil will talk about tonight. There is another piece that is talking about how do you finance it, and that is for a future discussion, but ultimately what we are trying to do is at least set the framework for this discussion with the Council in October as opposed to waiting until the March/April timeframe to have these discussions. It is just a teaser if you will of some of the work that has occurred over the last few months and what we are looking for going forward.

**Mike Davis, Engineering and Property Management Director** said I don't need to add anything to help frame it; I will just jump straight to how we will move through this presentation that deals with what we are doing now and some things to come. So the parts of this is to just kind of give a snapshot over the CIP itself, talk about what some of those

process enhancements are that the Manager just alluded to as well as a look ahead to how we will be in a process to identify future projects for the years that are not proscribed with projects yet and sort of a look ahead from a procedural standpoint as well.

A way to talk about the CIP program is to think about it through the lens of how City Council through their adopted goals have said what is the purpose of the CIP, and so broadly it is about transportation. It is about jobs; it is about public safety, housing and neighborhoods, and so this is important from a high level in the sense that this is a moment where Council gets to establish some priorities that when Phil gets up in a minute and talks about something called a capital needs assessment begins to inform how we do prioritization work. I will point out that this was adopted some years ago; it serves us well, but there is also an opportunity for City Council through upcoming work to either reaffirm or adjust those priorities as we go. In terms of some enhancements that are underway, one is I'm very aware that this is important to everyone in the community, and that is to give out a way to get projects built more quickly. So, where we think there is opportunities to do that have a lot to do with how we design our community engagement and planning phase in a way to maximize the use of a time that we have in the community to make important planning decisions on the front end and get more rapidly into design and implementation. Another is we are looking at ways to improve how we do cash flow model, and the point of this is to just make sure that we are using dollars efficiently so that when we need money we have it available for projects and we are not tying up those dollars when they are not needed through the life of that project.

We are also trying to bring some standardization to how we do cost estimating and as was mentioned earlier we've been through a very volatile period in terms of trying to predict cost escalation and some things that are going on in the market, some standardization on those practices can help and bring some certainty to our process. Also increasing opportunities for advanced planning but the point here is the more we can do to see what kind of projects we are interested in that might be beyond the five years out and further into 10-years out; the more we can do ahead of time around feasibility work it helps us make even more informed decisions when it comes time to consider those projects for a CIP. The last thing is just to take advantage of opportunities in terms of technology and data to figure out where we can find savings and project delivery both in terms of schedule and cost.

This slide is just to remind you sort of visually of what you will see in the adopted budget; it is a sheet of paper that lists what the bonds are by even numbered bond years, a list of projects on the left with the bond years across the top and as was mentioned before what we have slated for named projects and programs only carry us as far as 2020, and so the CIP is a five-year project plan. As was mentioned, that plan will carry us really through the 2022 bond referendum but the work needs to begin now to figure out what projects will best constitute the 2022 bond referendum when it comes, so this is yet another opportunity to the Council's budget process to have an influence over what projects will be in that plan. In terms of where do projects come from to make it to that list that I just described, it flows from a few sources one of which is just to recognize that departments are naturally aligned with focus areas in some ways and will produce project recommendations, but importantly Council is involved in the adoption of a variety of plans that can include Small Area Plans, Transportation Action Plan, and these things take Council's priorities and try to figure out where there are needs through that lens and produce recommendations. Using one example of that, if you want to take the Transportation Action Plan as one that uses a lot of community engagement as part of its receipt and then combines it with a lot of technical criteria examples of which include congestion in the network, accident experience and also testing for example what projects might provide access to an employment center is one of the many technical criteria that can shape project prioritization. What comes from all of that is of course in this case the adopted Transportation Action Plan that would include prioritized list of projects, and that doesn't mean that is literally the order in which every project is taken, because ultimately what you need is interdepartmental collaboration between departments to help further refine those priorities, also more Council and community engagement in that process, and the last point I want to make about this is I picked TAP, because it touches a lot of different things, but understand that based on which category of infrastructure investment you are talking about you are going to get very different technical criteria, and so you can imagine for example, Charlotte Water will be looking at very technically driven needs for improvements for their system that is trying to anticipate growth as well as deal with the



demands they already have. At this point, I will call on Phil to talk about where we go from here to tie that work together.

**Phil Reiger, Strategy and Budget Director** said Mike has done a nice job of summarizing the process by which plans and priorities bring together a long list of potential projects, so what I want to talk a little bit about is how we bring all those plans, policies and priorities together as we think about moving into a new budget process. As you are well aware, it is a challenge as a Budget Director, or as a City Manager or as a City Council when you know that there are long lists of worthy needs that need additional resources to really boil those down into those things that are needed to have resources now. Staff is already underway, particularly our technical staff, is already underway doing what we call a ten-year capital needs assessment and simply put that is an assessment that just starts as an inventorial. All those plans, all those projects that were derived from plans technical assessments, community engagement opportunities and City Council feedback all along the way, so what it does is it identifies the laundry list of projects across all infrastructure categories and becomes really a basis to further analyze and use for infrastructure planning.

So, why are we doing it? The assessment is really a staff resource if offers us a more comprehensive view of community needs across all those plans and priorities. It becomes a planning tool that ties together adopted policies, priorities, all the projects that originate from multiple departments. It ties together the needs that are identified from anticipated growth, and it also anticipates service level expectations of our community. It identifies opportunities to collaborate and leverage our relationships between departments but not just departments but also other local, state and regional partners across that very diverse set of projects. It helps us inform how we might allocate resources and to Mike's point earlier, it really enables us to think about projects from a future planning perspective so that we can begin to do those advance planning and feasibility work for future CIP processes.

Ultimately, the Capital Needs Assessment process that staff does informs the Community Investment Plan, and it informs the Community Investment Plan specifically to help the Manager put together his recommendation for City Council. In doing so, we can be assured that the projects that are proposed or selected through a comprehensive data driven deliberate disciplined evaluation process; we can be assured that the partnerships and projects synergies are identified and project timelines are aligned to deliver value to the community so that we don't have one project stepping on the toes of another project. Finally, well planned projects will stabilize the affordability and certainty of future Community Investment Plans. We don't do this in a vacuum; we don't want to leave City Council with the thought that staff goes away and goes behind the curtain and voila, here it is. There are lots of opportunities along the way to provide input and from a community perspective specifically as a part of the staff's regular course of business, City staff are out engaging the community whether they are engaging on a specific project or maybe they are working on a comprehensive plan, and specifically just to put a little plug in, we've just started our second annual meet and eat series; that kicked off last week, and it is a really great opportunity for the community to continue to engage in this topic and many other topics related to City services.

Specifically for City Council, there will be many opportunities throughout the process in budget season to shape the plan. As soon as early November, we are going to start talking about Focus Area Plans again and beginning to think about what future priorities for the City might look like, and that work is really the foundational work that will drive budgets including the Capital Investment Plan. In addition to that, throughout the winter and spring this body particularly will have the opportunity to engage through the Retreat through the Budget Committee work, through workshops, so on. With that said, that concludes our presentation. Mike and I are available to answer any questions the Council might have.

**Councilmember Driggs** said I just wanted to confirm first of all that the information on the ballot as it relates to the bond offering has exactly the same content as what was on our schedule, right so it shows the same projects, the same amounts, and so on. The sooner we can get to a point where we have a schedule that shows your thinking about and when you propose to fund them and the project that didn't make it on there that would give us a much better opportunity to kind of gain an overview of what you are doing. I keep saying, I don't want to be in a position where I just react to something and a great working document

would be one like we have, leave out the completed projects, put on the new ones, put your thoughts on the timing for them, which years the bonds would get issued and then show us which ones you have identified that you haven't scheduled yet. I think everybody here probably has an opinion, and you are trying to reflect input that you got from us in very general terms in terms of our plans, but maybe when it comes down to specifics we would have a different attitude, so I just that we will be seeing that.

**Councilmember Winston** said you mentioned the various plans that we operate under and maybe I missed it, but I didn't see any mention of how we are considering and/or coordinating with the new initiative of this comprehensive plan and working with the UDO. I forget what the timeline is, but I think it should be done before 2022 so our investment and what we will be asking for in the bond is really going to be important in considering facilitating carrying out that plan and that vision, so how are we coordinating what this new process that we find ourselves in as of this summer?

Mr. Jones said Taiwo is at the table with us as we have these discussions and matter of fact that came up last week as we were trying to plan for this presentation. As the Council understands what is going on with the comprehensive plan, and now we are throwing another plan in right. We tried not to cause confusion, but the reality is that you will vote on a budget before Taiwo and company finishes the comprehensive plan, so we need to be joined at the hip making sure that we are collaborating and working with this together. I hope you would agree that we wouldn't wait two years to sort out the 2022 bond cycle.

Mr. Winston said that is why I said coordinating with.

**Councilmember Phipps** said a word of caution as you prepare for your meet and eat, I think it would be helpful that when you go to these meetings that you would be able to present some sort of synopsis of what is in play in terms of projects for specific areas, because people are interested in what is going to be happening now. They want sidewalks and road improvements now; they are not so much worried about what happened 10-years ago, and it is still not funded yet. They are not so much interested in the 2040 Plan as to what is going on in the future. There is a lot of frustration as Mr. Harlow and Ms. Eiselt can probably attest to; we were at a Town Hall Meeting past Thursday in Derita. So, all of this forward thinking and planning is good, but they want to know when they step outside their door can they get on a sidewalk that is acceptable. I would hope that you would be able to present an outline of what we have approved before, where it is in the schedule, so they can see that in addition to some long-term planning there are some underlying short-term things that will be coming their way sooner rather than later.

Mr. Jones said yes.

**Mayor Lyles** said I agree and Mr. Driggs said we all have opinions and I really am interested in how those opinions become criteria and how we talk about things like maintenance of effort in addition to maintenance, because maintenance of effort means how many sidewalks can we do now that we continue to do those, so we can deliver on those things and not to disappoint or get out of whack with our timing with what we've committed to do existing now before we start talking about the need. Growth is huge and we all know that and all these people moving here, we are going to have to change some things, and sometimes it is not just out budget. I may be a policy connected with it as well of how we fund it or whatever. I'm really excited to hear about the idea of really using this to have better collaboration with maybe what NC-DOT is doing, a better collaboration when we look at some of our non-profit partners in housing and neighborhood initiatives, so I think that is a real plus. The Capital Needs Assessment, I think the Assessment needs to have definition for the Council before it has project definition, and I say that because that is what gets us from the all opinions to what we are going to work on together and agreed upon to do, not necessarily agree that we will do everything, but we agree upon what you are about to embark upon to strategize around that. The only thing I have for Mr. Davis and this is a curiosity question; you talk about standardization as a way that you do costs. I wonder about standardization of the way we do facilities too. I think all of our police and fire stations look great, but it seems to me they ought to be looking good on the outside and the inside it is pretty much as one truck bay, two truck bays or how many officers are assigned. Standardization often reduces costs,

and I would hope that we are looking at standardization not on the rack but what is on the interior that would help us be more functionally prepared to move more quickly with design and construction and doing that in a different way. Those are some of the comments, and I hope that we will continue to give feedback, and you will be back to talk this some more, let it kind of soak in and then thoughts and idea from the Council so that we work hand in hand as we go forward.

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#### **ITEM NO. 4: MANAGING PUBLIC INFORMATION**

**Emily Kunze, Deputy City Clerk** said I am here to introduce Cheyenne Flotree, the Citywide Records Program Manager, and he will be talking about managing public information.

**Cheyenne Flotree, Citywide Records Program Manager** said today I'm going to be talking about public records, specifically public records involving text messages, how we collect them and how we preserve them as a City. Before that, I would like to talk generally about the Citywide Records Program. The Citywide Records Program was created to consolidate the records management activities across the City. We have two focuses in the Program: Records Management and the fulfillment of Public Records. If you think about an organization the size of the City of Charlotte, we are constantly generating tons of information, tons of records every single day. How do we go about gaining intellectual control over all of that stuff we generate; how do we know what we have where we have it, what to do with it? Effective records management is key for that and working parallel with that is fulfillment of public records requests. The North Carolina Public Records Law insures that citizens have access to all public information that is generated. We have a legal responsibility to supply this information to citizens, but I also like to think about it as a City service. We have many individuals who contact us with information needs. I like to think we have a responsibility to making sure all of their information needs are met and provide efficient customer service with all their information needs.

As the amount of information that we generate and the amount of records that we generate increases, which it is, and the number of requests we receive from citizens increases, which it is, how do we go about improving service making sure that everybody gets what they need to get and that we are preserving all the records that we need to? We need to look for tools that will help us along with this, and I'm going to be talking about one tool that I think will help us in one certain area, text message archiving. In this presentation, I'm going to be talking about text messages as public records as one specific type of record that we generate as a City and the unique challenges that are associated with that format. I'm also going to be talking about our current text messages preservation process, what we do and its current limitations and where I see potential for it.

North Carolina Public Records Law is found in NC General Statutes Chapter 132. The first law was enacted in 1935, and it has continued to be expanded since then. We have one of the most open public record laws in the United States, along with Oregon and Florida. It affirms public records and public information are property of the people, and it also sets a very broad definition of what a public record is.

Public Records, simply put, is the information created or received by officials and employees while conducting official City business. It is the recorded information that we make in the course of doing our daily business. One really key piece of this is information. The Public Record Law looks at public records as being recorded information. It is not reliant upon the format of what we make, so it can be e-mails; it can be letters. It can be text messages, maps, and film. It can be any recorded format and what we are really trying to preserve and give access to the information that is conveyed in that. So, why with all these different types of format, film, and letters why am I talking about text messages today; why am I consumed with text messages? Number one, they are widespread; lots of people use text messages. A lot of people use text messages to communicate, to conduct business, and it is something that is very well used in society. I can guarantee that employees are creating public records via their text messages, so it is important that we address that. They are also a very transitory format. If I was to take a piece of paper that was put in a box, stick on a shelf in a



hundred years that piece of paper is probably going to be there. Digital information is much, much more fragile. The messages that are on your phone are only on your phone unless they are migrated to a more stable format. That is why it is very important that the public records that we are supposed to preserve according to North Carolina Public Records Laws are preserved for the amount of time that they are supposed to and that we are allowing access be it a law. Also, to migrate those text messages to a more stable format it also takes a lot of time and effort; it is a very manual thing to do. Lots of time that we could be using on other things we are spending migrating our text messages.

Finally, the number of public records requests we receive are substantial. It is one area that we've seen increased growth in the amount of public record requests we get. It is something that will continue to increase with events happening in the future like the NBA All Star Game and the Republican National Convention. We are going to be getting more public record requests and more public record requests involving text messages.

So what is the current process that we use as a City; what do we instruct employees and officials to do with their text messages? First they need to identify that the text they create is a public record, so it conveys information that is about City business. They then need to identify the record series and the retention of that according to the North Carolina Municipal Retention Schedule, which sets the amount of time that records are supposed to be maintained whether it is permanent, non-permanent, or transitory; next they then migrate it to their e-mail account, a new more stable format by either forwarding it directly to their e-mail account or by capturing it with a screenshot and then migrating it. Finally, they then manage the migrated records in their e-mail account for the length of the timespan. So, you can see with this process there is lots of manual decisions that need to be made; there is lots of time and effort that is taken to make sure that these are preserved.

Text Message Archiving is a process that would allow us to be more efficient with this. It is a new kind of software that makes sure that the text messages that we generate are also preserved instantaneously. This is the text message archiving process. The employee sends a text, the message is received by our cell phone carrier, which happens to be Verizon, the message is then transmitted to the vender where it is then stuck into the archiving platform and is available for collection preservation purposes. If we need to get to it via public record request it is right there for us and all of this is accomplished instantaneously and automatically. If we were to use this software, which I think is very valuable it would be installed on all City issued cellphones. It would insure the collection and preservation of public records text messages. It would make sure that the messages that we generate are not lost accidentally; it would prevent information loss. It would also simplify the retrieval of records. Whenever we have a public records request, it would be as easy as the City Clerk's Office pulling up the appropriate records fast and simple. It frees employees and officials from the manual preservation and collection of their text messages. Finally, it would improve our service; it would expedite the fulfillment of our public records requests by cutting down on the time we would take for citizens to receive these requests, because it would take us longer to manage them. You will be asked in the next Business Meeting to consider a contract to purchase text archiving software.

**Councilmember Egleston** said did you say or have we calculated the amount of staff time that goes in currently to records requests related to text messages?

