

The City Council of the City of Charlotte, North Carolina convened for a Strategy Session on Monday, January 7, 2019 at 5:10 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps, and Braxton Winston II.

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**Mayor Lyles** said in terms of our Agenda I think that we do have a point for a modification on our Agenda, but I would like to do that about 6:00 p.m. or so. I will turn it over to the Manager to introduce where we are as long as we can get back at 6:00 p.m. for an item that will be added to the Agenda.

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#### **ITEM NO. 1: CITY MANAGER UPDATE**

**Marcus Jones, City Manager** said tonight we have three updates for you; one is the Shared Mobility/E-scooter Update and very thankful for the hard work that the TAP Committee has done to this point. We have an update for the Cross Charlotte Trail and then a short update for Affordable Housing. So, if there are no questions from Council I would like to turn it over to Dan Gallagher.

#### **Shared Mobility/E-Scooter Update**

**Dan Gallagher, Deputy Transportation Director** said I am happy to be here tonight to talk about e-scooters with you. We have been busy over the last several months with the Transportation and Planning Committee and it is good to be here tonight with the full Council. We will do a little bit of an update of where we've been and what we believe the next steps are. With regards to tonight's presentation, I first want to go backwards just a little bit. We need to understand what have we done with e-scooters; how did they come to our community? What are some of the experiences we've had so far? We want to talk about the current permit that has been in place for basically the last six months and what we did right in that permit and what might need to be amended as we look to the future.

I know in your Thursday packet you received a copy of a draft ordinance with regards to e-scooters, as well as our permit and our permit guidelines, and then we also want to touch on tonight about a dynamic cap and dynamic pricing as we think to the future and if e-scooters are going to continue in our community and finally next steps as we go to the future. I want to give a little bit of a shout out to the Transportation and Planning (TAP) Committee; they have been busy at work on e-scooters since this item was item was referred to the Committee in September, and a lot of work happened. In fact, I think maybe more work in a Committee than across the country in a very short amount of time.

September and October, we really focused on what were we experiencing in Charlotte; what were the lessons learned, but also what were other cities doing from both a national perspective as well as within the State of North Carolina? That was September and October, and in November, we focused on a 30-day really focused safety campaign. We worked really closely with the vendors; at that time, Lime and Bird specifically to roll out and really hit the streets with a focused safety campaign, and I think we were probably the first City in the country to develop an e-scooter Plan and during that time period that e-scooter Plan really was valuable, not only to staff but I believe also to the Committee as we were working through the many details associated with e-scooters, not only where we've been, but where we probably need to go as a community.

December, we rolled up our sleeves and worked on the ordinance itself; what would be the components of the ordinance that we would bring forward. I had a good opportunity to look at ordinances around the country and in the State and also how we might want to edit our current permit to kind of bring us back in line with some of the best practices around the country. That brings us to day and we are here today to give you a preview

about what is in the ordinance and the permit edits and then we will be asking for your consideration as early as January 14, 2019, next Monday night.

So, what other cities have e-scooters? This is probably a little dated, and I tell you this map probably changes daily, but this gives you a sense of which communities across the country have e-scooters. This is Lime and Bird and the cities that they are in currently across the country, and you may recall e-scooters came to Charlotte in May of last year so a little over six-months ago. I also want to touch upon the ridership; it was piloted here in Charlotte, and if we were to look at ridership alone, the pilot results were pretty amazing so this is the ridership numbers from May through November. You can see that ridership peaked out and hit its high point in August of 2017 at 140,000 trips per month in August and the months surrounding it were 100,000 and 120,000. When you think about that, that is on 800 vehicles; there are 800 e-scooters in Charlotte during those months, and when we think about that, that is pretty amazing ridership 140,000 trips on 800 vehicles.

The other thing I think is important to note is, as a Transportation Professional, this kind of hits the sweet spot, something that we really haven't been able to accomplish before and that is 1.4 miles. That is the average trip length on an e-scooter in Charlotte. Some criticism of e-scooters is that they are displacing walking trips, and I would argue that at 1.4 miles that is not a typical walking trip. That is often times a drive to trip. Most people will walk a quarter mile to something; they generally won't walk 1.4 miles, so e-scooters are sort of hitting that sweet spot as something that trip distance we might be able to peel some automobile trips off the roads.

Two other numbers that I want to focus on, 6.1 that is the number of trips per scooter, per day in August and 3.5 trips per unit per day in November. You would expect on e-scooters during the nice warm summer months and lots of sunlight and long day hours that you would have more trips per unit and that it would taper off as you head towards your winter months. Those numbers are important if we are going to explore a dynamic cap in our community, and I will talk a little bit more about that in just a minute, but I just wanted to give you a sense of 6.1 versus 3.5 trips per day. Generally, the industry standard and what some other communities are doing is they are allowing e-scooters to expand in their community when they have more than three trips per unit per day. Just remember that as we go forward.

The next thing I want to talk a little bit about and what we shared with the Committee and had some dialogue around was first and last mile transit connections. We talked a lot about first and last mile transit connections in our community. We talk about making it easier to walk to station areas but when you get off the bus to be able to cross the street, but it is also getting there, and how can we shorten your transit trip so maybe you don't have to make that transfer trip? So, what this is, I know it looks like a whole lot of red spaghetti but it is not. We get great data from our vendors, Lime and Bird, so this is July and this is all the trips that were made by Lime Scooters in July. It is a heat map, and so you would expect lots of trips were made in Center City and you can see that lots of trips were made in the NoDa area and The Plaza/Midwood area, the CPCC area, up and down through South End and out into Wesley Heights and JC Smith University. I'm sure if we each looked at this we would find something interesting in this map to look at. For me, the one that jumped off the map to me was this area over here. That is the Walmart on Wilkinson Boulevard, and so that to me was fascinating that if you would ask us when this first started where would these trips go, we probably would have picked out some of the ones I just mentioned, but the Walmart at Wilkinson Boulevard may not have been one of the ones that would have jumped out to me anyway.

The other thing is from our first and last mile trip perspective to transit, this is the Blue Line and you can imagine that if you have taken the Blue Line to any one of these stations and you jump off and you travel 1.4 miles, you can travel to a whole lot of destinations in that area, so when we think about first and last mile trip it is how can we expand that and then you overlay our bus route network, those lines in black, you can see how you might be taking a bus trip in and instead of going all the way to Center City to come back out you might take an e-scooter across the route to shorten your trip. Again, we will see how this plays out. We've only had six months experience at this point, but this is something

to continue to watch and continue to see how we can supplement our transit system with shared mobility services.

Now that we have a little bit of understand of what has been happening in Charlotte with regards to e-scooters, I want to talk a little bit about the permit that we were operating under for the last six months, and we were certainly one of the first cities in North Carolina and really one of the first cities in the southeast to have a working permit and a working set of guidelines for e-scooters. We currently have a cap of 400 e-scooters per vendor; our permit requires in-app safety messaging; we also have a requirement to keep our sidewalks with a six-foot clear zone to allow for pedestrians to travel through that area, to allow for anyone using the sidewalks to not encounter a scooter that is parked incorrectly on the sidewalk. We have liability insurance and hold harmless agreement as part of our permit, 24-hour customer service and a two-hour response time for a complaint about a scooter blocking the sidewalk. We do require that each scooter has a unique identifier on the handle, and we will talk a little bit how we think we can improve that. Scooters are required to be removed each evening for recharging and re-deployed in the morning. We require our vendors to share a whole lot of detailed data, which is some of the things that we are able to share with you tonight and which will become even more important if we look to a dynamic pricing model in the future.

The other thing that we did we looked at, not only nationally, but also what was happening across North Carolina with regards to e-scooters. We looked at Durham, Greensboro and Raleigh and we compared them against us so you can see that the items that I just mentioned that are in our permit are listed here and those cities, because they implemented e-scooters after us, borrowed heavily from what was in Charlotte's permits and guidelines so, you can see they many of the same things that we did. The one thing we didn't have was an ordinance to supplement our permit and guidelines and that will bring us to one of our next steps. They also did some things a little differently than us and each City is different so one of them is with regards to sidewalk riding. We have allowed e-scooters to ride on sidewalks in Charlotte, we have tried to treat e-scooters like bicyclists in Charlotte. Bicyclists are allowed to ride in the street or in a bike lane or on a sidewalk, so we treated e-scooters similarly because they travel about the same speed as many bicyclists. Durham and Raleigh don't allow sidewalk riding and Greensboro is sort of in the middle; they allow sidewalk riding, except in their downtown area.

Then there is also the question of fees. Since we first initiated a number of cities have implemented fees, so Charlotte does not currently have a fee per unit or a fee to operate scooters in Charlotte. Durham has a \$100 fee; Greensboro has a \$50 fee and Raleigh currently has a \$300 fee. The last thing we looked at was an equity distribution requirement. Currently, Charlotte does not require that e-scooters be proportioned across the entire community or have a specific area for disadvantaged neighborhoods. Durham and Raleigh have done that, and Greensboro has not, so that is something that we are considering. As we come to you tonight with a draft ordinance and we come to you tonight with revisions to the permit and the guidelines, we are suggesting that we continue to allow e-scooters to ride on sidewalks with some caveats. We are proposing to identify an area in Center City that would not allow e-scooters on sidewalks. We do think we should move to some version of fees; we want to talk to you a little bit more about that and then we do think there should be an equity distribution requirement.

