

## ACTION REVIEW

The City Council of the City of Charlotte, North Carolina convened for an Action Review on Monday, January 14, 2019 at 5:06 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps, and Braxton Winston II.

**ABSENT:** Councilmember Dimple Ajmera

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

**Mayor Lyles** said the following items on the Consent Agenda have been settled; Item No. 49, 53, 61, 66, and 72. We have moved to our meeting on February 11, 2019 Items No. 57 and 67. Also, there is a correction for Item No. 76; the price is \$258,000 not \$240,000. Those are the corrections and changes from the staff; are there any items that Council would like to comment on before the Consent vote?

**Councilmember Winston** said I want to pull Item No. 45 for a separate vote.

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### ITEM NO. 2: AGENDA OVERVIEW

**Marcus Jones, City Manager** said we have two items prior to the Closed Session tonight; one is an update on Affordable Housing, and the second is the 2019 Legislative Agenda. With that said, I will turn it over to Pam Wideman to begin the discussion about Affordable Housing.

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### ITEM NO. 3: AFFORDABLE HOUSING UPDATE

**Mayor Lyles** I want to say first of all we need to thank you citizens who voted to support the \$50 million in bond funding for this important effort. We've all talked about this as a top priority, and I think to all of us a year ago at our Retreat, we talked about how to increase our commitment. We have all worked on this, especially the folks on the HAND Committee. I think the most important change that I hope we will address today is that when we announced that we would do the \$50 million the private sector, the business community agreed to partner with us, and now we have some opportunities that perhaps were not a part of what we had planned. Our plan was outstanding and very forward moving, and I think that be joined in partnership with the private sector just shows the reiteration of really commitment to this community to our ability to solve problems with the public sector and the private sector.

**Pam Wideman, Director of Housing and Neighborhood Services** said it is a pleasure to be before you tonight. We are going to discuss a couple of things; our main objectives are to discuss how— I want to remind you of how low-income housing tax credits work. We want to talk about what that traditional, and I emphasize traditional process and schedule, as the Mayor said we are looking at how do we go outside of our traditional approach and do things a little bit differently? I want to talk to you about what we know as the project pipeline; we know that there are other projects out there that folks might be working on that we are not aware of yet and then mainly we want to talk about how do we leverage partnerships and existing programs and resources in this community. Again, we know that in November of 2018 voters approved the \$50 million housing bond, and so we want to talk about how do we leverage that with other resources to really maximize the impact and the number of units.

As a reminder, the typical tax credit financing strategies, we have two; we have the nine percent low income housing tax credit that developers have one time per year to apply to

the State's North Carolina Housing Finance Agency to receive. We know that there are specific guidelines that suggests that 25% of those units have to be for 30% AMI and we know that that mechanism requires a lower request from your Housing Trust Fund dollars. The four percent tax credit strategy is another tool that is available to developers from the North Carolina Housing Finance Agency; we know that developers have twice per year to use that tool, but the main take away is that that tool requires additional, gap financing. It requires more money traditionally from the Housing Trust Fund so it requires more additional, gap financing.

Our typical review criteria – Developers traditionally would submit to the North Carolina Housing Finance Agency in January of every year; they would then submit to the City for Housing Trust Fund requests. We know that we evaluate those requests. They are typically evaluated on a couple of things. We want to make sure that they adhere to City policy, and when we talk about City policy we are talking about typically things like the number of years affordability. Traditionally, it has been 30 to 40-years, and we talk about making sure that they support your Council goals. We look at the development strength, and what I mean by that are the number of units that are affordable. We also look at the developer experience; that is really important, and when I say we collectively I mean the finance agency and the City of Charlotte. We want to make sure that developers have a proven track record; they have the ability to get this done, and property management is really important and required by the North Carolina Housing finance agency. We also look at the financial strength of the development, meaning how we leverage City funds and then the City investment per unit, and of course, all zoning conditions have to be met before you grant your dollars to these and before the State will accept them as well.

Here is what you have done to date; here is what you have committed to, and here is the amount that we anticipate using with nine percent. You all remember last year, pending bond approval you approved two four percent deals. This was West Sugar Creek and Brookshire. Contrary to popular belief, Brookshire did have some 30% units in it. Then also if we look at previous year's performance, we estimate that we would use approximately \$8 million if we got our fair share of nine percent tax credits this year in 2019. When I say fair share, I'm particularly talking about we can get up to three or four based on the region that we are in.

**Councilmember Winston** said just for clarification purposes, we already have \$17.5 million in Housing Trust Fund dollars accounted for?

Ms. Wideman said no sir, what you are saying, on this slide I would subtract the \$8 million; that is what we anticipate that you would approve going forward. You've only approved the Brookshire, which is the \$4.2 million and the West Sugar Creek, which is \$5.3 million. So, if I do that math really quickly that is about \$9.5 million.

Mr. Winston said \$9.5 million of the \$50 million that was approved in November is already accounted for.

Ms. Wideman said yes sir. So, the four percent development proposals that could use City donated land are the following, and I won't read through each of them to you or go through the details of them with you, but you can see up there North Tryon Street, East 7th Street, Lasalle Street, Toomey Avenue/Freedom Drive, Scaleybark, and Tyvola Road Veterans. This is a map to show you exactly where those proposed developments are. We also know that there are some additional developer requests out there; we have Sharon Oaks. This is a proposed NOAH. We talk a lot about we can't only focus on new construction, but we have to preserve existing units, so that is what Sharon Oaks is. Brookhill Village, I think you are familiar with the location of Brookhill Village; this is what we know preliminarily and then the River District. We've had lots of talk about the River District as well. You have not made any commitments to these developments; you know of them, and we have to drive down in the details more. You've approve a rezoning for River District, so I will remind you of that.

Mr. Winston said under the four percent development proposal using donated City land, these are requests that we expect to have come before us in the next year that we have already given City land to?

Ms. Wideman said you have not given City owned land to; you've not made any commitments. We released an RFP, and these are the proposals we have. The opportunity tonight is to talk about how we use all of our dollars, and I will get to that. We are just letting you know what is in the pipeline to date, but you've not made any commitments to this.

Mr. Winston said so, this slide is showing us potential projects that will request land and Housing Trust Fund dollars?

Ms. Wideman said yes sir.

**Councilmember Harlow** said so, these are not estimated requests; someone has written these requests on paper somewhere and submitted to your office?

Ms. Wideman said yes sir.

Mayor Lyles said I would say that the number has not been finalized; this is what is written, and it also does not include money for the land. They are expecting the donated land. We are going to try to get through this.

Mr. Winston said we want to make sure we understand it as we are going through it, because it is not very clear.

Ms. Wideman said I just want to show you all in summary if we just add up all the ones that I just went through with you, this does not include this page. I don't want to confuse you, but if we had up the one that I previously went through with you, this is how it breaks down in terms of AMI's and the percentage. So, 19% of all those units would serve households earning 30% of the area median income; 504 of those units would serve households earning 31-80% of area median income. You can see you have a total of 620 units there, and that is how we get to the 100%. If you want to look at that in dollars the prior comments and the traditional nine percent commitment equals \$17.5 million, the City owned land, the Housing Trust Fund request that doesn't include the value of the land equals \$22.1 million and then the other developments that I spoke to you about, those equal \$12.1 million. So, you can see that adds up to \$51.6 million, and that exceeds already your \$50 million bond.

So, some observations, again, the funding requests exceed your \$50 million bond. We talked to you about the assumption on the land is that it is either donated or long-term lease, still working through that and then we also know in excess of the \$51.6 million, there are other deals being discussed out there. So, the question we have to wrestle with in terms of moving forward is, how do we maximize the partnerships between the private sector and LISC to achieve the maximum impact in a rapidly increasing cost environment? You can see here \$50 million bond, \$50 million equity fund, \$25 million of resources that LISC would bring adds up to be \$125 million, and if we do this right here is what we hope the outcomes would be. Housing, both new construction and NOAH preservation and then at the end of the day we would make great neighborhoods, which would equate to neighborhood and economic development.

With that I want to bring up Denise Scott, Executive Vice President of LISC to talk to you again about a LISC organization and their path forward in this community.

Mayor Lyles said if you will remember as a Council, LISC came to Charlotte as a result of our discussions around affordable housing as a partner to help us leverage this. I think Denise was here a year ago, and we are glad to see her back. A lot has happened in a year for us and so hopefully we will be able to find out the status of our partnerships.

**Denise Scott, Local Initiatives Support Corporation (LISC)** said I am really thankful for the opportunity to speak to you tonight. I am the Executive Vice President for LISC, and I manage all of the LISC programs across the country and I'm responsible for the opening of LISC here in Charlotte. We will be attending your Retreat in a few weeks, and we will have an opportunity to really carry this discussion forward. There is an opportunity to have a much more robust discussion regarding City resources and priorities and to think about how we can work with you to think out of the box and doing business differently to better leverage private and philanthropic sector resources as well as LISC in its new role here. Our goal is to help you create a transparent and expedited process to address housing needs in this City. I'm extremely excited for LISC coming to Charlotte and for our partnership with all of you. I've been coming in and out of the market for the past year and have met with a number of you and some of the City Councilmembers; it is our plan to meet with each of you individually, so we will continue that.

We've toured the City a bit, so we have a sense of the City through the eyes of the folks who live and work here and really are inspired by the energy and the aspirations that we hear and really looking forward to this opportunity for a really long-term partnership. You have before you an information packet; it is really more of a take away. There is a lot of detail in it that we won't cover tonight, but it will give you a really good sense of a number of things. I'm going to briefly cover a few items.

First, I'm going to talk a little bit about LISC, our value ad, why we are coming to Charlotte and what we think we can accomplish here. I'm going to talk to you on what National LISC does and how we compliment the local program, how we innovate and leverage funding and work with developers and not for-profits and government and what that can amount to. I'm going to give you a really good sense of exactly what LISC will look like in Charlotte and then before I take your questions or hear the discussion, I'll close with just a little bit of information about the Housing Opportunity Investment Fund.

First of all, why LISC? LISC is a National Community Development Institution, CDFI founded in 1979, and we've invested in leverage resources to develop and preserve affordable housing and build commercial and retail and build not for profit capacity. Since our founding we've invested over \$18 billion which has helped to leverage an additional \$60 billion across the country. In North Carolina alone through our World LISC Program and Affiliates the National Equity Fund and the New Market Support Corporation we have invested to date over \$80 million. With the opening of LISC in Charlotte, this will become our 33rd market and our World Program works in over 2,000 counties, so that takes us across 44 states. Through all of our investment and programmatic and strategic activity, we have over the course of time touched the lives of over seven million people. Our work focuses on a systemic and structural change. That is the plan, that we view our work through, a lens that is an equitable development lens. Our ability to have an impact is directly tied to implementation of a comprehensive community development agenda with local partners aimed at breaking down barriers and systemic issues and leveling the playing field. Investing in people is part of the equation to achieve economic mobility focusing on everything from workforce development, upskilling workers, creating opportunities for living wage jobs and a number of things of that sort. We are more recently focused on small business activity and capitalizing small businesses and entrepreneurial activity. So, the bricks and mortar are a big part of this; that is part of the transformation, but it is more than just about the bricks and mortar and more than just about the housing, which is very important, but jobs and catalytic change is also part of the equation. Placing the human and financial and technical resources in support of community development, that is where we put our energy. In our markets to date annually right now, LISC is deploying about a billion dollars annually across the country.

We raise new funding from philanthropies, the private sector corporations and governments nationally and use these dollars to leverage local resources for the greater collective impact in a city. Our value proposition in Charlotte is just that; over the next several years we have specifically committed to adding \$25 million to the market through debt equity and grants. The debt to be used for deals including housing but also as I said to focus on economic development, capitalizing small businesses and new market tax credit equity. We will also focus on grants to build capacity of not for profit in the market



to be able to increase their capacity to work on housing, economic development and workforce development especially in the neighborhoods that we have targeted.

Let me talk a little bit more about Charlotte. So, we are here for the long-term; that is our job. We come in, and we partner with you to carry out your economic mobility agenda. The strategies we pursue are driven by your thoughts and your aspirations and your priorities. We've hired an executive director; I think the news is out, and I'm pleased to announce to you that was supposed to be an announcement, but the news is out. I am pleased to announce to you that it is Ralphine Caldwell, who you know well. She is current an SBP at the Charlotte Mecklenburg Housing Partnership; she knows the market. She knows housing; she has strong relationships in Charlotte, and we are excited to have her on board. Ralphine and her team will be supervised and supported by LISC National Team; that is an army of people who have high technical experience and many years of resources across the country, including myself, our National Housing Director, the Vice President of Economic Development, and a host of others and all of affiliates in the market support corporation and the National Equity Fund are all a part of the team that comes to the table. So, it is just more than an office in Charlotte, it is the LISC National Compliment that is here as well. Together we represent tremendous technical expertise and resources to deliver substantial results in Charlotte to support your goals. Ralphine will start out hiring at least three staff members, a Senior Program Officer who will manage the investment activity, underwriting and lending and that sort of thing, a Program Officers who will work with local communities to implement the programmatic work and work on capacity building and a Program Assistant to handle the administrative work and program management.

We are in the process of signing a lease for an office space at 201 South Tryon Street and expect to move in shortly. Each of our offices has a local Advisory Committee which is sort of like a governing body that provides strategic direction in support of the staff. What we are looking for as we formulate this Advisory Committee are roughly about 15 people or so with expertise in program and policy, fund development and neighborhood development to join our Advisory Committee. There is a packet in the back of the document that you have as your handout that gives you some explanation of that. Later on, in the year, we will also establish a grass roots Community Committee as well to capture a wider range of stakeholders and community representatives and others. The goal is for LISC to be able to always hear from the broader community in an organized way.

Let me shift to the first initiative for LISC in Charlotte, which is the focus on the Housing Opportunity Investment Fund. LISC and our affiliates, the New Market Support Corporation and National Equity Fund have tremendous experience in managing funds across the country. We have helped to leverage LISC funds with other sources of capital to achieve scale in cities across the country in places like Detroit and New York, San Francisco and many others. The Charlotte Housing Opportunity Funds initial mission is to focus on mixed income, multi-family housing for people making between \$30,000 and \$120,000 AMI. This is just a start and as you heard from Pam tonight there are a lot of other decisions to be made, a lot of housing options to be considered and policies and priorities to be considered and funding decisions to be considered. The fund is a partnership between the City, the Funding Community, a number of investors and others. The City's \$50 million that is leverage with at least \$50 million from the private sector is really what makes for the innovation of this partnership, but I want to emphasize that there is still a lot of decisions to be made and a lot of room for discussion in terms of how priorities are set for how the funding is applied. Another part of the innovation is also the fact that the private sector has stepped up in partnership with the City to provide capital at very low returns. So, typically we see equity in deals coming in around anywhere from five, seven, 15% even and here equity will hit deals at two percent. A very significant difference and innovation that is going to make the difference in our ability to treat more units.

We are thankful to the private sector and the philanthropic sector as we are to you for the efforts that you have put together to make this happen. To date, we have commitments of about \$10 million as we continue to work through the fund details and we can expect

that while the fundraising efforts are continuing that we should be substantially along the way very shortly. So, how does the rubber hit the road? We have to create a process that basically rationalizes and reconciles both public and private sectors so there is a very transparent and clear process for how you enter and how you are funded. After we have defined the policy decisions regarding exactly how dollars will be prioritized, the goal is to create this very clear and transparent process. This includes a consideration of the points that Pam made in her presentation, and together we have to consider pipeline, policy and priorities. There will be deal level term sheets and an application that will be made available once the pipeline and priorities and all of that is set, so it will be clear where you start. There is a process map; it is actually an outline that should be in your package outlining the phases that kind of gives you a sense of what the phases are. It is pretty standard phases for this type of funding stream, but the details will follow very, very shortly. There will be an Investment Committee that is comprised of the City, fund investors and LISC as the Fund Manager to make sure that all of the projects that come through fund match the funds objectives once that has all been settled. The fund process and this I know is important to all of you, presupposes the City's review and commitment of all public funds. Your typical review criteria, as Pam outlined, and your zoning considerations and that sort of thing are all a part of what we presupposed before we move to fund. As the Fund Manager, it is LISC job to coordinate and manage the priorities of both City funding and the private funders, so that is the job that we will set out to do.

I want to thank all of you for the work that we've done to date. As far as LISC is concerned we are certainly open for business.

Mayor Lyles said I think if we could pull up the policy questions that was asked by the staff; I want to see if I can say what I think I heard, and Denise and Pam please confirm that we have a number of things that we know about and that if we were going to do 100% of the funding we could do that and be done, and we would get approximately 600 units. If we work with the private sector and work on leveraging and combination then you are suggesting that we would have the additional capacity because one of the private sector contribution and your management of a process and that the processes should work in collaboration with each other between LISC and the City with the City having approval of any project that is implemented as a vote before it move forward for equity funding in the private sector. I think those are the key points and I am sure that we have more but is there anything that you want to leave with us that is really significant that we haven't heard that I didn't say.

Ms. Scott said I think that is covered Mayor.

Mayor Lyles said I know that tomorrow all of us have received an invitation for 8:00 a.m. for an announcement by the Foundation for the Carolinas that will talk about the equity funding project, so I hope all of us can be there and that will be an important part of it. This will be discussed at the Retreat. Maurice, Denise, and Ralphine will be there; all of us will be there ready to talk about this, and I would assume Mr. Manager that what comes out of the Retreat discussion would go quickly on an agenda for a scope of work or an assessment of the direction that Council is ready to go in on housing.

**Marcus Jones, City Manager** said yes.

**Councilmember Mitchell** said I have a question for Pam. So, Pam when you look at the current projects that we have here, I think it would be helpful going forward if we list by District, so make sure I have them right: North Tryon Street is District 1, West Tyvola is District 3, Little Rock District 1, Lasalle Street District 2 and Freedom Drive is District 3.

**Councilmember Driggs** said I think that the Tryon Street project is District 4.

**Councilmember Egleston** said Mr. Mitchell on slide #8 it is small, but if you get out your magnifying glass you can see it.

Mr. Mitchell said here is what I would like for this Council and staff to be sensitive to; the bond was voted for all citizens throughout our great City. We have to make sure

affordable housing is in all parts of our community, and I think that we owe that to our citizens, so I just want to be very careful. I'm supportive of affordable housing, but it has to be a shared responsibility.