Mr. Flotree said it is hard to calculate the exact amount. I can give you the numbers of how many requests we've received, but every individual request is different. Some might involve one person for a certain amount of time, others we've had requests that involve up to 65 individual employees and officials over a long period of time. It might take a short amount of time, and it may take a very, very, very long amount of time.

Mr. Egleston said I feel like that might be one of the main justifications for something like this would be if it is taking staff away from their primary responsibilities that they are getting bogged down doing this in an old school tedious process. It might be something worth having as a statistic to frame our decision even it is not exact.



**Mayor Lyles** said I think the question is a valid one. It takes time but we've probably not calculated them. Most of the time when we get them it is for the 12 of us or the Manager of the Attorney, but I imagine in Engineering if it is around a contract it could be a lot I bet but on the other hand is the qualitative to make sure that they are actually preserved.

**Councilmember Mayfield** said in light of the frequency of hacking what protections could we possibly have in place because almost everything today can be cloned and/or hacked. Facebook is having a major issue right now and other businesses have had issues with information going out. LinkedIn was hacked so how do we protect to insure that what you are getting backed up since you are going to have automatic access to our phone, is actually accurate?

Mr. Flotree said I believe Randy Moulton, the Chief Security Officer could answer that.

**Randy Moulton, Innovation and Technology** said in regard to your question one of the things that we look for when searching for a solution to do this was exactly what you brought up is to ensure that; we didn't have a solution if somebody was going to be able to hack into the system and just start pulling whatever text messages they want without actually going through process of doing public records requests. There are a number of technology controls that we were putting in place to prevent exactly what you are talking about. I can go way down in the weeds on that, but you probably don't want me to but I will just assure you that it was completely considered when we were searching for a solution and I'm confident that we won't have that issue.

**Councilmember Harlow** said is this just going to be for text messages or any digital kind of meeting that we use that has public records like videos and recorded meetings, all that stuff or emails or just the text?

Mr. Flotree said this would be specifically just for text messages. We have archiving in another number of other formats like we do social media archiving. We have our email archive so other platforms are better off than text messages right now.

Mr. Harlow said you probably meant to say that everything you mentioned was just about employee sending the message; what about messages they receive?

Mr. Flotree said it would archive the messages that are sent as well.

**Councilmember Winston** said this is one aspect as Mr. Flotree mentioned, but as we increase the types of records and we just look back at all of the artifacts that we produce, we don't really have a place to put a lot of these things. We are a large City and we don't have an official City Archive. We don't even have here in Charlotte from a cultural perspective a kind of depository museum where our history goes whether it be for academic purposes or whether it be for fulfillment purposes. I think as we are looking at solutions like this we need to think on a bigger level. It might be time; I will say it is time that we look to form some type of City Archive Department where we can create again public/private partnerships that it might not be ultimately a City employee and there are other things that we need to do day to day as opposed to being a Librarian or some type of cultural anthropology.

**Councilmember Driggs** said one I guess is a legal question if we are using a City issued device, are there any circumstances under which we have to presume that right to privacy or by definition is everything that happens on that device considered to be in the public domain?

**Bob Hagemann, City Attorney** said as Mr. Flotree said at the beginning under the Public Records Law where the record is kept or stored is not determinative it is the content, so from a public records standpoint if it pertains to City business it is a public record, unless it falls within one of the exceptions. I think what you are really asking is if somebody engages in non-public business communications on a City provided device, that would not be a public record but the employee has no expectation of privacy in how they communicate using a City provided device. So, the City, as an employer, would have access to and could view

and could use what somebody might believe is a private communication or it doesn't pertain to City business, but there is no expectation of privacy in that context.

Mr. Driggs said a lot of the text traffic is pretty cryptic at the end of the day, so these guys have an archive we get a request for all messages pertaining to the RNC. The letters RNC are not going to conveniently appear in those messages would then the vendor or somebody provide to us a list of the text messages they have on record and ask us to identify the ones that are responsive or would you take it upon yourselves to figure out or would they take it upon themselves to give out which ones are responsive to a particular request?

Mr. Flotree said we would take it upon ourselves to find out which ones are responsive to the request.

Mr. Driggs said how is that? I rarely send a message that some third party could look at and interpret, and in fact I think a lot of people are careful because of the data security issues, are pretty careful not to create a message of any kind that if it got to the wrong place. Let's say we are in a confidential environment, we are talking about a business deal and somebody just text so what do you think or I support this or whatever. I'm just saying a lot of that traffic is only identifiable by the holder of the device as being responsive to the request.

Mr. Flotree said the text archiving software that is out there has a lot of very good search functions, so it allows us to search for a bus lead it would say about the Republican National Convention we would search by RNC. We would only be able to find what we can find; no system is perfect. There is nothing that is going to give us 100 percent all the time, but it would get us a lot closer.

Mr. Driggs said I just said to the City Attorney if we ultimately disclose to an inspection a manually or otherwise generated list we could be open to criticism that what came out of that mechanical process was actually not very responsive to the requests.

Mr. Hagemann said I think that is a very valid point; one of the things we are struggling with and I've seen it in my whole career, not just in government but as society communicate in ways that we didn't used to we create a burden for ourselves. We have and the laws, if you think about the public records laws it was written before we had such a thing as text messages or e-mail for that matter, and in the past before we had that means of communicating we would have a conversation in person or by telephone and no record would be created and the public records law has not changed to recognize, and I'm not disputing, these things are public records under the current law but we as individuals as an organization in society have now taken the communicating ways that leaves footprints and the question of how do we respond and that is part of what we've been struggling with and I think this tool will help us do it better. It is not going to make it perfect but even without this software we have an obligation when we get public records requests to do due diligence to identify those records that are responsive. I think this will make it easier; it is not going to be perfect.

Mr. Driggs said do we get to vote on this?

Mr. Hagemann said at the next business meeting there will be a contract on your agenda.

**Councilmember Ajmera** said so today when you receive a request for a text message for any topic or any issue do you also ask Councilmembers to look into their personal phones? Because there are times when someone has our personal number they will reach out to us, so I know it is the content, it is not the device. I guess I don't understand in order for us to really understand the time here that is being spent to gather all the data, because that personal device we will still have to do manually because that is not something you can install on our personal phones. How is that time being currently being spent in getting data from our personal phones if it is City related business?

Mr. Hagemann said I think now you are pretty all well on board in using your City provided e-mail account. We went through a transition with the Council five or 10-years ago where we had a hard time getting Councilmembers to use the City provided e-mail account, and

the problem we ran into is City staff couldn't support Councilmembers if they got a request for public records and you are right it doesn't matter where it resides so if you or me or any of us conduct City business on a private phone or a private e-mail account, we as individuals have a legal obligation to go and find those that are responsive and figure out how to collect them, how to help the City collect those, and we just encourage all City employees and you and certainly with the software it will only be installed on City provided phones. So, if you or anybody is engaging in City business on a private cellphone that will continue to be your obligation if public records requests come in.

Ms. Ajmera said I'm trying to understand in terms of how much time currently staff spends on gathering data manually from private devices as you are evaluating this purchase of this software.

Mayor Lyles said for me if that request comes in I hand over both of my devices so it is whatever device it is, it is 10 on the City phone and 10 on the personal phone just, because all of us know that we didn't just plop down into these seats we had lives before then, and no matter how I say please contact the Mayor's Office before, they e-mail they still send to me, and you are just as well obligated and I think Mr. Egleston had asked the question about time management and the staffing. I'm not so sure that we would be able to differentiate. I'm sure Mindy would not say well, I took 10 from her personal phone and 10 from her cellphone; she would probably just say I took 20 messages. I don't know that we've ever asked them to differentiate between the personal but you are required to provide the personal phone because it is where it resides.

Mr. Egleston said it also sounds like it would help staff now and going forward if people would be more diligent about using their City phones, particularly if we are going to make an investment to try to make their jobs easier.

Mayor Lyles said it does make more sense and in e-mail and everything else.

Ms. Ajmera said I guess the point I was trying to make is that, by installing this software we are not eliminating all the work that, is going to require for us to collect data because you still have to go through that manual exercise as the Mayor mentioned earlier, there are times when I tell them to please e-mail me at the City e-mail address and there are still times when I get e-mails on my personal e-mail or even my personal cellphone. I guess when you are thinking about time management, I think it is hard to sort of quantify, because we are still going to have to do this manual effort.

**Councilmember Bokhari** said I think this is pretty simple, because there are a lot of problems in this world that legislation needs to catch up with technology. For this case I think to elaborate on Mr. Egleston's point, how many hours a year do you roughly estimate staff spends going through physical phones, which I am assuming is a lot more with staff than it is with Council and Mayor and then how many hours is that going to reduce using this technology? Because it simply cuts out us physically gathering phones and manually going in. They are gathered there; it does a little bit of sorting and filtering, and they have to do it, so does the time saved and the hours warrant the dollar amount that we are being asked to vote on, and I think it is a pretty simple equation from that point. If it doesn't then let's just keep doing it this way because it doesn't revolutionize anything and if does great, we just save money.

Mayor Lyles said I think it is more than just what we handover it is what happens after we handover as well and how that works.

Mr. Bokhari said I think from what has been explained to me that it doesn't do as much rather than maybe has some natural native digital inventories of the text versus the snapshots and the other ways that they gather it.

Mr. Winston said just to give a little further context to my colleague; Mr. Flotree's position was created within the past year specifically to handle public information requests. This was not something that we had before, so it is a significant amount of time anyway you cut it.

Mayor Lyles said thank you very much; we will see it on the agenda.

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## **LAKE ARBOR APARTMENTS UPDATE**

**Councilmember Winston** said this is a topic that is pretty in the public eye right now. This topic I didn't see it on any of our agendas, and I've put our agendas out there so our citizens, especially items that they are interested in can participate in, and I'm sure there are a lot of people out there that would have liked to have been informed about this presentation, and I don't see it on any kind of agenda.

**Mayor Lyles** said I understand; we usually ask the Manager to give us reports. We've been reporting Lake Arbor almost every week, since we've been talking about it, and we are also going to do it downstairs as well. It is televised right now and televised downstairs as well, and we've got speakers signed up on it, so there be some opportunity, but in terms of reporting we've been getting a report on Lake Arbor I think almost every week. We had one last week I believe.

Mr. Winston said my question is why is it not on this agenda?

Mayor Lyles said because I was out of town maybe; I was not here to think about it. That might be just enough I was not here, but we've been working on a report to bring us up to date every week to see what is happening and what is changing.

**Ben Krise, Code Enforcement** said thank you for the opportunity to provide you with a brief update on the City's work at Lake Arbor since becoming involved in the community. I would like to start by recognizing our team of employees that have been working diligently there. We have a Supervisor, Jerry Green and five inspectors, Chris Lominick, Carl Canterbury, Alex Gregory, Zafar Shums, and Mike McClain who have been working out there every single day since we became involved. Those employees have spent many long hours at the site as well as working their regular caseloads day to day, and I think it is important that we recognize them.

What I want to talk about here this evening is kind of really what we have done with our inspection and our inspection process. We've inspected all of the units as of September 28, 2018. Since our involvement began several months ago, there have been 61 housing units that have been brought into compliance with the minimum housing code. We are currently monitoring 262 cases; we've referred nine households to the Emergency Relocation Housing Program, and we also have 11 code enforcement cases that are on the environmental court docket for November 6, 2018 in General District Court. In doing all of that, what I wanted to portray is that some conditions that we regularly saw while we were conducting our inspections. So, you see the conditions of the interior of some of the units. Some other common violations that we found were broken door jams, unclean and unsanitary conditions, inoperable smoke detectors, some exposed electrical wiring of face plates removed, damaged plumbing, damaged and unsanitary floor covering, a rotting windowsill, exterior lighting that is broken. Since the City's involvement there are examples of violations that have been corrected. You see a deck that has been rebuilt completely structurally from all the components, the posts, the flooring, the railing; all of those components have been rebuilt. You see two additional decks, one where the railings have all been replaced and then the second one you see the decking boards and subfloor have all been replaced, and you can see from the interior you notices that railing is different on that second unit, so it just signifies that they are doing substantial work regarding correcting the decking issues.

Some of the other violations that have been corrected since our involvement, mechanical systems being serviced by a licensed contractor; you see the pre-existing mechanical units. You see a licensed contractor out there conducting cleaning of coils, etc. Before and after where safety locks installed to be able to secure exterior sliding doors. Installation and repair of a mechanical system HVAC unit, exterior windows and doors are being replaced, exterior lighting replaced, and lastly in addition to that enforcement process, and those violations



being corrected code enforcement has also undergone in conjunction with many of our partners in the community and within the City, some education and prevention. We had a community meeting on August 25, 2018 with the Community Relations Committee, ourselves as well as Legal Aid to talk to the citizens and the residents regarding the issues they were having. We listened, and we participated with an emergency resource fair in the community on a Friday evening from 3:00 to 6:00 with the Genesis Project, Sheriff's Department, Police, Solid Waste, again Community Relations, 311 trying to inform folks how to access services, other resources connecting the dots. We've had multiple meetings with ownership, property management, and we will continue to and then on Tuesday, actually tomorrow, we are meeting with the legal representation of the ownership to listen to and hear their proposed course of action to bring the property into compliance.

**Councilmember Newton** said thank you for the presentation and for all the hard work that you and your staff have been engaged in and obviously completing. One of my major concerns is external lighting, particularly in stairwells that was all but non-existent when I visited the site twice, so I hope there is some headway being made there. This isn't the first apartment complex I've been contacted about regarding code violations, and I want to thank you for your help in addressing those issues in the past, but very often I hear about mold, and I know it is not something that is regulated by our housing code, but I think this might be a good opportunity for us to ask what ways seeing the health risks and dangers that mold particularly certain forms of toxic mold pose, and what ways can we maybe address that, maybe expand, broaden our code?

Mr. Krise said consistently throughout the state and other municipalities as well as here in Charlotte the idea of mold manifest its way in unsanitary conditions and standardly it manifest itself in water related violations as well as ventilation related violations. Our ordinance allows us the ability to address those issues, so the tool exists; we stay away from the terminology of mold, because there is such a variance there and how you define that, but the causal root ventilation and the water related issue addresses unsanitary conditions in units.

**Mayor Lyles** said does that mean that if you have experienced mold caused by the conditions, is it something that we can do a code violation or correction of a violation to clean the vents where that mold is being processed into the unit?

Mr. Krise said yes ma'am, when we conduct an inspection we do look at the condition of all of the components of an HVAC system under a mechanical code. We do look at that; I don't want to get too technical on you but we do address mold. We don't use that terminology.

Mayor Lyles said I understand what you are saying; you address the conditions that create the opportunity for that to happen. At Lake Arbor, how many of the units have you had to address in that respect?

Mr. Krise said I would have to get back to you with regard to the number of units.

Mayor Lyles said going to Mr. Winston's point, I want to see this updated on a regular basis, because this is an important thing; it is a lesson learned for all of us, and it is also important to our housing policy, because these are the kinds of units that are necessary for us to maintain in this community so that people can afford to live. If you can just plan on coming back to us, and it may not be on the agenda, we'll get the name on the agenda, but this information is very important, so come back with us and tell us how many you've addressed in terms of the duck work in the HVAC system to prevent the cause that we've been talking about.

Mr. Newton said to build upon the point too; so if there is ever anything we feel so inclined to hone in on, granted it sounds like there are ways that we can address the mold issue currently, but anything else, we can always reassess the code and add additional criteria maybe through committee before coming to the Council as a whole but just wanted to put that thought out.

Mayor Lyles said I think that is a great point.

**Councilmember Egleston** said I'm trying to square the math and I just need to understand in some units do you have multiple active cases, is that how that method works out?

Mr. Krise said squaring the math there is some duplication of units that we've had to re-inspect after being closed out that have reoccurred.

Mr. Egleston said if you have 196 total units and 61 have been brought up to code you can't have 262 units with an active case but some of those multiple cases are on the same unit.

Mr. Krise said some of those are cases that have re-occurred or been reopened, yes sir.

Mayor Lyles said recurred since the first inspection; can you give us a list of the causes in that situation please?

**Councilmember Phipps** said that condition there; are we saying that that condition is a landlord related issue or a tenant related issue there in terms of any kind of enforcement?

Mr. Krise said from an enforcement perspective, when we really get down to it, ultimately the owners are responsible period for any unit and legally that is the way that works. There are several violations that are depicted in the picture that could potentially be interpreted as tenant induced. That is one of the reasons we have tenant landlord mediation programs; we don't intervene in the middle of tenant/landlord disputes.

Mr. Egleston said if someone is renting to a hoarder, and I know that is not a technical term per se, but can they evict someone for hoarding or having some sort of condition like this and/or you are saying we can enforce against the condition like this through the landlord?