So, with the draft ordinance that we shared on Thursday with you and that you may be considering at your January 14, 2019 meeting, let me tell you what is in that ordinance. There is a lot of great information but let me tell you some of the key elements. First of all, it gives us the definition of what an e-scooter is and what an e-bike is. It caps the speed of e-scooters at 15 miles per hour. We believe that is a reasonable speed to mix with many uses in our public right-of-way. We are concerned about e-scooter speeds graduating up higher over time, so we are proposing to cap them at 15 miles per hour. We are also proposing to cap e-scooters at 50 pounds or less for the vehicle itself, and we think that is important, especially if we are going to continue to allow sidewalk riding in Charlotte.



The draft ordinance is specific and says very clearly that only solo riding is allowed. It also, like I said before, will designate certain streets or a boundary in Center City, and I will tell you what that boundary is; it is Stonewall Street, College Street, 7th Street and Church Street where we would not allow sidewalk riding, and the reason for that is that is our core of the downtown with our highest pedestrian volumes on those streets, and we think given the lower speeds in Center City that is an appropriate place to have scooters go into the travel lanes and mix with traffic at speeds that are approximately 25 miles per hour. One of the items we want to propose and ask for you to think a little bit about is we have streets with many different speeds in Charlotte; we have 25 mph streets. We have 35 mph streets; we have 40, 45, 50, and 55 mph streets in Charlotte. So, what we are proposing is that e-scooters not be allowed to ride in travel lanes on streets with speed limits over 35 mph. We would want those scooters to be either in the bike lane or on the adjacent sidewalk on those streets. If one of those streets does not have a sidewalk or bike lane and it is posted at above 35 mph, that may not be an appropriate street to ride an e-scooter down so that is something we will have to weigh in our community the speed differential on those streets versus providing access in all parts of our City.

Finally, the ordinance allows us to impound scooters, charge a fee for impounding the scooters, and again, we hope we would never have to get there, but in the event that we didn't have a good partnership and vendors were not moving the scooters when we asked them to that is something we would want to implement. So, that is the ordinance; our supplemental materials that were also in your Thursday package was our permit and our guidelines and those two items work really closely with the ordinance itself, and it was within these guidelines that we are proposing to edit them and add a dynamic cap. Let me explain a dynamic cap; basically, I mentioned before about the trips per unit per day, and what the guidelines are proposing to do is allow the scooter companies to expand and add more scooters when over a 30-day average they demonstrate that they have more than three trips per unit per day on their scooters, and they could expand by 50 scooters when they have demonstrated over a 30-day rolling average that was the case. I will tell you we are not the first to develop this system. We are borrowing heavily from Austin, Texas with this. So, at the point that the number of scooters that are out there on the street constrict and go to less than two trips per unit per day, we would want them to constrict their system. Our intent for this is to allow the system to grow when it is being heavily used and allow it to return to balance when it is being underutilized, and I would expect that perhaps during seasonal months that would evolve appropriately. We are also proposing that a percent, and we've identified 20% of the e-scooters, that are deployed by the vendors each morning be distributed to low-income neighborhoods in Charlotte. We haven't worked out quite the methodology yet for that, but we think that would give more access to more people across our City to the e-scooter options.

Finally, another important part is as you know e-scooters are deployed each morning; they are put in, one company uses the terms "nests." They are put in nests and are really organized in the morning, but over the course of the day after there has been three, four, five, six trips per unit they kind of become scattered, and so what we are suggesting is that there be a mid-afternoon cleanup of scooters just to get them organized in the event they are getting in a little bit of disarray in our community.

Finally, our other addition, and we need a little bit more time for this, and we will ask for your patience on this, we'd like to explore a dynamic pricing pilot with a local company called Passport and two other cities who are also looking at this. We certainly would have the option of charging a per unit fee like many other cities, but we want to explore the dynamic pricing model to see if that is something that incentivizes better behavior but also recoups some cost to the city for utilizing our right-of-way and utilizing the streets.

In terms of next steps, what we are proposing is that you now have a copy of the draft ordinance; we would like to ask for your consideration of that ordinance as early as January 14, 2019 if you are ready to do that. Then we would like to ask for 90-days to finalize partnerships on the dynamic pricing model in Charlotte.

**Councilmember Egleston** said when we talk about having scooters off by the evening what are we defining as the evening, a certain time or dusk?

Mr. Gallaher said our definition isn't as clear as that. What the vendors have been doing, and I spoke with Bird today, physically their scooters are off by 9:00 p.m. at night. You can't start a trip after 9:00 p.m. and then their scooters would be removed by 9:00 p.m. The only people that can unlock scooters after 9:00 p.m. would be the people that are in charge of them.

Mr. Egleston said is Lime using that same definition?

Mr. Gallaher said I don't know, and I will follow-up on that, but I also know that they are charging their scooters each night.

Mr. Egleston said the central business district, which I agree with the confines of and the concept of, how will that be signed?

Mr. Gallaher said we've talked some about this, so simultaneously 25 mph speed limits in Center City and then we will sign it. We are thinking actually that instead of signing up above actually in pavement markings will be the best approach. Do that around the boundary and then add individual intersections within the boundary to remind people if they have entered the boundary.

Mr. Egleston said if you can go back to the heat map, leave all the overlays for transit, there is a really- it looks like a direct correlation on some of those kind of secondary, not the hottest points, but the lighter red lines with some of our bus routes and obviously there is a lot showing up in dark red near our Blue Line. Have we crossed this data with data from CATS to see what sort of impact it is having on either (a) increasing the number of trips we are getting at certain Blue Line Stations near where the scooter was deployed and/or (b) taking away trips from certain bus routes?

Mr. Gallaher said we have not, and I'm not sure how exactly we would get that information from CATS, but I will tell you one of the things that in our current permit requirements the vendors are required to provide us survey results, so as we get through this conversation the three of them owe us survey results, and that is one of the things that we want to specifically survey the current users. How they used it? What have they displaced; do they combine it with transit?

Mr. Egleston said it could be a boost in corridors and maybe a detriment in others to our ridership on either buses or light rail. It would be interesting to know. My last one is you have a picture of a Bird scooter in front of the Metamorphosis Statue, which is interesting, because I just looked and every way you could possibly get to the Metamorphosis Statue is at least 45 mph, so I know there are concerns in the cycling community, and I am vague even agree that limited access, highways, and interstates should be absolutely off limits, and there are already laws around that. You can't ride a bicycle on I-77, but I know there is concern around the 35 mph cap, because with e-scooters potentially blurring the lines between scooters and bikes a little bit, I know some people believe it is a little bit of a slippery slope that we then start saying people can't ride bicycles on, and I don't think that is the intent here, but there is concern that it would become about bicycles too, or it would become about e-bikes and then about bikes that are certainly roads where people ride bicycles at 45 mph speed limits and often times that might be the only option. If there is a lower speed option, I think we would want to encourage people to use it but are we kind of negating our concept of complete streets by telling people there is huge list of streets that you can't be on as opposed to letting people use their best judgement and just outlawing use on a limited access highway.

Mr. Gallaher said certainly that was not our intent; our intent was to allow scooters to be ridden on virtually all street but on streets above 35 mph to move over to the sidewalk or the bike lane. That was really to recognize that speed differential that exists between cars and scooters. I understand the concern and the question there; that was our attempt in looking at some other cities that have implemented something like that to see if that is a good balance for us.

Mr. Egleston said I think as we have a more complete sidewalk and bike lane network then we can more reasonably ask people to not be riding in a vehicle travel lane at 45 mph road, but as it is there are certainly corridors that we don't have sufficient sidewalks, and the whole City doesn't have sufficient bike lanes yet. I know we are working on that but it is a long solution. I think that might be something we give more thought to as to whether that cap should be a little higher or whether we need to at some level allow some personal judgement as to which roads are appropriate and at times potentially necessary for someone to get where they are going.

**Councilmember Mayfield** said this is definitely a pro-scooter presentation, but I have a number of questions. When we go back to the breakdown of the e-scooters in North Carolina when we look at the population, what is allowed and what is not allowed, what currently is the pricing model that Durham and Raleigh are using since there is a recommendation for you all to come up with a pat working with a pilot? What is the current model that they are using? Is that a \$100 annually; is that a \$100 per scooter, that is not giving us enough detail here.

Mr. Gallaher said I will be doing this a little bit by memory, so for example I know Raleigh is allowing up to 1,500 e-scooters in Raleigh and then their pricing model per unit, is that what you are asking about the fee?

Ms. Mayfield said if we have 300 on here what is that 300 representing? Is that an annual fee\ for the 1,500; is that per scooter? Is that every 15 scooters? It is not giving us the details.

Mr. Gallaher said okay, it is a fee per unit in Raleigh for their scooters that they have permitted they are charging \$300 per unit. Greensboro is charging \$50 per unit, per scooter per year, and Durham is \$100 per scooter per year.

Ms. Mayfield said if we already know that Durham, Greensboro, and Raleigh are charging a per unit fee, why would the recommendation be to Council to explore a dynamic pricing pilot opposed to identifying a per unit costs?