Ms. Scott said yes sir.

Mayor Lyles said I think that is going to be discussed in our Locational Policy, remember one of our steps is to look at the Locational Policy. I think these are the ones that are co-incidentally that have City land available. That is not reflective of I think a universal submission where the land was available and none of those have been approved yet.

Ms. Wideman said that is correct Mayor; those are just City owned land.

**Councilmember Eiselt** said Pam, could you remind me we've had a couple other grant announcements, I think Wells Fargo announced \$20 million of which \$5 was going to be reserved for services or whatnot, and I think the Foundation had \$5 million. How does those all play into this total?

Ms. Wideman said they would play into the \$50 million total, the equity fund.

Ms. Eiselt said so, where do we stand, because I heard \$10 million from Denise, but Wells Fargo announced I thought \$15 million.

Mayor Lyles said I see Brian Collier here, and I know that if you are on the spot, but what I remember is Wells Fargo saying part of their money would support non-profits, so they would be assured of the capacity. Part of it was funding, and I don't know the amount so Mr. Collier would you mind coming and answering how that allocation of that \$20 million?

**Brian Collier, Foundation for the Carolinas** said what we have announced today publicly is \$10 million into the equity fund, which is \$5 million from the Foundation, \$5 million from Wells Fargo. In addition, we announced \$2.5 million in a land donation from Crescent Communities in the River District and in addition to that Wells Fargo announced an additional \$15 million, part of which goes to down payment assistance, part of which goes to grants in the non-profit housing sector and then tomorrow morning, we've already announced who it will be, but there will be an announcement from Barings, Ally, and Bank of America, some of which will be in the equity fund and some of which will be outside of that to help spur affordable housing. So, remember that in order to make all of this work we've also got financing that goes over top of some of the funds so those are some of the things that will be discussed.

Ms. Eiselt said I think at some point it would be good to have that total because it is a lot more than \$125 million.

Mr. Collier said it is, and it is very complicated and many of the funders in the community were waiting to see what the referendum was, so our goal is to have everything wrapped up on the equity fund by June of this year.

Mr. Driggs said I just want to clarify; we are in fact moving ahead with our housing framework with our Location Policy. This is in evolution a step further taking on board LISC, and I guess tomorrow morning we will learn a little bit more about what resources, and also, there is the issue of deals being discussed already that represent pretty much all of our traditional funding. So, in effect what we need to do now is consider the efficient use of our funding, and my question really is, this doesn't mean that any of the deals referred to here is being approved or otherwise, right? So, all of these deals are still in line for consideration that they will be considered in the context of the larger City and LISC fund. Would that be correct?

Mayor Lyles said that would be correct.

Mr. Winston said except the \$9.5 million is already done.

Mr. Driggs said yes, those are already done, and also to clarify at least some things that I heard, there are four percent deals in this mix that will still be considered, so we are not taking the position that the four percent funding tool is not an effective tool. That will be part of the overall process and some deals with four percent money in them will be considered, right?

Mayor Lyles said yes that is correct. I actually think a lot of this is really hard work, and we are up for the challenge. That is the good thing. We've got a lot of expertise, and I don't think we take anything off the table that helps us maximize the funding and moves us more quickly to results. That is the goal overall to have a process that doesn't slow us down at a time that we need to step up more importantly for the crisis that we have in this community.

Mr. Winston said I know we are having a lot of announcements and a lot of wins of putting money in, but I think it was highlighted in part of our meeting last week, we still don't have a good plan, and in this presentation right here with the potential that we already have enough projects in the pipeline to go past our bond that we just had passed in November, which is supposed to last us for two years. Are we saying that we are going to come out of the Retreat in January with a plan with a framework on how to start getting these projects done and how we are going to transition from big announcements of money going in to big announcements of apartments going up or houses going up?

Mr. Jones said Mr. Winston yes, part of what we heard from Brian also is that it will take until June 30, 2019 toward that second pot to reach its \$50 million as well as what Ms. Eiselt alluded to earlier too, which is when start to put it all together it is even more than \$125 million. So, the Retreat, much like last year, will be utilized to come up with that strategy to execute, not a strategy to put on the shelf so that we can start processing the deals.

**Councilmember Mayfield** said Ms. Wideman, we probably need you back at the podium for clarification on the statement that when we go to the Retreat we are going to have further conversation, but it is in Committee that we are going to actually identify the recommendation that is going to come before full Council. That will not be done at the Retreat. The Retreat where we have additional education, as well as an outline for us to look at and agree upon, but it is in Committee that we have the more detailed conversations and identify which projects, based on what comes out of the Retreat, as far as understanding what our overall goal is and trying to get Council at least in the same book of our expectations regarding how we move forward with housing, but I want to make sure there is not an understanding by anyone that at the Retreat it is going to be identified what Committee is going to be signing off on moving forward, because that is where we have the actual discussions. We look at the actual projects and also identify what our goals between our partners what is that trigger for identifying the funding sources because as was mentioned just the idea of that \$50 million right, now with requests we are already over that, but when we look at our partners coming to the table and the opportunities and whatever the announcement that is going to be tomorrow and hopefully additional announcements throughout the year that is going to give us that framework of how we identify and move forward. I want to make sure that no-one walks away with a misunderstanding that at the Retreat housing is going to be settled.

Mayor Lyles said well, probably housing will never be settled Ms. Mayfield. We know that. I do believe that you've got the referral, we know what we do for nine percent deals. There is a check list and we've been doing it for 25-years. What I think our real issue is on other deals, how do we make sure that we are leveraging the opportunities with the private equity fund to make sure that we are not putting in \$4 of City money when we could put in \$2? That I think is the overall goal from the Retreat. There is a lot of process discussion, and I'm glad that all of us will be there, especially the HAND Committee, because I think you will help inform and help us get this so that we can move quickly. Last week, you got the NOAH, because we do not have a strategy for NOAH's and a policy, so I would expect that the Committee would quickly try to frame that criteria which it has not had a Council discussion on how to do it like we have for nine percent and four percent deals. We are kind of two-thirds way in to what we know we do. I think the idea of how we do NOAH's



is still a Council referral that we need to move as quickly as possible, because the entire idea when we talk about maximizing and impact is to be able to have a process that moves our deals as quickly as can be possibly planned with the appropriate review with citizen participation and meeting the Council policy. Right now, we don't have a policy on NOAH's, but I hope the Committee will work on and that is where I would like to see us come out of the Retreat.

The Retreat is always a place where we raise as many questions as possible and see where we are with consensus and where we have those really difficult questions that we need to refer for further discussion. We will know that, and I think you will hear more from the staff and from LISC as well as our private sector partners; that information isn't available to us now. So, this is kind of today then we have tomorrow and then we have a three-day Retreat and then coming back to the Committee for the policies that are not covered and getting a report out as quickly as we can. Rapidly increasing cost environment is one thing, but need is growing greater than a cost to provide a solution, and if we don't move quickly we are missing a real opportunity as a community I believe to make a significant impact. So, we are going to have to work really hard on this.

Mr. Winston said I feel like I got a yes and a no; one from the Manager and one from my colleague that we expect to come out of our Retreat with a clear path forward on how we are going to get these projects started.

Mayor Lyles said if we can come to an agreement on a clear path forward. We will find out where we have agreement and where we don't and what do we need to get to an agreement, and that is the way the Retreat has worked in the past. So, hopefully we will know more about where body stands in the next couple of weeks. I think Pam, Denise and the Manager are going to be available but we can move as fast as we choose to and know the results if we don't. I think that is pretty clear. We have tomorrow to learn more and then the next several weeks if the Retreat is successful, and we move forward where we can, and where we can't, we come back and ask the Committee to help us get to a place we can.

Mr. Egleston said I think the public has a pretty good understanding of what the Housing Trust Fund is, and this \$50 million is pretty much unencumbered funds. The equity fund though I think for the sake of Council's understanding but more so for the sake of the public's understanding, Mr. Collier's point there is different pockets of money in that bucket that are for different types of specific projects. So, those funds are a bit more incumbered in that they can't be used for anything that we decide on a whim to use them for. I think it would be helpful, and maybe we have to wait until the bucket is full, because tomorrow we will learn more. Other people might say well this \$5 million is for these specific types of deals of this specific type of opportunity, but because that bucket has so many different details in terms of how we can spend certain portions of those dollars, I think for that to be flushed out would be really helpful for Council and the broader public.

**Councilmember Harlow** said kind of along the same lines as Mr. Egleston's comment but maybe try to take it a step further. I'm actually looking for an answer, and I don't know if this goes to Ms. Wideman or the Manager or the Mayor or to Brian. We've always traditionally, or in my one-year time here; we go through Committee, and we hear about nine percent and we hear about four percent, and now we are hearing about all these other special types of deals that might be created.

Mayor Lyles said financing, not deals.

Mr. Harlow said I guess our purview has always been the Housing Trust Fund. Is it the private sector's understanding, or what is the private sector/philanthropic sector's understanding of the other? Do we have a purview in that or do we not, or is that separate; what is attached to those dollars in that other \$50 million? Our expectations are set and we are talking to constituents, because it is easy to look at this and we can get a bunch of e-mails or Facebook comments and someone said you guys for \$125 million that you are overseeing when that might not be the case. So, what is the case?

Mayor Lyles said I think that we have to let the private sector address that at their announcement tomorrow.

Mr. Harlow said we already have some money in that \$50 million equity fund bucket, so what is the case for that?

Mayor Lyles said but they have not announced how it is going to be used. They have raised an amount; they have not announced how it will be used. Again, we are trying to get a heads up here on the concept idea. the details are left, and I think LISC book has some definitions in there as well. In the back, it talks about an opportunity fund and how it could be used.

Mr. Egleston said I think Mr. Collier kind of spliced some of those donations up and say this is for certain types of things.

Mayor Lyles said but it didn't go to the total. It went to this is what we have currently in the equity fund; this is what we are going to use to support other agencies. This is land donations, and I don't know that I understood that correctly. So, why don't we start out with the process questions that Mr. Harlow asked, how would the equity fund be processed and then ask Mr. Collier to address what is actually in the equity fund versus leveraging funding of great neighborhoods and things like that.

Ms. Scott said the goal of the equity fund and all of the other dollars that we are attempting to raise is to bring additional resources here to the City to leverage the public dollars, essentially to enable the City to do more than it could have done on its own. That is the main premise behind it. The type of housing that is being considered right now is multi-family rental to get the range of 30% AMI up to 120%. That is one option; there are other options to be considered, everything from new construction, preservation, single-family homes, four percent credits. A lot of housing types to be considered back these into the conversation that Pam led regarding this list of pipelines that already exists as well as the broader strategic priorities or policy priorities that the City has, but the private money is really intended to be dollars that really leverage the goals and priorities of the City to create more affordable housing.

Mr. Collier said Michael Marsicano will attend the Retreat and give you a much fuller explanation, but I think the complexity comes and one of the things that we went out to the community and we said come to the table with whatever you can when it comes to affordable housing so some are coming to the table with land, others might be coming to the table with how the below market rate, interest rates and things like that. The other complexity is that the money coming into the private sector fund is coming in various tranches, equity, grants, and debt but will be distributed out to projects. We are going to really have a say in terms of what those projects are; we are not coming with a bias other than we want it to go to the highest and best proposals that come in that have a metrics that will be looking at around where are they located? What are the amenities? Things like that and that will be reviewed by the Credit Committee with LISC so even though it sounds complex people aren't coming in saying and it has to go to this type of project, or I want it to go to this developer or anything like that.

Mr. Egleston said but are all those things you just listed being calculated as dollars towards the \$50 million to get to the equity fund bucket?

Mr. Collier said the \$50 million is debt, equity, and grant. We've, always been clear that we are looking for investments in those three tranches. The Foundation has put in \$5 million; we haven't decided which tranche. Wells Fargo has put in \$5 million going into the grant. By the way, the more grant money that we get meaning doesn't have to be repaid back to an investor. The lower AMI we get, the more at the lower AMI, so if someone came in and said we are going to give you \$50 million in grant we can go really low in AMI; otherwise it has got to be paid back to those investors at very low interest rates. The other thing like financing is outside of that equity bucket but certainly is very impactful for the builders when they have to go back out to the market to get a loan.

Mr. Harlow said so, what is our total on the grant side?

Mr. Collier said so far what we've announced is \$5 million in grant; \$5 million from the Foundation that will probably be put into either the equity or the debt, because that money has to come back to the Foundation, because we are loaning it out of our assets and by the way. That will only generate maybe a one or two percent return depending on the tranche that we put it in.

Mr. Jones said at the Manager's Report tonight, I will talk a bit about the Retreat and the schedule for the Retreat. On day one of the Retreat, there is a good deal of time set aside for a better explanation of how these buckets work together. We will be joined by our friends who are managing that equity fund LISC, as well as the staff here. Tonight, was really a tee up because there is an announcement tomorrow, and the bigger discussion would be during the Retreat.

**Councilmember Newton** said I think you hit it on the head Mayor, that we can't overlook the comprehensive goals that we have. I think when I hear the presentation or consider the presentation from earlier it would appear as though we are being asked to already lock up our full \$50 million bond and then some, and I want to make sure. So, I would implore my colleagues, and we will be discussing this in HAND Committee to not overlook the NOAH portion of this and how important the bigger bang for our buck that we can get through naturally occurring affordable housing preservation. I saw some signs over here, so I wanted to ask. They kind of triggered me to think about this; do we have a community liaison through LISC, someone who is going to reach out to the community at large and make sure they continue to have a dialogue with the community and help receive the community's input?

Ms. Scott said the answer is yes; all of the staff at LISC is expected to be part of the liaison to the community, but specifically there is a Program Officer that will be hired whose job type is to do the liaison with the community, capacity building and that sort of thing.

Mr. Driggs said I am mindful of the signs, because at a meeting I think I suggested that already, but if we can take people like the lady who came to our meeting and said that she was being displaced by a rezoning and somehow find a way to make sure that she has access. My only other comment was briefly each of the different contributions we get has different properties, right? It supports a 20-year term, a 10-year term. It can be subordinated; it is a loan. It is a grant, so what we are talking about doing is just getting all of those resources lining them up and seeing how they can best be combined in order to achieve what it is we want to do, and that is what is going to happen at the Retreat, so I think this is a good course of action, and I look forward to a more in-depth discussion when we have more time.

Mayor Lyles said I would encourage Councilmembers to discuss this among ourselves so that we have a good sense of what we are trying to accomplish, make sure we all on the same page, continue to reach out to Ms. Wideman and Ms. Scott and the Foundation. If you have a question let's get it out there, get it answered early before the Retreat so we are actually dealing in a substantive conversation.

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#### **ITEM NO. 4: 2019 LEGISLATIVE AGENDA**

**Marcus Jones, City Manager** said Dana is going to give you a brief update on the Legislative package. I think about five minutes is all you need. It is really a repackaging of what was discussed before. I think Councilmember Driggs had some questions and had some good input, and this is our attempt to take into account what was discussed the last time the Legislative Agenda was presented but nothing in terms of a vote tonight.

**Councilmember Winston** said is something that we need to decide finally at the Retreat as well?

Mr. Jones said yes.

**Dana Fenton, Inter-Governmental Relations Manager** said I am pleased to be here with you tonight, and I will take Mr. Jones' advice and try to get through this in about five minutes. I would like to add to what Mr. Jones had to say about the feedback we received; it was very good feedback, and we think we have come back with an even better product than we had before. I would also like to state for everybody this is not the end; the Legislative Agenda is a living, breathing document. There will be changes to it throughout the year. You may come up with some new issues we need to add into it, and I can assure you that the members of the General Assembly are going to put in a lot of legislation that is going to cause us to look to see what the impacts are upon the City. There will be much more at the end of the Legislative Session when you are looking at your Legislative Agenda.

If I could just move on here to the first issue under the Federal Legislative Agenda; as part of the repackaging we have pulled out the affordable housing piece from that huge issue called infrastructure initiative. Because of the emphasis that you all have put on affordable housing in the past few years, we felt like this had to be separate, and we discuss in here the Community Development Block Grant and Home Investment Partnership Funds that come into the City each year to help you with your affordable housing supply also, the Low-Income Housing Tax Credit Programs, the four percent and nine percent that you were just discussing here previously.

The transportation and infrastructure position, this is an issue that has a focus on three areas. One is that we have repackaged this to include the transit funding position. This is the position that has been adopted by the Metropolitan Transit Commission and has been used for several years to continue working with the Congress Administration to secure resources for the build out of the 2030 Plan. The two other parts of this, one section on highways, airports and passenger rails support increase federal funding that serves to connect urban and rural areas and then a third one on modernize and sustainable infrastructures, sustainable economy, smart cities initiatives like that. We think this goes well with the resolution that was passed by the Council earlier this year and supports other efforts that the City is making to move to this type of economy. The food security item is the same as before, so I won't go over that. The security funding for the RNC; this is a new label and is the same thing as what we talked about before.

Moving to the proposed State Legislative Agenda the affordable housing position remains the same as when I was up here before again, this is clarifying state law to ensure that we do have these powers. The Citizens' Review Board the same as before. The Commercial Service Airport improvements, we have made recommended change in the verbiage in the underscored item to talk about how there has been some annual funding appropriate in the last couple years for Commercial Service Airports and how we need to move to sustain annual funding for airport improvements. Minimum Housing Standards, there is nothing new to add there. The North Carolina Search and Rescue Teams, we have also done what we have done to the Airport is to talk about how there has been some occasional funding for this effort but how we need to have sustained funding for it going forward, the last two items, the Out of State Law Enforcement Piece, a relabeling of that. That completes the presentation, and I'll be glad to answer any questions.

**Mayor Lyles** said Mr. Jones, when do we adopt this?

Mr. Jones said at the Retreat.

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## **ITEM NO. 5: ANSWERS TO MAY AND COUNCIL CONSENT ITEM QUESTIONS**

There were no Consent Item Questions.

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## ITEM NO. 6: CLOSED SESSION

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously pursuant to G.S. 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning a potential claim as well as the handing of the following two cases: (1) Jane Doe and John Doe v. City of Charlotte and G. M. Smith; and (2) Michael Tinsley v. City of Charlotte.

The meeting was recessed at 6:14 p.m. to go into closed session in Room 267. The closed session returned to open session at 7:04 p.m. and immediately recessed to move to the Meeting Chamber for the regularly scheduled Business Meeting.