Mr. Krise said ultimately, with minimum housing code violations, what I'm saying is the owner is responsible. When it comes down to it, we have to enforce through the owner if we get to a point where we cannot accomplish a voluntary compliance of the occupant connecting the additional resources.

Mr. Egleston said so, that is something we can enforce.

Mr. Krise said yes.

**Councilmember Mayfield** said I want clarification on this specifically, because this is just a picture. This picture doesn't tell me if the reason clothes aren't hung up is because of the mold that is inside the closet or whether mold was in other spaces, whether mold has already taken over the dresser or other things, so as you are continuing to give us information give us more background information, because these pictures are very subjective when we go through and we just show okay here is a condition, but it is not listed up under what exactly were the code violations when you went into the space. Was electrical related, was it mold related, did they have an accessible closet, did they have accessible space? It is very subjective the way these pictures are laid out with the before and after so as updates are given it will be helpful if up under the picture, because even the picture next to it, I don't know what I'm looking at. I don't know if I'm looking at a carpet, I don't know if I'm looking at a floor. It would be helpful to know specifically under each picture what we are looking at so we can have a more accurate conversation.

Mr. Phipps said in all of your inspections did you find any evidence of rodent infestation?

Mr. Krise said no sir.

Mr. Newton said how do you gauge that? With rodent infestations, I think with these units they are all connected, so there could be any type of pest going through.

Mr. Egleston said droppings.

Mr. Krise said there are indicators that would indicate that. There will be evidence of rodents eating materials near cabinets, droppings, so on. We have not seen any during our inspections.

Mr. Winston said I know we want relief for Lake Arbor in particular but one of my other concerns is that how do we address this again policy wise? I believe that there are other places in Charlotte with conditions like this and the residents of Lake Arbor if there is any silver lining it is that they are getting attention paid to them because the media has been doing a good job of advocating their voices. Can you tell me a little bit about how common this is? One, to find it necessary to go into a multi-family complex and inspect a large proportion, if not all, of the units, nine households that have already been put into voluntary emergency relocation housing, 11 more that are scheduled to go to environmental court. Is this extraordinary, or is this more common than we might think?

Mr. Krise said I would have to go back and do some data analysis with regards to that question.

Mayor Lyles said he can get the data for you; multifamily large numbers of over 50 percent or 60 percent of the units being in disrepair.

Mr. Winston said I would like some subjective analysis; I know you have a lot of experience in code enforcement all over the City. Is nine households being referred to voluntary emergency relocation housing in one complex something that happens often that you run into; is this the first time that you've seen this?

Mr. Krise said it is not the first time that I've seen this, no sir it is not but I would say that we in code enforcement and Housing and Neighborhood Services very much care for our community as Council does and we are able to affect in a neighborhood of roughly 3,000 compliances a year from a minimum housing code perspective so whether or not it is multifamily, single family or what have you we value the safety and sanitary conditions for our citizens and we try to elevate our game every single day, and this team is working extremely hard to do that.

Mr. Winston said I know a lot of times we go through our rezonings, and I don't know if this property was at one point in time subject to a rezoning, but you get to some careful details about the look, and I always forget this term, but the materials that are used. This is a very different product in the after photo than the before photo in terms of the standard of living in terms of the way it looks. This looks very out of place. Is this an intermediate step, or can we expect that we are going to get the intent of the way this cosmetically looked before and what I assume residents do care about when they go to rent a property?

Mr. Krise said are you talking about the character of the siding being on the aesthetically on the exterior versus the railing on the right?

Mr. Winston said yes.

Mr. Krise said I would have to look into that whether or not that is the final product and intent. It does meet the minimal housing code, as it constructed on the right hand side.

Mr. Winston said I definitely want to look into that, because I know we spend a lot of time on Monday nights asking questions and considering these things. I don't want to just give a slap dash job and say hey live with it; this is better than what you had before. It has to fall in line; if there are five of those around the complex it creates an eyesore and it is not the standard of living that we want our people living in.

Mayor Lyles said would you ask the representative of the property owner tomorrow to address that question so we get that information back?

Mr. Krise said yes ma'am.

**Councilmember Eiselt** said Mr. Krise, I hear what you are saying that mold is just kind of an easy word to use for all sorts of organisms that they test for when a mold remediation team goes out there and apparently they had one that went out there, so I would like to know specifically. I got a report from the residents in building number nine, and I went out and looked at that building, and they had freshly painted some of the apartments, and the mold was seeping through the fresh paint. So, my question was are they cleaning out the air ducts and have they tested; well they have tested, and this particular report says they named six different organisms and some of them had very heavy spore counts for certain types of organisms, so I would like to know if they tested that duct work, and if they find spores in the duct work what are they going to do about it? If it is in the duct work you can't paint over that it is just going to keep coming back out. One of the apartments that I was in did pull a bunch of clothes out and laid on the floor. She says she is moving out of there so she tried to get everything out of the closet. It was definitely worse in the closet, so my specific question is can we get a report? As an example building number nine, did they test the air in the duct work and investigate the duct work?

Mayor Lyles said again another question for the legal representative and if you will provide them that e-mail and let him make sure that gets addressed accurately from the owner.

**Councilmember Mitchell** said first of all thank you and your staff for all the hard work you guys are doing. I don't think we've said thank you yet, but we appreciate you. What is the role of Moore & Van Allen in this; are they representing the City or are they representing the property owner?

Mr. Krise said they are representing the ownership.

Mr. Mitchell said what is the history of the property owner meaning have we had issues before with him; does he own other properties throughout the City of Charlotte? Do we have a book on him and some of his violations?

Mr. Krise said I will research his history.

Mr. Mitchell said did we select the general contractor to make the repairs, or did the owner select the general contractor?

Mr. Krise said the owner selected.

Mr. Mitchell said do we know who it is?

Mr. Krise said yes.

Mr. Mitchell said who is it?

Mr. Krise said it is a company called Jank, Inc.

Mr. Mitchell said so a serious conversation for us Council; we need to make sure we've got the right persons committed to make those repairs to our standards, so I'm sure we will be checking and balance their work.

Ms. Mayfield said again Mr. Krise I'm going to thank you and your team; you've heard quite a few questions and hopefully in preparation for tomorrow's meeting I hope there is an understanding that there are some specifics that we want to know since they have gained the Council of a local well respected company here. Our minimum standards, it will be helpful at the next meeting for that information to be brought back, because I agree with my colleagues. I have not been back out to the individual units, because I personally offered residents direct contact to look at relocation and moving that they did not accept. I also know that we offered a couple of other residents that chose to stay in the complex and not move, but what will be helpful to know is that outside of the one resource fair, have we connected the residents to our specific partners whether it is NOCA or whoever the partners are specifically, outside of Genesis Project, where we are getting them access to credit, counseling and/or education? For the rent amounts, there is another level of conversation



that we are not having regarding potential credit scores and/or background possible discretions that is making it difficult to move to have other options. If we have connected them to our specific partners that can help with that, it will be good to have that information provided to us so (1) we are not repeating the information that we are sharing with residents and so we can be tracking what information. Do you know if that has happened?

Mr. Krise said I will have to get all the details to find out who and what resources have been connected.

Mayor Lyles said that is a really good point; let's get that list even if has been done sometimes it takes a long time, and we just have to keep going over and over so that is a great point.

Ms. Mayfield said the other question I have with the repairs up to this point; how many repairs has the actual complex paid for versus have we had to spend any tax dollars and/or use any of our partners to do any repairs up to this point at Lake Arbor?

Mr. Krise said all of the repairs are ownership property management based so far. Those 61 compliances are affected through ownership.

Ms. Mayfield said so, at this point all the repairs that have been done, even though they are done at the minimum standards have been paid for by the ownership of the property and no tax dollars have contributed to any of the repairs?

Mr. Krise said that is correct. To the best of my knowledge, there are no tax dollars affiliated with code repairs unless they are involved with any other programs.

Ms. Mayfield said let me rephrase the question, because there is a time, say if you had a rental home the City would go out and mow the yard and then bill you later. So, I want to make sure that City relationships, City dollars, tax dollars, our partners have not gone out and done any repairs up to this point, and all the repairs that have been done have been done by the property owner.

Mr. Krise said correct.

Mr. Winston said with that said, do we have the tool to go in to say these residents need relief now, and we are going to do the repairs, and we are going to bill you and you have to pay for this?

Mr. Krise said within the minimum housing code, there is an In Rem Repair. There is a very infrequently utilized tool, but it does exist. It would have to be presented to you all, and you all would have to vote on it and approve it. It is not an immediate fix as you described; it is something that would have to go through the entire code enforcement process and then presented just like a demolition would be. At this point, we utilize environmental court to remediate issues much more frequently than we utilize the In Rem Repair Program. It is something that is on the books and does exist; the frequency of use is extremely infrequent.

Mr. Winston said are residents able to trigger that process themselves if someone was in a rental property and said my landlord is not being responsive; I want to trigger this City In Rem Process myself?

Mr. Krise said a tenant can trigger the inspection process while living in substandard conditions; I haven't been able to effect compliance through the normal channels of contacting ownership. They can initiate us conducting that inspection, and we go through the enforcement process.

Mr. Winston said it is up to us to trigger the In Rem process.

Mr. Krise said the In Rem process whether demolition or repair, yes sir.

Ms. Mayfield said the last question I have on this Mr. Krise is the fact that there is mold remediation process. Charlotte Housing Authority has had to do it over the years so has

CMHP, so there is a paint as well as some other things to help dry out and to identify the air quality because mold is triggered more so by the dampness and leaks are happening somewhere that are contributing to it. What I want to find out specifically is are our inspectors out there when whoever is doing the repairs is going into the unit or are we going back out after they say they have completed it. You just heard examples where fresh paint was put on the wall but the mold is coming back through. There are clear health related issues mainly what we focus on is our seniors and small babies. There are plenty of small babies out there but are we going; so you are there doing the repair, I'm the inspector, what day are you going out there because I'm going to show up to insure that it gets done. Are we at that level or no? Because now, I want you to think about this before you answer, because I recognize we do have a limitation with how many staff, even though we got a couple more staff last year, we have a limited number of staff but in order to insure that we don't keep going this round robin have we taken the initiative to be proactive to actually be out with whoever this company is to insure the job is being done correctly?

Mr. Krise said it is an excellent question, and we are out there on a daily basis, but I will tell you that on no project that we inspect and/or re-inspect do we watch every single repair anywhere within the City. That is just not a normal practice.

Ms. Mayfield said Ms. Wideman, since you are here, would this case because at this point we are talking about this particular complex and the fact that we have 262 open cases, those cases, if we keep having to go back in, that means we could have avoided that if we did insure that it was done properly and if you are taking short cuts on the front end those short cuts within six to eight weeks are going to show back up and we are spending time and money having to go back out. When the meeting is happening tomorrow what I am requesting as the Chair of the Committee and as the District Representative, is that it is made clear to the representatives for them to make sure that their client knows that the expectation is for it to be done correctly, and if it is not and we have to come back out we should be prepared to have penalties identified to go along with that.

**Councilmember Driggs** said I'm worried that it is economically owner to allow these conditions to develop and just go ahead and pay the fines, so I'm interested to know what the fine structure is and whether we have steeply progressive system for repeat or multiple offenses so as to make sure that it is uneconomic to allow this to happen and then just pay the fines when it gets caught. I'm also wondering if we are under resourced and therefore unable to identify a situation like this early, because I think it is kind of unfortunate to all of us that this got this bad before we intervened and I worry too about whether it is like this elsewhere. So, if there a question on resources on code enforcement, again I don't know exactly how you work, just throwing that out and then lastly on the subject of mold, I had one mold remediation situation at my house, a basement room. It is expensive, those guys come in and you read the websites, the danger to health. You've got to do this; you've got to do that, and it cost a lot of money so I would also throughout the suggestion that among the sanctions for violations of City codes that lead to mold is the remediation of the mold, that we just include that, because otherwise what you are saying is we try to prevent the mold from happening with our inspection process but if there is a failure to comply and mold is created then we are not responsible for that. I think the mold is the biggest problem; that stuff is toxic, so I would like to think that certainly if it came about as a result of a violation of a City code that we have some mechanism to require it be fixed.

Mayor Lyles said let's ask our City Attorney to take a look at our code and what we can do legally for mold and remediation of mold in the code and what we would have to add to be able to do that if that is required. You can come back to us with can we do that and how can we do it.

**Councilmember Ajmera** said to follow-up on Mr. Driggs' question, it is unfortunate that it has gotten to this level. I want to understand how much time are we really spending on issuing violation where someone to take the trashcan back to the side versus really critical issues like this. I think it is very important that we use our resources more effectively where we are really focusing on more sanitary issues or issues like this where it is really health issues and really jeopardizes someone's livelihood. The other thing I also want to understand what is the reason for tenants not moving out even though they were offered an

option? Is that because of the rent they are paying in this unit versus what is the market? Do we know the reasons? It is very unfortunate that there are still residents that are still living in this type of conditions.

Mr. Driggs said it is their neighborhood and their home; ugly as it may be, I don't think they want to move.

Ms. Ajmera said do we know the rents they are paying?

Mr. Krise said there are different rent points throughout the apartment complex.

Mayor Lyles said I think there are 11 families identified; let's find out if we have an interview process to find why that one person did not.

Ms. Ajmera said and are we offering them an option where it is more comparative. I'm not sure that is the reason where they are not able to find an option that offers them the same rent. Did any tenant notify us or was your department notified of this violation early on? We found out at a very later point in time, but I was wondering if you had received any calls early on several months ago specifically for this property?

Mr. Krise said we did have cases opened several months ago but each location, each unit, there is such a variance there that is specific to each location.

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**ITEM NO. 6: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEMS QUESTIONS**

There were no outstanding Consent Item questions.

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**ITEM NO. 7: CLOSED SESSION**

There was no closed session.

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The meeting was recessed at 6:51 to move to the Council Chambers for the regularly scheduled Business Meeting.

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**BUSINESS MEETING**

The City Council of the City of Charlotte, North Carolina reconvened for a Business Meeting on Monday, October 8, 2018 at 6:57 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps, and Braxton Winston, II.

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**INVOCATION AND PLEDGE**

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

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**AWARDS AND RECOGNITIONS**

**ITEM NO. 10: FRAMEWORK FOR FUTURE DAY PROCLAMATION**

**Mayor Lyles** read the following Proclamation:

WHEREAS, Framework for Future is a nonprofit organization created to benefit the greater Charlotte community through instilling leadership in youth; and

WHEREAS, the junior board of Framework for Future has organized several social events to benefit young adults and has conducted them successfully; and

WHEREAS, they have held workshops/summits for Generation Z children and millennials, including a medical expertise workshop, a political summit hosted by a North Carolina state assembly senator, and a community cricket event; and

WHEREAS, Framework for Future is an essential organization for instilling 21st century skills in today's youth; and

WHEREAS, it is appropriate for the City of Charlotte to recognize Framework for Future to set an appropriate day to recognize and affirm the actions that this organization has taken to benefit this community:

NOW, THEREFORE, I, Vi Alexander Lyles, Mayor of Charlotte, do hereby proclaim October 8, 2018 as

“FRAMEWORK FOR FUTURE DAY”

in Charlotte and commend its observance to all citizens.

\* \* \* \* \*

#### **ITEM NO. 11: NATIONAL ARTS AND HUMANITIES MONTH PROCLAMATION**

**Councilmember Mayfield** read the following Proclamation:

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country for more than two decades; and

WHEREAS, the Arts & Science Council was established on October 8, 1958, to ensure access to an excellent, relevant, and sustainable arts and cultural community for the Charlotte-Mecklenburg region; and

WHEREAS, arts and culture enhance and enrich our families and our communities; and

WHEREAS, the Arts & Science Council meets all residents where they are and connects them with arts, science, and history in the Charlotte-Mecklenburg region; and

WHEREAS, the focus on arts and culture means a focus on business; the local nonprofit arts industry strengthens our economy by generating \$243 million in total economic activity annually, \$21.6 million in government revenue, and by supporting the full-time equivalent of 7,600 jobs:

NOW, THEREFORE, I, Vi Alexander Lyles, Mayor of Charlotte, do hereby recognize the 60th Anniversary of the Arts & Science Council and proclaim October as

“NATIONAL ARTS AND HUMANITIES MONTH”

in Charlotte and call upon our citizens to celebrate and promote arts and culture in our community.