Mr. Gallaher said the easiest thing to do would be a per unit costs, but in conversation with the Transportation and Planning Committee, there seemed to be interest in exploring a dynamic pricing approach that incentivizes better behavior. Just charging a per unit charge may not address some of the behavior issues out there with regards to safe parking, and so what we are proposing to do is explore can we use technology to improve parking behavior while simultaneously using that technology and data to charge a fee for parking and for utilizing the streets?

Ms. Mayfield said for the TAP Committee, I would hope that you all would reconsider that; follow up still on the same target. If Durham, Greensboro and Raleigh already have identified a pricing model, does their model include a relationship with Passport or any other cities?

Mr. Gallaher said not that I'm aware of, no.

Ms. Mayfield said so again, the question should be if there is already a model out here that has a per unit costs associated with it that offsets our costs and also brings revenue to the City, why would Charlotte be looking at working with a pilot with Passport and/or looking at other cities?

That is something that I hope you all will consider. Also, with looking at this presentation being heavily pro-scooters, nothing in here identified those communities that have banned scooters. Is any of that information going to be provided, or did you talk about it in the TAP Committee? Did you have discussions regarding the communities that have banned scooters and why those scooters were banned?

Mr. Gallaher said we had brief conversations and yes, there are some communities that have chosen to pass on e-scooters. We also talked about the many communities that

have embraced or are allowing e-scooters, and many of them appear to be our competitor cities that seem to be exploring and embracing other transportation options. That was the level of the conversation we had and then we rolled up our sleeves. gotten through the details if we are going to continue to have e-scooters in our community what is the next steps for them.

Ms. Mayfield said I definitely have concerns with again a presentation that is definitely pro-scooter that is coming to full Council, opposed to providing all the information like the fact that Nashville, Milwaukie, San Francisco and our neighbor Winston Salem have banned scooters and also give us the information as to why they banned them looking at the pricing in comparison to what is being proposed for Charlotte to do with the pricing.

You also noted in here regarding Center City and not riding on sidewalks. There is a challenge with that, because we are either going to create a process that is going to be equitable across the entire City or we are not. Center City sidewalks are a lot wider than sidewalks that we have throughout a lot of our community. The sidewalks on West Boulevard are barely six feet wide; two people can barely walk side by side together on the sidewalk, so to say that we are going to look at identifying certain areas where we won't have scooters on the sidewalk opposed to them being regulated to the bicycle lanes but not make that a requirement throughout the City, help me understand why that should be something that we should support.

Mr. Gallaher said so like some other cities focusing on areas of really high pedestrian activity where, for example, the sidewalks in Center City, when you look at the streets in Center City there is a lot of pedestrians on those sidewalks, continuing to allow the scooters to travel down those sidewalks is creating some conflicts with pedestrians. On other streets, whether it be West Boulevard or Providence Road or Graham Street, there are fewer pedestrians on those sidewalks, so as scooters travel down the sidewalk they are able to see pedestrians up ahead and work around the pedestrians, slow down, and work around them just like you would if you were riding a bicycle on those streets.

What we are trying to give the opportunity for is that the individual scooter rider has the choice I can be in the travel lane or I can be on the sidewalk, or I can be in the bike lane if there is one. Some scooter riders are going to say I'm comfortable riding in the travel lane down West Boulevard; there will be other scooter riders that are not going to be comfortable riding in the travel lane down West Boulevard and would prefer to be on the sidewalk, and again, with the level of pedestrian intensity on corridors like that it seems like that there is some sharing of space that could occur.

Ms. Mayfield said I also have a challenge with that thought process, because some scooters riders thought it was a great idea to have a scooter on the highway. Saying that we are going to hope that they are going to make the best decision doesn't really work and if we are talking about creating language that is going to protect everyone, because we also know that we've had a lot of challenges where scooters are left out, and we have in here that they are supposed to collect them. There are plenty of scooters out there that are not collected, and they are left out in neighborhoods and they are blocking sidewalks, and they are causing problems and challenges for those who may be in wheelchairs or have additional needs that utilize the sidewalks.

So, to say we are going to allow for scooters to be ridden on sidewalks when we clearly have bike lanes in area but we are only going to focus of the safety of uptown that is a challenge. Again, it would have been helpful to bring full information to full Council, especially if you are asking for a vote in an upcoming meeting on this when only the TAP Committee has had more detailed conversations.

The final question that I have on this is really more of a statement than a question. I would like for the TAP Committee to really reconsider moving this to get a vote on it in the immediate future in order to give time to answer a lot of these questions, because we all have received e-mails regarding the impact, and I and at least one of two of my other colleagues have had to reach out to Community Relations Committee specifically to Terry Bradley, since he is over our ADA compliance, regarding the fact that we have received



concerns about sidewalk uses. I also hope that you all would really consider that if we know that Durham, Greensboro, and Raleigh have identified a funding model that is actually bringing income into the city for us to then say that what we want to consider is a pilot pricing in partnership with Passport and other cities. We really need to think about is that really the best option for the residents of Charlotte who are going to be impacted by these scooters and also if that is the best option for our general fund and out bottom financial line.

**Councilmember Eiselt** said first I just want to say thank you to you and staff for hearing what we all have to say, because it is a new technology. It is very disruptive, as new technologies are, and there is no perfect solution, but I appreciate that you've been able to capture a lot of the concerns Councilmembers have had. A few of them that come to mind for me, some questions still is one, in the proposal you talked about where they can be parked, and I'm concerned about how confusing that is going to be for people. What is six feet, and what is eight feet? I just think that we are really going to have to think through, if that is the rule, how people are going to understand that.

Secondly, with regards to the fees, interestingly, there was a lot of chatter today on the Raleigh fee at \$300, versa a fee for automobile at \$30, and I think the State caps the automobile fee at \$30. It is interesting that sort of counter intuitive if you really want to get out of their cars and use something else to have a fee 10 times as high as an automobile. I'm not sure – overall it is going to be a cheaper form of transportation, but is the State going to come back and say that is a tax, that is not a fee. If you are charging per unit we don't want to rush to get something done if in fact they come back at us and say you've just imposed a new tax. I think we need to know a little bit more about that, how those fees are being interpreted by the General Assembly.

The question I have is with regards to enforcement. I wanted to get CMPD's input a little bit on how onerous this is going to be for them and how they feel about that, because that is going to be pretty tricky to decide if somebody is 16, and they don't have a helmet on, or are we just not going to enforce that? I don't think we really enforce that with bike riders, but I just wonder if we are saying that CMPD are going to enforce these things, riding on sidewalk, not riding on sidewalks, is that really practical and how difficult is that really to enforce? You can come back with that if you are not prepared to talk about that now, but I just think–

Mr. Gallaher said we have been coordinating with CMPD on this and recognize that these are some new rules but it does bring additional clarity, better rules than what we currently have and again I think CMPD will look at this as giving some clarification but also, they will focus their resources and address the most egregious violations as needed.

Ms. Eiselt said I would just like a little information be brought back to us on what they anticipate is going to be the challenges for them for enforcement. I don't want approve rules that we are not able to put in place if it is too onerous. We have to think through that before we say that is how we are going to keep people safe and if in practice it is almost impossible, then we have to figure that out.

**Councilmember Winston** said I just wanted to address some of Ms. Mayfield's questions and referring to some of the discussions we've had in Committee and some of the discussions we've had with other cities specifically at the National League of Cities Conference, because e-scooters were a point that was highlighted there. When it comes down to it, some cities just don't want to deal with this. It is disruptive; it is difficult, and they had rather spend their time on other things. As Ms. Eiselt said, technology can be disruptive, and you can deny that change is coming. I would like to take a look back at how long it took certain cities for instance to transfer over to e-mails. Some people got left behind, so I don't know if we want to be a City that gets left behind, because if you see the numbers people in Charlotte want to use and do use this technology to help as a transportation option, which we so dramatically need in so many parts of the City.

In terms of the pricing fees again, this was technology that has, when we sat around this table last year, these didn't even exist in certain cities so to say that other cities have



figured it out would be a complete falsity. Some of these numbers are arbitrary, and they don't work to help promote again the cultivation of this new transportation option that so many people need, especially when we look at first and last mile transportation options which has been a challenge since the beginning of public transportation wherever you are.

What I have asked staff to do in Committee and you can take a look at all the live streams from the Committee discussions that we've had, to not come up with an arbitrary number. I do think that there is something to be said that these companies are benefiting in their business model off of taxpayer funded investments and those fees should account for that. For instance, the chargers, the juicers as some are called, those are citizens, taxpayers that go and charge these company scooters in their outlets, and they are paying their power bill and therefore paying their taxes on that power bill. It is a pass through that I don't think our citizens should be paying. As Mr. Egleston pointed out their business model also is determined by the street and sidewalk infrastructure that taxpayers fund, and if they are not paying for that then they are getting over. There should be a way to quantify, and I have asked staff to look into how can we quantify what kind of benefit they are getting without paying their part of taxes or fees on that. I think it should be something closer to a transfer payment if that makes sense, less than an arbitrary number, perhaps a per ride fee where we actually end up maybe making more than one of these numbers here but something that makes sense. Again, this is the idea of a public/private partnership how can we help, especially with an emerging industry or market; how can we create rules that keep our citizens safe, that are fair to our citizens but also promote the advancement of a capital market? Those are the discussions that we have had and that is where the difference does lie and again, we are not here [inaudible] We are by ourselves leading on this, but everybody is trying to figure it out, but I agree we should continue to discuss and figure this out.