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## BUSINESS MEETING

The City Council of the City of Charlotte, North Carolina reconvened for a Business Meeting on Monday, January 14, 2019 at 7:09 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps, and Braxton Winston, II.

**ABSENT:** Councilmember Dimple Ajmera

**Mayor Lyles** said I want to first recognize our Interim City Attorney Hope Root, as she is sitting in the chair the first time during her new role as Interim, so welcome. We will try not to mess up your life too much.

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## INVOCATION AND PLEDGE

Councilmember Harlow gave the Invocation followed by the Pledge of Allegiance to the Flag led by Cub Scout Pack 51, from Cooks Memorial Presbyterian Church.

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## AWARDS AND RECOGNITIONS

### ITEM NO. 9: NATIONAL MENTORING MONTH PROCLAMATION

**Mayor Lyles** recognized the Mayor's Mentoring Alliance Board read the following proclamation:

**Whereas**, each January, National Mentoring Month Honors the contributions of mentors and encourages residents to become mentors to help youth reach their full potential; and

**Whereas**, mentoring is an effective strategy that helps youth by matching them with a caring, responsible adult who can provide guidance and direction, and build their confidence; and

**Whereas**, mentoring increases the social capital of youth by providing exposure to opportunities that lead to economic mobility; and

**Whereas**, our community champions mentoring through the Mayor's Mentoring Alliance, which educates mentoring organizations about best practices and mentoring standards,

ignites impactful and enduring mentor-mentee relationships, and connects Charlotte's mentoring community; and

**Whereas**, the Mayor's Mentoring Alliance will honor those who support mentoring during their Annual Awards Ceremony on January 17, 2019:

**NOW, THEREFORE, I**, Vi Alexander Lyles, Mayor of Charlotte, do hereby proclaim January 2019 as

**"NATIONAL MENTORING MONTH"**

in the City of Charlotte and commend its observance to all citizens.

\* \* \* \* \*

**ITEM NO. 10: CHARLOTTE DAY OF COMMUNITY BUILDING**

**Councilmember Mayfield** read the following Proclamation:

**WHEREAS**, the W. K. Kellogg Foundation is promoting Tuesday January 22, 2019 as the second annual "National Day of Racial Healing," which is a call for all citizens to create a more just and equitable world; and

**WHEREAS**, the City of Charlotte recognizes the important role that community-building plays in challenging the status quo and creating a safe, welcoming and thriving city; and

**WHEREAS**, the City of Charlotte strives to reinforce and honor our common goals and celebrate the differences that make our community vibrant; and

**WHEREAS**, we commit to engage all people in genuine efforts to increase understanding, communication, caring and respect for one another:

**NOW, THEREFORE, I**, Vi Alexander Lyles, Mayor of Charlotte, do hereby proclaim January 22, 2018, as the

**"CHARLOTTE DAY OF COMMUNITY-BUILDING"**

where we acknowledge all the work the community has done and celebrate Charlotte's future as a winning city.

\* \* \* \* \*

**PUBLIC FORUM**

**Big Super Ten Non-Profit**

**Belinda Mazyck, 6329 Dougherty Drive** said I am the President of Big Super Ten Event which is a City At-Large Outreach Resource. I live in Charlotte, North Carolina and I love my City, and I have been serving the area for 15-years from my home. We started in my garage and outgrew our garage some years ago, so we started having the events in my backyard. We just had a big one Christmas, and we had over 300 people there, and I know we had at least 350 to 400, because more came as walk-in on the backend, but we register 300, and that is like 100 registrations times three in each household benefits from this one event. We fed them hot meals from Home Release on the spot; we helped them with grocery bags for Home Release on the go. We've helped them with toys through our partners Marine Toys for Tots and CMPD Community Engagement, and we also partner with other local businesses. They help us resources and donations, so we can make our area a nice healthy place to live. Also, we fill in the gaps and help wherever we can.

We come to the City today, once again, this is my third time speaking, and I'll be coming down here often so the City can be aware of what we do for the community. We come down here on behalf of a building for the service that we provide for our community. We are getting bigger and bigger and bigger; people are calling us from all over the place for

needs. I've heard all the stories in the community; my heart is there. People call us for help, and we go out and pretty much find the resources to help them, so we come to the City on behalf of a building. We ask maybe it could be for a tax write-off or if you have a building that is empty for a whole year you've got to keep up the maintenance on it. We are there providing services for the community, and we are asking if the City could help us out, because others help us like local business and different ones helping us fill in the gaps. That is why we are here to see if we can get some assistance from the City as well.

**Mayor Lyles** said people recognize how many hidden gems we have like your organization working to make our City better. Everyone that is watching this live streaming or on television; you've heard the request, and we will continue to work and hope that you find a way to be able to continue your program.

### **10th Anniversary of Miracle on the Hudson**

**Stephen Saucier, 4672 First Flight Drive** said I am President of Carolina's Aviation Museum; I just wanted to speak for a few minutes about a couple of things. One, tomorrow we are celebrating the 10th Anniversary of the Miracle on the Hudson, the Flight 1549, the plane that is at the Carolina's Aviation Museum, and of course we are having a major event at the Convention Center where we are expecting to host about 650 guests. Mayor, thank you for attending tomorrow and speaking, and we would welcome any other Councilmembers that have not committed to come. I will be happy to leave my business card if you would like to e-mail me; we would like to know that you are coming, but you are welcome to attend. This is a major event for the country; right now, in the Museum they are filming Good Morning America, so we have been able to leverage this national exhibit to attract attention to the Museum and to Charlotte.

I did want to build on that for a moment and talk about the value of this Museum, which I know is getting some discussion. There was a public announcement on Friday; this Museum is 26-years old, and as most museums go in their early stages it was about something. In this case it was about planes and about aviation, which is very important to Charlotte and to North Carolina. Beginning about three years ago, there was a fundamental shift, the leadership changed, our Board Chair reconstituted our Board of Directors and set a new course to go from being about something to being for somebody, and that is a fundamental shift in mission. I was hired about 15 months ago as a museum professional to take it to the next level. What we have done since then is to try to build on the great work that had happened over those many years and to try to deliver a relevant and impactful mission to this community to directly connect to the economic mobility issues that are being discussed in Charlotte. That mission is being built around connecting economic mobility to the explosion of career opportunities we see in aviation and aerospace. For example, Boeing came out with reports in 2018 that called for nearly 800,000 jobs for pilots and another 800,000 jobs for mechanics and technicians, technical careers, in aviation aerospace that will be needed over the next 10-years. Our job at the Museum in building this mission is to try to create these economic opportunities for students to turn this Museum into something that is impactful ready to deliver to this community and to make sure that we are affecting change, again, moving to be about our people.

### **Affordable Housing**

**Darlene Green, 1500 Marlynn Drive** said I thank you for allowing me to speak tonight. I first want to address the last time I was here I was asked a question about do I believe everything that I read? The research that I did on affordable housing was from very reliable sources, WSOC TV, also the Charlotte News and Observer, and also the City's website, which you can go in and look at how each and every one of you voted. So yes, I believed everything I read about affordable housing and how you all voted for the \$18.5 million that went to soccer fields instead of affordable housing.

Mayor Lyles said I'm sorry we didn't hear what you said in that last statement about the millions.

Ms. Green said \$18.5 million in 2017 that was a vote that was for soccer field or affordable housing, and you voted soccer field.

Mayor Lyles said we did not do soccer fields.

Ms. Green said it didn't go through, because everybody didn't vote for it.

Mayor Lyles said I think what you are referring to is Mr. Driggs made a motion to transfer money from the Tourism fund-

Ms. Green said well the way it read was- but that is neither here or there.

Mayor Lyles said I well it is a little here or there.

Ms. Green said I just wanted to address that, because you asked me did I believe everything that I read and with the research I did yes, I did believe that. There were other properties and other monies that did not go towards affordable housing. Just to let you know that there is no low-income housing here in Charlotte. I was given Social Serve, the site to look on for housing; there is a three to five waiting list, and there is nothing available. With all of the developers that come in here, I'm sure that someone can petition them to build housing somewhere here in Charlotte.

I also want to ask about the land on Scaleybark where Pappas Properties got the property, got money for low-income housing and didn't develop the land as promised. It was like they scammed everybody here in the City saying they were going to do so and did nothing with the land. Me, as an individual, or no-one as an individual should have to live in crime areas, slum, drug infested areas just to have affordable housing. If someone makes \$10 an hour that is \$19,200 a year, and in order to live in Charlotte it would take two and a-half paychecks for them to afford a one-bedroom apartment, and God forbid if they have children. That means everybody would have to sleep in one-bedroom. I said people shouldn't have to move outside of Charlotte in order to have some place decent to live. People that is making under \$30,000 a year should not have to move from Charlotte where they've been in order to have somewhere to live.

WSOC did a thing on priced out of Charlotte, and that is what is going on even though there is money for affordable housing nothing is being built. Someone making minimum wage, they are allowed to work here, but they can't live here in Charlotte, and that is not fair to them or to any other people that wants to live here in Charlotte. I ride around Charlotte all the time, and I see all the land that is available in nice neighborhoods, some not so nice neighborhoods, but in decent neighborhoods where affordable housing can be built for those thousands of people who have to move to Gastonia, Concord, Shelby, Kings Mountain in order to find housing that is under \$1,000, something \$500 or \$600, and that should not be.

Mayor Lyles said Ms. Green, while we may not agree on everything, we are working as hard as we can on this, and we just spend over an hour talking about it earlier today. We are talking about developing our plan to try to move as expeditiously as possible to get this \$50 million out and under contract for development, and we have committed to a housing framework to do that. So, continue to come down; I'll probably always say, that wasn't right to say that about that vote, but that is okay, because I have to stand with you.

### **Jobs4CLT**

**Leslie Dwyer, 2528 Laburnum Avenue** said I wanted to give you an update on an economic development project that I've been talking to you about Jobs4CLT, and if you want to e-mail me at [buyingitback@gmail.com](mailto:buyingitback@gmail.com). Over Thanksgiving, I took another setback and read the actual Harvard Upward Mobility Study, and since I have the lens as an independent municipal financial advisor and stadium finance from the period when that started that range, the verdict is in. There is causality. We have replicated redlining with economic development by giving access to capital only to those with capital, and if I



were still in economic development, I would be doing the same thing. It took me less than an hour to see that every city and only the cities that have this disparity problem, they are in right to work states. That was the impetus from moving; that was the but-for regardless of the legalities. So, that means we've been putting want over need, and it also shows that the work around systemic racism itself, since it missed that, is proof and the fact that I'm invisible since I've been trying to advocate for this in different parts of our City since Mr. Scott was killed, and yet I am truly invisible.

All of this is now in the record; I haven't done a single freedom of information act. It is all there. I'm just connecting the dots from the perspective that did not before. Now, I need to get people to come together to create jobs for CLT so I can go directly to Mr. McColl and Mr. Tepper to partner with the Panther's Owner to insure our elected officials at the state and local level agree to give this entity the same capital that we give to a private entity a stadium. I am confident that 15-minutes with Mr. McColl, he will understand this. This was not intentional. I was there. The man that created the PSL's so we would not end up with taxpayers paying for this did not intend for this disparity. We have everything we need to deal with this ourselves; if we take one year off from listening to outsiders who tell us to hate each other over issues that are absolutely irrelevant to fixing this. If the women at the Women's March are willing to show me their kindness, I'm going to ask them for help with cash flow and capital, because we are just a distressed credit that needs restructuring.

### **Cryptozoological Aspects of Charlotte History**

**Tim Miner, 5639 Rebel Drive** said we are here to begin the process of exposing spellbinding and in some cases cryptozoological aspects of Charlotte history that have heretofore have been kept from the eyes of our general citizenry, things such things as the giant hornet infestation of 1918; the mysterious greenway gremlin; and the irrepressible outbreak of Ty Boyd fever. That is right; I bet no-one in this Chamber has ever heard that back in 1965, 38% of Charlotte citizenry was overcome by a devastating outbreak of Ty Boyd fever, marked by uncontrollable sweating and swooning when everyone heard the powerful in sultry voice of this legendary WBTV personality, but these are not the reasons we are here today.

As we celebrate Charlotte's 250th anniversary this year, we feel it is high time to expose the hidden truth behind the Mecklenburg Declaration of Independence. In deed every year our May 20th Meck Deck revelry is clouded by the fact that there is no verifiable evidence to confirm the original document's existence, but a recent excavation of lands around Independence Hall in Philadelphia has yielded proof that the reason the Meck Deck was lost is that Captain Jack attempted to deliver it to Continental Congress, not by way of horse, but rather by way of T-Rex, and as we all know that T-Rex's arms are entirely too short to sufficient carry such a document 536 miles north. Clearly, this is a poor choice of steed and the reason the document was lost at the time. Now, many Queen City mysteries demand answers, and the time is now, and that is why we are excited that on the morning of Friday, February 1, 2019 Councilmembers Ajmera, Bokhari, Egleston, and Winston will be joining us as our special guest speakers at the next Creative Mornings Charlotte meeting, where our typical crowd of 500 plus Charlotteans will be gathered to celebrate the creative spirit of our City. We trust that our respected Councilmembers will arrive prepared to finally and publicly expose these and other historical truths of our beloved City. Whatever you want to talk about will be fine. Thank you for the opportunity to voice our concerns, and we hope that everyone here will join us at the next Creative Mornings Charlotte gathering. As always, it is free to the public, and you can go to [charlotteiscreative.com](http://charlotteiscreative.com) for more information. The truth is out there our fellow citizens, and it includes the truth that Charlotte is creative.

### **Affordable Housing**

**Peter Kelly, 3011 Brandon Manor Lane** said thank you for the opportunity to speak to you tonight. I would ask you to consider before you approve the new Locational Policy tonight that you understand what they vote on when they vote on things. If you have any policy that you are reviewing related to affordable housing, I would ask that you make

sure that you understand the details related to those items prior to your approval of them. For example, you should look at evaluating a new idea against your historical decision making and under the implications of that.

The other thing I would ask you to do with affordable housing is for you to reconsider what your goals are. You historically have reported the goals to the community based on a gross number of adds to the units to the community. That number, while interesting, is not really relevant to the problem of the total number of affordable housing units in Charlotte. While at the same time we may be adding 5,000 over three years, we are probably losing 20,000 due to other factors. If we aren't measuring and understanding the issue we will not be making progress against an item that we haven't agreed upon. Our current processes are moving towards decision making on individual projects without understanding the micro goal that we are after as a community, nor exactly how we are going to execute the details of our framework to achieve that outcome. Without pulling back and thinking through the details of that, any action you take might be a little bit premature. You committed to making a midst of activity between new builds, NOAH's, voucher, land acquisition, and other items to affect in the framework. The discussion earlier this evening seemed really focused on new deals approval. You need to make sure before you proceed and spend the \$50 million, of which \$10 million is already gone, that you understand what it is you are trying to accomplish and you communicate that clearly to the community so they can understand whether or not at the end of the year when you are running for re-election, whether you've made progress or not. At this point, the gross number is not an accurate measure and until we decide and agree upon a community metric then we are going to be targeting activities without knowing where we are going.

**Mary Kelly, 3011 Brandon Manor Lane** said thank you for giving me the opportunity to speak this evening. The City staff presented a very tactical approach to spending our \$50 million bond earlier this evening. What is missing is out long-term plan; what are our goals for the number of new units that we want to develop? What are the number of NOAH rehabs that we want to complete, and what are vouchers, and how many land acquisitions do we want to complete over the next five-years? We didn't hear that this evening, and we really need that type of plan to ensure that we are succeeding and tackling our problem of our shortfall of 24,000 affordable housing units in our City. We need goals and metrics; let's consider income averaging as we are looking at our four percent deals so that we are sure that we are including homes for 30% and lower AMI people. Please don't try to develop a plan or goals or strategies without including the community. You need our input; the community wants to give input. We want a transparent plan that all of us can see and approve and agree on. This is our plan, so if we have success we are all successful; if we fail we are all failing together, because it is our plan as a City and as a community.

**Mike O'Sullivan, 400 North Church Street** said thank you for the opportunity to speak to you tonight; I'm speaking on behalf of the One Meck Affordable Housing Committee. I would like to start by recognizing the progress made last year by City Council to address the lack of affordable housing in our community and highlight two big accomplishments. The first is Housing Charlotte Framework which created a guide for future direction and also the passage of the \$50 million allocation to the Housing Trust Fund, but now it is critical as we move forward that there is a solid foundation for success.

The Housing Charlotte Framework calls for the City to "inform and seek community input on bond funded housing support requests, specifically including those who advocate for or are personally impacted by displacement and homelessness." This process has not yet been put in place. It is especially important that decisions coming out of the upcoming Retreat have the benefit of community input in addition to, Local Initiative Support Corporation (LISC) is beginning their onsite engagement. They need a change to engage our community and define their process, so we ask that City Council wait on additional Housing Trust Fund allocation until the new process is better defined.

While time is of the essence in addressing the affordable housing issue in our community \$50 million for affordable housing is a lot of money and needs to create real and lasting impact, especially with the other money that it leverages. We also need to be sure that

the money is spent efficiently and is targeted to people of the greatest need; those are people of 30% of AMI and below. Please take a go-slow approach until the foundation for success is established then of course we will be asking that you go superfast once the foundation is ready. Thank you for your hard work and service to the community.

### **CIAA**

**Jabari Lockhart, 3044 Westwinds Court** said I came to speak on behalf of the CIAA, about it leaving Charlotte. I've been here my whole life, and I'm 45-years old, and when I was born, I was born downtown Charlotte. I move from there to another spot called Royce Court, where they built some condominiums. I left there and moved to Mint Street where they got the football stadium at now. I left there; my mother had to move to the project which was Boulevard Homes that are no longer there either. My great-great grandmother, by God's grace I was able to live to see her; she was sold as a slave downtown.