\* \* \* \* \*

#### **ITEM NO. 12: DOMESTIC VIOLENCE AWARENESS MONTH PROCLAMATION**

**Councilmember Eiselt** read the following Proclamation:



WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender, and income levels; and

WHEREAS, domestic violence is widespread and affects over four million Americans each year; and

WHEREAS, one in four women and one in seven men will be victims of severe physical violence by an intimate partner in their lifetime; and

WHEREAS, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police, court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

WHEREAS, only a coordinated effort can hope to slow this epidemic in our community and bring relief to its victims; and

WHEREAS, a domestic violence awareness month would provide an excellent opportunity for citizens to learn about preventing domestic violence, to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims, and to help raise awareness of these services in an effort to extend a lifeline to survivors:

NOW, THEREFORE, WE, Vi Alexander Lyles, Mayor of Charlotte, and Ella B. Scarborough, Chair of the Mecklenburg Board of County Commissioners, do hereby proclaim October 2018 as

**“DOMESTIC VIOLENCE AWARENESS MONTH”**

in Charlotte and Mecklenburg County and commend its observance to all citizens.

**Mayor Lyles** said those complete the proclamations for this meeting, we have one other recognition that I would like to make. Sometimes you have someone that is just really great to work with, and sometimes they are not, but sometimes they chastise you for not talking more and other times she wishes you would just shut up and then are other times that she says you were supposed to be here by this time and you weren't, and I think the next time I'm just waiting on truck for you to bring with you. I would like to recognize that Kirstin Garriss is leaving us from the Spectrum Station to take on a new position at a great city but not the one like us and for all that you are going to be doing we are grateful for the time that you spent here and just tell them what you did here informs what you will do there. Tell your mom that she is not the only person proud of you.

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**PUBLIC FORUM**

**Mayor Lyles** said the Public Forum is a time that we hear from citizens on any subject they would like to share with us, challenges that are being held or good things that are happening, and we welcome all of that.

**Non-Profit Serving the Community**

**Belinda Mazyck, 6329 Dougherty Drive** said I am the President of the Big Super Ten Event, a City At-Large outreach resource. I live in Charlotte, and I love my City. This is my second time here, and I will be speaking more often here at the City Council Meeting so the City can become more familiar with who we are in our service to Charlotte. I would like to ask those who have attended the Big Super Ten or came out to support our requests for a building to stand. The reason I am here is because we need the City's help with a building and if possible with adequate parking and storage space for storage in goods and resources.

We have partnered with Marine Toys for Tots delivering goods, Assistant League of Charlotte and currently CMPD community engagement. We get help with donations from a number of local businesses and major corporations and we are asking our City to help us also. I have attached a listing of handouts of our sponsors and also these sponsors are listed on our website at [www.bigsuperten.com](http://www.bigsuperten.com), so when people have nowhere else to go we open our doors on my property, and we have been doing this for 14-years, and we have outgrown our garage and now we are outside with tents, tables, chairs, and we use outdoor heaters in the winter time and fans in the summer, because we like for people to feel real good. We are a city at-large outreach so everyone is welcome to come to these outreaches, this includes speakers, educators, singers, dancers, vendors to give back, and we provide resource bags with other resources in it to fill in the gaps where we cannot such as coupons, discounts off local business services and others use for information. We open our doors with many activities, and we feel the hungry for hunger relief on the spot; we provide a grocery bag for hunger relief on the go and we also provide a food gift card to take care of hunger relief for a month along with clothes to protect the skin and personal care items to promote health, cleaning products for purification processes and other general useful household items. Families need our help; we want to help people and we love helping them. There are too many people crying out for help, too many people are hungry and needs goods and resources, jobs and houses. We are that bridge between the people and the government, and we want to help the people.

**Mayor Lyles** said thank you for coming back again to keep us informed about what you are doing. You represent what is best about our City. I don't know that we have buildings; we'll get something back to you in response to that, but we certainly want to support your efforts and thank you very much.

### **Solitary Confinement**

**Jane Jordan, 9510 Elizabeth Townes Lane** said I've lived here since 1973, after graduating with a BA in Education from our herald UNC-Chapel Hill. I come to speak to you tonight more to make you aware of a very grave situation in our state; it is about solitary confinement. I became acquainted with this through Ames Alexander, who is an editor at the Charlotte Observer. Back in 2016, he wrote a really poignant article about the inmates in North Carolina being put into solitary confinement, and I have begun writing to two of those inmates, Jason Swain and Ed Mennic who have both served 14 years in a very small space of 100-feet. There are in there for 23-hours a day, and I'm familiar with this type of treatment. I have worked in law firms here in the Charlotte area. Solitary confinement statistics show through all the research that there are more suicides because of this type of correction. There is also more recidivism and increases in the same crimes from people more so in solitary confinement than in the regular general population. As you are aware recently in the news, we have suffered five deaths since May here in our jails, the last one being a 33-year old female from California, Carla Griffin, and there was also a 39-year old male who died in May from suicide from solitary confinement. This is the most inhumane way to rehabilitate someone, just to put them in a cell, throw away the key and walk away. I cannot imagine spending 14 years of my life that God gave me in a small space like that. It will increase mental illness; it will not prohibit it. I want to read to you part of this letter from Jason Swain who wrote me and gave me permission to read this to you tonight. "Maybe my situation all those years I spent on solitary confinement will help, I might be in regular population now." I called David Geist, the Commissioner over the Prisons last year and had the two-way conversation and told him to let them out. I hurt for people, and I will take an avid stand for them in their pain.

Mayor Lyles said thank you very much; we all recognize the studies that verify what you have brought to us in both thought, love, and opinion. We know that those things happen.

### **Color or Law Community Book Read**

**Dr. Ricky Woods, 1801 Oaklawn Avenue** said thank you for the opportunity to address the Council on an important issue, and that is affordable housing. I'm here today to represent a group of non-profits, but I've been working on this issue for some time. The Opportunity Task Force identified family stability as one of the main determinants of economic mobility;

having a stable home begins with shelter. I applaud the Council for adding \$50 million bond to the November ballot and hope and pray that the voters will vote to approve. All of the early polling suggest that it will but this single bond, if passed, will not address all of the problems of affordable housing in the City of Charlotte; therefore, in an effort to educate the community on the issues and to create conversation within the public square on additional options, we are introducing a community book read the Color of the Law by Richard Rothstein. Dr. Rothstein's work is a document of the role of government at every level in creating segregated communities across America and public policy positions that are still informed by the mistakes of the past. It is our hope that through this education comes from the community read an ongoing discussion in Charlotte will help us to make better choices in public and private policy decisions that affect housing. No-one should be forced of living in a City that they work in but having to live somewhere else because of our failure to do the work on this all important matter. Dr. Rothstein has accepted an invitation to come to Charlotte on January 28th and 29th to meet with citizens, elected leaders and policy makers to discuss the way forward. We hope you will be planning to be present as more information will be made known in the coming future and thank you again for this opportunity to address the Council. Each of you have been given a copy of the book, The Color of the Law, and we hope you will not only read it but encourage your staff and those that you know to read it as well.

### **Eastland Mall**

**Vincent Frisina, 3140 Edsel Place** said I am here to ask for a delay in the approval on October 22, 2018 for the Eastland Mall. Several things have been looked at; one is the formation of a super LLC that came about in the last couple of months whereas maybe we should have the other minorities know that was going to come all along. That is one of the items that we wanted to look at. The other one in bold print do as we say not as we do; on your actual printouts what you said if you had any one side dominating whether it be the City, the developer or the community, guess what happens, it will not be successful. We have not had a voice to go ahead in a public forum, as a community as described, in that particular mention and looking at the entire program as mentioned in one of your brochures that we could come over. We know there are many people who have a lot of concerns about that. We've seen plenty of real estate where the prices have gone up, forgetting about AMI because you know how difficult it is to actually acquire property, so we wonder what the true net worth of the property is. Matt; you did a great job, and I'll put that in bold, for having all the meetings, but we haven't seen the City put forth any really dollars and having meetings once this was actually settled as far as the four particular developers. Matt, you had a meeting when the City was hunkering down. I had three power outages, and we know a lot of people didn't make it there. We would like to see some additional meetings. I was responsible for the boarded up homes and for the first housing locational policy with some other people. These are things I shouldn't have done. I really believe that the public needs to see and have a little bit more information about that, and the last thing is I was bullied and harassed for saying look we should really go forward and raise some complaints to the City. An individual said no, you shouldn't do and wanted me and others not to speak in this 30-day period, and I will be putting out details on that next week, and you will get copies of it. I won't put his name on there, but I will put what experience I've had. I really believe if you want a great product you should open up your books, and treat us the same way you were to treat us down the road, because when you ran for Mayor I talked to you, and I talked to your opponent and Todd DeLong and all have said look we don't have a great experience of being the developer, what would make your think that your process is not perfect or close to perfect unless we are all able to speak. That is all we are asking for.

Mayor Lyles said we will talk about this perhaps later, but ordinarily we would have this on the agenda, and we would have people come out and speak so that all 12 of us can hear it on the 22nd and then Council doesn't vote until the Council determines that they have had the comments and considered them. On the 22nd, it would be appropriate to sign up to speak on the agenda item and there is no limit to the number of people that can speak to an agenda item. The Committee has recommended that it comes on October 22, 2018 and that we have the community come out and speak to the actual agenda item and then the Council include that in the deliberation and made a decision on how to move or not move.

Dr. Woods said and you make that decision that night.

Mayor Lyles said that is right.

### **Lake Arbor Apartments**

**Iyanna Flemming, 5001 Hickory Bluff Court** said first I would like to thank Mr. Newton and Ms. Eiselt for coming out to see what we were experiencing in Lake Arbor Apartments. I received the results back from the mold testing for my apartment; the air vent that Ms. Mayfield didn't know what it was, it is a hallway vent, and that vent had five different types of mold in it with, the worse mold you can ever live in, and they were all heavy. So, it was mold all over the house. Shoes, clothes, couch, bar stools; everything is gone, full of mold. The property manager won't talk to me at all so I'm waiting for emergency housing; Ben did put a referral in for me. I also want some of you other City Councilmembers to actually come out and take a look; it was only two of you that came out. If you guys can do that, I will really appreciate that also I do want to thank David [inaudible], because he actually got the mold inspector to come out. No-one every did a mold test over there, and it was really bad. Did you guys see the results?

Mayor Lyles said we just talked about them, and we are forwarding them to the owner's representative.

Ms. Flemming said also is there any way that some of the tenants could join in the meetings about Lake Arbor Apartments?

Mayor Lyles said before I misstate anything, let me have Ms. Wideman talk with you about the meetings and what goes on and see what happens. I don't know the answer to your question. Earlier before we came downstairs for our meeting, we have a discussion about Lake Arbor, and I would like to ask Ben Krise to come up. We heard a very in-depth report, got lots of questions to come forward. Our commitment is to have regular updates on this property until we get a resolution done. Mr. Krise, would you kind of go through the top key points and express the information that will be included in the next report?

### **Lake Arbor Apartments Update**

**Ben Krise, Code Enforcement** said thank you for the opportunity to provide you with a brief update on the City's work since becoming involved in the Lake Arbor Community, but I want to start my recognizing and thanking the team of employees who are serving that community. We have them here tonight and I will ask them to stand. We have Supervisor, Jerry Green; Jerry is doing the project management of that and three of the inspectors who are on that team are also here tonight: Mike McClain, Carl Canterbury, and Chris Lominick. Those folks have spent countless hours out on the site working with the residents trying to communicate attention to bring the location into compliance. What we have done so far as we've gone through and conducted our inspections; we've inspected every unit out at Lake Arbor as of September 28, 2018, and since we began several months ago with our inspection process, we've been able to effect 61 compliance of the residential units out there. We are still monitoring 262 cases; we've referred nine households to emergency relocation program, and we've also cited 11 cases to environment court. Those are on the November 6, 2018 environmental court docket. Some of the violations that we found that were common place when we conducted our inspections; we have some pictures on the screen that depict the common place violations, unsanitary conditions, broken door jam, unsanitary conditions underneath a cabinetry, inoperable smoke detector, electrical wiring exposed or cover plate missing, damaged plumbing, damaged floor covering, rotting window sill, and broken exterior lighting. Since our involvement, I will move into some pictures of violations that were corrected since our involvement. This is an example of a rebuilt deck, a structural picture where the posts, all the railings, flooring everything was completely rebuilt as a result of the violations. We also have additional pictures that depict additional decking repairs; the first picture depicts the balcony railings have been replaced, and the second shows the decking boards or sub-flooring having been replaced. We have the HVAC systems have been serviced by a licensed contractor; we've got door locks that have been installed as a safety prevention particularly on the rear sliding doors. We've got mechanical system installation



and repair servicing; we've been able to affect exterior windows and doors being replaced, exterior lighting being replaced, so there has been a substantial amount of work that has been conducted since the City's involvement. That is just the items that depict the enforcement process and violations. I would also like to talk to you a little bit about the engagement, the education and the prevention piece that we've tried to instill as well. On Saturday, August 25, 2018 we held a meeting in conjunction with the Community Relations Committee, set down with residents. We listened; we heard in order to formulate an action plan moving forward to bring the attention to this property. We also brought in Legal Aid that was able to answer questions as a resource and provide guidance. We subsequently on September 21, 2018 participated in emergency resource fair; that resource fair had code enforcement, community engagement, 311, Solid Waste, Police, Sheriff's Department, the Genesis Project, a multitude of agencies, and I'm sure I didn't name them all, were there in order to meet with the residents and was held on a Friday evening from 3:00 to 6:00 pm and was again meant to educate and provide folks with a venue for accessing resources.

We've had multiple meetings with representation of the ownership; we've met with Moore & Van Allen and their folks. We've met with the general contractor. We've met with management staff, and we will continue to do that. It is a collaborative process. We are scheduled tomorrow to meet with Moore & Van Allen and the general contractor to listen and hear to their proposed plan of action to bring all the properties into compliance.

Mayor Lyles said Mr. Jones could we share this information and actually take it out with the staff that is going out and have regular updates with the community on an ongoing basis. We will hear another report from you next week Mr. Krise, so thank you very much, and Ms. Flemming if you will meet with Ms. Wideman she will be glad to talk with you about the meetings and what we can do next.

**Councilmember Mayfield** said Mr. Krise, what you mentioned is that you are going to be listening tomorrow. It will be as far as what the clean-up plan will be. It will be helpful if along with what was discussed earlier at the Dinner Presentation that it is also made clear that the residents, whether it is through a group identifying one or two individuals, the residents want to be actively involved in this conversation so with Moore & Van Allen as the local representative for their client. As the City's representative, it would be helpful if you share in the meeting tomorrow along with the questions that were asked earlier today that there is a specific request for residents to be actively engaged in this process and not just receive updates.

Mr. Krise said yes, I will be sure and relay that message.

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## CONSENT AGENDA

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. 39, which was pulled for a separate vote.
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**Councilmember Bokhari** commented on Item No. 28, SouthPark Cultural Loop Framework Plan. Tonight, we are going to be taking a major step in relation to the SouthPark C-NIP, and first and foremost a thank you is necessary; a big thank you to SPAN the SouthPark Association of Neighborhoods and the leadership and the work they have put into this over the last year and many years before that. Also, the SouthPark Coalition, this is a group of businesses just like the other was a group of neighbors and City staff under the leadership of Fran West and many others have done incredible work.

This planning phase that we are about to embark on really builds on that community and business and staff work over the last year and formerly kicks off what is really going to be a transformational change to District 6, an area that many think from an outside glance is doing well, and it is but equally wants to do its part as well as desperately needs infrastructure investment in an area that is growing really fast. This SouthPark Cultural Loop that we are

embarking on tonight with our vote is an urban trail that is going to connect residential, office, retail in a way where my colleagues if you wouldn't mind closing your eyes and just imaging this with me for a second. This is when you are in the SouthPark area you are able to walk three miles around this Cultural Loop, safely get across these major intersections that are there, visit Gray's Restaurant, breweries, retail but also for those that work there go and walk from work to where you play to where you go home and get more cars off the road if possible and then safely go down Barkley Downs and the sidewalks that are so desperately needed there, head up to the back lot trail where you have this natural setting, and you can stroll with your families, with your friends, connect over to maybe the Cross Charlotte Trail that is doing such great work right now and then perhaps you may be able to go over to Symphony Park off of this Cultural Loop which becomes the new town square, a gathering place for neighbors and friends and families to just enjoy one another's company. Mr. Manager, I know you are visualizing this with me, and I appreciate that. A lot of work went into this by a lot of folks, and I am just beyond excited to see where this goes from here.