I do have a couple questions; when are we going to get more information on that pricing model if we are going to vote on this soon? I have a couple questions about this speed limit thing. What are all the speed limits on Beatties Ford Road?

**Mayor Lyles** said 35 miles per hour.

Mr. Winston said all the way up?

Mayor Lyles said yes.

Mr. Winston said how about Wilkinson Boulevard.

Mayor Lyles said 45 miles per hour.

Mr. Egleston said it depends on which part of it.

Mayor Lyles said both.

Mr. Winston said how about Albemarle Road?

Mr. Gallaher said 45 miles per hour; but again, it wouldn't prohibit riding a scooter on Wilkinson Boulevard; they would just want you on the sidewalk at that point.

Mr. Winston said well, what if there is a problem with the sidewalk on that stretch? What if, as Ms. Mayfield pointed out, the sidewalk is too skinny for multiple people on there. Our sidewalks are barely made for walking let alone scooter riding or bike riding. These are all neighborhoods that could have some very inequitable enforcement of these rules, so as Mr. Egleston so eloquently laid out I really think we need to take a look at that rule, because I'm not comfortable with where it is right now.

Mayor Lyles said I find it funny that we talked about neighborhood speeds going to 25 mph a couple months ago and now we are this place.

**Councilmember Harlow** said I'm glad that we are moving in a direction of trying to put some soft requirements around this and make our streets a little safer while continuing to support what clearly has been high usage rates. My question is just about this bottom line here, equity distribution requirements, so where it says no right now, I know in the slides the last column will pop up and show that it will have an equity distribution requirement with the new proposed ordinance and you mentioned it on a follow-up slide that said a percentage of e-scooters have to be deployed into disadvantaged neighborhood. Do we have more detail on that? I know in the packet we got last week it talked about 20% of the units placed in communities of interest. Are those one in the same that we are calling disadvantaged neighborhoods and the communities of interest?

Mr. Gallaher said they are.

Mr. Harlow said is there a map for that?

Mr. Gallaher said not yet, so that is where if this is of interest to you we would want to go ahead and map that out and then we would use that with the vendors.

Mr. Harlow said I would like to see that.

**Councilmember Driggs** said there was talk in the past about the possibility that the State would pass regulations based on what we did; have we had any conversations with the Legislature about their attitude towards all of this? We don't want another TNC situation.

Mayor Lyles said TNC; I'm sorry—

Mr. Driggs said Transportation Network Company and the thought was that they might wait to see what we did or something and then they might decide whether they needed to act, so I'm just wondering whether there has been any consultation.

Mr. Egleston said as of yet there doesn't seem to be anything imminent but we also have a new Legislature with a bunch of new members, so I think it is definitely something that is on Dana's radar and that we've discussed, but we don't have any reason to believe that there is something coming. Eventually, I think there will be but not imminently.

Mayor Lyles said I believe this is still considered pretty much an urban issue right now.

Mr. Driggs said it just might be useful if tried to avoid letting this become a conflict situation.

Mayor Lyles said I don't know, but we are going up there this week on a Transportation Summit, so we can check in and let you know. I think the Secretary when I have spoken with him has said this isn't on their radar screen from the Administration side at all.

Mr. Driggs said that is probably not where it would come from but okay. The other thing is I also had a question about the disadvantaged areas and I realize you've got work to do on this but if that turns out departing too much from where the natural demand occurs, and you've got underutilized scooters being put in places because we through those places should be served it is going to affect the economics of the business and the cost of the service to everybody. I would hope that if we do go in that direction that we have some sort of ongoing process for making sure that we are not just parking scooters and they are standing there getting half the utilization that they do in the more productive areas, because as I say that will affect the cost of everybody else.

**Councilmember Phipps** said I had a question about the cap on the scooters and the e-bicycles at 15, and I guess the e-scooters were at 20. Do we know for sure or has there been any test done that a reduction or putting a cap on the 15 mph from 20? Would that have any impact on the operability of the scooter in terms of would it be even able to make it up a hill as a result of less capacity to go? Twenty miles an hour, I guess that is the floor, if you wanted to floor the thing, just like you got 120 mph on your car; you are not going to go 120 mph, but it is good to have some flexibility to be able to maneuver,

so I'm wondering has there been any test or any discussion about the operability of the scooter at a reduced cap of 15 mph?

Mr. Gallaher said in Charlotte, one of the vendor's their current scooter is capped already at 15 mph. One of the vendors is able to go just a little faster than that. We've talked to the vendors, and they are comfortable programming their scooters to be capped at 15 mph in Charlotte recognizing that we are trying to balance speed and safety and mixing different users in different place across the City.

Mr. Phipps said with respect to the e-bicycles whenever they are deployed they can be self-propelled, too right? So invariably you could get up to the 15-mph e-scooter capacity and still self-propel at a rate that would exceed that right.

Mr. Gallaher said so for e-bikes in Charlotte as we are proposing it and what the State definition for e-bikes already is e-bikes can go up to 20 mph, and we are proposing to allow that to happen on streets but if e-bikes are on sidewalks they not go any faster than 15 mph.

Mr. Phipps said would that be a choice of the rider?

Mr. Gallaher said for e-bikes it would be.

Mr. Phipps said I guess what I can see is despair treatment in between the e-bike and the Scooter in terms of that flexibility.

Mr. Gallaher said the one difference is the e-bike requires you to peddle so you are working yourself whereas in an e-scooter it is just thumb.

**Councilmember Ajmera** said I know we have had a lot of discussion on this in TAP Committee, but I think we came a long way thanks to you and the staff. I think we have much more certainty, and this is a lot easier to understand than what we had in the past. It is a disruptive technology, and I do want my colleagues to keep this in mind that there is no perfect solution here. We don't have perfect sidewalks throughout the City, no perfect bike lanes, and if we continue to delay this I think it adds a lot more complexity and confusion, because we get these e-mails, and we don't where they are going. With this we have some certainty and also some certainty around enforcement, so I think as we invest in our sidewalks and bike lanes we will continue to make this solution even better in the next four or five years. I like what you have proposed; I know at the TAP Committee level we had asked for a sidewalk. We had also looked into the fees per unit, the equity distribution, and now you have come back with all of that, so I'm pretty pleased with what has been proposed, and I'm looking forward to the implementation of this so that we have some clarity around this.

Mr. Winston said I don't know about lowering the speed limits on these things; that is something I had mentioned in Committee as well. If you live in a dense urban environment, bikes can very easily go faster than 15 mph, especially people that ride strong. I don't know how, especially if people will be riding in streets and again. We talked about this, sometimes slower speeds are more dangerous when you are around cars, so I hope we revisit that as well.

Mayor Lyles said I just wanted to follow-up and say I feel like I've heard this discussion when we talked about actually bicycles. This same discussion about well, how do you enforce helmets? How do you know someone is 16 for example? We are always going to have some issues around enforcement. I think that we do need a few things that I heard Council say, and we need the information on cities that actually decided not to have scooters, not that they don't have the opportunity to have scooters, but they had the opportunity and why did they choose not to. That would be very helpful for the information. I think this idea around communities of interest is a much well needed description and of course I think Mr. Driggs is correct in that if it is not going to happen they are going to be moving them every night and we will eventually start talking about where to go if those are not being used but the process for that review is an important

thing. I did hear more of a discussion around the speed limits and streets more than anything, and I don't know that there is a perfect answer but I also know that anything that we put in place we can certainly come back and try and redo. I think we are looking right now for some solution that works to get these things as sync as Ms. Ajmera said some certainly around it so that when someone actually talks to you, you can say this is the rule, this is the permit, and we can always come back and say this is what we found. I wanted to address the dynamic pricing

I think we do need that explanation of why dynamic pricing versus the per unit cost. It just reminds me I made this remark I think maybe three or four years ago. Mr. Driggs and I were talking about the more needs for transportation in the south side of the City, and I said that that bridge across the Four Mile Creek wouldn't have gotten there without the people that came before, the people that lived on the southside of the City, so I think scooters are pretty much the same way. We didn't know that we would have this opportunity and we are trying to adjust make it possible for something new and different and it is going to cause us to take some time to study it, but I think the idea of coming back on the 14th would be good if we could get the questions addressed and answered, and the dynamic pricing is not an immediate concern but an explanation of it, because I think the dynamic pricing is both an incentive to be safer as well as to cover some of the costs that we may incur.

Mr. Driggs said I just wanted to add quickly, do we have data on the safety track record on scooters in other places? Can we get that?

Mr. Gallaher said we do.

Mr. Driggs said a list of things to follow-up on; safety is a key issue here. We are all talking about it. You are moving people closer to cars, and I certainly think we should be mindful of the safety data that we might have, not for now.

Mayor Lyles said I do believe something like this is serving a purpose; that heat map was really, really telling for all of us I believe. I remember when we had the bikes that started, and Central Piedmont was getting bikes everywhere, and they did some work and found out it was their employees. I wish that we could do the heat map that shows time, but I know you can't, but I can expect that this is a way to get to work for a lot of people that live in neighborhoods that need to get downtown and the opportunity, so I really appreciate the effort being put into mobility options for people because you have to be able to move to get to work, and we can't do it through just cars and transit particularly. As hard as we try, we are going to need every option that we can to make this City work as we grow.