I'm saying all of that to say this, the CIAA came in my lifetime. It was a good event. I've seen it help a lot of young African American kids- I also saw it bring a lot of African Americans together from different parts in North Charlotte. A lot of things that took place that Charlotte really needed. That was like a diversity that Charlotte really, really needed. Throughout my years of being here, I remember they used to have West Fest, Spring Fest that was downtown, a lot of things that brought people together but here lately the City to me is looking like it is going one way and it is not going for everybody, and I think that it should. I also think that that same notion that when an event is being held it should be held equally if anything in the City that we all live in. We all pay taxes; we all ride on the same roads. We all drink the same water, and again saying all of that to say this, I wish that it could have stayed a little longer, because it was worth it. I have a daughter, Serenity Lockhart that is up there. She wasn't too crazy about college, and now she is going to college. She got accepted to Fayetteville State, and it was CIAA that did that, and I appreciate it. I appreciate them, and I appreciate Ms. Jacqueline everything they brought to Charlotte. I'm hoping after the three years that they take their break that Charlotte would get them back.

Mayor Lyles said it is always great to hear our history, especially around the areas that we are trying to do something about, and you've had a third of your life with the CIAA already, so we are going to try to get it back here.

### **World Mission Society Church of God Community Service Initiatives**

**Cody Marsh, 100 West Tyvola Road** said thank you for this opportunity to speak to all of you. I am a Representative of the World Mission Society Church of God; the World Mission Society Church of God's mission is to serve Charlotte, the surrounding areas and the entire world by showing love to our neighbors both scripturally and with beautiful acts of love through various community service events. The World Mission Society of God was established in 1964 by Christ's Unsung Home in South Korea, as a Christian non-denominational church, which keeps all of the teachings of the Bible and believes in both God the Father and God the Mother. Since the establishment of the church, membership and church locations have spread to over 175 different countries with over 8,000 locations throughout the world. The World Mission Society of God changes the lives of people in every one of those countries by carrying out numerous environmental clean-ups, disaster relief, lifesaving educational programs, consolatory events and many more activities. These activities are conducted to bring love, unity, and tranquility to various communities in efforts to promote a positive and more prosperous life for all people.

On Sunday, January 27, 2019, the World Missions Society Church of God will be serving the officers of Steele Creek and Westover Division with lunch and performances at the church in order to thank the Police Officers for the diligent and demanding work they do for the community. Our goal is to serve nearly 40 ongoing and off coming officers with

the hope that they will feel the gratitude of the community, which freely benefits from their sacrificial lives. In the past, the World Mission Society has conducted volunteer activities for service members in the community, including serving lunch for a fire department staff, conducting a police department car wash, as well as a multitude of environmental clean-ups. The World Mission Society Church of God has received countless honorary and presidential awards from various countries including three United States Presidents Call to Service Award, the Order of Merit from Korean and Cambodian Governments and the Prestigious Queens Award in the United Kingdom signed by Queen Elizabeth II herself.

Our goal in Charlotte is to carry out the mission of improving all people's lives in the community, showing the love of God by addressing the fundamental needs of the community, and providing relief for all people. The World Mission Society Church of God is planning to conduct many volunteer services this year and looks forward to speaking with you all in greater detail as to how we can work together to enhance Charlotte's prosperous future.

\* \* \* \* \*

### CONSENT AGENDA

**Mayor Lyles** said there is a correction to Item No. 76; the price should be stated as \$258,000 instead of \$240,000.

Motion was made by Councilmember Egleston, seconded by Councilmember Mayfield, and carried unanimously to approve the Consent Agenda as presented, with the exception of Item No. 45 which was pulled for a separate vote and Item Nos. 49, 53, 57 61, 66, 67, and 72 which were pulled by staff.

The following items were approved:

**Item No. 19: Community Policing Crisis Response Team**

(A) Approve contract with Matrix Mental Health Alliance, LLC doing business as CriSys to assist law enforcement in responding to people in crisis due to mental health or substance abuse for an initial term of one year not to exceed \$669,235, and (B) Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

**Item No. 20: Gas Monitoring Equipment Purchase**

(A) Approve the purchase of new Radius BZ1 Area gas detection equipment and RGX Gateway equipment as authorized by sole source exemption of G. S. 143-129(e)(6), and (B) approve a one-time purchase with Industrial Scientific for the purchase of Radius BZ1 Area Monitor Units and RGX Gateway units.

**Item No. 21: Resolution of Intent to abandon Cascade Circle**

(A) Adopt a Resolution of Intent to abandon Cascade Circle, and (B) Set a Public Hearing for February 11, 2019.

The resolution is recorded in full in Resolution Book 49, at Page(s) 313.

**Item No. 22: Resolution of Intent to Abandon a Portion of Pinckney Avenue Right-of-Way**

(A) Adopt a Resolution of Intent to abandon a portion of Pinckney Avenue, and (B) Set a Public Hearing for February 11, 2019.

The resolution is recorded in full in Resolution Book 49, at Page(s) 314.

**Item No. 23: Eastway and Shamrock Drive Intersection Improvement Project**

Approve a contract in the amount of \$558,000 with Calyz Engineers and Consultants, Inc. for engineering planning services for the Eastway Drive and Shamrock Drive Intersection improvement project.



**Item No. 24: Roadway Construction Services**

(A) Reject the low bid submitted by Nassiri Development & RPG Construction (joint venture) for Roadway Construction Services Fiscal Year 2019 E, and (B) Approve a contract in the amount of \$1,070,740 to the lowest responsive bidder Onsite Development, LLC for a term of 18 months for Roadway Construction Services Fiscal Year 2019 E.

**Summary of Bids**

Nassiri Development & RPG Construction*	\$ 882,282.50
Onsite Development, LLC	\$1,070,740.00
Blythe Development Co.	\$1,312,734.50
United of Carolinas, Inc.	\$1,394,866.00

\* Nassiri Development & RPG Construction (joint venture) bid in the amount of \$882,282.50 and was found to be non-responsive as a result of failing to provide the Bid Bond under the joint venture name.

**Item No. 25: DeArmon Road Street Improvements**

Approve a contract in the amount of \$678,900 with Woolpert North Carolina, PLLC for engineering design services for the DeArmon Road street improvements project.

**Item No. 26: General Building Construction Services**

Approve contract with the following companies for building construction services for a three-year term: Corner Stone Construction Services, Inc., DE Brown Construction, Inc., Hurst Building Company, Inc. and McFarland Building Group, LLC.

**Item No. 27: Lyon Court Storm Drainage Improvement Project**

Approve a contract in the amount of \$18,423,463.45 to the lowest responsive bidder Sealand Contractors Corp. for the Lyon Court storm drainage improvement project.

**Summary of Bids**

Sealand Contractors Corp.	\$18,423,463.45
United of Carolinas, Inc.	\$18,882,948.81
Blythe Development Company	\$20,642,313.67
English Construction Company, Inc.	\$21,640,478.40

**Item No. 28: Construction Inspection and Management Services**

Approve unit price contracts with the following companies for construction inspection and management services for a five-year term: A Morton Thomas and Associates, Inc., Gavel & Dorn Engineering, PLLC, and SEPI Engineering & Construction, Inc.

**Item No. 29: Beatties Ford Road Widening Contract Change Order**

Approve change order #1 for \$850,000 to J. T. Russell and Sons, Inc. for installation of a sanitary sewer main.

**Item No. 30: Paw Creek Sanitary Sewer Outfall Replacement**

Approve a contract in the amount of \$9,495,663 to the lowest responsive bidder Dellinger, Inc. for the Paw Creek sewer outfall replacement project.

**Summary of Bids**

Dellinger, Inc.	\$ 9,495,663.00
English Construction	\$ 9,792,472.00
DH Griffin	\$ 9,930,525.48
Moorhead Construction	\$11,388,330.00
State Utility	\$13,457,632.00

**Item No. 31: Pump Stations, Force Main, and Receiving Sewer Improvements Design-Build Services**

(A) Approve a contract in the amount of \$4,849,802.80 with State Utility Contractors, Inc. for Phase 1 Design-Build Services for the Paw Creek Pump Station and force main improvements, Six Mile Creek Pump Station improvements, Coffey Creek interceptor condition assessment and rehabilitation, and Taggart Creek gravity sewer flow diversion structure projects, and (B) Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.

**Item No. 32: Toby Creek Basin Sanitary Sewer Improvements Design-Build Services**

(A) Approve a contract in the amount of \$3,992,857 with R. H. Price, Inc. for Phase 1 Design-Build Services for the Toby Creek Basin Sanitary Sewer improvements project, and (B) Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.

**Item No. 33: McMullen Creek Tributary to Coltsgate Road Sanitary Sewer Replacement Design-Build Services**

(A) Approve a contract in the amount of \$583,000 with Park Construction of North Carolina, Inc. for Phase 1 Design-Build Services for the McMullen Creek Tributary to Coltsgate Road sanitary sewer replacement project, and (B) Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.

**Item No. 34: McMullen Creek Tributary at Quail Hollow Sanitary Sewer Replacement Design-Build Services**

(A) Approve a contract in the amount of \$965,275 with Atlantic Coast Contractors, Inc. for Phase 1 Design-Build Services for the McMullen Creek Tributary at Quail Hollow sanitary sewer replacement project, and (B) Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.

**Item No. 35: McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements Design-Build Construction Phase.**

Approve a guaranteed maximum price of \$12,400,000 to Garney Companies, Inc. for the purchase of wastewater treatment equipment needed for Phase 2 Design-Build Construction Services for the McAlpine Creek Wastewater Treatment Plant reliability and process improvements project.

**Item No. 36: Franklin and Dukes Water Treatment Plants Improvements**

(A) Approve a contract in the amount of \$5,615,000 to the lowest responsive bidder the Harper Corporation-General Contractors for the Franklin and Dukes Water Treatment Plant improvement projects, and (B) approve a contract for up to \$675,660 with Hazen and Sawyer for engineering services.

**Summary of Bids**

The Harper Corporation	\$5,615,000.00
Wharton-Smith	\$6,142,375.00
State Utility	\$6,949,000.00

**Item No. 37: Process Improvements Study for Irwin Creek and Sugar Creek Wastewater Treatment Plants**

Approve a contract in the amount of \$556,777 with HDR Engineering, Inc. of the Carolinas for professional engineering services for a process improvements study for the Irwin Creek and Sugar Creek Wastewater Treatment Plants.

**Item No. 38: Work Order and Asset Management Software and Services Provider**

(A) Approve a three-year contract with Timmons Group, Inc. to provide and implement software tools and professional services for the Charlotte Water work order and asset management application, (B) Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved,

and (C) Authorize the City Manager to purchase such additional software license, services, hardware, maintenance, and support as required to maintain the system for as long as the City uses the system.

**Item No. 39: Blast Inspection and Seismic Monitoring Services**

(A) Approve unit price contracts with the following companies for blast inspection and seismic monitoring services for an initial term of two-years: Sauls Seismic, LLC, VCE Inc., 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 purposes for which the contract was approved.

**Item No. 40: Charlotte Water Organics Laboratory Instrumentation**

Approve a contract in the amount of \$650,000 to the lowest responsive bidder Agilent Technologies, Inc. for the purchase of three instruments for the analysis of organics.

**Summary of Bids**

Agilent Technologies, Inc.	\$650,000.00
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\* Only one bid was received.

**Item No. 41: Sewer Easement Mowing and Clearing**

(A) Approve a unit price contract with NGE Services, Inc. for sewer easement mowing and clearing for an initial term of one year, 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.

**Item No. 42: Airport Fuel Farm Pump Station Addition**

Approve a contract in the amount of \$1,148,620 to the lowest responsive bidder Kinley Construction Group, Ltd. for the fuel farm pump station addition project.

**Summary of Bids**

FGH, Inc.	\$ 856,809.91
Industrial TurnAround Corp.	\$ 837,082.00
Kinley Construction Group, Ltd.*	\$1,148,620.00

\* The bid was the lowest responsive, responsible bid.

**Item No. 43: Airport Tree Renovation Services**

(A) Approve a unit price contract with Carolina Wetland Services, Inc. for three renovation services for a term of three-years, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustment and to amend the contract consistent with the purpose for which the contract was approved.

**Item No. 44: Airport Terminal Atrium and Mezzanine Renovations**

Approve a contract in the amount of \$966,004 with Gresham Smith for programming and scoping services for the Airport Terminal Atrium and Mezzanine renovations.

**Item No. 46: Airport Engineering Consultation Services**

Approve a contract with the following firms for engineering consultation services for a term of three years: WSP USA, Inc., RS&H, Inc., Delta Airport Consultants, Inc. and Talbert, Bright and Ellington, Inc.

**Item No. 47: Refund of Property Taxes**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$23,928.22.

The resolution is recorded in full in Resolution Book 49, at Page(s) 315-317.

**Item No. 48: Meeting Minutes**

Approve the titles, motions, and vote reflected in the Clerk's record at the minutes of: November 26, 2018 Business Meeting, December 3, 2018 Strategy Session and December 17, 2018 Special Meeting.

## **PROPERTY TRANSACTIONS**

### **Item No. 50: Property Transactions – Ashley Road Sidewalk, Parcel #8**

Resolution of Condemnation of 766 square feet (.0a8 acre) in Temporary Construction Easement at 2531 Ashley Road from Annie Ruth Alsbrooks for \$425 for Ashley Road Sidewalk, Parcel #8.

The resolution is recorded in full in Resolution Book 48, at Page(s) 318.

### **Item No. 51: Property Transactions – Ashley Road Sidewalk, Parcel #13**

Resolution of Condemnation of 1,167 square feet (.027 acre) in Temporary Construction Easement at 2345 Ashley Road from 37OHSSV, LLC for \$650 for Ashley Road Sidewalk, Parcel #13.

The resolution is recorded in full in Resolution Book 49, at Page(s) 319.

### **Item No. 52: Property Transactions – Ashley Road Sidewalk, Parcel #15**

Resolution of Condemnation of 879 square feet (.02 acre) in Temporary Construction Easement at 2333 Ashley Road from Biong Ka, Mes Ka, Giuh Daniel and Ronh Ka Daniel for \$475 for Ashley Road Sidewalk, Parcel #15.

The resolution is recorded in full in Resolution Book 49, at Page(s) 320.

### **Item No. 54: Property Transactions – Ashley Road Sidewalk, Parcel #31**

Resolution of Condemnation of 319 square feet (.007 acre) in Sidewalk and Utility Easement, plus 595 square feet (.014 acre) in Temporary Construction Easement at 2025 Ashley Road from Warren Moore and Catherine Moore for \$1,575 for Ashley Road Sidewalk, Parcel #31.

The resolution is recorded in full in Resolution Book 49, at Page(s) 321.

### **Item No. 55: Property Transactions – Ashley Road Sidewalk, Parcel #32**

Resolution of Condemnation of 667 square feet (.015 acre) in Sidewalk and Utility Easement, plus 1,219 square feet (.028 acre) in Temporary Construction Easement at 2021 Ashley Road from Bank of New York Mellon as Trustee for the Certificate holders of CWABS 2005-06 for \$2,675 for Ashley Road Sidewalk, Parcel #32.

The resolution is recorded in full in Resolution Book 49, at Page(s) 322.

### **Item No. 56: Property Transactions – Ashley Road Sidewalk, Parcel #41**

Resolution of Condemnation of 278 square feet (.006 acre) in Sidewalk and Utility Easement, plus 1,040 square feet (.024 acre) in Temporary Construction Easement at 1901 Ashley Road from C & S Rental Properties, LLC for \$1,050 for Ashley Road Sidewalk, Parcel #41.

The resolution is recorded in full in Resolution Book 49, at Page(s) 323.

### **Item No. 58: Property Transactions – City View Drive and Buick Drive, Parcel #1**

Acquisition of 10,749 square feet (.247 acre) in Fee Simple on City View Drive from John Scott Yandle and Terlys Suyapa Cardona Guevara for \$109,900 for City View Drive and Build Drive, Parcel #1.

### **Item No. 59: Property Transactions – Cutchin Drive Drainage Improvements, Parcel #21**

Acquisition of 1,593 square feet (.037 acre) in Temporary Construction Easement, plus 1,920 square feet (.044 acre) in Easement to be Abandoned, plus 1,670 square feet (.038 acre) in Existing Drainage Accepted as Storm Drainage Easement at 3062 Wamath Drive



from Charles M. Sowers and Kay H. Sowers for \$15,325 for Cutchin Drive Drainage Improvements, Parcel #21.

**Item No. 60: Property Transactions – East Lake Road 8” Sanitary to serve 11040, Parcel #3 and 4.**

Resolution of Condemnation of 2,401 square feet (.055 acre) in Sanitary Sewer Easement, plus 4,935 square feet (.113 acre) in Temporary Construction Easement at 10933 and 11001 East Lake Road from Sergey N. Kalinkin and Elvira A. Kalinkin for \$3,025 for East Lake Road 8” Sanitary to serve 11040, Parcel #3 and 4.

The resolution is recorded in full in Resolution Book 49 at Page(s) 324.

**Item No. 62: Property Transactions – Gleneagles Road Pedestrian Refuge, Parcel #1**

Resolution of Condemnation of 292 square feet (.007 acre) in Sidewalk and Utility Easement, plus 238 square feet (.005 acre) in Temporary Construction Easement at 6964 N. Baltusrol Lane from Eileen Q. Parker and Daniel P. Parker for \$500 for Gleneagles Road Pedestrian Refuge, Parcel #1.

The resolution is Recorded in full in Resolution Book 49, at Page(s) 325.

**Item No. 63: Property Transactions – Irvins Creek Trunk, Parcel #15**

Acquisition of 4,259 square feet (.098 acre) in Sanitary Sewer Easement, plus 42,216 square feet (.969 acre) in Temporary Construction Easement at 11529 Lawyers Road from State Employees’ Credit Union for \$43,000 for Irvins Creek Trunk, Parcel #15.

**Item No. 64: Property Transactions – Irvins Creek Trunk, Parcel #16**

Acquisition of 4,221 square feet (.097 acre) in Sanitary Sewer Easement at 11529 Lawyers Road from State Employees’ Credit Union for \$16,125 for Irvins Creek Trunk, Parcel #16.

**Item No. 65: Property Transactions – Newell Stream Restoration Project, Parcel #4.1**

Acquisition of 183,966 square feet (4.223 acre) in Fee Simple on Knollwood Circle from Heirs of Nancy W. Page for \$42,225 for Newell Stream Restoration Project, Parcel #4.1

**Item No. 68: Property Transactions – Upper Taggart Creek Outfall, Parcel #12**

Resolution of Condemnation of 19,963 square feet (.459 acre) in Sanitary Sewer Easement, plus 7,465 square feet (.171 acre) in Temporary Construction Easement on Taggart Creek Road from Greenbrier Business Park Owners Association, Inc. for \$5,675 for Upper Taggart Creek Outfall, Parcel #12.