**Councilmember Mitchell** commented on Item No. 32: Water and Sewer New Service Installations. I just want to bring attention to the Council and the Community that this particular item had an MSBE goal of five percent and B.R.S. was not able to meet that goal, but with the help of Angela Lee and B.R.S, they made another commitment to us that they will hire and train two individuals to give them the job skills to be able to do this function, which I think is a great new model. Angela, thank you for being very creative and we went on to say that if these two individuals are not hired by B.R.S. at the City they will hire them at a minimum of \$15 per hour. Thank you for your leadership and another model or way B.R.S. could participate with our City Program.

**Councilmember Winston** also commented on Item No. 32: Just to follow-up to Mr. Mitchell's point, again this is an action that comes directly from our question asking from the conversations that while non-traditional and sometimes inconveniencing some members of staff potentially or members in the private sector. These are necessary inconveniences and we have to continue to look at how we do things and how we are discussing these policy issues even these contract Consent agenda items. I will agree that we need a better process overall, but this is important, and we should continue to ask questions even if means taking a long time and inconveniencing some folks. It is necessary work and results continue to show week by week as we are changing how we do our business, and I think for the better.

Mr. Winston commented on Item Nos. 37 and 38: CATS Transit Security Contract Amendment and CATS Transit Security Services. I wanted to talk about Item 37 and 38 which are about contracts to secure private corporate police units that we bring on to take care of our transit corridors, our CATS bus lines and now and the entire Blue Line including the BLE. I had a chance to go and meet with B. J. Johnson, who is the head security person for CATS and met with somebody from the City Attorney's Office, as well as several G4S Officers and some CMPD Officers that are assigned there, as well as a Sheriff's Deputy, who is also a Highway Patrolman who is assigned to that. I was initially just going to pull this, because I think there are several issues here that we need to deal with as colleagues as we move forward. CATS has only been around since 2000, so it didn't really plan for the kind of growth that we are dealing with right now, including how to keep those riders safe. As we know that we are in a time, specifically here in Charlotte and around the country where police community relations are very tense, and one of these situations I think is because of all the different types of police that we seem to have. I think we have to figure out how to bring this policing duty under one badge, our CMPD badge ultimately, and there are a couple different reasons. One, we just got finished with our budget process where police pay and recruitment was central to this. We know that these G4S Police Officers are state approved police officers. They past the training, and they can be sworn as any other police officer in their duty, so I question if we have a group of certified police officers, and we have a shortage in our Police Department why are they not police officers under out Department. Furthermore, they lack oversight. They are not subject to this investigation by the CRB should we need oversight. They are not subject to the Civil Service Board; all those processes are internally in this corporation, which we have no direct oversight over. I understand that the relationship works very well, so I'm not criticizing how it works from an operational standpoint, but again as we continue to try to improve and address these issues that are so clearly stated by our community, I really think we need to analyze how we go

about doing this business. On top of that, like I said you have these Police Officers that can be qualified; they are getting paid less than normal Police Officers, so again we have to look at our business if we are trying to be truthful for the responsibilities that we have in paying those Police Officers that are in such stressful situations, especially transit officers. We have to look at why are paying- Are we taking action to pay some folks less to kind of get around the ability to pay all of them in the same kind of vein? I think this is something that I don't think can be corrected by pulling this contract and not dealing with it, but I hope we take a look at this as a Council and as a City about how we are approaching this form of policing.

**The following items were approved:**

**Item No. 23: PetSmart Charities Pet Retention Grant Program**

Authorize the City Manager to accept a grant in the amount of \$150,000 from PetSmart Charities Pet Retention Grant Program to assist owners at risk of surrendering their pets and to purchase an X-ray machine.

**Item No. 24: U. S. Department of Justice DNA Capacity Enhancement and Backlog Reduction Program Grant**

Authorize the City Manager to accept a two-year, DNA Capacity Enhancement and Backlog Reduction grant in the amount of \$327,989 from the U. S. Department of Justice.

**Item No. 25: U. S. Department of Justice Sexual Assault Kit Initiative Grant**

Authorize the City Manager to accept a three-year, Sexual Assault Kit Initiative grant in the amount of \$452,637 from the U. S. Department of Justice.

**Item No. 26: Transportation Asphalt**

(A) Approve the purchase of plant-mix asphalt from a state contract, (B) Approve unit price contracts with Ferebee Corporation and Blythe Construction, Inc. for the purchase of asphalt for the term of two years under NC-DOT Bituminous Plant Mix Asphalt Contract #54-JM-1214114, dated May 1, 2018, and (C) Authorize the City Manager to extend the contract for additional one-year terms as long as the state contract is in effect, at prices and terms that are the same or more favorable than those under the state contract.

**Item No. 27: Roadway Construction Services Fiscal Year 2019 A and B**

(A) Reject the low-bid submitted by BSL Galbreath, Inc. for the Specialized Roadway Construction Services Fiscal Year 2019 A project, (B) Approve a contract in the amount of \$298,347.50 to the lowest responsive bidder RPG Construction LLC for a term of 18 months for the Specialized Roadway Construction Services Fiscal Year 2019 A project, and (C) approve a contract in the amount of \$298,001 to the lowest bidder Silverback Brothers, LLC for a term of we months for Specialized Roadway Construction Services Fiscal Year 2019 B project.

**Summary of Bids for FY 19 A**

BSL Galbreath, Inc. *	\$274,376.63
RPG Construction, LLC	\$298,347.50
DOT Construction, Inc.	\$397,980.00

**Summary of Bids for FY 19 B**

Silverback Brothers, LLC	\$298,001.00
DOT Construction, Inc.	\$397,980.00
WGL, Inc.	\$833,948.50

\* BSL Galbreath, Inc. bid was found to be non-responsive as a result of failing to meet the North Carolina General Contracting Licensing requirements. BSL Galbreath, Inc. does not have a General Contractor License.

**Item No. 28: SouthPark Cultural Loop Framework Plan**

Authorize the City Manager to negotiate and approve a contract up to \$300,000 with Kimley Horn and Associates, Inc. for planning services for the SouthPark Cultural Loop Framework Plan.

**Item No. 29: HVAC Equipment, Installation, Service, and Related Products**

(A) Approve the purchase of HVAC equipment, installation, service, and related products from a cooperative purchase contract as authorized by G.S. 143-129(e)(3), (B) Approve a unit price contract with Daikin Applied Americas, Inc. for the purchase of HVAC equipment, installation, services and related products for a term of one year under National Intergovernmental Purchasing Alliance, Contract Number R150505, October 1, 2015, and (C) Authorize the City Manager to extend the contract for additional one-year 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. 30: Storm Water Repair and Improvement Contract (Fiscal Year 2019-A)**

Approve a unit price contract \$4,275,662.60 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repair and Improvement Fiscal Year 2019-A project for a term of 18 months.

**Summary of Bids**

Onsite Development LLC	\$4,275,662.60
United of Carolinas	\$4,521,395.99
North American Pipeline Management	\$5,000,347.00
Blythe Development Company	\$5,488,978.28

**Item No. 31: McDowell Creek Wastewater Treatment Plant Reliability Improvements Phase 2**

Approve a contract in the amount of \$7,171,000 to the lowest responsive bidder State Utility Contractors, Inc. for the McDowell Creek Wastewater Treatment Plant reliability Improvements Phase 2 project.

**Summary of Bids**

State Utility	\$7,171,000.00
Shook Construction	\$7,210,000.00
Wharton Smith	\$7,898,373.00

**Item No. 32: Water and Sewer New Service Installations**

(A) Approve a unit price contract to the lowest responsive bidder B.R.S., Inc. for the Installation of Water and Sewer Services for an initial term of one year, 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.

**Summary of Bids**

B.R.S. Inc.	\$5,628,496.50
Propst Construction	\$5,792,286.50
Dallas 1 Construction, LLC	\$5,915,508.50

**Item No. 33: Water Service Relocation and Water Main Dismantlement**

(A) Approve a unit price contract to the lowest responsive bidder Atlantic Coast Contractors, Inc. for Water Service Relocations and Water Main Dismantlement for an initial term of one years, and (B) Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

**Summary of Bids**

Atlantic Coast Contractors	\$1,688,245.90
Fuller Construction Company	\$1,752,441.41
Dallas 1 Construction	\$2,152,370.00
State Utility Contractors	\$2,583,130.00

**Item No. 34: Underground Boring Tools and Pipe Slitters**

(A) Approve the purchase of Underground Boring Tools and Pipe splitters, as authorized by the sole source exemption of G.S. 143-129(e)(6), (B) Approve a contract with TT Technologies, Inc. for the purchase of Underground Boring Tools and Pipe Splitters 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. 35: Sugar Based Beverage Reuse for Wastewater Treatment Plants**

Approve unit price contracts for Sugar Based Beverage Reuse for Wastewater Treatment Plants for a term of five years to the following: Choice USA Beverage, Inc., Coco-Cola Bottling Co. Consolidated, and Independent Beverage.

**Item No. 36: Blue Line Extension Construction Management Services Contract Amendment**

Approve contract amendment #9 for up to \$4,000,000 to HNTB North Carolina PC for construction management services for the LYNX Blue Line Extension project.

**Item No. 37: CATS Transit Security Contract Amendment**

Approve contract amendment #3 for \$1,000,000 to G4S Secure Solutions (USA), Inc. to provide transit security services through the end of its contract term on October 11, 2018.

**Item No. 38: CATS Transit Security Services**

(A) Approve a three-year contract for up to \$5,890,960 annually with G4S Secure Solutions USA, Inc. for transit security services at various transit facilities, and (B) Authorize the City manager to extend the contract for 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: CATS Bus Wheel Reconditioning Services**

(A) Approve a unit price contract with Global Aviation Services for bus wheel reconditioning services for an initial term of one year, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and toe amend the contract consistent with the purpose for which the contract was approved.

**Item No. 41: Airport Sanitary Sewer Line**

Approve a contract in the amount of \$5,564,286.19 to the lowest responsive bidder Fuller & Co. Construction LLC for the Sanitary Sewer Line on Rental Car Road.

**Summary of Bids**

Fuller & Company	\$ 5,564,286.19
Dellinger, Inc.	\$10,536.044.00
State Utility Construction	\$10,577.440.00

**Item No. 42: Airport Terminal Elevated Roadway System and Pedestrian Tunnels**

(A) Approve contract amendment #3 for \$740,000 with HBTB of North Carolina for construction administration and inspection services, and (B) Approve contract amendment #1 for \$192,500 with Summit Engineering, Laboratory & Testing, P.C. for quality Assistance testing.

**Item No. 43: Airport Ramp Pavement Management Program**

Approve a contract in the amount of \$542,980 with Delta Airport Consultants, Inc. for engineering services of the Airport Ramp Pavement Management program.

**Item No. 44: Airport Office Space Lease to Frontier Airlines**

Approve a 2.5 year lease with Frontier Airlines for office space in the terminal of Charlotte Douglas International Airport.

**Item No. 45: Refund of Property Taxes**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$2,107.76.

The resolution is recorded in full in Resolution Book 49, at Page(s) 248-249.

**Item No. 46: Meeting Minutes**

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of September 10, 2018 Business Meeting and September 17, 2018, Zoning Meeting.

**PROPERTY TRANSACTIONS**

**Item No. 47: Property Transactions – Cross Charlotte Trail Brandywine -Tyvola, Parcel #22**

Acquisition of 2,599 square feet (.06 acre) in Permanent Greenway Easement, plus 1,205 square feet (.028 acre) in Temporary Construction Easement at 1800 Asbury Hall Court from Victor M. Pineiro and Hilda H. Pineiro for \$11,725 for Cross Charlotte Trail Brandywine – Tyvola, Parcel #22.

**Item No. 48: Property Transactions – Cutchin Drive Drainage Improvements, Parcel #12**

Acquisition of 763 square feet (.018 acre) in Storm Drainage Easement, plus 543 square feet (.012 acre) in Existing Drainage Accepted as Storm Drainage Easement at 3142 Chaucer Drive from Debra G. Detwiler for \$23,850 for Cutchin Drive Drainage Improvements, Parcel #12.

**Item No. 49: Property Transactions – Glenn Teague Road to serve 6130 & 6116, Parcel #1**

Resolution of Condemnation of 2,555 square feet (.059 acre) in Waterline Easement at 6124 Glenn Teague Road from Gerald A. Chadwick and Amy Joy Chadwick for an amount to be determined for Glenn Teague Road to serve 6130 & 6116, Parcel #1.

The resolution is recorded in full in Resolution Book 49, at Page(s) 250.

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**ITEM NO. 39: LYNX RAIL CAR CLEANING SERVICES**

**Councilmember Winston** said I have more questions about this; I asked about this and staff has verified that the cleaning contract that pays a living wage for the State of North Carolina, what is that.

**Marie Harris, Strategy and Budget** said when I checked earlier today with staff on that number for North Carolina it is \$11.36.

Mr. Winston said well we know that is not a living wage for Charlotte; a living wage for Charlotte is somewhere between \$17 and \$21 per hour.

**Councilmember Eggleston** said is that what they are paying or what they are deeming as a living wage?

Mr. Winston said do you know what they are paying?

Ms. Harris said it is between \$11.50 and \$12.00 for this type of service.

Mr. Winston said I also know that here in this building, we contract out a janitorial staff that gets paid about \$7.50 an hour. I don't think we should be getting in the business, especially as we proclaim that we are being serious about equity issues and getting people into jobs where they can survive here in Charlotte. We know that at this rate nobody can do that.

Motion was made by Councilmember Winston and seconded by Councilmember Mayfield, to deny (a) this contract for \$60,000 with 25/27 Cleaning Services LLC for light rail facility cleaning for an initial term of one year, and (b) to find a solution to provide janitorial services for LYNX Light Rail Cleaning Services through our Solid Waste Services Department

Mr. Winston said because we can't say we are serious about this and then be floating these types of contracts. It just doesn't fit.

**Mayor Lyles** said I'm going to ask first to make sure that we are legal on what we are doing, and second I'm going to ask the Manager to talk about providing services in a different way. I guess there is a bridge too. At some point there has to be a bridge over this, because you cannot start- You have to have them clean. We will figure out the bridge.

**Bob Hagemann, City Attorney** said state law prohibits you from imposing as a contractual requirement that contractors pay a certain wage, but you are not obligated to award a contract. My opinion is that the motion is consistent with state law, because Mr. Winston is asking for a different solution and it is not directly imposing an obligation on this contractor that they pay a certain wage.

Mayor Lyles said I guess the question is the bridging of it. We've got to clean it and if we deny this; I don't know anything about the contract, when it applies or whatever.

**Councilmember Eiselt** said can we have Mr. Winston repeat his motion?

Mr. Winston said I would like to make a motion to deny the contract for Agenda Item No. 39 and to find a solution to provide janitorial services for LYNX Light Rail Cleaning Services through our Solid Waste Services Department.

**Councilmember Mayfield** said a clarifying question is I am going to ask the gentlemen if potentially I can propose an amendment and if the answer check with the Attorney to see if the amendment could be for a deferral opposed to a deny to give us the space to find out can our department encompass this. Back in 2013, the City did increase our pay for all of our staff from the minimum, but the General Assembly with the creation of HB2 created language that said that we cannot say that our minimum pay, which was increased to \$15 per hour, could not be imposed on any contractor that did business, and we are stuck into 2020 because of the legislation even with their so called revised version. I wanted to see if it would be okay to have an amendment to defer to get the information can we absorb, because I agree with you regarding the amount but, by law, especially because of the creation of the legislation in the General Assembly, we don't have the ability to tell a contractor how much. We do have the ability to make sure that our City employees aren't making- Our minimum at a certain level.

Mr. Winston said I don't know if I understand.

Ms. Mayfield said to defer this vote to our next Business Meeting to give time to answer your question opposed to denying it and starting all over, because we don't even know if our department has the ability to encompass this.

Mayor Lyles said I believe that would be a substitute motion.

Ms. Mayfield said that is why I was asking if I could do an amendment, since he made the initial of not.

Mr. Winston said for clarification, the substitute motion would be to defer this vote to the next Business Meeting while we explore the feasibility of Solid Waste Services doing this job, any other kind of modifications that can be made to resolve this issue. If that is the motion, I second it.

A substitute motion was made by Councilmember Mayfield and seconded by Councilmember Winston, to defer this vote to the next Business Meeting while we explore the feasibility of Solid Waste Services performing the work and any other kind of modifications that can be made to resolve this issue.