Mr. Phipps said I know in our discussions we've described certain communities in certain ways. I heard it communities of concern, communities of interest. I think those kinds of terms really might be too stereotypical. Why not say underserved communities?

Mayor Lyles said I don't know the answer to that, but we feel like we ought to be able to figure out one that we can use consistently. I think that is a fair statement. We've got the marching orders to vote the 14th of January if we can get the data and material and information back.

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## **CITY ATTORNEY**

**Mayor Lyles** said before we go to the next items I want add something to our agenda for tonight. It is 2019 and changes comes and all of these things are happening, so tonight I would like to proceed with a motion to select Patrick Baker as Charlotte's new City Attorney.



Motion was made by Councilmember Egleston and seconded by Councilmember Mitchell to (A) Appoint Patrick W. Baker as City Attorney, effective March 11, 2019, and (B) Approve an at-will employment contract agreement dated January 3, 2019, with Patrick W. Baker that provides, among other things, the following: 1) Initial yearly compensation at \$254,000; 2) An automobile allowance of \$4,800 per year; 3) Other benefits generally available to City employees; 4) Relocation assistance in accordance with City Human Resources policies, and 5) A severance payment, if the City terminates Mr. Baker without good cause, equal to 6 months base salary.

Mayor Lyles said Mr. Baker is an experienced attorney and manager who will become our next City Attorney; he currently serves as City Attorney for the City of Durham and he has extensive experience in municipal law, head of the Statewide Association of Municipal Lawyers. He also has worked in civil litigation, employment law, constitutional land use, all of those things that we need to have covered in our organization and in our City. Prior to being Durham's City Attorney in 2008 he actually had a temporary role as the Durham City Manager. I just want to say that I believe that his diverse skill set and his executive council and his collaborate approach to leadership is going to benefit our entire City and our organization. We welcome Patrick and his spouse to Charlotte. He has two children. I think, what are they called Demon Deacons, in his family, as well as I don't know what they call the Abby Family. What is Belmont Abby?

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

Mayor Lyles said Mr. Baker is making this announcement to the Durham City Council at approximately the same time. There will be a press release from us as well as from Durham. I'm going to owe Mayor Steve Schewel in Durham; he is my Mayor's Training Program with me, so I don't know what that pay is going to be, but I'm going to try to find out and give him a nice gift the next time I see him.

Thank you; that was the item we needed to add to our agenda tonight.

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### **Cross Charlotte Trail Cost Update**

**Liz Babson, Transportation Director** said I am jointly presenting tonight with Mike Davis who is our City Engineer. We are here this evening, because we want to provide you with a status update on the Cross Charlotte Trail and preview some upcoming construction contracts. This is an important conversation with you this evening, because the Cross Charlotte Trail Vision was actually something that started some six years ago, so there has been quite a history, and I want to provide you some information on that history so you understand where we are going with some of our next steps. I will also talk a little bit about what is the Cross Charlotte Trail and the benefits of that Trail in providing a transportation corridor in our City. Then Mike will go into detail about an implementation strategy and then next steps.

Again, it is important to talk about where we started and so the vision was originally created in 2012 when the City saw an opportunity to partner with the County and create a trail that went from Ballantyne all the way up to north and UNC-C area, and the reason this presented itself as an opportunity and a vision is because the County was already making pretty substantial investments in greenway connections, so the City saw an opportunity to build some strategic connections that the County would not have otherwise built to create a 26-mile trail that would take you from Ballantyne all the way up to UNC-C.

With that vision, we had a series of bonds, and so the bonds passed in 2014, 2016 and 2018 to give us the \$38 million that we have today. We developed a Master Plan that we completed in 2016 and then Cordelia Park was our first segment that we have completed and that opened in 2017. For the last couple of years, we have been doing quite a bit of concept planning and a little more design detail, and what we have learned during that

time is some really important information. That 26-mile trail vision is important as a transportation corridor in the City of Charlotte, but what we've learned about trail building is trails are not too unlike roads, and roads can be costly and complicated and not every section is the same. During this time, we've come to realize that we were not able to build the entire 26-miles on a separated alignment as we originally envisioned and instead we have a proposal that will bring forward 18-miles of continuous trail supplemented by eight-miles of street improvements for pedestrians and cyclists to give us that 26-miles ultimately. We will be able to do that through construction over the next several years and deliver on that 26-miles by the year 2021.

Before we get into details talking about the specific segments that Mike will bring forward for construction, I want to take a minute and take a step back and talk about why the Cross Charlotte Trail is so important, and we see that as a transportation corridor in our City. You've heard me before talk about the 44 residents per day that we see moving into the City of Charlotte, and we know that those residents don't come with their streets or with their street bonding capacity, so we are left with quite a bit of congestion and needing to plan for that growth and accommodate that future growth. One way of doing that is to provide for those transportation choices throughout the City, and the Cross Charlotte Trail really helps us accomplish that goal. Imagine for a minute if you will, being able to bike or walk from UNC-C to the Belmont Neighborhood all the way south to Ballantyne on 26-miles of connected trail and bike network and separated from automobile traffic, in some instances completely separated and in other areas that would be shared facilities with safety improvements necessary for those bicyclists and those pedestrians to cross those streets and think about the ability that provides us to link people and provide the access to jobs, housing, and education throughout the City. So, all of a sudden now it can become a pretty significant transportation corridor.

So, how long is the Cross Charlotte Trail? Again, you keep hearing us talk about the 26-miles, but it is not just 26-miles in the City, it also connects to five-miles in the County and gives us a total of 31-miles shown in this yellow line but, that is not all. This is pretty exciting, it connects to other trails as well. You see trails to the north that will give us access to University Research Park for example, and trails to the south that will give us access into Ballantyne so that is an additional 15-miles of trail, so that is more than 40-miles of connected network throughout the City. What does that really connect?

Here is a list of some of the major destinations and obviously there are a number of neighborhoods along the trail segment, and I would like to point out not only does this provide access to jobs and housing, but look at the educational facilities that we get access to as well. UNC-C is the second largest under graduate program in the State. CPCC is the largest Community College in the State and continues to rank high on the list across the country as one of the top Community Colleges. What do those numbers really start to look like? Well, that is 140,000 residents and 130,000 jobs that are within a half mile of this alignment.

As I wrap up and before I turn it over to Mike, I just want to hit on a couple of things; again, trails are in high demand and meet many of your community goals, like economic development and providing access to jobs and housing. It is also important to remember that this is part of a recreational activity too, so it is not just a transportation corridor. It is a transportation professional that is certainly important to me in trying to manage the growth but the recreational benefits and the place making benefits are also something that is important, and this is the reason that we are seeing many communities across the country make investments in trails just like this. With that, I will turn it over to Mike, so he can step you through some of your next approvals.

**Mike Davis, City Engineer** said what this slide does is describe three upcoming contracts that are expected to come before City Council over the next year, the first of which is proposed to be on Council's agenda for next Monday, so I want to step you through over the succeeding slides some details in each of these, but before I do just describe again what this accomplishes. These three upcoming actions over the following year do two things; it would complete 18-miles of continuous off-street trail on a dedicated trail right-of-way, and it will complete 26-miles of trail using a combination of that first 18-miles plus

leveraging some of the existing street network to be improved for pedestrian and bicycle travel.

To get you oriented back to this map that is the entire spine of the Cross Charlotte Trail; you see the funding summary year by year of funds that add to \$38 million for the total Cross Charlotte Trail funding. What this map shows that introduces the blue is where the gaps are in that alignment of Cross Charlotte Trail and so not to break this down a little bit further you've got are three segments located at the bottom of the slide that are what these three contracts would begin to close to create the continuous 18-miles of dedicated trail alignment. In the south, it is really the greatest opportunity to connect where we have existing trail segments and the north what we see is the greatest opportunity to leverage redevelopment opportunity.

I want to talk a little bit more about that; the unfunded section in the north is again where we are seeing a lot of redevelopment activity with the Blue Line Extension and until such time as some of these pieces can put on a permanent alignment what we would envision, and I will animate it again, you can see this kind of line come in; there would be a parallel network of local streets and sidewalks improved to support bicycle and pedestrian connectivity to get from the dedicated trail segments from the south and the north.

These next three slides are meant to describe the construction contracts in a little more detail; the first of which is on your agenda for a week from tonight. This project has been bid. It is ready for construction. This roughly connects from Ballantyne and the McMullen and Four Mile Creek Greenways over through the Carolina Place Mall area to connect into Little Sugar Creek. So, it is within budget. CBI goals have been exceeded for this contract and so our portion would be to build 0.7 miles of new trail that would connect with other investments made by the County to give us 5.5 miles of continuous trail system that would be on line in March of 2020.

The next segment to describe is a little trickier; this is Brandywine to Tyvola. This is the hardest section of Cross Charlotte Trail to build, so it probably the most strategically significant in terms of where we have a gap today with a segment that once connected unlocks the most potential. It is 1.5 miles but once completed would give us the 18-miles. The expected construction costs for this is \$17 million. I want to give you some visual reference as to why this is a tricky project to build, so these images are pulled from renderings completed for this section, and I just want to point a few things that makes this tricky. Basically, this portion of the trail is built down in a ravine so to create the trail what you really got to do is work within that topography and sometimes that means building a boardwalk; sometimes that means cutting into the slopes to build retaining walls and sometimes it means shifting sides of the creek, which means you've got to build structures to get from one side to the other. So, working with that topography is great, but it does bring greater expense for this particular segment of trail.