The resolution is recorded in full in Resolution Book 49, at Page(s) 326.

**Item No. 69: Property Transactions – Wilmore Drive/Park Avenue Sanitary Sewer Replacement, Parcel #3**

Acquisition of 5,373 square feet (.123 acre) in Sanitary Sewer Easement, plus 1,469 square feet (.034 acre) in Temporary Construction Easement at 1957 Wilmore Drive from Vista Homes II, LLC for \$35,921 for Wilmore Drive/Park Avenue Sanitary Sewer Replacement, Parcel #3.

**Item No. 70: Property Transactions – Wilmore Drive/Park Avenue Sanitary Sewer Replacement, Parcel #4**

Acquisition of 1,174 square feet (.027 acre) in Sanitary Sewer Easement at 1953 Wilmore Drive from CLT Home Solutions II, LLC for \$11,983 for Wilmore Drive/Park Avenue Sanitary Sewer Replacement, Parcel #4.

**Item No. 71: Property Transactions – Win Hollow Pump Station, Parcel #5**

Acquisition of 37,242.27 square feet (.855 acre) in Sanitary Sewer Easement, plus 37,305.97 square feet (.866 acre) in Temporary Construction Easement at 8820 Faires

Road from Michael S. Williams and Karen M. Williams for \$45,000 for Win Hollow Pump Station, Parcel #5.

**Item No. 73: Aviation Property Transactions – 3101 Piper Lane**

Acquisition of 3.85 acres at 3101 Piper Lane from Hilton Holdings, Inc. for \$2,539,642 and all relocation benefits in compliance with federal, state, or local regulations for Airport Master Plan.

**Item No. 74: Aviation Property Transactions – Steele Creek Road**

Acquisition of 24.345 acres on Steele Creek Road from Steele Creek Presbyterian Church for \$2,390,000 and all relocation benefits in compliance with federal, state, or local regulations for Steele Creek Presbyterian Church Purchase.

**Item No. 75: Aviation Property Transactions – 7601 Steele Creek Road**

Acquisition of 1.763 acres at 7601 Steele Creek Road from Steele Creek Presbyterian Church for \$51,000 and all relocation benefits in compliance with federal, state, or local regulations for Steele Creek Presbyterian Church Purchase.

**Item No. 76: Aviation Property Transactions – 7611 Steele Creek Road**

Acquisition of 1.762 acres at 7611 Steele Creek Road from Steele Creek Presbyterian Church for \$258,000 and all relocation benefits in compliance with federal, state, or local regulations for Steele Creek Presbyterian Church Purchase.

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**ITEM NO. 45: AIRPORT CUSTOMS AND BORDER PROTECTION FACILITY RENOVATIONS**

Motion was made by Councilmember Mitchell and seconded by Councilmember Mayfield, to approve a contract in the amount of \$1,107,410 with RS&H for programming and scoping services for the Customs and Border Protection facility renovations.

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

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

NAYS: Councilmember Winston

**Councilmember Winston** said Mayor, you were reading the Proclamation around Mentoring Month, and I look up in the gallery, and I see some young men from Providence Day School, many of who I coached back when they were in Middle School on the Lacrosse Team. I stopped coaching there in 2016 after the Keith Lamont Scott killing and my kind of foray into civic duty and service, and I tell you one of the double edges of the sword is not being able to be with these young men every day Monday through Friday coaching on the football and Lacrosse field and seeing them grow and become responsible young men. It ingratiates me to see you guys here, and like I told you before sometimes you make choices, and they come with sacrifice. I have never regretted that sacrifice and to see you all up here while I sit back here makes me even more sure of the choices I made. Thank you for coming out tonight and spending some time with us.

\* \* \* \* \*

**PUBLIC HEARING**

**ITEM NO. 11: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF SAM NEELY ROAD**

**Mayor Lyles** declared the hearing open.

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, and carried unanimously to close the Public Hearing.

Motion was made by Councilmember Phipps, seconded by Councilmember Newton, and carried unanimously to adopt a resolution to close a portion of Sam Neely Road.

The resolution is recorded in full in Resolution Book 49, at Page(s) 310-312.

\* \* \* \* \*

## POLICY

### ITEM NO. 12: CITY MANAGER'S REPORT

**Marcus Jones, City Manager** said I believe there are two documents before each of you; one is my 30-day report, and the other is a draft of the City Council Annual Strategy Meeting, and I will continue to emphasize draft. I will start off with the 30-day memo which discussions were occurring tonight, which is the Affordable Housing Update as well as the Legislative Agenda. The 28th through the 30th of this month will be Annual Strategy Meeting in Raleigh, North Carolina. I will come back and talk a bit about the draft agenda and then on the 4th of February, and if you go back to the calendar, in the past the first Strategy Session after the Retreat was cancelled, but because we wanted to make sure there was a great opportunity of time to get work done, we've made sure that we continue to have that first Monday in February to have a Strategy Session meeting. So, with that, there are three major items and then there is always the opportunity for Committee Report outs, but we will give you some additional options related to the Cross Charlotte Trail. We will have the MBA Allstar Game Update, which we believe will be good information this year with the Council. Then we would like to begin the discussion with the City of Charlotte Arts and Culture different organization. On February 6, 2019, will be the first Budget Workshop, and as you may recall, we are going to have each first Wednesday a Budget Workshop up until May when the budget is provided. So, our hope is that we will get a deal of direction and information from the Retreat that will help us, not with just the February 4th meeting, but also the February 6, 2019 meeting.

In terms of the draft in front of you for the Retreat, and again a draft, what we have attempted to do was use the information that you gave us over the course of the last year and that is a focus on economic development, jobs, and infrastructure. Also, as you will see over this three-day period, because in the past you would start on a Wednesday, which was typically a half day. You would get a full day on Thursday and then a half day on Friday, so the concept is to hit the ground running on Monday morning in terms to get at least two and a half days if not maybe more. There are ample opportunities for discussions amongst Council with these three topics. As you will see, there are individuals from the State that will be joining us as well as an opportunity to talk with the Mecklenburg Delegation, then I will just give you an opportunity to read over it, and if there are any questions please feel free to contact me, but the concept with this is to really understand what is important to you and to give you ample opportunities to discuss these topics and some additional topics around just the way that we operate as well as economic development, jobs, and infrastructure.

**Councilmember Winston** said two questions or comments, as it relates to this Budget Workshops that will be forthcoming. I know we kind of struggle with timing during last year and I know some of that might have been attributed to the newness of this Council and getting used to it, but some of it I think might be attributed to just the nature of this Council and the way we ask and facilitate knowledge gathering in these meetings. I know there were questions at that point in time whether we should have another meeting besides the four first Wednesday meetings. Now with the new idea a lot of discussion around the contract threshold was the time to have some of those questions asked are during the budget time. So, we are suggesting that we have to look at it even more granular than we did last time. Why should we be under the assumption that we are going to only need four Budget Workshops to do this budget when we know we would have liked more time last year?

Mr. Jones said I will leave that up to the body. The calendar that was approved in December included those Workshop, but remember after the budget is introduced there are additional meetings for the Council to discuss the budget.

Mr. Winston said I think we should consider the schedule for a Budget Workshop, because I think we would have liked more time last year to have some discussions or maybe this is something we discuss at the Retreat later this month.

**Mayor Lyles** said Mr. Winston, before you go for that, this is an addition of four meetings to the meetings that we had before, because we are having meetings February through March and then meeting after the Manager's recommended budget would still continue. Last year, we had the meetings after the Manager's recommended budget. Am I saying that correctly?

Mr. Jones said Mayor, we will have the Workshops before and then there will be additional budget adjustments after the recommended budget.

Mr. Winston said I am specifically talking about the Workshops that led up to it, and we had four last year, and they started in February, first Wednesday, February, March, April and May. Those are still four and that was the time that as we were working through these things we would stay on a topic for 40 minutes and then we would just be rushing through the end. Do you not recall?

Mayor Lyles said as many budgets as I have sat through, I may get them all confused. So, Mr. Jones if you will tell me what– I didn't have a chance to look at this so thank you; that would be helpful.

Mr. Jones said what may help is that we can provide you with the history of those Workshops that we've had, the timing around those Workshops. I think the issue is the subject matter that we put on those agendas, which are typically discussed with the Chair and the Vice Chair of the Budget Committee, but I understand what you are saying.

Mr. Winston said the history that I recall-

Mayor Lyles said I don't need a history, just whatever works out to provide the dates. If I got it confused, that is okay, my apologies.

Mr. Winston said my second recommendation for the Manager and I have spoken to you about this, in your future Manager Reports, I would like some type of report out list, some way to look at all the contracts under the threshold that have been passed between report outs.

Mayor Lyles said I thought that we agreed that the Manager would provide quarterly reports to the Council on that.

Mr. Winston said I didn't agree with that.

Mayor Lyles said I know you didn't agree with it and I understand that, but I want to be clear that I think that was the statement that was made after it was approved that the Manager had agreed to provide quarterly reports. We can clarify that again by a vote of the Council, but that is what we stated, and the Manager's Report is really around the materials like the ones that we have today. So, if we need to talk about that further we can pull the notes in the minutes, and if you want to raise it as a Council decision then we can do that.

Mr. Winston said so, is that your desire for what the Manager should do, or is that you are replacing that?

Mayor Lyles said my desire is to follow through with what we voted on and what we said as a result of that vote. We said that the Manager had said that he would provide a quarterly report to the Council on the contracts approved.



Mr. Winston said I would like to see those minutes.

Mayor Lyles said if you would like to see that in the minutes and if you would like to raise it as a different issue then we can address it that way.

**Councilmember Egleston** said while we are on the topic of the budget, I will just put this out into the universe as wishful thinking or hopeful thinking, and maybe it will happen. I tend to agree we need to make sure we have more than time we think we need to deal with the budget, because inevitably we always find a way to take longer but also hope that the budget more easily reflects the values and priorities of this Council, because last year you were creating a budget with half the Council who you didn't know as well, and you didn't know the priorities. and you didn't know the questions we were going to ask, and I hope that we as a Council, the six of us that hadn't been through one of these before, that we have a better understanding of the process and can move through it more efficiently, not to say there won't still be very lengthy discussions but that we are all kind of more familiar with the process and each other. I would hope that the budget doesn't require any amount of adjustments that it did last year since you know where we stand on a lot of these things now. That is my hope.

Mayor Lyles said I think the Manager said if you have any questions on the Retreat- I think it is informally, and I would really like to say if we are going to get there the day before and have an informal dinner and a little bit of time to talk about some informal things that we may have in terms of building our team and work time together that would be very helpful. So, we will figure that out.

Mr. Winston said just some clarification, are you suggesting that we voted as a Council for quarterly reports from the City Manager, that we have six votes, and we would need six votes to change that?

Mayor Lyles said I am not suggesting that. I'm suggesting that we took an action, and as a result of that vote, I said that the Manager had agreed to do quarterly reports and what I'm saying is that no-one objected to that at the time, and if we want to change that then you can bring it up in a way for the Council to discuss it. I don't think it is appropriate to ask the Manager to do something that we stated as an agreement that we stated that is what he would do.

Mr. Winston said how did we state that if we didn't vote on it? If you are saying that we should have a Council discussion, when would be the time besides when we are up behind the dais?

Mayor Lyles said whenever we have something that is a topic that is not on the agenda it requires unanimous support of the Council to put that on the agenda.

Mr. Winston said we didn't have unanimous support for him to give a quarterly report out.

Mayor Lyles said I didn't say that we had unanimous support; I said that I said after the vote on the Manager's authority, I said that the Manager would provide quarterly reports to the Council of this, and I don't remember if I referenced the year. If we are going to direct the Manager to do something differently then I think that is a Council discussion; that is what I'm saying, and we can have that discussion at the Retreat. We could have it if we were prepared to tonight, but I'm just trying to figure out how to do this under our rules [inaudible].

Mr. Winston said I wasn't prepared to make that action that I guess I was shoehorned into making when we actually voted on the policy, so I was unaware that we created some type of action.

Mayor Lyles said we do a lot of work, so I can understand that you were not aware, and maybe I didn't say it. I think I said it at least twice, but let's just get the notes and see what

we have. We will get the minutes of the meeting and see what we have, and if we want to take it in a formal action then we can certainly decide to do that.

**Councilmember Mitchell** said getting back to the Retreat, Mr. Manager thank you for sharing this with us. There has been one thing that has been in Committee that we've kind of put to the side, so I wish we would have it as part of our discussion, that is the whole discussion around the four-year term. Is that a place that we are going to talk about establishing City priorities for 2020 and beyond or where would that conversation fall? I will tell you Mayor and Council, I just think we need to make a decision and move on and not let it get in front of the work we need to do for the citizens. So, as soon as we make a decision about that I think the better off we would be. I'm just looking for some directions, so where would that fall on the Retreat?

Mayor Lyles said let me ask Mr. Phipps; was that in the Committee?

**Councilmember Phipps** said it was in Committee, and it came out of Committee to the full Council. So, it is in the full Council's hands now.

Mayor Lyles said ordinarily, we would put something on the agenda.

**Councilmember Mayfield** said it would better if it were discussed at the Retreat.

Mayor Lyles said okay, we have time; I think the agenda has room for it, so we will figure out where to put it. We could do that on Sunday night.

Ms. Mayfield said Mayor, can you just help remind. because I'm going to say I don't remember. Who was on the Retreat Committee this year that helped to identify this agenda?

Mayor Lyles said we did not have a Retreat Committee this year; the Manager and his team pulled this together based on the work that we've been doing around the priorities for the City, so that is how affordable housing came up and then the idea around effective Councils and revisiting that. The workforce development came out of the focus on the idea of workforce and economic development, and you can see the economic development as well coming into the second day and then the transportation and economic development, so I think primarily that the Manager pulled together the strategy. If there is something missing, let's talk about that.

Ms. Mayfield said I would like for there to be more consideration of Council having more time to get into conversation. We have a number of hour and a half, two-hour block where we have an outside representative coming in to speak to Council, whether it is to speak around planning and organization or other things, that possibly doesn't need to be there in order for us to have more time to spend specifically looking at the work or if we can cut opposed to two hours, cut their overview time down, because one of the challenges that I see the most is when we come around the dais there is still some confusion as far as, what is our role as policy makers, and how do we move the conversation forward? What do we do in Committee versus when it comes to full Council and that piece? I'm not really seeing in here for us to spend more time together and one working on relationship without the outside and two, really focusing on what our priorities are and our focus areas for the City.

Mr. Jones said every time you see Bob O'Neill, that is exactly what this is. It is just that opportunity for you to work together as a body, and so there are on each day several hour blocks set aside for that type of discussion.

Mayor Lyles said so the 1:15 p.m. to 3:00 p.m. on day one, is that what you are saying? Traits and priorities and he would be facilitating, but it would be talking about begin to understand how policy priority areas guide effective cities.

Ms. Mayfield said even under that Mayor, we have a teambuilding piece on here like we did the teambuilding piece previously, but the biggest team building for me is the fact that we need to be at least in the same book if not on the same page, as far as our focus

areas and priorities opposed to that 3:15 p.m. to 5:00 p.m. time being identified, because we are going to be together for dinner. We are going to be together at breakfast; we have some very pressing issues and our City has changed so much just with the last five-years, and there is continued change and growth that is happening. What I'm hoping is that even though we are starting earlier we are not going to miss the opportunity unfortunately like has happened a number of years where at the end of the Retreat, we are not all on the same page, definitely not in the same sentence, but then we come back and we rehash some ideas or conversations that some though were covered in the Retreat and others did not hear or acknowledge that it happened in the Retreat.

Mayor Lyles said okay, well [inaudible] advice well given and taken.

**Councilmember Driggs** said I actually have a similar concern. I look at this, and I see sort of typical Retreat activities and presentations, and we've got work to do. We've only allocated an hour and a half to the housing conversation that we just talked about which in my mind from the description would take longer than that. Some of this is kind of seminar kind of stuff that I really wonder when we come back how much of it is going to stick, and meanwhile, there is a lot that we need to do. So, I would hope too to see the balance of stuff that is focused on our challenges and specific goals shift a little bit.

Mayor Lyles said I think that is the reason is says "draft" all over it.

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#### **ITEM NO. 13: AMEND PASSENGER VEHICLE FOR HIRE ORDINANCE**

**Councilmember Harlow** said the Community Safety Committee got a few different updates around the Passenger Vehicle for Hire Ordinance, mostly as it related to some mitigating factor elements as it relates to drivers and making sure that our passengers are safe. A lot of them were technical in nature, small different little provisions and text amendments that we are making sure that we don't have any habitual violator of the traffic laws participating in our Passenger Vehicle for Hire process, and we deleted some redundancies and things like that, but this was passed unanimously by the Committee, and it kind of gets us more up to date, and we got a brief briefing at the Dinner Briefing for the full Council.

Motion was made by Councilmember Harlow and seconded by Councilmember Mitchell, to approve Ordinance No. 9488 for a Text Amendment to the Passenger Vehicle for Hire ordinance as recommended by the Community Safety Committee.
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**Councilmember Phipps** said my reading of the ordinance, and I read it pretty thoroughly, was that it made reference applicability within the City limits. Does this apply to services rendered in the ETJ or in the Towns if somebody wanted to get a ride from the airport to Matthews or something; does this apply even in the ETJ areas or is just specifically within the City limits?

**Thomas Powers, Senior Assistant City Attorney** said Mr. Phipps, under the ordinance it would apply to any ride that originates within the City of Charlotte, so if an individual is actually picked up in the City of Charlotte that would be a situation where the ordinance would apply. The ordinance does not apply in situations where individuals are being picked up in another community dropped off in Charlotte and then picked up by that same service and returned to their community. For instance, if someone was in the Rock Hill community and wanted to come in town for a concert as a taxi cab or black car company transported that individual into Charlotte, dropped them off for that concert, then picked up that same individual and returned them back to Rock Hill, the ordinance would not apply in that situation, but if that Rock Hill company came into Charlotte dropped off the individual for the concert then picked up a separate individual, the ordinance would apply to that individual at that time and that company. All the rides must originate inside the City of Charlotte.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 1-26.