**Councilmember Mitchell** said I think it's all good intention what this Council is trying to do increase MWBE participation, as well as increase the wage. I just want us to be careful

here, because staff has done what we asked them to do. If you look at the write-up, this was particularly a request for proposal from our SBE/MBE. They received six of them, so they checked the box that we always ask staff to do and go out there and find them and then 25/27 was the bidder who won the contract. So, let's be careful what message we are sending as we want participation, and we asked staff to do the right thing and then they come back. I this hourly conversation is bigger than what we are making here at the dais, and I think we need to be very careful to defer this item and then we go back and find out from the State or our department can't do it, and now this MBE/SBE is sitting here saying I followed the process. I did the right thing, and at the last minute Council decided to go in another direction. That is not the message we want to send.

**Councilmember Driggs** said I just wanted to say, I agree with the idea of the deferral and not the denial. I don't think we have enough information, because we have not had a proper discussion. I believe the Manager has talked to us about what his options are and how we propose to address the concern that has been raised by my colleague. There are things other than just the wages that are being paid, the administration of this. Is Solid Waste Services the right Department? So, really if anything I would just like to send it back at this point and have the Manager come forward with his assessment of the issues, give ourselves a little time to talk it over and not take any final action other than just deferral.

Mr. Winston said I wanted to respond to Mr. Mitchell. I hear you, but we can't cut off our nose to spite our face here. I am all for the increase of MBEs on businesses, but I don't want to set any Charlotteans up for further failure. These wages people just can't live; they can't afford homes. They can't afford to ride the Blue Line and pay rent and eat on wages like this, so we need to make sure that as we are connecting all the dots we can't take any shortcuts. We have to hold everybody to account, and it is a problem. I hear from people in this building that stopped me, and they are getting paid \$7.50 an hour to make sure that this Chamber looks like this every Monday. It is a problem, and we have to deal with it.

Ms. Mayfield said I understand my colleague's comments on both sides, because when we initially create the language of increasing the minimum wage. That conversation under the previous City Manager actually started heading down the direction of exactly what you are talking about, where even with our partners there would be expectation for them not to pay less than what we were paying, and that was pre-empted. The other challenge is as we have MWSBEs, I think what may come back from the City Attorney's Office is the State law, and the state law unfortunately is the minimum wage. Congress Woman Adams fought for more than 10-years in the General Assembly, and that is when the minimum wage was \$6.25.

Mr. Winston said I'm not asking for anything about minimum wage.

Ms. Mayfield said well when we are talking about what that pay is, that is the conversation we are going into, and that is the conversation that was started in 2013 when we created and approve our budget. We had conversations regarding what the pay for our contractors would be, and this is a conversation we've had for many years, so it may be an opportunity to do a referral since the Intergovernmental Relations Committee has been re-engaged, if the Chair and Co-Chair would accept to start to have a conversation regarding the impact of the legislation that was created in Raleigh that pre-empted Charlotte into 2020 to see if we have an opportunity to have more flexibility when it comes to our contracting, because we still have City employees that even though \$15 may sound great, the minimum wage you need to make in Charlotte today is \$17.12. That was back in March when the MIT Study came out. We have an opportunity, but that is the reason why I asked for an amendment to do a deferral because a denial would kick this into the system, and it will change the opportunity even bringing it back before Council, so at least a deferral will give us a little time. It will be helpful to know from staff what the timeline on these contracts, because it doesn't state in our paperwork. It doesn't tell me what the start time was going to be; if we were to do a deferral, would that cause any challenges in the movement? Use to we give a three to six month window between contracts, so I just want to make sure that wouldn't-

Mayor Lyles said we can get that coming back.

Ms. Mayfield said that is the question that is being asked right now via staff.



Ms. Harris said I failed to mention a point earlier, just for general consideration. Currently, we don't have any staff that does this type of janitorial work. Solid Waste Services, they do a different type service but not janitorial at this time, so that would be a consideration as well that we don't currently have staff that performs this type of work.

Ms. Mayfield said are we not going to get the question asked?

**John Muth, Transit Deputy Director** said it is my understanding that the contract has expired, so we are at a point where we would like to go forward as quickly as possible. If you move to defer, we will get the answers as quickly as we can and bring it back in two weeks.

**Councilmember Eiselt** said that might have answered it; if we don't have staff that can clean this then, there is really no point in my mind of deferring this, but I want to go back to what Mr. Mitchell said. We've talked about this before when we asked our City Attorney can we even say, if you are going to do business with the City, we want to see a certain living wage, minimum wage that matches ours, and we were told that we can't do that. In fact, HB142 overrode HB2 specifically said we can't do that. So, if we can't do that and we dance around it are we going to get ourselves into hot water again? I would love the community to think that don't bother doing business with the City unless you are prepared to pay your folks a wage that matches the City wage. We would love to do that, but if we can't we can't, and if we don't even have the people to do it, I don't know why we are going to defer this. That is a whole different department that we would have to create.

**Councilmember Bokhari** said just looking through this, I have to agree with Mr. Mitchell in that it is an important topic, and I'm not trying to take that away, but we are talking about a \$60,000 contract with maybe renewals for us to four years, and there were MBEs and SBEs that went through this process, and I guess my final point would be if we are going to cherry pick out one single small contract like this to make an example, we need to step back and do this at a more macro level if there is support here and understand the state level requirements and legislation and understand the appetite of the entire Council before we move forward. If six people or more are down with it, let's do it all in, because my assumption is this is a .001 percent that the City deals with in third parties that might fit this kind of bill, and these folks have followed the process for a very small dollar amount that is needed that we can't do.

Mr. Winston said let me be clear here, I am not advocating for any kind of legislation or to advocate or try to set any type of minimum wage here. I am acknowledging an issue that we face in our City and many of us have run on creating good paying jobs and doing what we can do when we can do it. A little later, I think part of this Consent Agenda Item, we are going to sell land to help one family get into a house, so when we start picking and choosing of how many people is it worth helping, I'd say one is enough. So, if this is \$60,000, and we can do it now and we can create a better opportunity for several workers in our community, why we should not do that?

Ms. Eiselt said who are the workers?

Mr. Winston said the people that clean.

Ms. Eiselt said we don't have anyone who does that.

Mr. Winston said we have very smart people; we are here to talk about professionals out here that do what they do, and they do it well. I'm sure Ms. Johnson can figure out, with the Manager, how to get people-

Mr. Driggs said they do not do janitorial services.

Mr. Winston said I am going to finish my point, that we can figure out how to get people and create a team of people to pay a good wage to clean our buses, to clean our trains, to clean our offices. We've figured out more complex personnel issues since we've been here in the 10 months that I've been here. We can find people to do this, so I'm not advocating again

for a minimum wage change or telling people how they need to go about doing their business. I'm uncomfortable with the way we are going about our businesses and aren't matching our actions with our words. We have an opportunity to match those two things right now.

Mr. Driggs said just a procedural question, if this fails then what is our status?

Mr. Hagemann said the original motion is back on the table. Maybe check with the Clerk, my read of what was done, yes there was a discussion about possibly amending but, at the end I thought what was settled upon was a substitute motion that was then seconded by Mr. Winston.

The vote was taken on the substitute motion to defer Item No. 39 for two weeks and was recorded as follows:

YEAS: Councilmembers Egleston, Harlow, Mayfield and Winston.

NAYS: Councilmembers Ajmera, Bokhari, Driggs, Eiselt, Mitchell, Newton, and Phipps.

Motion was made by Councilmember Bokhari, seconded by Councilmember Mitchell, to (a) approve a contract for up to \$60,000 with 25/27 Cleaning Services, LLC for light rail facility cleaning for an initial term of one years, and (b) Authorize the City Manager to renew the contract for us to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

A vote was taken on the motion and carried as followed:

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Harlow, Mayfield, Mitchell and Phipps.

NAYS: Councilmembers Newton and Winston.

Mayor Lyles said there are a couple things that I see about this; it is always difficult to make public policy in the spur of the moment. I know that it might be something that we all wish that we could do, but it is putting something on the table that requires us to move an organization in a way that needs some time and some data. I believe that we can have these types of discussions, and we can take these opportunities.

The second thing that I say is that without some information- This is \$60,000 per year for five years up to, but I don't know the number if it is one percent of our contracts that are at this level or if it is 25 percent. I know that there are smart people in our organization that can figure this out, and I think if given the ability to have a motion and an issue resolved by a majority vote of this Council to go in that direction we can, but we have to have that discussion, and it needs to be in a way that just doesn't carve out one thing, because we are here to serve all in a way that makes this happen. So with that, I'm going to move to the next agenda item on our agenda.

Mr. Winston said you didn't have the discussion on the motion that you voted on; you skipped the discussion from the procedure in that, and we were not able to discuss that motion before you pushed it to a vote.

Mayor Lyles said I'm certainly glad to reconsider. Please, let's have a discussion on that motion. Is there anyone who would like to speak to the issue of the motion?

Ms. Ajmera said I do support for us to move forward. I think it is an important issue that Mr. Winston had raised on living wage and equity, and I think we've got to refer that to Committee, and as Mayor you can decide which Committee that it should belong to, but I think we've got to address this issue at the macro level as Mr. Bokhari had said. How do we review our contracts and insure that our contractors are paying their employees well. I

think it is a valid issue that we need to address as a full Council with data and more information.

Mr. Winston said this is the frustration that people have with government. You guys are looking at \$60,000, and you are treating this as a number. These are workers. These are people, and these are people that why it is so minute is that we are not paying them, and it seems like we will do that when it is convenient and when I guess it is a significant portion of it, but this is several families. This is several children impacted. This is a family that this worker is going to have to get another job, and they are going to have to choose between participating in their kid's lives and working another job. I can't deal with this just as a number. I'm looking at this as people and as citizen, and I'm sorry that more of my colleagues are not doing the same thing.

Ms. Eiselt said so are the people that have these jobs.

Mr. Driggs said I just wanted to say there is no presumption that the people that would get this work and are doing this work would be the ones who got hired for \$17.00 an hour. They could end up not being able to get any work; you really need to think this stuff through.

Mr. Winston said I think it through very much.

Ms. Mayfield said I hear my colleague, but as we move forward when it gets to the dais for us to vote on it, what we are also saying through our CBI, through the Economic Development Committee, through our Project P.I.E.C.E, through our small business programs is we have encouraged small businesses to be created. These are small businesses who, even though it is a \$60,000 contract, the goal hopefully is for them to win more contracts, because you've got to start somewhere, but when we look at one we are a market driven state. For us to have a small business, that small business, whether they have hired three people, five people, seven people or 11 people, along with salaries along with benefits along with the fact that North Carolina State Law says you have to unemployment insurance, there are a number of other pieces that you need to have in place. I don't want us giving misinformation to the public when we are having these conversations. This is not a million dollar plus contract with an organization or business that has 30 plus employees and has a very different revenue stream. As a small business, this business may have two or three people. Anointed Hands is small cleaning business that started through both the County program and our program. They have been able to grow, but when they first stated out with two employees, if we had the expectation to put these type of restrictions on that small business to say we expect you to do X for your salary and provide benefits and provide unemployed insurance and pay into the State and to provide liability insurance, which you have to have for all your employees in case someone gets hurt that could very well close that small business down. So, when we are having the conversation we have to the best of our ability have apple to apple and not apple to grapefruit. We can't do the same comparison and say, well we are working on equity, but we are going to penalize a small business that has less than however many number of employees or put them in the same category as a business that has over 20 employees or even a \$60,000 contract versus a \$6 million contract. There is a different conversation that we are having, and when we have the conversation here opposed to the lunch meeting where we can go into more detail that gives an opportunity to give misinformation to the public, because the public, unless they are that small business owner, don't understand that, but that small business owner does understand that or anybody who has gone through any small business classes or anyone who has taken any of our training classes would know the difference. So, there is a way for us to adhere to our goals of upward mobility but not in the way that is extremely misleading, and it is misleading to say this small business, and these multiple small businesses that have been identified, however many employees there are, that they should have the expectation that you will put on a larger business.

If we were talking about Blythe Construction or one of those other ones that is a multi-billion business I would be here all the way. When we are talking about a small business that is opening the door for other small businesses and whether you heard it or not you said a contradictory line. You said we have employees who are under payed and cannot afford to live in the City, but in the same sentence you, said but I am not talking about salary. That is

talking about salary so that we don't keep going back and forth, because thanks to recommendations, it is all public record, and it is all recorded, but when we say I'm not talking about salary but you say we have employees who are under paid or cannot afford to live, that is a conversation about salary. When are saying a small business can be negatively impacted with this decision, the reason I made the recommendation for the two weeks was to get time for you to get more information on the background. I get that we have highly-qualified staff but the work that they do they don't have the employees that are vacuuming these floors and doing this type of work. If you are talking about working for the City, that same contract that \$60,000, very well become a \$200,000 plus new line item within the City once you add all the benefits that we have and everything else that goes along with it. So, looking at the business end of it we have to be careful with the information that we are sharing with each other and that we are sharing with the community and the public, because that misinformation can cause more damage.

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**ITEM NO. 13: CITY MANAGER'S REPORT**

**Marcus Jones, City Manager** said he had no report.

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**ITEM NO. 14; MOTORCYCLE EQUIPMENT DONATION TO MATTHEWS POLICE DEPARTMENT**

Motion was made by Councilmember Egleston and seconded by Councilmember Eiselt, to adopt a resolution authorizing the donation of motorcycle lighting accessories and radios to the Matthews Police Department.

A substitute motion was made by Councilmember Winston and seconded by Councilmember Mayfield, to deny the adoption of a resolution authorizing the donation of motorcycle lighting accessories and radio to the Matthews Police Department.

**Councilmember Winston** said I think it is a privilege to do business with the City of Charlotte, and I do not believe that the Matthews Township has a policy that is in the interest of the City of Charlotte over the past year, whether it be suspending the ETJ Agreement that we have, which is well within their right but did us harm or what they are doing with HB514 and is potentially going to put us in trouble. I think they have the prerogative to do the things that they do, but we also have the prerogative to use the might that we have in some of these agreements to say hey you need to consider us, and you need to think about the policy decisions that you are making and the relationship that we have. I don't think they should continue to have the grace of this relationship by just donating equipment when it is not in our interest.

**Councilmember Ajmera** said this is a donation; do we get anything in return in terms of the relationship?

**Councilmember Egleston** said I don't think you can quantify the goodwill that a donation will generate, but I do think while not quantifiable, it is there, and I think that while I agree that there have been some things that I view as problematic as well, decisions that have been made by some of our Townships I think an eye for eye is not going to the way I vote on these things. I will demonstrate a willingness to try to help people where we can and hope that gives us a seat at the table to have discussions with them about the things that we take issue with.

**Councilmember Mayfield** said I support my colleague's amendment on this, because I do have a challenge, and I agree with my colleague Mr. Winston regarding how the City of Charlotte relationship with our partners works. A lot of time it seems very one sided and



heavy sided on the City of Charlotte's side regarding how our partners, in this particular case, specifically Matthews, how they have move forward with partnerships and relationships that we have so then when a request comes before Council asking for us to then approve a donation or to move forward with the partnership when that partner has not acted in good faith, it is challenging. So, when our partner Matthews chose to tell the City that they are interesting in cancelling their CMPD contract ahead of time and with very little to no notice, it is difficult to then say we are acting in good faith, this idea that good faith only works on one side. As long as the City of Charlotte is the one giving, then it is an act of good faith. If we are going to have real conversation of what good faith looks like, there should be expectations for us to be able to work together. We are not going to always agree, but the other side of it is when it comes to Council it is our time to vote, either vote in support or vote against. We are not going to agree on everything, but I support my colleague's denial of this, because I have a challenge with how Charlotte is portrayed repeatedly by some of our partners but then a request comes before us. It is not about the dollar amount; the dollar amount is a small amount. It is about that relationship, and is this really a relationship and a partnership or is it just another example where Charlotte is the big brother in the room so therefore we are supposed to hand all our hand-me-downs to you whether you have acted in good faith or not?

**Councilmember Eiselt** said I hear what my colleagues are saying; however, I think it sort of supplants the relationship between Matthews Police Department and CMPD. They must have had discussions as to why they wanted to do this. They have a relationship that they have built, and I'm sure there is a lot of collaboration that goes on between these police departments that we don't know about, but overall I'm looking at the big picture. We've heard continually that we've got to act as a region, that we've got to act in the best interest of our region on transportation issues, on law enforcement issues on all sorts of issues, and so I'm going to support this, because I don't know what went into this decision but if anybody was going to have hard feelings about the ETJ it would be CMPD, but they have decided to make a donation of a couple thousand dollars in equipment.

Mr. Winston said I would like to correct the record; I have just been informed that they did not pull out of the ETJ.