The last segment to describe is the 7th to 10th segments to the north and the lower left is where the 7th to 10th segment resides on this map and again it is strategically significant because it is the piece of the trail that will help get us out of the downtown look and bridge under the north side of the trail alignment, which is easier to see on this map so this is an aerial perspective looking downtown from the south. Many of you may be familiar with the Little Sugar Creek Greenway alignment that comes in today behind the Metropolitan area and so it gets to a certain point right around I-277 and Independence Boulevard where there is a break and then it picks up again on the other side where the Cordelia Park section has been built headed towards Belmont. So, what that leaves is a gap in the middle; that is the 7th to 10th section, which will be the third of the three contracts I've described that would be coming before Council about spring of 2020.

The last thing I want to point out from this perspective is that there are of course other investments that go on. We have not shown you a total trail network for everything going on in the City between Charlotte and the County but when we are in this frame it is helpful to understand that there is 6th Street cycle track proposed to this area that would help connect us to greenway assets on the other side of downtown, but also connect us into downtown as a major employment center and so when those things combine it gives us

a bit of bicycle and pedestrian super highway. All of this would be on the ground by 2021. All of what I just described is fully funded. The next steps would be again, those three key construction contracts coming to Council the first of which is next week; we would supplement eight-miles of additional on-street network to get us to the total 26-miles and you would be able to ride the full Cross Charlotte Trail from UNC-C to Ballantyne by 2021, and the last piece I would mention is that we would keep an eye over time on opportunities for how we can take that interim trail alignment, that I described and implement additional segments through redevelopment and potentially other funding opportunities.

**Councilmember Winston** said can you kind of go back over that interim trail alignment and that is the section that is up closer going toward University, is that correct?

Mr. Davis said I will kind of animate it again so to orient you what you've got in the thick solid blue is what is regarded as the eventual permanent alignment for Cross Charlotte Trail. This heavier blue line is the permanent future alignment for Cross Charlotte Trail and this light blue line is composed of a network of local streets that have sidewalk improvement, some of them already planned, and other improvements that would be made to this street network in order to facilitate pedestrian and bicycle access through those links.

Mr. Winston said does the light blue represent the Cross Charlotte Trail or not?

Mr. Davis said sure, this section would be handled with way finding that would be consistent with the entire rest of the trail so that from a way finding and route perspective you know you are on the Cross Charlotte Trail and that it is an interim alignment until the permanent alignment is implemented.

Mr. Winston said are we going to move away from that; are we going to go to original dark blue?

Mr. Davis said the vision would still be to implement the Cross Charlotte Trail alignment in that heavier blue line, the first one that I outlined. The question is how will that be best implemented over time, and I'll describe that in a second, but one part of your question was what will happen to the interim alignment over time. We would retain any investments made in that interim alignment so sidewalks on the ground, any improvements made for bicycle travel, lighting accessibility, so on. those remain on the ground as infrastructure improvements even when the permanent alignment is installed.

Mr. Winston said I'm not understanding why we are building two separate trails and not the one Cross Charlotte Trail.

Mr. Davis said the whole vision is for the Cross Charlotte Trail that links all the things that Liz described make up the connectivity for pedestrian and bicyclist. The original and long-term vision for the Cross Charlotte Trail is that all be on dedicated alignment. The \$38 million that we have to implement the Cross Charlotte Trail does not build all portions of the Cross Charlotte Trail on a permanent alignment. So, what the implementation strategy is to build those sections that have missing links that best leverage where we do have trails already on existing alignment while we look to opportunities to bring on line other segments over time largely through redevelopment and potentially through other funding opportunities.

Mr. Winston said are we saying in plain English we don't have money to finish the Cross Charlotte Trail?

Mr. Davis said that is right; \$38 million does not build all 26-miles of Cross Charlotte Trail on a permanent alignment.

Mr. Winston said okay, can we just say that?

Mr. Davis said yes, absolutely.

Mr. Winston said how are we going to get there?



Mr. Davis said as I mentioned before, the areas in the north are probably where we have the best opportunity for redevelopment. I don't think there is an implementation scenario where everything happens through redevelopment, but I think that what we will see is that as parcels rezone and intensify, we will take advantage of opportunities to build segments over time. I think what would become a City role over time is as some segments get constructed we would look for opportunities to come in and fill gaps in between what development builds. We may also look for external funding sources in terms of grants.

Mr. Winston said you mentioned that the Selwyn Avenue connection might be the most important; I would argue that this section might be the most important as it is the University area that has basically grown a new City in the past 20 years. They have no parks; they have no types of recreation to do things. That is a beautiful thing that Brandywine to Tyvola has, but there is nothing like that up there and when I think of the street networks up towards University, and we just finished having a conversation about fast streets and danger of pedestrians. That gives me some pause. When this was first proposed, did we know that this section would go unfunded or we would not have enough money to finish this Cross Charlotte Trail?

Mr. Davis said when the Master Plan, Liz described a timeline slide that mentions a Master Plan but shortly after bonds were approved for the Cross Charlotte Trail there was a Master Planning Study that was done, and it was around that time that the teams working on Cross Charlotte Trail begin to understand that this project could not be completed on a permanent alignment for the \$38 million that was funded.

Mr. Winston said I had the feeling that this was going to be here. Are we able to use tourism dollars on completing the Cross Charlotte Trail?

Mr. Davis said that is a finance question that I don't know the answer to; I believe tourism dollars are restricted.

**Mayor Lyles** said they are restricted, but I don't know that this wouldn't be eligible. We all know they are restricted, but we don't know whether this would be eligible. We will have to find that out.

Ms. Babson said I sent you that information earlier; I did talk to our Finance Director, and we would need to investigate that further, but we believe it could require State Legislative action and local Council action.

Mr. Winston said do we look at this simply as a value add to our current citizens or is this an attraction that would bring people to Charlotte as a destination. You mentioned this biking path is how many miles is it? Is this unique; it is something that exists elsewhere?

Mr. Davis said I will speak to it briefly. I don't think that we are saying that it is only any one thing. What Liz has described I believe is that there is a strong case for working on the Cross Charlotte Trail due to its ability to serve as a transportation corridor and as a facility that links employment with retail and with housing, so those are strong reasons why we would be involved in it, but clearly these trails in other cities we have seen that they also serve as amenities and become places that people would want to visit on a trip to Charlotte for example.

**Councilmember Phipps** said I echo Mr. Winston's concerns about the shortage of funding, especially in terms of completing the Cross Charlotte Trail segments up in University City, but I'm also concerned about the \$10 million funding gap that covers the Hidden Valley portion of the Cross Charlotte Trail and I understand that is a gap where there is no funding in sight as of yet. My question is, has there been enhancements made to prior portions of the Trail that has already been constructed that chipped away at some of the funding that would have otherwise been used for other parts of the Trail? Were there enhancements or upgrades to certain areas or construction or modifications that chipped away at some of the potential funding that would have been used for other parts of the Trail?

Mr. Davis said not to my knowledge. I would point out sometimes this project can be confused with the Rail Trail, so there are other investments that go on from other funding sources, but to my knowledge none of the funding for Cross Charlotte has been used anywhere else. I'm looking to make sure no-one knows something I don't, but I'm not aware of any expenditure outside of the Cross Charlotte Trail.

**Councilmember Driggs** said I want to note that I'm pleased the Trail will extend down to Ballantyne, and I look forward to riding my bike to Council meetings. I have to say I'm kind of flabbergasted by these numbers. Basically, we are one-third of the way through paying for this and my recollection of earlier descriptions in the bond issuance of the Trail showed pictures of the entire Trail and said here is a thirty something million-dollar number, so I'm wondering whether we've been dealing fairly with the public in our disclosures about the kind of undertaking it was. Now, we are left with an open ended \$77 million of additional funding needs that people may not have understood they needed to be prepared for if they agreed to the initial funding. So, I'm wondering if you remember exactly how this was described when we included the Cross County Trail and the description of bonds that were issued in the past.

Mr. Davis said sure and I will invite if anyone has a different recollection they want to add, but from what I've understood and piecing together that history that the original concept of the Cross Charlotte Trail was in fact for a 26-mile trail that would be on dedicated alignment. I further understand that as it has been apparent that not all of it could be constructed on permanent alignment when it was revealed to the Master Planning work that that has been consistent with how it has been described in the public. It was a bit of a slow reveal in terms of understanding how best to prioritize those resources. What I would say is, we feel that it is important that we continue to deliver on a continuous trail for pedestrians and bicycles as the Cross Charlotte Trail and complete that, and that is why we bring forward a temporary alignment recognizing that it is not the same as building it in a permanent alignment, but it is an ability to leverage with the dollars that we have, the investments that have been made with eye towards the future for potential future investments but which we are not obligated to invest in if we choose not to.