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#### **ITEM NO. 14: AMEND PORTION OF LODGING ESTABLISHMENTS ORDINANCE**

**Councilmember Harlow** said in this one, we didn't have much choice in the matter. This was just getting us in compliance with a US Supreme Court case out of California. Before, our officers were able to ask hotel/motel owners for guest registration and reservation information if they believed that they were potential suspects in criminal activities. The Supreme Court found that was unconstitutional without having a search warrant, so our ordinance needed to be amended to basically just remove the clause that read that it was a crime if any law enforcement officer was not allowed to inspect the site, so we had to remove that. The Committee voted unanimously to remove it so we can be in compliance.

Motion was made by Councilmember Harlow and seconded by Councilmember Mitchell, to approve Ordinance No. 9489 for a Text Amendment to the Lodging Establishments Ordinance as recommended by the Community Safety Committee.

**Councilmember Phipps** said I think we got certain assurance from CMPD that this particular action that was taken would not disrupt any kind of law enforcement's efforts that they had in certain corridors to try to mitigate some of the nefarious activities going on in the corridor. Is that true or not?

**Mark Newbold, Deputy City Attorney** said correct.

Mr. Phipps said he says it is true, so I guess no other comments are necessary.

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

The ordinance recorded in full in Ordinance Book 62, at Page(s) 27-28.

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#### **ITEM NO. 15: AFFORDABLE HOUSING LOCATIONAL GUIDELINES**

**Councilmember Mayfield** said just letting everyone know that our Affordable Housing Locational Guideline is just that; the guide on the selection of the housing investment and how we will be using those investments moving forward real time and utilizing the idea of real time data through site scoring process that we previously approved as a full Council. Looking at the breakdown of multifamily rental development recommendations as well as recognizing that our Housing and Neighborhood Development Committee will so for the community you are more than- Consider this your invitation to attend out meeting which will be Wednesday, January 16, 2019 starting at noon here in the Government Center, Room 267.

Motion was made by Councilmember Mayfield and seconded by Councilmember Egleston, to approve the Housing and Neighborhood Development Committee's recommendation to replace the Housing Locational Policy with the Affordable Housing Locational Guidelines.

**Councilmember Winston** said I really like this idea of a scorecard, and I think as we move on we should look to expand the uses of a tool like the scorecard to even kind of grade developments that aren't coming in for Housing Trust Fund. The idea to understand again how continuously our neighborhoods are changing. So, what is a new development going to do to the area around it? Is it going to make it more affordable? Is it going to be less affordable, or what it is going to do to the criteria that is laid out in this scorecard? I



think sort of like how we get an idea of all the restaurants that we go into; it would be good for the community to understand how development affects us.

There are a couple things I wanted to, and some of this I put in my notes to staff, I'm always uncomfortable with some of these words. Revitalization – the idea that some areas lack life or dead when the fact is that those have historically been code words but displacement and disenfranchise intentionally by entities and power. I think we need to be careful with the verbiage that we use, when in fact these places are usually full of life and full of people that have been living there for a long time but have just lacked the investment of government and corporation. I asked about what are the neighborhood revitalization efforts of the City, if we can kind of lay that out, and again while we have to be careful about this the second bullet point is “organizing and empowering neighborhoods to create communities they love.” That is very subjective, because some people like to live in segregated, homogeneous neighborhoods, and that has been the problem that they've been empowered to create that.

I'm always looking, as we create policies, especially these kind of generational policies, that will live, we have to understand that 50-years ago when some of these policies and ideas were created not every policy maker was intentionally doing stuff that would create policy that would lead to negative effects in the community. It is words like that that I think we need to be careful. I like this idea that we have here, but I wish we wouldn't use this word revitalization in it.

**Councilmember Newton** said as many of you know, I've had my reservations about this policy due to what I believe to be its subjectivity, lack of transparency, lack of specificity. I had an opportunity last week to meet with Pam Wideman and Warren Wooten, and I want to thank them both for taking the time to sit down with me to discuss this further. I appreciate their hard work in putting all of this together. I appreciate the work of the HAND Committee as well in putting this together. It is clear to me that we are shifting to a quality of life analysis or at least trying to within this framework. My concern isn't that though, because in theory this policy address quality of life criteria in our upward mobility goals more than even our current one I think you could argue. My concern is how it will work in practice, particularly when we haven't perfected the way we quantify the quality of life criteria within it. That is the specifics I'm talking about and I've given some examples before; the policy considers the vicinity of schools to a proposed development, but the school's performance or the potential overcrowding of that school. The policy looks at the vicinity of economic centers to a proposed development, but not the vacancy rate they are in or the number of jobs those centers provide. It looks at the vicinity to plan transportation corridors but not whether funding exists or if those plans are viable. We've recently seen how precarious plans can be when we've been having our discussions about the Cross Charlotte Trail, and that is to just name a few of the more specific shortcomings I feel like exists within these guidelines of this proposed policy.

Of course, I mentioned transparency, and that is because there is a data base with a map, but that won't be publicly available to I have a reservation there as well. In effect the implementation of this policy just may be too soon. Are we pushing or really rushing too hard before we have quality data at our disposal to make the right decisions, and ultimately, we may be enacting policy that is more beneficial for developers then it is for our own citizens, potentially lifting restrictions that protect our most vulnerable communities, setting those communities further behind and further segregating out great City both economically and racially.

Having said all of that, I believe this policy is going to have the votes to pass and even thought I will be voting against it and after it does it will be laying out, we mentioned this new scorecard analysis based upon the many criteria we discussed in Committee and we will always have so I think this is what is significant, much like current proposal and our current policy, we will always have the final say, and we will have the ability to decide whether or not we want to move forward. I was just hoping for something a little bit more tangible, a little bit more specific within the policy before we passed it. It may be something that I think given some of the timeline we are looking at with the new participation so our new partnership with LISC maybe something where we had given a

little bit more thought to it. As before, I still look forward to working with my colleagues in the HAND Committee and working towards our collective priority of providing quality affordable housing opportunities and upward mobility throughout all of Charlotte.

Ms. Mayfield said as we move forward in this conversation and so that there is as little confusion as possible for those who are in attendance and who may not have this information in front of you or those who are at home and watching on line and may have access to it, this is the Affordable Housing Locational Guideline that we are having a discussion about as we continue to have more conversation about how we move forward.

I hear the concerns of my colleagues; Ms. Wideman and I have had very similar conversations for six years now, so some of the same questions and challenges have come forward, which is why the targeted rehab pilot is now a program coming from direct impact, why funding directly for seniors has been discussed. Why the guidelines we are looking at a community like historic Camp Greene that was one of our initial beneficiaries of our targeted rehab program and three weeks ago had a home sale for \$500,000 next door to a home that our TLC by CLT Program helped to make repairs to, and in light of an article saying the top best neighborhoods in Charlotte for a starter home at \$425,000. Although many of us who have lived here for more than 10-years may not have thought that that would be the case and that would be the day, nor did we think there would be a time honestly that on Freedom Drive we will see multimillion dollar or half-million or quarter-million dollar homes being developed. So, looking at the guidelines, this is to help really not only create language that is going to clearly and through transparency let our development community know what our goals and intentions are, which is the other reason I asked about our Retreat to make sure that we actually have the time to have real conversation and not be rushed in the conversation regarding housing to have a better opportunity to identify, not only the challenges and recognize them but also to identify the opportunities that we have, and in Committee is where we are going to not only talk about housing because it is a greater commitment that we need to make as a Council and when we talk about housing and neighborhood development many years ago previous leadership both within in the City and on Council forget about neighborhood development and everything that goes along with that.

So, we are having conversations regarding how do we get back to understanding what neighborhood development looks like even with economic development looking at our opportunity zones, and who are those opportunities for when we bring neighborhood development back to the conversation. So, it is not one off; it is an add .Everyone is welcome to attend the meetings, but please recognize that your Housing and Neighborhood Development Committee has a charge. We have self-charged ourselves; my Co-Chair Mr. Driggs and I are working closely with, not only our Director of Housing and Neighborhood Development, but our Deputy City Manager who is our staff liaison for the Committee to make sure that the focus or our community and the quickly changing environment of our community and the need of our community are at the forefront of our conversation.

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

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

NAYS: Councilmember Newton

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## **ITEM NO. 16: SHARED MOBILITY ORDINANCE REVISIONS**

**Councilmember Eiselt** said as the whole City knows, we've had a lot of conversation around scooters over the past few months. New technology that has been very disruptive, but very popular. I would like to say that I think we would agree Charlotte is really sort charting new waters here, even ahead of a lot of cities in the country, but we are doing it in communication with cities that have decided that scooters are good forms of mobility, especially for people that ride them because they are economical. We wanted to be able

to come up with some guidelines that honor the fact that we also want pedestrians to feel safe in our City as well, but give people the opportunity to use these vehicles.

In short, we have some rules that apply that we would like to pass this evening that would apply to the scooters with regards to capping our e-scooter speed limits at 15 mph, making sure that only one person at a time rides the scooter, while requiring that anyone over 16 wears a helmet. We will be looking at a dynamic pricing model for the scooters; that is not part of the policy. That will be part of the discussion that takes place in the next couple months, but somehow there will be some kind of dynamic pricing model for our scooters. Scooters will not be allowed on sidewalks within a certain area of high-pedestrian activity, and in this case, we have stated that to be Church Street, Stonewall Street, College Street, and Seventh Street and then C-DOT has the right to identify further districts as high-pedestrian areas if we find we need to do that too. Otherwise, they are allowed on sidewalks, because we recognize that our City doesn't have connectivity with regards to sidewalks all over the City as much as we would like to do that as fast as possible. It takes some time and money. That is pretty much the highlight of the scooter rules.

Motion was made by Councilmember Eiselt and seconded by Councilmember Phipps, to approve Ordinance No. 9490 for a Text Amendment to Chapters 14 and 19 of the City Code regarding shared mobility as recommended by the Transportation and Planning Committee.

**Kate Cavazza, 2151 Hawkins Street** said I am the Bicycle Program Manager at Sustain Charlotte. We believe that streets are for all users, not just cars. Shared mobility technology and e-scooters provide transportation options for more people in our City serving as a tool of upward economic mobility. The average Charlotte household spends 22% of their income on transportation. A scooter rider, using public transit, would pay 74% less than the cost of owning a personal vehicle as 30% of Charlotteans also don't own a car in the first place. Scooters also reduce traffic congestion, carbon emissions as they replace car trips; scooters improve transit access. C-DOT has shown that scooter trips have the highest concentration around transit stops in our area. That being said, Sustain Charlotte supports scooters and supports the proposed ordinance as it appears in front of you tonight.

We, along with the bicycle community, also support staff's decision to remove the amendment prohibiting scooters on streets with posted speed limits greater than 35 mph. Many of our lower-income residents are surrounded by streets with higher speed limits; the people who live and travel in these neighborhoods deserve just as much access to these scooters as the rest of the City. Ideally, scooters wouldn't have to share space with anybody, pedestrians, cyclists, scooters, buses and motorists won't have to make [inaudible] on our streets in an ideal world. In reality, only 40% of Charlotte streets have a sidewalk with at least one side of the street, and only four percent of those streets have bike lanes. We do not have an adequate network of bicycle lanes and sidewalks in our City for them to be expected as a safe alternative to streets with those higher speed limits. Scooters users need the flexibility to assess the safest routes available, whether on streets or on sidewalks any time of day and/or night.

C-DOT has provided you these great amendments to the City Code, and they offer clarity for scooter riders and providers a like and we urge you to approve these tonight. The most important thing you can do as Councilmembers is to prioritize and accelerate funding for development of bike lanes and parking areas for bicycles and scooters in our City. The faster we can fund and build projects like the Sixth Street cycle track, the Parkwood and The Plaza street conversions, and the Cross Charlotte Trail the safer our City will be for all modes of transportation.

**Alan Sussman, 532 North Church Street** said I am a resident of Fourth Ward and have lived and bicycled in Charlotte over 30-years for commuting, exercise, and pleasure. Some of you might remember I first spoke here last July. Unfortunately, the Mayor missed that meeting and missed hearing me, so some of you will just have to bear with me. Most

of you do not know me, but on August 24, 2015, I had a serious accident when I was struck by a car while riding my bicycle. The driver of the car did not have a valid driver's license, and I was bicycling by myself with a bright uniform with lights on both sides of my bike, as I normally did on a regular route from uptown which I chose, because it had mostly bike lanes, and I always observe traffic laws.

After the accident, I was left unconscious and did not wake up until I was transported to the trauma center at the Emergency Room, but one thing I learned immediately is that I survived this accident because I was wearing a proper helmet, as I always did while riding my bike. After sustaining many broken bones, a crushed spinal cord injury, a blow to the head resulting in hematoma to the brain, I learned a lot having spent almost two-years in hospitals, rehab centers, and therapy gems in my wheelchair. Despite fear to the contrary and the misbelief of my incredible neurosurgeon, I was able to get out of the wheelchair last year and start walking again. Now, I have come back to an uptown Charlotte that is strewn with docked and undocked bike shares, scooters, and owned bikes that are ridden by young people, and rarely do I ever see a helmet being worn. I am riding again and what I refer to as my monster recumbent trike and rode in the 24-hours of booty where not a single rider did not have a helmet on.

There is a dichotomy here, and I don't understand it. As it addresses the scooter provisions that are being voted and reviewed this evening, number one, I don't like to be like Atlanta, but last week Atlanta, one the provisions to their scooter law or regulations is that scooters cannot be placed on a sidewalk. They must allow five-feet to clear. I've been in a wheelchair, and I don't like it when people block sidewalks. A gentleman died this year on a share bike; he went out at midnight. I think another provision, in addition to blocking sidewalks should be these scooters should not be rented in the middle of the night.

**Mayor Lyles** said we will cover some of those things, and I'm going to ask the Committee Chair to review again some of the key points of the ordinance that be addressed, but we will have a discussion about this.

Ms. Sussman said I am not against scooters; I'm not against transportation. If anyone realizes it or not, when you become 16 your head does not turn to steel; you still need to wear a helmet.

Ms. Eiselt said I just want to make a comment, because I know that we put out just the rules, and I mentioned the rules that are in our ordinance summary, but we do have a requirement in there that the sidewalks have to have a six-foot clearance, eight-foot clearance near transit centers. The other issue is that there is a specified time of night where the scooters have to be picked up. I don't believe that the hour is part of the policy; that can be tweaked, but there is part of the policy that does say they have to be picked up and disabled at a certain time in the evening.

**Councilmember Driggs** said Mr. Sussman, I was in a bike accident as well a couple years ago, and the helmet I was wearing was badly damaged, and my head wasn't. I appreciate your comments about the helmet. I do have a couple questions; will there be signs on the sidewalks that are off limits to the scooters? I'm concerned just about the enforceability and about the bright line that tells people on scooters you may do this and you can't do that.

Ms. Eiselt said I think staff would probably have to answer that and we asked about that enforcement and education making people aware of the rules.

**Dan Gallagher, Deputy Transportation Director** said you are correct; if the ordinance passes tonight, we will be moving forward with putting up markings both in the pavement and signage that will indicate where the no sidewalk riding is and then we will also put a corresponding amount of education material out there and begin to introduce that into the community about the change.



Mayor Lyles said is it possible that if there are repeat offenders or people are cited that they would be not allowed to use the scooters for certain amount of time? I remember you talking about that, but I didn't quite understand how it worked.

Mr. Gallagher said we have talked with the vendors if there are repeat offenders on bad parking that that is something they could introduce and decide whether that it appropriate to not rent scooters to someone who consistently parks poorly. We haven't introduced that with regards to sidewalk riding; we haven't contemplated that yet.

Mayor Lyles said is the concept that their credit card would be blocked and wouldn't allow them to start the scooter?

Mr. Gallagher said ultimately, we work toward the dynamic pricing as we work towards the dynamic pricing and look at incentivizing good behavior or bad behavior. That is something we will be talking with the vendors about as we look to the future, but currently that wouldn't apply to the sidewalk riding.

Mr. Driggs the 20% requirement in communities of interest, have we finalized that because the last I heard there was still a conversation, and I have a concern it could lead to a bit of nonsense. Where are we on that?

Mr. Gallagher said we listened closely to the feedback that you gave us at the Strategy Session, and so we have modified that slightly. It is no longer a 20% requirement. What we have committed to doing in the permit guidelines is working with the vendors to focus on, how can we deploy more scooters in closer proximity to transit, bus routes and station areas to support first and last mile transit? That was something that seemed to resonate with the Council at the Strategy Session, so we've moved in that direction.

**Councilmember Winston** said I don't think I'm going to vote for this tonight, and I'll explain why. Number one parking, I think we could come up with a different solution specifically around the ADA. I think if we took one street parking spot in the parking zone and say this is where we put scooters and we can hold people accountable for where they need to park their scooter so they are off the sidewalk completely. We haven't had any kind of creative conversation around this; it has been brought up since day one in terms of the ADA aspect of these scooters.

Also, I'm really against this idea around the 15-mph cap. I think this is an example of over regulation. I think it is an example of where we are not forward thinking the idea that again this time last year we weren't even dealing with this. Who is to say a company is not going to make a more street ready faster vehicle for people to use? Let's say it is a product that can go 25 mph and be safer in a street right-of-way. We are going to set ourselves up for the same thing that we are dealing with where somebody puts this product into the market and we are going to have to go back and redo the ordinance, because we have regulated it out of legality. I think the 15-mph speed cap is potentially more dangerous than it is safe, and it is a knee jerk reaction. I think it handicaps us and handcuffs us and that is the last thing I want to do when we are considering different mobility options.

**Councilmember Phipps** said have we shared this ordinance with NC-DOT for comments, since many of the streets within the City are state maintained?

Mr. Gallagher said I don't believe we have shared this ordinance with NC-DOT. Like many communities, we are approaching this as a local issue to be addressed, and I expect that other cities have similar number of state roads traveling through their communities.