**Mayor Lyles** said I didn't think the ETJ, Extra Territorial Jurisdiction, those boundaries were Huntersville. ETJ is an entirely different thing; ETJ is a boundary on a map that allows you to annex to a certain border.

Mr. Winston said correct but it was revenue that was lost that was coming in to CMPD.

Mayor Lyles said you are talking about the Police Consolidation Agreement; that is not the same as ETJ.

Ms. Eiselt said the vote on HB 514, which is what you are referring to was 5-4. I think it was a vote that was broken by their Mayor. This was not a decision that Matthews just made lately; it was tough for the whole City. It remains difficult, and I just think it is one of those issues I certainly don't want to get involved in, and I'm glad we didn't have to vote on it as a Council, so I will support this vote.

**Councilmember Driggs** said my first point was to clarify the ETJ issue was a law enforcement service district tax issue that was brought up by the County on behalf of in fact four of the Towns, and Matthews was not even the most offended party there, so that reference was not appropriate. The relationship that we have with the Towns is complex; it is two-way street, and I don't think anybody is completely without blame, but I think it is inappropriate to bring this topic up and put them on trial in the context of a simple jester that is being proposed of good faith with a \$5,000 contribution of equipment that we don't need. I don't want to see us on Consent items and on things like this take the head of the pen and turn it into some huge referendum. We need to talk about our relationship with Matthews in the proper context with the proper people from Matthews and not fire these missiles, and I can tell you that if the word got out that we were considering not doing this because of HB 514 that would bubble up in other places. We need to do this responsibly and in a larger context; this is a small item, and it should just pass.

**Councilmember Phipps** said I just had a question; is there a de minimis for a donation like this? Why are we even looking at this \$5,000 issue?

Mayor Lyles said we checked with the Attorney today, and there is a law that requires a governing board to approve; that is why we are doing it.

Mr. Phipps said all donations have to be approved regardless of amount?

**Bob Hagemann, City Attorney** said to other local governments, yes.

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

YEAS: Councilmember Winston

NAYS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Harlow, Mayfield, Mitchell, Newton, and Phipps.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Harlow, Mayfield, Mitchell, Newton, and Phipps.

NAYS: Councilmember Winston

The resolution is recorded in full in resolution Book 49, at Page(s) 180-181.

\* \* \* \* \*

#### **ITEM NO. 15: PRIVATE DEVELOPER FUNDS APPROPRIATION**

Motion was made by Councilmember Egleston, seconded by Councilmember Phipps, and carried unanimously to (A) Approve Developer Agreements with Bryant Farms Development, LLC, 601 South Tryon, LLC Central Point and NoDa Owner, LLC for traffic signal installations and improvements, and (B) Adopt Budget Ordinance No. 9425-X appropriating \$134,832 in private developer funds for traffic signal installation and improvements.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 626.

\* \* \* \* \*

#### **ITEM NO. 16: TRANSFER OF CITY-OWNED PROPERTY ON MORRIS FIELD DRIVE**

**David Jones, 3815 Latrobe Drive** said I am a founding member and immediate past Board Chair of Renaissance West Community Initiative, and I'm here tonight as a supporter of Habitat's request. Renaissance West Community Initiative is community based redevelopment initiative centered at the site of the former Boulevard Homes Public Housing Project. Our immediate focus is on the families who now live in the newly developed Renaissance West mixed-income neighborhood and the families who live next door in the Little Rock Apartments, but our broader mission is to work collaboratively to create a stable and prosperous west side. Through innovative partnerships with CMS, the Housing Authority and the YMCA and with public community and philanthropic support we are helping west side families achieve upward economic mobility. Two initiatives that have received much of our focus are the new Renaissance West Steam Academy, a Pre-K through eighth grade public school with an innovative curriculum and community centric governance and the Howard Living Child Development Center, a five-star early learning center operated in partnership with the YMCA. At Renaissance, 98 of the families are public housing residents and 66 are in tax credit units. All of the families at Little Rock are in tax credit units. Everything we do is with the goal of helping them improve their economic outcomes. One

tool missing from our toolbox is nearby homeownership opportunities. As we are successful in helping our families improve their incomes, and we have been, they will want and need to move up and out. As the school and the early learning center succeed, and they will, those families will want their children to stay at the school or start learning at the Howard Living Center. This community needs homeownership options; the Morris Field site is a perfect location and Habitat with its long history of creating homeownership opportunities is the right developer. For the families at Renaissance West, Little Rock and elsewhere on the west side to have homeownership opportunities in the neighborhood is a God send. They can succeed and move and yet stay connected to the services that support them and keep their children at a school and an early childhood center that delivers results. To continue the good work being done by many organizations on the west side, we need more homeownership opportunities. This takes philanthropy, volunteers, self-help and public support. Habitat brings philanthropy and volunteers; the west side residents will provide the self-help. All we ask is that Council provide the public support. Frankly, I wish the site was much bigger and that there would be more homes but this is a wonderful start and it is a start that we need. I urge you to approve the Habitat request so that west side families have this chance.

**Rickey Hall, 3133 Reid Avenue** said I am a community leader out in the West Boulevard corridor, and I want to take you for a minute on a cultural journey that began back in 1866 when at the end of the Civil War the Trustees of the Freeman School purchased land to create a school for newly freed African Americans in the area. This is one of 11 schools established in the Charlotte region in 1867. In 1870 the Freeman School became part of the land owned by Morris Sanctuary AME Zion Church. In 1915, Morris Sanctuary AME Zion Church Mutual Aid Societies entered into an agreement with the Mecklenburg County Board of Education wherein the Mutual Aid Societies donated the land and labor for the development of the school in exchange for space for the Societies in the upper part of the building. For more than 150 years, the cultural underpinnings of this landmark institution is evidence by the community builders and leaders that emerged from its roots to undergird and influence the direction of the communities in which were established to create community led and community driven approach that is still in existence today. Thus in order to preserve that historical and collective community impact, that Plato Price School and Morris Sanctuary had in the West Boulevard Corridor the coalition seeks to partner with Habitat for Humanity to insure and explore new options and opportunities to create permanently affordable housing in the community in perpetuity. We seek options to whereby untried methods, like the community land trust, may be an option to utilize. In essence what we seek to do is to hold the community's feet to the fire, to preserve that legacy of the Plato Price School by insuring that extensive community engagements are held particularly with organizations like the alumni association and communities surrounding the site and we seek to bring other partners to the table such as Grounded Solutions working with LISK and others to create a unique opportunity and a cutting edge permanently affordable housing community in the corridor. We think that in so doing that we can from a community driven perspective create long term viability economic mobility.

**Mayor Lyles** said we appreciate that, and thank you for your many years of service professionally and personally.

**Councilmember Mayfield** said actually, the next few items that we are going to be looking at I'm just going to Item Nos. 16, 17, 18, 19, and 20 as far as Housing and Neighborhood Development Committee. As we continue moving forward with our commitment to create our diverse price point, because you know I'm not a fan of the word affordable housing, we have this opportunity of approving the sale and the transfer of City owned property to create housing ownership opportunities and purchasing land to create multifamily rental units that are diverse in price points. I hear Mr. Hall, and I agree; I don't think that there has been a no in the conversation. I think there is definitely an opportunity to continue for Habitat to work directly with the community and to hear the concerns of the community, especially when we talk about preserving heritage. I also wanted to give a quick overview for this item specifically to transfer the two parcels on Morris Field will enable Habitat for Humanity of Charlotte to develop new single-family housing; it could be up to 42 unit residential subdivision. We have an opportunity to create some diversity and to preserve history in the area.

For upcoming Item No. 17, we are also looking at the sale of City owned property on Matheson Avenue, and that will create one affordable homeownership opportunity through our House Charlotte qualified buyer program, meaning those that earn 80 percent of below the area medium income and they will also have a 15-year affordability deed restriction on it. For Item No. 18, which is the sale of City owner property on Parkwood Avenue, that sale will create also one home that will be available through our House Charlotte Program for a borrower earning 80 percent or below the median income and also have the 15-year affordability deed restriction and that transaction will also maintain an easement that is needed to complete the Parkwood Avenue and The Plaza [inaudible]. For Item No. 19, which we have the sale of City owned property which is off of Spencer Street, that sale of this land locked parcel will create seven diverse price point homeownership opportunities for also House Charlotte qualified buyers earning 80 percent or below and continue to have the 15-year, yes I would like to have 30 but when you are talking about homeownership you also recognized you want to give that homeowner the opportunity to build some equity, and you don't want to lock them in, but you want to make sure that if they do sell that house is going to stay in a range to keep the diversity of that neighborhood. Item No. 20 is the acquisition of the CMS surplus property, and that is formerly Double Oaks so the purchase of that 11.1 acre parcel will allow the City to increase the future supply. We don't know what that looks like yet, but of course once we have ownership of the property then we will have a better idea and an opportunity to move forward.

Motion was made by Councilmember Mayfield and seconded by Councilmember Newton to (A) Adopt a resolution approving the transfer of two parcels on Morris Field Drive (parcel Identification numbers 117-111-22 and 65) consisting of 8.965 acres of vacant land to Habitat for Humanity of Charlotte for the development of for-sale, affordable housing units, and (B) Authorize the City Manager to negotiate and approve a contract with Habitat for Humanity of Charlotte for us to \$1,200,000 in Community Development Block Grant funding for infrastructure improvements related to the development.

**Councilmember Harlow** said we've done a lot with housing this year, and so often the focus is the Trust Fund and the bond and how can we do multifamily development and support and supplement those. Tonight's transfer and sales of City-owned property is just really one tool in our box that I don't think we don't utilize enough. I'm glad to see that we are getting more breakings around and earlier today we had the spreadsheet of the whole assessment of our City-owned properties, and I think engaging with our School Board like we have done with the Double Oaks site and looking at our other public entities and the land that they own and how we can meet some of our goals for our citizens. Especially proud about the District 2 11 acre site at the old Double Oaks site, that has been a long and ongoing negotiation that I think started about four or five years ago. I used to meet friend fraternity chapter meetings in that Double Oaks School when I first moved to Charlotte about four or five years ago and to see the site and knowing what is going on with Camp North End across the street, what we've already done and contributed to with Bright Walk and the other apartments further up and knowing that Novant Health is putting their Clinic up the street as well, and we see what is happening with the Statesville Avenue Corridor this is just another component to add some perspective housing possibly some workforce training opportunities as well. This is an opportunity zone also so an extreme opportunity to use this now City owned land or hope once we approve it, City-owned land to leverage more and to get more out of what we want in our goals to help support our community. So, I'll be supporting all of these items.

**Councilmember Driggs** said I wanted to say for one that I really appreciate the work that Habitat does, and I think this at \$28,000 per unit or whatever it translates to, is an excellent example of the kind of things we are trying to do with our Housing Policy, and the land sales also reflect our desire to diversify and to look for new solutions. So, I will be supporting all of this and again particularly want to express my appreciation for Habitat. I think there are a number of things they do with perspective owners that we can actually learn from and see where we can clone that for other ownership models that we might develop. I did have one question for the Manager; how do we account for this? If we have like an in kind donation, do we actually track that as a housing expense, or one of the transactions involves \$3 million that we are going to use to buy land, where does that show up in our books?



**Marcus Jones, City Manager** said the \$3 million is a combination of FY18 and FY19 PAYGO funds, so that is how we help the source for purchase.

Mr. Driggs said right, so PAYGO, just so everybody understands, is generally money that we spend on capital acquisitions but pay for currently and don't borrow to finance. Again, I'm just wondering whether we are tracking our investment in housing like will this show up as money that we have invested in housing?

Mr. Jones said yes, absolutely.

Mr. Driggs said we also have situations where we are selling below market and that differential should be treated as an expense towards our housing policies, correct?

Mr. Jones said correct.

Mr. Driggs said good, I'm in favor.

**Councilmember Egleston** said similarly, I wanted to speak to all of these instead of speaking to them individually, and I hate that our friends from the media have left now, because we spend a lot of time hearing in the community and the media about things like scooters or conventions or rezonings or things that very few if any of which are things that any of us ran on, and the things that the majority of this Council ran on and now the entirety of this Council has prioritized is tackling the affordable houses crisis in our community, and this Council for 10 months has done that and will for another 14 months. I think we should be proud of what we've done and use that as all the more motivation to continue forward. We found new ways to tackle this problem; we've put additional resources behind tackling this problem, and I hope that story is getting told too so that people know that when we ran on tackling this issue we meant it, and we are doing it. I would like to thank too because for all of the political will that we might have to tackle this problem we wouldn't be able to do but for partners like Habitat for Humanity, so I will use them as one example but in all of these projects we have other partners that we are working with whether it is CMS or developers or whomever. In this case it is Habitat for Humanity. Mr. Winston and I have had the pleasure of being on a Committee over the last few months with Habitat for Humanity, and it has been very eye opening I think for both of us, the work they do in the community, both in building homes and helping repair homes and that they've done all over this country for so long is admirable, and I appreciate their willingness to help us with our main priority and again I hope we get back to focusing on talking about that more and not being distracted by some of the other things, because this is the single biggest thing that our City faces and it is why we all ran and said we deserve a chance to be on City Council collectively so that we do that work on it. I'm glad tonight that we are doing it on a bunch of these agenda items.

**Councilmember Mitchell** said first of all thank you Habitat for being a good partner. Mr. City Manager on Item Nos. 17, 18, and 19 can you show if any of these projects abuts the light rail? There has been so much conversation are we building close to the light rail it would be good to get that information to Council. Item No. 20 I would just say former District Rep Carlenia Ivory and Principal Calloway of W. G. [inaudible] have always wanted Double Oaks to be workforce project for those who work in CMS and CMPD and all our public employees. I don't know what the vision is Madam Chair, but I do think it would be a great opportunity for that site to really make a big impact in Mr. Harlow's District.

**Councilmember Winston** said luckily for Mr. Egleston, this Council livestreams meetings, so I know there are many media that are at home watching this because the ones that were in here had to get to their standups for their 10:00 p.m. hit, so I don't think it is out of lack of interest. I just wanted to carry a message to the community to take a look at the totality of these projects. Often I've heard over the past couple weeks as we've been considering these sales that we should be buying and not selling, and this is a good example that we are doing both at the same time, but buying land does no good if we are not putting working people in homes on that land. Just a message to the community, take a look at everything that is going on. This is confusing a lot of times and it is a lot to keep up with, but we hear you and we are working hard to get there.

**Councilmember Bokhari** said I think we've all looked at this over the last several weeks, and I think all in all it seems like a good plan and it is ultimately going to result in good results. I will just come back and point at the thing that has been concerning me for several months now, which is how do I measure what kind of dent this made in the problem relating to our strategic plan? We are about to approve over \$5 million worth of different activities, and while they all seem good and while you individually go into each and do the math, \$1.2 million plus \$200,000 of property value on Item No. 16 comes out to \$29,000 per unit. That seems to pass the smell test, but I keep going back to what part of the strategic plan did we just accomplish and what quantifiable measurement did we just add to the list of accomplishments in what this and the \$50 million on the ballot and the \$50 million or \$75,000 in the private sector is coming. Again, it is not to take away from the great work and our great partners but just a forward look. I'll be supporting these but this is coming on the ballot in a little over a month now give or take, and I still don't understand each individual action today and how it relates to the strategic plan, and we can't be in a position after the referendum that have we done that.

Mayor Lyles said I think Mr. Bokhari has just laid out a challenge for us not only to take these actions but to determine how to define success, and I think that is really an important thing to do because in so many of our instances people say and we are so accustomed to well we are going to do this street, these six things. It is a little bit tougher with housing, because we are talking about doing it in neighborhoods where we are trying to accomplish some other objectives. It may be not as simple as that priority list or the number, but I think that it still requires some thoughtfulness on what we do measure. When we talk about those families that go into the housing how are they defined and what are they doing and maybe even in our quality of life reviews that we do if we've done over 10 in a neighborhood. Did the neighborhood change in any respect? Have we seen those improvements? We've got some things that we can think about. I just think we need to begin to put those on the table, because we can't just be the numbers.

**Councilmember Newton** said on these agenda items these make a whole lot of sense to me. When we think about our primary goal here creating upward mobility, equal opportunity, that being our toolbox and affordable housing being one of the tools in the toolbox, so providing affordable housing would be one of the tool in the toolbox to reach that goal. We are talking about areas where we are going to be accomplishing just that. I had questions pertaining to Parkwood Avenue that staff was able to address for me. They had \$60,000 below market rate sale of this property and the return we would get on that and what was explained to me was we are talking about an area that has houses in about the \$320,000 range and the house or the affordable unit that would be provided would have a knock down of maybe about \$100,000, so I think this is significant. On each of these projects there are being deed restrictions of at least \$15 years, so we don't find ourselves in a fraudulent situation or in a situation where someone would be just buying a property to flip it. Having said all of this, I'm in support of this, and I'm happy that we are fulfilling our commitments.