Mr. Driggs said normally the way this would be brought forward is here is the whole project; here is the financial magnitude of the project and then you have cost overruns, you have changes, and so on, but at least you are working from a number, any changes to which are incremental if you will. This kind of arrives out of nowhere after we've already sunk \$38 million and I'm just uncomfortable. I kind of feel like I'm a party to a misrepresentation to the taxpayers. Do you have any idea in which bond cycles you would have to create the additional funding in order to get this done?

Mr. Davis said we are not assume that we are coming forward to ask for additional dollars to the CIP. We think that the Cross Charlotte Trail will be something that will prove itself of value and that over time we would think additional segments of the Trail should compete with other capital investments, roadways, facilities and so on, on their merit and so as we've talked about it, and Liz may want to add comments, we can envision that over time we would recommend some sections come forward to close gaps as redevelopment builds more trails, but I think each section will have to compete on its merits against other investment opportunities.

Mr. Driggs said I agree with that; it would just be useful for reference, especially given the history on this, to have some sort of a timeline of the progress that could be made if we did timely funding in order to reach a conclusion on this thing rather than push out to never, never the question of when we are going to do what and how much it is going to cost. I would be great to be working from a concept for this thing and to start being responsible about making room in our future capital plans for the remaining funding if this is where we want to go. I think we are in kind of a bad place now, and I'm not sure it gets better by saying let's wait and see.

Mr. Davis said that is helpful feedback as we think about CIP recommendations that go through budget process and I will just say that over time two things will happen of course;

project costs can increase over time due to the time value of money. We also hope that total Trail costs can come down as developers agree to build portions of the Trail and we can look at iterations of schedules for when things could be implemented.

Mr. Driggs said right, but if we had some sort of a basic concept against which we could measure those changes instead of just heading into darkness, it would be very helpful.

**Councilmember Egleston** said I apologize if this was asked while I had to step out, but the street alignment that we are using as an interim connection, does every piece of that have built sidewalks? Because if not, that seems problematic.

Mr. Davis said it is a combination of existing and sidewalks that are currently being implemented through other projects.

Mr. Egleston said I hope that it is sidewalk that would be built before we would sign that section as Cross Charlotte Trail because less so for cyclist but particularly for pedestrians or in or graphic we show someone pushing a stroller; we don't want people doing that in the street.

**Councilmember Mayfield** said Mr. Manager I hope you are hearing the concern, because along with my colleague Mr. Driggs I felt that what we went to the community and proposed through our bond packages over the years, and what we propose what would be the Trail is not reflected now and there were multiple opportunities to not only update Council as well as the community throughout the way when we started to see that these costs were going to be greater than what was anticipated. We really need to have a conversation about pausing especially with knowing that there are going to be some financial challenges that we are going to face as a City in the next two years for us to make sure that we are being as physically responsible as possible and not over committing but hard type times hit we are prepared for them financially.

Mayor Lyles said Mr. Jones, I have to say, I think you brought this us to at the budget this past year; it may not have gotten a lot of attention because of some other things, but I do remember us having a brief conversation sometime earlier last year in the spring about the problems we were having with this bond not being able to meet the Master Plan. I know this is a concern, and I think it is a valid question to say well, we've got these bonds, this is what we can do, but what do we want to do, and if it is different than what is recommended we've got some time to walk through that and work with the staff to do something different. So, I think what we are really looking for tonight is you've seen one recommendation but if this is an issue about how the bonds are going to be used, because we are not going to do 40-miles with the amount of money that we've got. If I remember the Cross Charlotte Trail was a part of time study about transportation and connecting all the way from South Carolina up into Cabarrus County practically, and I think that our money certainly isn't going to go that far, and the staff is presenting ways that we can perhaps move bikes and some options for walking a little bit more, but I think you are right, and I think what the Manager is looking for is some feedback on something that is not going to be operational the way it was planned back when everybody was excited about that. If we remember 2014, I don't remember how that worked. I think I was running for office at that time or was running in 2013 and got installed in 2014, so these things were on the ballot when we were running the first time. I certainly it hasn't kept up, and it is a dilemma for us. I think the Manager is asking for some feedback, and if we aren't ready for that feedback it is okay, but we need to ask ourselves limited resources and not as much opportunity, so where do we want to go with it? I think that is basically what we are hearing. It is not an urgent thing to decide today; the contract for the interim will be on—

Mr. Davis said the only thing that is really in the near term is next week's Business Agenda includes the South Charlotte Connector which is relatively a small part of the dollars that we are describing.

Mr. Winston said we also talked about last year during the budget process is that we've got to get away from— we can't keep piecing this together. I don't think this should be

brought up to us unless we have a plan for the full Trail and come up with something creative to figure this out, because it seems like we've gotten ourselves into a real sticky situation. That is why I'm asking how can we be creative; this is a 26-mile Trail, put a marathon on there. Bring people from all over the country all over the world. Can we look at that? If we've committed to this, and we've set ourselves up for failure in the past let's not just push that and kick that can down the road. Let's grab the bull by the horns and do something; stop piecing this together. We can't keep doing things like this.

Mayor Lyles said so, what you are suggesting is go back and look for some innovative funding or decide to put enough on the bonds to push it out. I think the staff is suggesting another option, which is do the development through rezonings as you do, that and that is much more waiting for the development to catch up or having development be the way that we fund this by asking for that and to lower our costs and make sure it happens. The other way is just stop where we are; there are lots of options, so I think we all have to think about it and as you said we either try something, because it comes up through TAP and it gets [inaudible] amounts of funding from this source, so we do something else. So, we have to try to figure out what is that way? Go big, go incrementally with development or decide that we are going to operate where we are. I think those are the three that are on the table right now.

Mr. Driggs said I was just going to suggest; it is going to take a certain amount of money to complete work in which we have already invested for stages, so we don't want to walk away from investments we've already made and write them off, so the question is how can we finalize work that is ongoing now, and can we draw a line and say okay, here are the portions of the whole project that are more discretionary that we could then consider at subsequent times and not have this unusual half-finished Trail?

I'm just proposing to you that you come back to us with a little bit of a scenario analysis and say okay, we can get a working trail over this stretch for this much money and this much time using the investments we've already made and this much money, and then the other portions where we don't yet have a big investment or that are more in the future, they could be handled kind of the way you suggest, but I think my difficulty right now is I just don't know what to do with this information. I have no idea where to go from here and a little more guidance from you on what kind of amounts that we really need to spend in order not to waste a huge amount of money and what our options are after that would be helpful.

Mr. Egleston said I interpreted that as just what you said. I think those three segments do tie together the big investments that have already been made to make one contiguous trail and then we've got this giant gap up in the northeast.

Mr. Driggs so where is the \$77 million going; is that the northeast?

Mayor Lyles said no; that is the unfunded. The \$77 million is a part that goes northeast.

Mr. Driggs said I'm just saying where is the unfunded?

Mr. Davis said we can certainly look at different scenarios but to Mr. Egleston's point the strategy that we have shown you tonight is the one that takes advantage of investments already made in the form of design and real estate acquisition and these are construction contracts that will be ready to go soon, and those were done in order to leverage where we have the ability to get most continuous trail on dedicated alignment, so certainly we can look at other scenarios; that scenario is the one that takes best advantage of work done that is ready to go.

Mayor Lyles said I think that is what the staff is recommending now. I think the staff is not recommending anything beyond that and working on the incremental as development occurs.

Mr. Driggs said you are also talking about modifying the plan a little bit in order to reduce the cost of just completing that portion.



Mr. Davis said let me make sure I'm understanding what you are saying; are you saying look at opportunities to reduce costs?

Mr. Driggs said you said there was kind of an alternative solution.

Mr. Davis said yes, so the interim alignment that is meant to connect in the northeast will give us 26-miles of continuous routing of the Cross Charlotte Trail, some of it on dedicated alignment, some of it on local street network. So, we've studied that and what we would be looking for are strategies over time to get that gap in the north onto a dedicated trail alignment. Does that make sense?

Mr. Driggs said yes, I think a little more time off line.

Mr. Winston said existing street was basically putting signs on a street that says now this is the Cross Charlotte Trail.

Mr. Davis said it is a combination of way finding, it is also improvements made in terms of delineating bicycle facilities where appropriate, sidewalk repairs, and improvements, treatments for crossings that may include signalization if needed and things like that.

Mayor Lyles said I didn't hear an overwhelming agreement around the incremental approach Mr. Jones. I don't know whether that was because we agree or not, but your first contract is coming up, so I think the Manager is looking for the guidance to do the finishing. Mike, can you go back to the map that shows where the contract is to make the connection. I can't remember which slide it is.

Mr. Davis said it is slide #12; this is the south Charlotte connector. This is the one that would come first of the three contracts that I described and so it has a \$2.3 million construction award value.

Mr. Winston said do I need to make a motion for staff to come back with funding for the full Trail?

Mayor Lyles said you don't need a motion; you can do that for the budget process.

Mr. Winston said well you are saying we need to give staff guidance on what we want them to do.

Mayor Lyles said I meant on this contract right here, but the full funding I think is something we can ask for in the budget. I think you can ask the Manager to do something like that, but I think tonight I'm really trying to make sure that he has direction for January 14th.

**Councilmember Ajmera** said I'm sorry I stepped away when you did the funding and un-funding. This presentation for me is not very clear what our options are and what is funded and what is not funded for a part of our City. What I would like to see is more clear options like side by side; here is your option one. Here is option two. Here is option three; here is what you get under each option. I guess that is what I'm looking for, and I see there are several un-funded, and we don't have a copy of this and we are sort of sharing. If we could have it on I-pad, we don't have that on here either.