Mr. Phipps said I know that are a lot of streets in Charlotte and some of them are City maintained, most of them maybe, but a lot of them in northeast Charlotte in the University area, a lot of them are state maintained. Sugar Creek Road for instance is a state maintained street, and we have to work closely with them to reduce the speed limit from 45 mph to 40 mph, so I'm conflicted by the fact that in the original draft we had that scooters would not be allowed to go on streets with speeds in excess of 35 mph, but it

was taken out, because I guess some of my colleagues didn't like it, and I don't like the fact that it is taken out, because I think it is a safety issue. We've had pedestrian fatalities on Sugar Creek Road, and we are still trying to deal with putting crossings and hawk signals. That is just one example, and we also have examples of University City or Tryon Street; some sections of Tryon Street are 55-mph in my District. So, I'm just wondering, would NC-DOT be comfortable with allowing scooters on those streets with a maximum speed of 15-mph along with vehicles traveling at 55-mph or over 35-mph? That is what gives me heartburn about this piece being deleted from the ordinance.

In looking at the ordinance and piecing it together, I'm trying to figure out how much of this particular ordinance what are the safety impacts of the ordinance? I see a lot of emphasis on how you are going to operate dynamic pricing here, parking over here, but I'm interested primarily in the safety aspects of it. The only people that are required to wear a helmet is those under 16-years of age, right? We have a presentation today in the TAP Committee where they showed the draft of vision zero, and at the last page they had a picture of seven bicyclists all of them wearing helmets, and I have yet to see any scooter riders wearing helmets. I'm conflicted by what are the safety implications of what we are trying to pass here, because I don't think there is that many and for this particular 35-mph one, we took it out. So, what do we really have? I guess we can't have two people riding on the same scooter, that is an instance of some safety there, but apart from that, it is chock filled with a lot of operational type and how we want to operate the scooter whether we charge a fee here, where they are parked, picking them up at night, but I'm conflicted by that. Even though I don't know if it is enough right now to make me want to say just dump the whole thing, because I do think we need something, but I'm disappointed that it was taken out, and I don't know if any of my colleagues feel the same way or not, but it was taken out basically by a conversation that we had at our Strategy Session. It was just taken out on a whim, so I'm just disappointed that it was.

Ms. Eiselt said I second that sentiment. I feel that way as well.

Mr. Driggs said you can put it back.

**Mayor Lyles** said you can make a substitute motion to do that.

**Councilmember Egleston** said I only had one thing, but now I've been prompted by my colleagues for a couple others. I was the person that asked to have the 35-mph restriction removed, and I've shared some of your concerns initially, and we heard from a lot of advocates in the bicycle community about that specifically. I do think that if we say that a 40 or 45-mph road is not allowable for a scooter, it is much like saying it is not allowable for a bicycle, because they go similar speed, and we continue to perpetuate the idea that we create roads only for vehicles, only for cars, trucks, and SUV's and not for anybody else. So, I share some of your concern but I think there are points that override that, at least for me. The helmet thing, I need some clarification from Mr. Gallaher, because our ordinance says no person under 16 should use any of these essentially, including a scooter, unless they have a helmet on, but the scooter companies, as I understand it, have their own policies that says no-one under 16 should be on one of their scooters in the first place.

Mr. Gallaher said that is correct.

Mr. Egleston said so, we are not advocating for people under 16 to be on the scooter, because that would actually break the policies of the scooter companies themselves. We have in our ordinance we talk about that no-one under 16 should operate anything like bicycle, roller skates, skateboard any of that without a helmet.

I just wanted to make that clarification, but the disadvantaged communities, to Mr. Driggs' point, I think 20% might have been just an arbitrary number. I can appreciate maybe that we haven't stuck exactly with that, but the way you phrase the new policy leads me to believe that we could essentially allow the companies to not put any in disadvantaged communities. I also appreciate Mr. Winston's comment earlier today about the language you use around those communities, but now for now I will use disadvantaged. If we are encouraging them to put them around transit, which I think is a great idea for the first mile

and last mile connectivity, they could certainly choose to put them at all transit stations that are far more affluent than others and we end with zero percent in disadvantaged communities. So, I think there is probably a happy medium in there somewhere. I'm not going to vote against this solely based on that, but I hope we will continue to work with the companies towards that end to make sure that we do have access equity for people across the City.

To Mr. Winston's point the 15 mph, it is actually all the scooters currently go, but that gives me some pause as well, because it does increase the disparity between the speed of the scooters and the speed of the vehicles that they are traveling on the road with. I don't know that 20-mph is inherently more dangerous than 15; it actually might be less dangerous if it means that you are going better with the flow of traffic. I think we need these policies and by in large I agree with them, and I'm going to support them tonight. The last thing, I mentioned this in the Transportation Committee meeting today around some things with school zones and traffic calming and the like that there is a recent history in our community of lack of enforcement of a lot of traffic laws, and people who live in Charlotte know that, so they don't tend to follow a lot of traffic laws, because there has not been a pattern of disincentive that would lead them to follow the laws. We've got to be partnering with our colleagues at CMPD to enforce a lot of these things, and one of the parts of this ordinance says that each of these scooters has to have a very visible identifying number on it, and I think in our central business district Ms. Eiselt brought up and Mr. Driggs as well brought up the part about the uptown sidewalk riding. How do we enforce that; how will people know? I think we can sign effective to let people know, but along with CMPD Center City Partners has also deployed this team of uptown ambassadors that are on the streets, primarily in that Central Business District where we've outlined where people should not be on the sidewalks. I think we can work with the scooter companies to have some sort of a program where uptown ambassadors, CMPD or whoever maybe aren't chasing someone down to issue a ticket, but if they can capture the identifying number of that scooter they can report them to Bird or they can report to Lime and over time if someone receives a number of dings on their report as it were they would be prohibited from using the services. I think we can have ways for people to report reckless riding that doesn't require us to ask our Police Officers to chase them down and try to issue a citation. I'd like to see us work towards that as well, because I think if we don't have enforcement around these rules then they will be much like the traffic laws that also don't get followed in our City and lead to the problems that we are trying to avoid.

**Councilmember Mitchell** said let me just say to the Transportation Committee, they have done an excellent job to address what I call from a transportation standpoint, but I think this is a prime example of this particular item should have gone through parallel tracks, Transportation as well as Public Safety, because I think what you are hearing from myself as well as other colleagues we haven't addressed the public safety issue surrounding this policy.

Couple of things I want to go back to the Mayor's point though, the enforcement piece. When the Mayor asked you the question how will we enforce that, to me it wasn't convincing, because you quickly put it on the individual companies that would do the enforcement, and I think that is the City then giving up a lot of its enforcement ability. If I'm riding a scooter and I become a violator are you telling me that Lime, Spin, or Bird will have to somehow flag me as a violator, and we have to depend on them to enforce it?

Mr. Gallaher said the answer is no. Actually, the ordinance itself is giving us the clarity that we need to legally enforce scooter riding in Charlotte, but at the same time, what I was suggesting is with parking, for example, we are working with the vendors to improve parking. There have been some parking concerns, and what this does is through our permit, it allows us to work with the vendors, so they can in fact track parking complaints. We do have in our ordinance and in the guidelines a two-hour response rate if there is a scooter that is blocking a sidewalk. It is called in, and within two hours it is removed. So, there are a number of enforcement mechanisms built into the operation side of the permit, but the fact that we have an ordinance that defines what e-scooters are in Charlotte is a big step for our community.

Mr. Mitchell said I would just leave this, and I guess it is more of a comment to my Councilmembers. How do we have discussion from the Public Safety side of this new policy, because I think that is making a lot of us very uncomfortable, so how do we engage our Public Safety Committee?

Mr. Gallaher said throughout this process, we've learned a lot; we've talked with other communities. We've talked with the vendors. We've talked with CMPD, and this is a first step in being able to better enforce the rules of the road for e-scooters and e-bicycles in our community. If we don't define them as we have in this ordinance it is difficult to enforce those rules. Again, CMPD will use their resources wisely, but if there are egregious violations now that we have this defined they can enforce that across the City.

Mr. Mitchell said the only comment I would say is, I think this has been a great opportunity, as we talk about collaborating, this has been a great policy to collaborate the public safety, because there is too much on the Transportation Committee to look at this from a transportation standpoint, as well as from a public safety issue. I think this would have been a great opportunity for us to do that; we missed that opportunity and so here we are before us tonight.

Ms. Eiselt said if I could just respond to that, I totally understand that and I feel that too. Fortunately, I was on both Committees, and I did ask the question if CMPD would please respond to the enforcement piece of it, and let us know. It is like we say we are going to introduce these new technologies and by the way, the Police are going to enforce the law. Well, how do we know they have bandwidth to do that if in fact they are stretched pretty thin as it is? We didn't hear anything back on that as to how CMPD is going to enforce that or is it CMPD and C-DOT. I'm glad you reminded me of that, because I did ask about that and haven't heard. I share Mr. Phipps' concerns. I'm not sure if I'm enough to stop it from moving forward, because I want to get some rules out there, but I have to say that I feel like a lot of this discussion is about and I believe in scooters, I ride them, and I think it is a technology that is here to stay, but we shouldn't be doing everything we can so the scooter companies can benefit here. We say we want to be a walkable City and all the e-mails we get are from people that are on sidewalks that are afraid of getting hit and the fact is it is a new technology and it is going to take some time for people to start following the rules. I don't believe for a minute that they don't know that zooming across the street and going down the wrong way isn't appropriate. I suppose it is going to take time before people start wearing helmets just like a downhill skier; it used to be when I was young nobody wore a helmet, and now it is not a law, but everybody wears helmets and the same with bikes. I guess that takes some time but we have a responsibility in the meantime to make sure that people are safe and aren't going to be hurt.

I have a lot of in trepidation about saying you can put a vehicle on the street that can only go 15-mph on a 45 or 55-mph road; it doesn't make any sense to me. Yes, if there is a sidewalk they should it. Yes, we should have more bike lanes, but if there isn't a bike lane or if there isn't a sidewalk, why are we running these things on a road that goes that fast?

Mr. Phipps said is anybody as struck as I am as to why didn't we as a matter of courtesy share this with ordinance with NC-DOT to weigh in on it? I would feel much more comfortable if they looked at it and said we can live with this. I like the language we had in the initial draft.

**Liz Babson, Transportation Director** said while Dan is correct, we have not shared this most recent draft with NC-DOT and the ordinance language. They are very familiar with this process as we've gone through shared mobility over the last year. This would not be a surprise to them, and you are right; there are a number of state maintained streets within this City, and so it was important that they understood what we were considering as we consider shared mobility in the City of Charlotte.



A substitute motion was made by Councilmember Winston and seconded by Councilmember Bokhari, to approve to approve Ordinance No. 9490 for a Text Amendment to Chapters 14 and 19 of the City Code regarding shared mobility as recommended by the Transportation and Planning Committee with the provision that the 15 miles per hour cap is removed.

Mr. Winston said I just think this is the first round of this technology, and by putting this cap we actually are regulating the potential of creating a safer, more durable product to put on to the market, either that we are going to run again up against the same deal when somebody does present a technology that is more street ready and gets us to safer closer spot from this being on street only kind of technology. We don't want to over regulate that. I don't really see this 15-mph cap as doing much more than limiting potential technology advances.

**Councilmember Harlow** said I came in ready to support this as it, understanding that there were some small changes since last week's Strategy Session, and as I think more about this, not just from the mph portion but a couple other components, I can definitely get with supporting the removal of the mph cap. These things do get up closer to 23-mph, and if we are going to require or ask that some of these scooters outside of uptown specifically be adjacent to cars in the street or in bike lanes which are adjacent to cars in the street and also in the guide of saying let's make sure we don't over regulate these things so we have to come back later pending whatever future technology might be out there or is coming. We don't want to have keep chopping through this every couple of years so I can support substitute.

Ms. Eiselt said I have a question, because the technology is already there. I got a call from the scooter company that can limit speed limits. Say we said this is our high pedestrian zones, the technology is already there for that scooter to be limited in speed. If you said you are not capping the speed limit, but let's say we say uptown it is geofenced that we don't allow it to go faster than 15-mph where we prohibit it on sidewalks.

Mr. Gallaher said the answer to that based on our conversation with the scooter companies is they can program their scooters citywide. The technology seems to be evolving and may not quite be there yet to geofence first specific streets. They do have some challenges like the scooters don't know when it is driving through uptown if it is in the street or on the sidewalk or somewhere else, so I'm not sure that we are quite there yet from a technology standpoint to know the geofence like that. I'm only aware of one City that is attempting to do that, and based on our research they've just started trying that to see if it is successful.

Ms. Eiselt said is there a way to do this that we don't have to redraft an ordinance or amend an ordinance if we want to come back later and say we are finding that it is a problem in our high pedestrian areas and not just lock ourselves in?

Mr. Gallaher said what I would suggest is the ordinance allows the Transportation Director to designate other high pedestrian areas. They also have the permit guidelines which can be amended at any time and can require that as part of a permit with 30-day notice.

Ms. Eiselt said okay, then I would be alright with it.

Mr. Mitchell said I this has been a good discussion here this evening, but I think some of us feel very uncomfortable moving forward. Colleagues, don't be too mad at me.

Mr. Driggs said for one I'm a little concerned that a lot of assertions are being made about safety that I don't see supported by any data. I don't know whether the higher speed relative to cars promotes safety as much as it increases the risk of serious injury. When I had my accident and by the way I've spent a lot of time like riding to the beach on bicycles, so I have that perspective on this, and I don't think when you have motor vehicles and a thing like this that a five mile an hour difference in their relative speeds makes that much difference. On the hand, I was going about 21 mph when car drove right in front of me,

and I went over the roof and came down hard on the other side and the kinetics and the physics are that as you increase the speed that energy goes up, so my preference would be to proceed cautiously, which in my mind means that we cap the speed, and it is not that big a deal to make an amendment that puts the number 20 in there instead of 15 if our earlier experience and some actual data that we generate ourselves suggests that there is scope for that increase. I'm in favor of keeping the limit at 15.

Mr. Winston said where is the data that put the 15-mph cap?

Mr. Driggs said that is what I'm saying; the whole thing is arbitrary, and I'm in favor of the lower number.

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

YEAS: Councilmembers Bokhari, Harlow, Egleston and Winston

NAYS: Councilmembers Driggs, Eiselt, Mayfield, Mitchell, Newton, and Phipps.

A substitute motion was made by Councilmember Mitchell and seconded by Councilmember Newton, to defer this item for further discussion.

Mr. Egleston said I just want to point out how long we've been kicking the can on this, and I think for the disagreements that people in the public have about the specificity of the rules that we do create, there is some general consensus that we need to create some rules and if we kick the can on this again tonight between the fact that we have our Annual Strategy Session coming up in Raleigh, we have a Zoning Meeting, we have a Strategy Session the beginning of February we will be kicking that can at least a month out. I for one am tired of continuing to perpetuate this issue with no resolution and will not support deferring it again.

**Councilmember Mayfield** said the challenge I have, as someone who is not on the Committee that has had multiple discussions on this particular item, is that I do not feel that staff has sufficiently answered the questions that I had. I also have a challenge regarding the perception of bias and how we identify uptown as a safe area that we want to keep scooters off the sidewalks, when I for more than four years when we talk about public safety and safety with transportation have had to tell members of my community that they can't have the speed bumps and other safety items added in their neighborhoods, but yet uptown put speed bumps along Tryon Street. When we have roads that are both City and state connected where I have individuals driving 45 plus mph, where I have residential neighborhoods where it may be a 20, 25, or 35-mph posted speed limit that people are constantly speeding through and/or doing a simple Google or Yahoo search on e-scooter related accidents and what comes up, there is a challenge, because questions have been asked, and they have not been specifically answered to address and even the conversation regarding ADA.

What I have seen and what some of my colleagues have received e-mails on are individuals who heavily utilize sidewalks and having a scooter or other items blocking them, where we have in this language that it will be removed. Nowhere in there does it specify within 30 minutes within 45 minutes, within an hour and a half. If you are on your way from point A to point B and you happen to be in a wheelchair and that scooter is blocking you, first of all we are assuming everyone has a cell phone, which is not the case, throughout out City that is a luxury that we just assume everyone has. We are saying you individual residents are responsible to call us to tell us there is a problem here and then we are saying okay, the company will remove it, but there are not guidelines in there to talk about what the timeline window is, and again it was mentioned by my colleague regarding roads and scooters being in the roads if that was specifically noted that they have to stay on roads that would be a different conversation. Even if there was language that said if there are bike lanes then the expectation is for scooters to stay within the bike lanes. For me, I personally do not support deferring it, but I'm also not going to support tonight's vote, so however it lands, I'm a no vote, because I have asked multiple

questions. I have sent e-mails with specific questions in them; they have not been answered, and it is as if the questions that we are asking just go into the universe at some point and staff determines which of the questions they want to answer. These are very real questions, not only regarding ADA but regarding consistency when we are going into community, and some of us need to be responsive to our residents when they say well, why was this allowed to happen, and why are scooters off the sidewalks in uptown when we have concerns throughout the neighborhood where we can't safely walk because we don't have eight-foot sidewalks throughout the entire district? You can barely have two people walking next to each other or a mother with a stroller safely walking down the sidewalk, and you want to say well we are going to make it so that scooters can ride on it as well. There are a lot of challenges in this language; there are challenges in how this was first rolled out. The fact that there is not enough concern to want to make sure that all of these questions have been answered is concerning to me.

**Councilmember Bokhari** said I think it is important to recognize, and I will piggy back on Mr. Egleston's point, we have spent so much time on scooters over the last year, and we have literally gotten very little done as a policy making body. We've done a lot of research, and we are on the cutting edge of a lot of the practices that staff has created, but for some reason we've been unable to get to a decision point and we are at that point again today.

Just for clarity, this isn't about the permit, this isn't about the cap or dynamic pricing or this isn't about how many scooters you can have on the street. It is literally like other than the two things I kind of disagree with which were capping the speed limit and shutting off certain sidewalks, which we kind of arbitrarily made, this is about scooter isn't a car. Kids wear a helmet and don't park like an idiot. Basically, that is all this says right here and the fact that we can't get ourselves to a point to even put that out there is a little concerning to me. I also hope that we don't toss this back, not because I don't agree with Mr. Mitchell that we could have done more and we can do more. We've got to move on; we've got so many other topics that are literally dumpster fires right now, and we are just spending so much time not doing anything on this, so I would hope that we can just move past this.

Mr. Harlow said it gives me a little heartburn that we removed the requirement. I asked in Strategy Session last week about a map where we were calling underserved areas and all of that. It sounds like we are not even having that conversation anymore. If we were to adopt this ordinance tonight, will we have to revisit the whole ordinance itself, or could Liz require within the permit changes to come back and add what I'm going to call the equity clause if you will into it later?