**Councilmember Ajmera** said I'm not going to repeat what some of my colleagues have already said, but I would like to echo the partnership that we have developed over the years, especially with CMS, Habitat for Humanity, and so many other partners in order for us to meet our goals. We appreciate the partnership, and we look forward to continuing this partnership so thank you Mr. Manager and Ms. Wideman and your team for continuing to help us achieve our affordable housing goal.

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

The resolution is recorded in full in Resolution Book 49, at Page(s) 182-183.

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**ITEM NO. 17: SALE OF CITY-OWNED PROPERTY ON MATHESON AVENUE**

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton, and carried unanimously to adopt a resolution approving the sale of a parcel on Matheson Avenue (parcel identification number 083-156-16) consisting of 0.34 acres of vacant land for \$25,900 to Four Oaks Builders, LLC, for a development that will include an affordable housing unit.

The resolution is recorded in full in Resolution Book 49, at Page(s) 184-185.

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**ITEM NO. 18: SALE OF CITY-OWNED PROPERTY ON PARKWOOD AVENUE**

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton, and carried unanimously to adopt a resolution approving the private sale of two parcels on Parkwood Avenue (parcel identification numbers 083-138-12 and -13) consisting of 0.259 acres of vacant land for \$140,000 to Vista Homes II, LLC for the development of up to five townhome units which will include one affordable housing unit.

The resolution is recorded in full in Resolution Book 49, at Page(s) 186-187.

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**ITEM NO. 19: SALE OF CITY-OWNED PROPERTY ON SPENCER STREET**

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton, and carried unanimously to adopt a resolution approving the private sale of a parcel on Spencer Street (parcel identification number 091-091-04) consisting of 1.37 acres of vacant land for \$50,000 to Shea Real Estate Investments, LLC, a wholly owned subsidiary of Shea Homes, for development that will include affordable units.

The resolution is recorded in full in Resolution Book 49, at Page(s) 188-189.

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**ITEM NO. 20: ACQUIRE SURPLUS CMS PROPERTY**

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton, and carried unanimously to approve the purchase of an 11.1 acre parcel (parcel identification number 075-105-29) located at 1209 Eureka Street for the amount of \$3,125,000.

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**ITEM NO. 21: INTERLOCAL AGREEMENT FOR MECKLENBURG COUNTY FLEET MAINTENANCE OPERATIONS**

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, and carried unanimously to adopt a resolution approving an Interlocal Agreement between the City of Charlotte and Mecklenburg County for consideration of fleet maintenance operations.

The resolution is recorded in full in Resolution Book 49, at Page(s) 190-247.

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## ITEM NO. 22: MAYOR AND CITY COUNCIL TOPICS

**Councilmember Newton** said I just wanted to thank Charlotte East for putting on another successful Taste of the World this year. It was the 16th Annual Taste of the World, and some of our fellow Council colleagues were there to be a part of it. It is a fantastic event held every year in East Charlotte, and I wanted to also thank all the fine folks that accompanied me on Bus 14. I was a bus guide, and we did get some stellar reviews for Bus 14. I can't wait to do it again next year and see my colleagues there next year as well. Thanks Charlotte East for doing it again this year.

**Councilmember Bokhari** said I just wanted to say a quick thank you and recognition of Battalion Chief Scott Hunter from the Charlotte Fire Department, who led a team of 64 men and women to Southport and the rest of the coast during the hurricane to help our fellow men and women that were suffering down there. Just an incredible story and just shows the quality of our initial responders here to jump in in times of need and also a reminder that as we are looking at another potential storm coming our way towards the end of this week. You never take for granted preparations, watching it closely and helping your neighbors who may be in need. So, Battalion Chief Scott Hunter and the 64 men and women who joined him at the coast; we could not thank you enough for the sacrifice and the help you gave.

**Councilmember Mayfield** said we are going to back up, and I am going to thank and congratulate Winston Robinson on a [inaudible] that I believe was held last Sunday in Camp North End, and it is a conversation that is being led by the community to talk about what we talked about tonight, and that is historically minority, specifically African American Communities having the opportunity for more young people to come back and buy into the community and have homeownership. Charlotte Housing Partnership was one of the panelists, and I thank you for allowing me to speak on a panel. We also had a representative in the mortgage industry speak on a panel as well as a community liaison that educates people. When we think about getting our credit and getting ready for homeownership, there are some steps that we can take but also I want the community to understand that we are having a lot of conversations regarding housing. The City is growing very quickly; we have hedge funds as well as investors that are purchasing some of our older buildings. I need you to understand and to know and please share with your friends and family, if you are living in an apartment and/or renting a home, North Carolina does not have a program where you cannot pay your rent. If you do not pay your rent it will be difficult for you to have any legal standing in our court system the way it is set up. Maryland and some other communities do have where you can create a fund through the court, the Magistrate can approve for a fund to be opened and you can pay directly into that fund. Our General Assembly as of right now doesn't recognize that, so I need you to understand that if you don't pay your rent that will be a negative stain on your credit report and it will also put you in a very difficult financial position and make it difficult for an attorney to be able to assist you to move forward to be try to get new housing.

I also want to follow up with my colleague; Taste of the World was amazing again. I had the chance to ride on Bus 4, because it was family night because with all of this going on you still must find time for family and take care of your loved ones, so my amazing spouse thank you for making me stop working for one night. We had former Councilmember John Autry as our Bus leader, so it was wonderful to spend time with him again. This past week Unity Fellowship Church movement, for the first time their convocation, which is normally held in Los Angeles, California, was hosted in Charlotte, North Carolina at the Crown Plaza with more than 140 plus in attendance, and they have won the conference for the next three years. I want to congratulate Pastor Sonya Lee for the entire District 3 group, and it just so happens they are in District 3, this past week, but the amazing work that you all did and I want to congratulate all who elevated on Sunday. It was beautiful to be a part of the ceremony to watch those become deacons, pastors and elders in the church, so thank you for your service to community and all that you do to spread the Word to spread the understanding that God's love is truly for everyone.

**Councilmember Ajmera** said I would like to take this time to honor and pay tribute to the Community Leader Mr. Ashok Baranpuria. Many call him a leader in the community but to me he has been a father figure, so I call him Uncle. Uncle is a perfect example of the



American Dream; he immigrated to America several decades ago with very little and rose to become a successful entrepreneur and community advocate. I still remember times he would tell me how he worked the phone the whole day to insure Bank of American community will get out and do their civic duty. He didn't need a phone data base; he pretty much knew all the folks in the community and had his own data base in his mind, and he fears the advocated for the diversity and inclusion to insure that everyone had a voice at the table. It is a huge loss for the community, but his legacy will continue to live on for generations to come. I ask that you keep his family, friends and community in your prayers.

**Councilmember Mitchell** said one announcement and one recognition. This month is Women's Small Business Month and it is a celebration of the 30th anniversary of the HR 550 Bill. Those who do not know what that Bill means it eliminated all individual state laws that required a woman to have a male relative to sign a business loan and this month we are celebrating all the successful female entrepreneurs. Secondly, my next Town Hall Meeting will be Tuesday, October 30, 2018. The title is Where Access Meets Opportunities and we are going to have two career fairs, one for construction opportunities and other for Professional Services. Please call Jocella Palmer; it is Tuesday October 30, 2018 6:00 to 8:00 p.m. here at the Government Center.

**Councilmember Eiselt** said I want to thank staff who helped Mr. Phipps, Mr. Harlow and myself put together a Town Hall Meeting in Derita last Thursday night, and I want to thank all the residents in Derita who came out to talk about not only the Comprehensive Vision Plan, which is the plan that we are undertaking. You can look it up at [charlottefuture.com](http://charlottefuture.com) to really map out a vision for our community for the next several decades basically for the next generation. It brought up a really important point; it was a very passionate discussion where members of the community really wanted to discuss what is happening now in their community and what sidewalks aren't connecting and what roadwork isn't done. There was some frustration in the meeting but it really highlighted the point that why this vision plan is so important, not only for what we want to create but what we've got to work on here to connect people to better opportunity to connect people to better transportation, better jobs, schools, housing, and so as we continue with the Comprehensive Vision Plan I think it is a really important reminder that it doesn't mean that we are passing up the work that still needs to be done for a vision for 2040. It means that it is going to highlight the work that we still need to do to get us there. Again, thank you for everybody who worked hard on that and for the residents who committed their time Thursday evening.

**Councilmember Winston** said tonight is the last Business Meeting before the deadline in North Carolina to register to vote on Election Day. This will be the last Business Meeting before voting starts; early voting starts on October 17, 2018, so I'm encouraging everybody this election cycle make sure you get out there and you vote. Make sure that you are registered. One of the privileges of sitting behind this dais is that we don't have to wait for every election year to get a vote on what happens in our community, and as you can see here tonight the votes aren't always going to go your way, but that doesn't mean that you stop voting. That doesn't mean that you do not educate yourself, and you advocate for the things that you want and need. I think either way I find myself on the decision or an election, I think this City is going to come out better from the process and the work that goes behind those votes. Make sure that you are registered if you intend to vote on Election Day; you have to be registered by this Friday October 12, 2018. You can go and get a registration form, and you can fill it out and either e-mail it or return the paper copy to the Board of Elections. I would encourage everybody to early vote. Early voting does have lasting repercussions; the more that people early vote, the more opportunities in the future more people will have to early vote. The way the sites are determined, the locations are determined by the County has nothing to do with how many people come here, how population grows year to year. It has to do with the portion of the electric that turns out to early vote, so the more people that early vote the more locations and the more places and the more time that we will have in the future. All of us here around the dais were elected with the largest proportion of the electric ever to come out in municipal government history. We finished seven points above where it was expected to turn out. That number was 22 percent as opposed to 15 percent, and that is sad. I do believe our republic is in trouble. I don't care where you stand. I hope that we can all see that our institutions legitimacy is in question wherever you go, and it is a problem. The only way we can re-solidify the direction

and really try to live out this experiment of self-governance through representative government is if more people get out there and vote, so please let's make it another record year this year starting with an October 12, 2018 deadline of being registered to vote on Election Day of November 6, 2018.

**Councilmember Driggs** said I feel that should probably rest my vocal cords after this meeting, but I did want to point out briefly that the North Carolina League of Municipalities is organizing a fund to assist municipal employees who suffered great personal losses during the storm. Charlotte was fortunate we had a lot of dedicated people here who looked after our safety, but in other parts of North Carolina the devastation was immense, and many of those employees were out working for others while their own homes were under water. I will circulate more information about this as it comes up, but I think it would be wonderful if members of Council could chip in a little bit, and we will try to make it known publicly as well. Just a small amount to help them deal with some of the adversity they suffered as a result of their service.

**Councilmember Harlow** said I know a lot has been going on in the news, especially around this weekend, after the County Commissioners here in Mecklenburg took no action on the Historic Landmarks Commission option to have exclusive buyer rights for the historic Excelsior Club and a lot of community outcry and outreach as it relates to what is next to possibly save and/or do something to restore this historic Excelsior Club that sits on Beatties Ford Road that we know has a lot of deep history and legacy especially for the African American community here in Charlotte. There are possibly some options. I am not one to say that the City should be the one managing what those options are, but I would like to ask you Mr. Manager and Mr. Attorney to provide a summary and that means reaching out to the Historic Landmarks Commission, reaching out to the County Manager, and their Clerk as well, to find out what has been done, what else could be done and if possible where the City might have a role. Again not trying to tie the hands of this Council, not trying to hands of our City coffers, but I think the community is certainly looking for an answer of what can be done and this is a public statement I guess to the owner, representative Carla Cunningham as well. In negotiations there has to be reasonable sides, buyers and sellers, and we understand the value of this landmark, but at the same time we have to be responsible to the community's dollars. We know there is public information out there about what the appraised value is, there is public information about what the seller is looking for and frankly there is a willing buyer. The Historic Landmarks Commission wants to purchase this thing, and so how do we help be possible mediators in that action? May there is no input from the Council or the City on a public side, but I think we have to continue to explore that. The commissioners chose not to do anything; that doesn't mean they won't do anything, but I think we have a responsibility to at least explore it, so I would like you to explore it as any other private person who may want to purchase the building has the opportunity to explore as well. If we could get some type of report back on that that would be great.

**Councilmember Egleston** said any other private individual who wants to purchase it and save it I will support Mr. Harlow in his efforts there. I've been looking for a solution for the Excelsior Club since my time on the Historic Landmarks Commission, and I still hold-out hope that there is one. I will echo Mr. Mayfield and Mr. Newton's praise of Taste of the World; it is always one of my favorite events of the year, got to be a bus guide again this year, and it was just as fun as it always is. Last week, I was able to join the National Maryland County Association of Liberia at an event they had which was amazing. I got to sit with Wilmont Collins, who is a Liberian born Mayor of Helena, Montana. He was elected for the first time the same day that all of us were elected last year and became the first African American Mayor in the history of the state of Montana. Really interest great guy and met a bunch of folks who were Liberia natives and now live in the United States. This was their national convention, and they decided to have it here in Charlotte, so that was a lot of fun, and I appreciate the invitation, and I'm glad they chose Charlotte. I hope they enjoyed their time.

Lastly, I wanted to talk about the Panthers for a second. First of all, we had an incredible exciting game yesterday; thanks to Graham Gano for pulling it out there in the last second. A 63-yard field goal but more importantly I believe we've started a new chapter with the Panthers. The Panthers have been something we have rallied around as a City; it has been

a source of pride for a lot of us who grew up in North Carolina or folks who maybe are not native to North Carolina for as long as they have been around, but I'm very encouraged by the new ownership person, and I want to praise David Tepper who joined Tory Smith last week in trying to learn more about the justice system here in our Community, went and visited with the District Attorney, Spencer Merriweather, went and visited and learned more about the courts and the jail system. Wide Receiver, Devin Funchess has in the last couple of weeks has advocated for animal rights and kind of focused on his dog, who he says is part of his family, that has caused him to be more engaged with animal rights organizations and advocate for people not chaining their animals. Julius Peppers, in the wake of Hurricane Florence, decided to start a relief fund, and David Tepper did something that I think it is safe to say wouldn't have happened under a different administration, and that was sign someone who was a hell of a football player but more important a hell of a man in Eric Reid who is fighting some social justice fights that need to be fought and the fact of the matter is we've got an owner who has come in and very quickly decided to engage himself with our community, and we have players who have been energized I think by that and want to do the same. I reject the idea that anyone should shut up and do their job. I think everybody should to their job and when they are done with their job they should work on their community. I think these folks have done that, and I think we all as citizens of Charlotte whether it is for one year playing for a football team or our entire lifetime should find ways to engage with our community and make it better.

Mr. Mitchell said I'm sorry there was one recognition I forgot to mention. Our Mayor received the Rising Star Award in the National Black Association of Public Administrators, Mayor Congratulations.

**Councilmember Phipps** said when is the next Panther's Monday night game or have they had it yet? I was thinking that when that game comes I know we will be in session and we around the dais should wear our Panther regalia.

**Mayor Lyles** said I do have one thing; first of all, I know the Manager often puts a sheet of paper in front of us that talks about what is coming up, but if you will note he has pulled out Economic Development Strategy and NUCO. That is something that is really important that I think most of us need to learn more about, so that is coming up on October 22, 2018, along with the report out from the ED Committee on Eastland. Then on November 5, 2018 at our Strategy Session I'm really glad to see that we've got the diversity, equity, and inclusion assessment coming out as well as a report. We need to schedule a time to have the City Attorney performance review but it may turn out to be more of an exit interview, and I think that is really valuable, 24 years of service, and I'm sure there could be some things that he could help us with some insights, so I was wondering if Council would be willing to hold a special meeting on the 15th after the Zoning Briefing. There is a noon to 1:00 briefing and then we are open from 1:00 until 2:00 p.m., when we have the Intergovernmental Committee Meeting and then we would have the Council meeting later on that evening. We have a Zoning meeting and we will just follow it so if you will put in on your calendars for October 15, 2018 at 1:00 p.m. we will have an opportunity to talk to Mr. Hagemann about the exit interviews and all of that. Those questions that you have never asked him, but you are curious and want to know.

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## ADJOURNMENT

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

The meeting was adjourned at 9:21 p.m.



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Emily A. Kunze, Deputy City Clerk, NCCMC

Length of Meeting: 4 Hours, 9 Minutes  
Minutes Completed: October 17, 2018