Mr. Gallagher said the equity clause was part of the permit guidelines; it is not part of the ordinance, and just to clarify as we move towards supporting first and last mile trips the highest transit usage routes are in many of what we would say are the disadvantaged areas, so I think there is still an opportunity there just to clarify that it would all be done within the permit side of the equation under Liz's guidance.

Mr. Harlow said so that 20% number that was in there is on the permit side.

Mr. Phipps said I think this issue is going to be revisited, because we are still waiting on the General Assembly to make whatever announcements or review this issue. At some point we thought they were going to look at it in the short session, but it is going to come up. They might throw some other wrinkles in the mix when they look at it also, so I'm confident that it is definitely going to have to be revisited and revised whatever we do tonight.

Mayor Lyles said I've listened to a number of comments, and one of the things that I think we call this disruptive technology, and obviously it is not a comfortable easy decision to make, but they are out there, and I agree that it is not waiting on the General Assembly, we are going to have to revisit this. We are going to have to put some effort into it, but they are out there. They are operating; do you want to operate with no rules right now or do you want to put some rules in place, or do you want to defer around some of the other issues, and I think we have to be very careful to decide what those issues are and how the staff could address them. I just think we've gotten to a place that we have the uses of

disruptive technology and we are going to have to learn to be a little quicker to adjust, even if you pass this with the cap, in six months you can come back and review it and make changes. If there are concerns about the markers where the scooters are parked are not sufficient, if we want to target some enforcement, you can do all those things administratively. The question is, do you want to have some rules now? Do you think if this went away, which question would you ask that would come back with an answer that would change your mind? I always love Ms. Mayfield, because she is really upfront; she said it wouldn't matter what you said, how you did it, she is not going vote for it. Did I hear that correctly Ms. Mayfield?

Ms. Mayfield said you did and I said because staff did not respond to the very specific questions that I ask. I am not going to support a deferral tonight, but I'm also not supporting this as it has been brought before us.

Mayor Lyles said that is what I'm saying; what would make a difference? I think we all have a concern that we've got scooters operating and right now at will and the businesses are doing just fine. They are doing just fine with us without having to put any effort into it, and they are just swimming along.

Ms. Mayfield said and we're allowing it.

Mayor Lyles said well, we aren't doing anything to change it now, and that is what I'm worried about.

Mr. Mitchell said I never try to disrespect a Committee's wishes, and I know the Transportation Committee has worked very hard on this, and I just spoke to the Chair, and she would like to say that we need to move something forward so in respect to the Chair of the Transportation Committee, I will remove my substitute motion to defer if we can just take a vote up or down and see where the votes land.

Councilmember Mitchell withdrew his motion.

Mr. Phipps said I want to ask Ms. Babson, when we looked at the other cities, municipalities in North Carolina that have scooters in operation did we inquire as to what was their stance on speed and scooters with roads in excess of 35 mph? Did we have any that had those parameters in place?

Ms. Babson said Yes Mr. Phipps, I was conferring with my colleague, because we've done a lot of studying over the last several months, and I wanted to confirm that the way I remember it is correct. There are not any other communities that we are aware of that put a limit on the street on the speed limit where these can be ridden.

Mayor Lyles said with that question answered, all in favor of the recommendation of the Committee, please raise your hand.

Ms. Eiselt said it is not the recommendation of the Committee, because the Committee recommended to move it forward with that speed limit.

Mayor Lyles said I was taking it as the 15-mph, and it allows you to ride on roads with speed in excess of 35. Is that the issue? That is your issue, but the question is there a substitute motion to say to back to the 35-mph?

Ms. Eiselt said this is not the Committee approved and moved out of Committee.

Mayor Lyles said staff made a change on the 45-mph, so is the motion to amend this with the 45-mph included?

Ms. Eiselt said the motion is to approve this action, as it is written here, that was after staff's change.

Mayor Lyles said it is as recommended in the document, which allows 45 mph.



Mr. Egleston said actually it doesn't have a cap; it just says control access highways and interstates.

Mayor Lyles said is says you can't be on a highway and the interstate, so it caps the speed of the scooter. The motion was, as recommended here, it would allow scooters with all of rules to go 15-mph on streets, not highways. What is the other term?

Ms. Eiselt said any street.

Mayor Lyles said but it allows at 15-mph scooter to operate on any street, except highways and super highways and sidewalks uptown.

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

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

NAYS: Councilmembers Mayfield, Newton and Winston.

Mayor Lyles said I think the staff has heard very clearly this Council's concerns, and I think it would be appropriate to monitor those concerns and come back on a regular basis as things are evolving and to do something that works for us that actually gets to that place. I also believe that the Transportation and Planning Committee may want to continue to review that and the issues have been how fast the scooter can go and on which streets they can go on.

Mr. Mitchell said Mr. Manager, in the future I think you've got to help us; part of our confusion that the Committee had voted on something and staff took it out, and it came to full Council. That is a process we cannot use going forward. There is a change and to me it should have gone back to the Committee, so at least the Committee would be at least on board before it came to us so if we can eliminate those in the future I think that would be helpful.

Mayor Lyles said I think that is very accurate, thank you Mr. Mitchell.

Mr. Winston said what we might be able to do is do like we do during rezonings when changes are made, and we can determine whether or not they are enough to send back to Committee, and we can adopt it as being sufficient and adopt it as the Committee's recommendation or something like that.

Mayor Lyles said I think it should actually have come with the Committee's recommendations and then staff could have recommended a change and the Council could have decided whether to approve it. We've had a lot going on; things happen, but the Committee's recommendation always stands and then we debate whether or not to do that. I know there was a memo and all of that, but we just missed it.

Mr. Phipps said I think despite our best intensions of trying to regulate people's behavior, even in high injury networks, people have to use good judgement and common sense as to whether or not they want to ride a scooter in a street that has got high speeds, heavily traveled, but that is a decision they have to make and hopefully they will make the right decision even with regards to wearing a helmet.

Mayor Lyles said I think there is a big point about the idea that Mr. Sussman said, public education and peer pressure works a lot. Availability and running an ad that says this is what happen and this is what the consequences are we just need to think through that and I think the scooter companies need to think through a lot of it.

The ordinance is recorded in full in Ordinance Book No. 62, at Page(s) 29-34.

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## BUSINESS

### ITEM NO. 17: PRIVATE DEVELOPER FUNDS APPROPRIATION

Motion was made by Councilmember Mitchell, seconded by Councilmember Driggs, and carried unanimously to (A) Approve Developer Agreements with CK-Land Development, Inc., Trevi Partners, LLC, Novant Health, and LGI Homes – NC, LLC for traffic signal installations and improvements, and (B) Adopt Budget Ordinance No. 9491-X appropriating \$543,450 in private developer funds for traffic signal installations and improvements.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 35.

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### ITEM NO. 18: MAYOR AND CITY COUNCIL TOPICS

**Councilmember Newton** said tomorrow night, please join me at the Planning Great Communities Event at Hickory Library from 6:00 to 7:30 p.m. The Grover Park HOA President, Mimi Davis will be talking about the Hickory Grove 4th of July Parade, so that is going to be a lot of fun. Charlotte East has a Meet and Greet event; there will be a number of elected officials there including yours truly on Thursday January 24, 2019 at 4301 Monroe Road from 6:00 to 8:00 p.m.

There were a number of comments or rumors swirling around regarding some Eastland signs today; I don't know if you guys heard about this. We have some historic significant signs that are actually being stored on City property, and they are safe, so I wanted to make that clear. They aren't in the middle of the woods somewhere being unkept; we've actually checked on that, and the City is currently storing them until permanent arrangements can be determined. One last thing, Saturday is the Martin Luther King Jr. Parade. Come on out. I know myself and a number of my colleagues will be there. It is going to be great fun downtown.

**Councilmember Bokhari** said it gives me great pleasure to announce that over the last year all the partners and leaders that are members of the Carolina FinTech Hub have been working very hard on a new initiative that is now launched over the last three weeks to the public to impact both upward mobility and the lack of tech talent that we are in kind of dual initiatives working to combat, and it is called the Workforce Investment Network for folks who apply and applications are open right now if you go to [carolinafintechhub.org](http://carolinafintechhub.org), and you click on the link that says Workforce Investment Network. You can read more about it, and you can apply for those who are going to be accepted we are going to accept somewhere around 50 individuals that show aptitude for being somewhat proficient or having potential for technology FinTech related jobs but maybe have never gotten that opportunity, maybe didn't go and get a four-year degree and once accepted you are going to be paid on day one to enter a six month training program where we are going to teach you to code and as long as you keep passing your assessments week over week and keep learning you will be placed in a variety of jobs spanning between Bank of America, Wells Fargo, BB&T, Ali, EY, and a number of other companies in town who have been so good to step to the table, put their money where their mouth is and say this is important to us. So, [carolinafintechhub.org](http://carolinafintechhub.org) is where you can go apply. We've had in the last three weeks over 700 people apply. So clearly, we've struck a nerve and we are going to keep going and building upon this. I can't thank that FinTech community enough for all this hard work to get us to this point.

**Councilmember Phipps** said you have before you this evening a member of the Catawba Watery Water Management Group Citizens' Water Academy. I finished my first session along with Ms. Angela Lee this past Saturday; we've got two more session to go, and we will be graduating. We spent the day at the McGuire Nuclear Station on this Academy, but this Academy will support the growth of a new generation of civic and utility and industry leaders interested in water resources, the environment and brainstorming

innovative solutions for our region's most pressing water challenges. So, this was the Inaugural Citizens Water Academy that is going to some coming up in ensuing years, and I would encourage you. I got invited to participate along with 14 other members in the region, so I'm looking forward to the next two sessions; it ends in February.

**Councilmember Mayfield** said I want to make sure that everyone is aware you are invited for our annual Atrium Health Dr. Martin Luther King, Jr. memorial service and wreath laying that happens at Marshall Park. It will be tomorrow afternoon starting at noon. For those who are not in the immediate area where you do not have to drive, you can park on North Davidson at our parking deck, which is at the corner of Third Street and North Davidson Street.

Also, I am really excited about a partnership that I created three years ago with the YMCA Y Achievers. The Y Achievers is going to have their first 2019 Teen Town Hall. We have historically have had a Teen Specific Town Hall here at the Government Center; this one will also be at the Government Center on January 26, 2019 and again in partnership with the Y Achieves in Room 267 from 10:00 a.m. to 1:30 p.m. I want to make sure that everyone knows about a really great program that Starbucks has called Behind the Bar, so those of us that were able to attend the City Summit for National League of Cities in November, some may have heard. So, I am going to share with everyone my official Starbuck [inaudible] learn how to make my favorite coffee. Here is the thing that is really great about Behind the Bar. This was a program that was started where the focus is young people ages 16 to 24, those that have graduated from high school but may not have gone on for higher education and/or those who are unemployed. They have an amazing program specifically for veterans. They are actually in the process right now of working directly with our local USO to do a military specific hiring event that is coming up in February of this year. They also have the Starbucks College Achievement Plan that they call SCAP which was started in 2014 where Arizona State University actually pays for their Bachelor's degree. The program is not one with some companies it is a reimbursement program and you have to work with the company three to five years. This is an opportunity for education as well as promotion from within and something which I shot an e-mail to our HR Director about, is they have a partnership with an organization care.com, so if you have employees that may be running late or may not be able to work that evening because of child care issue, they have a relationship where they can identify childcare for \$1 an hour. So, that is a great way to really be responsive to the community, so I think the leadership over at Forest Point Drive off of Arrowood location, which I visited today, the staff was amazing. Thank you for letting me work drive-thru and make my own macchiato and for the great smock, and I look forward to our continued partnership.

Mr. Manager, I would also really love for us to have a conversation, and Mayor, I mentioned it to you before, a referral to the Housing and Neighborhood Development Committee and that is really looking at some of the conversation we had tonight moving forward with not only neighborhood development in conversations with public safety and multiple forms of transportation but also really identifying neighborhood development and how that fits into our total focus area.

**Councilmember Mitchell** said just two announcements to continue with the Dr. Martin Luther King celebration. Councilmember Newton mentioned the parade; there is also an MLK Grow in the Dream Ceremony at Johnston C. Smith Saturday from 12:30 to 2:30 p.m. where we recognized those leaders in our community who has spent time displaying the great characteristics of Dr. King.

Then we have the YMCA Breakfast on Monday at 8:30. Soledad O'Brien will be the key note speaker; it is at the Convention Center so let's continue to celebrate a great man in our community. He is a member of the [inaudible] Fraternity, but he is still a great man.

**Mayor Lyles** said I had the opportunity to attend Mt. Carmel Baptist Church on Sunday, and they are very, very engaged in our community, and starting February 3, 2019 there will be a 12-week building curriculum called WIN Wealth Building Curriculum, and it is to address the lack of financial literacy in the African American Community. It is a way to actually talk about how do you actually build wealth individually and also generationally

in the African American community. There is a special viewing and discussion of a documentary called 7:00 a.m., and I think it says if you a black and broke, it is time to wake up at 7:00 a.m. So, they will be doing that program and Rev. Kimbro is very, very engaged, and it is open to the public.

The second thing I wanted to do is if you have comments specific around the agenda for the Retreat and it is something that you want to add a specific subject or a place that you want to have more time please pass that on to either Sabrina or the City Manager so that we can do this because there are logistics in all of this, and we want to respect people's time.

The next thing that I wanted to mention is that I have been asked to join the Federal Home Loan Bank of Atlanta's Affordable Housing Advisory Council Charter; it is not on how to do affordable housing. It is all about financing affordable housing. Charlotte has had a representation there but not one of the Council, and this center actually makes appropriations from their fund balance to communities doing affordable housing, so I'm excited about the opportunity to continue to grow our financial and our funding strategies for affordable housing in Charlotte. The final thing that I wanted to say is that Queens University, when I went there it was Queens College, has appointed a new President. His name is Daniel G. Lugo, and I'm excited to welcome him to the community. I hope that we will have a chance to work with him, as well as the University.

**Councilmember Winston** said as this is the first business of the New Year, Happy New Year. Save our cultural institutions, and I just wanted to say on the first full night of the new year, there was a terrible fire in my neighborhood. I watched for hours as our Charlotte Fire Department, CMPD, and Medics did really grueling work to do their best to give 10 people aid who were affected by the fire. Unfortunately, I believe three have passed, and there are still people that are not out of the woods yet, and those people are children. I spoke about this last year as we were kind of addressing the impact of all of the homicides that are community were dealing with. As a community, we have to be able to respond, not just immediately, to a family who is affected by tragedy but for long-term. These are traumas that will manifest themselves, not just by those directly affected but by the neighbors that saw this, by family members throughout the City and friendship circle. I don't have all the answers; I've talked to Chief Johnson and asked him to keep me and the community updated on how we can continue to help this family and help this community that really experienced a terrible tragedy that none of us should experience but could have been much worse had it not been for the real heroic work of our emergency service workers and for them I'm thankful.

**Councilmember Driggs** said I would like to thank the Planning Director Taiwo Jaiyeoba for coming to South Charlotte and also my colleague Mr. Mitchell to speak to a large audience about the planning process in South Charlotte and the outlook there, and I actually had to leave that meeting early to go to a community meeting for a rezoning on Providence Road, and between the two meetings there were probably 200 people or more. The concerns everywhere were similar, which is they really don't understand or feel that we are managing congestion properly, that we have traffic modeling that doesn't align with their experience on the roads, certain intersections that are getting longer and longer. So, I just hope that colleagues you will join me in identifying congestion itself and looking harder at our traffic modeling to make sure that we don't create situations where people can't get out of their neighborhoods because they are trying to enter main streets where the traffic is backed up or end up waiting for 10 or 15 minutes just to cross one intersection.

**Councilmember Harlow** said keeping on the theme of Dr. Martin Luther King and in honor of his birthday and in conjunction with the Reeder Memorial Baptist Church Social Justice Committee, we are going to be kicking off a conversation kind of where Dr. King left it off, talking about economic empowerment of African Americans and business owners on January 24, 2019 at 6:00 p.m. at Reeder Memorial Baptist Church, 3725 Beatties Ford Road. I'll have the pleasure of being on a panel with Damien Johnson, CEO of No Grease Barbershop, Attorney Geraldine Sumpter, as we talk about our experiences in the professional black community of owning businesses and employing



folks and barriers that we've reached, but we will also be sharing a lot of data from City staff, as it relates to information around doing business in the City of Charlotte, Economic Development, especially in the African American community and whether it be barriers or opportunities as well. Please come out for that on January 24, 2019 from 6:00 to 8:00 p.m. Brother Mitchell just remember that all Alphas are great men, but not all great men are Alpha.

**Councilmember Egleston** said just two things, one I know Mayor Lyles and Councilmember Bokhari also had the opportunity, as I did in the past couple days, to be with the Irish Ambassador to the United States, Daniel Mulhall. So, I want to thank him for coming and spending time in our City. I think with everything else we have going on we don't always appreciate what an international destination Charlotte is, how much interest there is from the International Business Community to bring business here to Charlotte and to North Carolina. He drove it home today and as the Ambassador from Ireland, he said he had spent more time in North Carolina in his tenure as Ambassador than he had in Boston, which is a little bit of a surprising fact. I hope he and his wife have had a wonderful visit here and will continue to look for opportunities to bring business to our state and to our City.

Secondly, I just want to congratulate in the last month or so we've had everybody from the DA, I think he is being held hostage here at this point, our Judges, our new Sheriff, the members of the North Carolina General Assembly and the members of the United States Congress who have all been sworn in in the last month, and so to the veterans that are returning to their seats, I look forward to continuing to work with you and for the new members we look forward to building relationships with you to work together towards a better Charlotte, a better Mecklenburg County and a better North Carolina.

Mayor Lyles said I have to say I was in Raleigh for a Transportation Seminar for the full day and had a chance to go by the Legislative Building and dropped in to visit some of our regional legislators, and they were very complimentary of both Mr. Egleston and Mr. Bokhari for staying in touch and talking about a number of issues. So, I should pass that along; it was really good to hear.

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#### ADJOURNMENT

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to adjourn the meeting.
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The meeting was adjourned at 10:01 p.m.



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Emily A. Kunze, Deputy City Clerk, NCCMC

Length of Meeting: 4 Hours, 53 Minutes  
Minutes Completed: January 23, 2019