Mayor Lyles said it is online.

Ms. Ajmera said I'm not clear on the un-funded part like how do we address that? I know you said incremental, so all the un-funded is under this proposal, is that going to be more incremental relying on private/sector to come up with that portion?

Mr. Davis said I'll answer in two parts; the first part is that, just so everybody is clear, under this proposal you would have 26-miles of continuous route, some of it would be on not dedicated alignment. The second part is how do we get from the interim alignment

over to a permanent dedicated trail alignment, so yes, a lot of we would expect to see happen through redevelopment, not all of it could happen through redevelopment. So, there would be a need, if we wanted to see it all moved over onto a permanent dedicated trail, we would need to bring in other funding sources which could be CIP potentially if we felt like that competed well against other priorities or certainly we would look for external funding opportunities as well.

**Marcus Jones, City Manager** said Mike, if you can go back to your timeline, I think the best way to describe the situation that we are in and this is why we brought it to you tonight, because next week will be the first time in a while that there is some real spending of funds. I wasn't here in 2012, but here is my understanding. There was an extrapolation of the County, and what it costs per mile to build their pieces of the Trail. If you extrapolate that and put it towards the City there is a bit of a flaw there, because of much of the section that we are talking about tonight is no so easy to replicate that when you have clear open space versus what we are trying to do.

Tonight, we've come to you so you get to the Master Plan, numbers start to get more refined. We come to you, because there is no way in the world that we would let this meter continue to run and then we would be out of money and then somebody would say exactly what folks are saying tonight, how do we get here? The interim solution may not be the best solution, and I think Mr. Winston, you described it best. When Mike had the dark blue line and the light blue line, it is a combination of way finding and you are on a trail. It is not the original trail, so what we will do for you is give you what we believe are the best estimates for costs, and it is significantly more than what we have now. What Mike was describing earlier is are there opportunities as we go through that more challenging segment, are there opportunities to use some dollars that are already programmed for streets, sidewalks, what have you, and do you bring in the private sector as you start to build it out? There is where we are right now, and I can tell from the feedback that we have now that option one isn't receiving an overwhelming reception, but the key was to get this in front of you so that you are not at a dais having an ordinance and we not having this discussion beforehand.

Mr. Egleston said I'm frustrated too that the money is not going to get us what we thought it was going to get us, but I will point out that if we are choosing, and as a District Rep, I would be inclined to say well let's put that money up on the northeast side of this trail because that is through parts of my District, but looking at the whole City and trying to be good stewards of our dollars a lot of this, if you look on slide #15, a lot of the unfinished portion of this trail is pretty well in alignment with the Blue Line Extension so there is going to be whereas like the Brandywine to Tyvola section, south Charlotte Connector Section, the 7th to 10th Street connection, those are areas that have already been developed and rezoned more or less whereas the section that goes from Matheson Avenue essentially to Rocky River Road there is going to be a lot of rezonings and redevelopments forth coming as they start to capitalize on the Blue Line Extension investment that we've made, so I think there will be a lot more opportunities in that corridor for us to gain trail through redevelopment and with developer assistance and through the rezoning process. So, I think this is the logical way if we've got to say some of this is going to have to be in conjunction with other partners that is the logical piece for us to wait on some of those partners.

Mr. Driggs said we are talking about funded and un-funded. The contracts that you want to let covered by the portions that are funded that represent already approved bonds, right?

Mr. Davis said yes.

Mr. Driggs said so the question that we are really looking at is whether to move ahead with those contracts knowing what you've been telling us now and for the purposes of that again, if you could make clear to us where we will be if we approve these contracts and what other commitments we have to be prepared for in order to have something that works. I don't know that it is going to end with these contracts; there are a couple or relatively small amounts here. I think it probably does make sense to go ahead and let

those. I assume that there has been some investment already, but I'm just not sure where we are going to be at that point and what we need to be prepared for after that, so if you think of in those terms, it might be helpful for us.

Mr. Egleston said Mr. Driggs, slide #11 I think is the best illustration of some of what you are asking.

Mr. Driggs said no I get it, but there is still a lot of detail missing from that.

Mr. Winston said Mr. Egleston, I don't know how your logic will stand up with the rezonings as we move forward with the TOD ordinance. Isn't it the idea that specifically where you said along the Blue Line Corridor as the Text Amendment has been proposed and over the next few months into this next year that we will hopefully be pushing forward these TOD Districts with the explicit intent to limit the number of conditional rezonings so that we won't have the opportunity to do this through development. Am I incorrect?

Mr. Davis said not to speak for Planning's expertise, but as ordinance language is meant to reduce conditional language you are right about that. The TOD language itself will include provisions that would create as a base requirement. So, in other words, you don't for TOD. You would not need a conditional zoning when you have that zoning district established it comes with the requirement to build any adopted trails along that property.

Mr. Winston said okay, that brings up another question, and it leads into— I've heard Mr. Driggs and several of my colleagues talk about this over time about not totally being updated about this, how can we compel? We're saying that we don't have the funding; we have not accounted for the completion of this. How can then we go and say we are going to pass this ordinance? We are going to compel people to pay for something that we've said they have already paid for through tax dollars? Shall we prepare ourselves for this type of fight with getting this TOD ordinance passed now? Because we are going to compel developers to build the Cross Charlotte Trail when they want to develop along the Blue Line?

Mr. Davis said those are great questions; typically, the way any type of development regulation works as you can't require someone to do something for which the development itself does not create the need for that infrastructure, and so if you think about development through TOD areas through NoDa, we don't think that mitigation of impacts on infrastructure looks like widening North Davidson Street for example. It looks like building things that resemble the Cross Charlotte Trail. As we've had interactions with developers along that corridor, people generally accept the Cross Charlotte Trail as something that is beneficial for development and generally will recognize and accept that that form of infrastructure mitigation is consistent with the impact of the development.

Mr. Winston said I've been in the TAP Committee for a year, so it is not that long, but I do not recall the conversation around the Cross Charlotte Trail coming up, and I wonder is this something that we have to consider? We haven't gotten recommendations in regards to that, and as I think of the massive 4,000 parcel rezonings that we are going to have to do surrounding this, all of a sudden, I see a big hurtle perhaps from the community. Maybe this is how I'm first hearing about this, and this is my kind of quick draw reaction, but somebody tell me that I'm bugging out in the way I'm thinking about this.

Mayor Lyles said we actually had a meeting planned on this at lunch time today and not many people had the opportunity. I really don't think that these questions are going to be answered here tonight. I don't feel like people are comfortable moving to January 14, 2019; we need to delay and then I think we need to schedule another meeting to have Councilmembers participate and learn more about the project, the funding, what options there are, do the side by side advantage comparison chart and then the Manager can make a decision on when to come back. We will continue to work on this project, and I do remember the Manager telling us that we did not have the funding to do the Cross Charlotte Trail in our budget presentations last spring, and it is regrettable, but I don't think there any miss intent. It is not that we did enhancements; we took an allocation that was given to us by the County and extrapolated that to something that obviously does not

work, so we have some choices to make, and we will come back and outline those choices and we will try to do it sometime before the end of the month. So, thank you for getting us started on the discussion.

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### **Affordable Housing Update**

**Pam Wideman, Director of Housing and Neighborhood Services** said I do not have a presentation for you tonight, but I'm always glad to help. In this time that is ours to share, I will just share with you three brief things that will be coming before you. On January 14, 2019, LISC will be before you, and we will do a more robust affordable housing presentation at that time in coordination with LISC. Your Housing and Neighborhood Development Committee with the Chair being Ms. Mayfield and members Driggs, Harlow, Egleston, and Newton have been working really hard. On January 14, 2018, the Housing Locational Policy, which all of you have seen, we've had Mr. Bokhari and Mr. Winston as honorary members in that discussion so you all will see that on your agenda January 14, 2019 for approval. The Committee is also working on a surplus land disposition policy.

You will recall that we've been talking to you about the city owned parcels that were identified suitable for affordable housing. We have proposals that we will be bringing forward to you on those. In the coming months, you will also see the regular nine percent tax credit proposal that will be coming before you in the next several months as well. Some of the nine percent will need Housing Trust Fund dollars; some of the City owned will need Trust Fund Dollars, land, and perhaps other equity funding but again we will have a more robust proposal on those for you at a future meeting.

The other thing I would add to the Committee report and Ms. Mayfield will perhaps add some additional information; the other thing that we discussed is the Focus Area Plans. One of the major points of feedback that we heard from the Committee is that we really ought to be considerate about what we put on the Focus Area Plans. We really ought to put things that the City can control, in looking back some of the things the City can't control so you all will be talking about that later. That will conclude the brief update I have for you tonight, and I will take any questions.

**Councilmember Winston** said can we get an update; I know there has been some talk about Lake Arbor Apartments and an inability to reach our deadlines. Can we get updated on that and what we believe we are going to do moving forward to get those commitments in line?

Ms. Wideman said we can put a more robust writeup Mr. Winston in your packet if you like. One thing that I would share with you all tonight is that we continue to work with the residents. The property owner has requested a delay to the Housing Appeals Board and that hearing was requested to be January 9, 2019. According to your City ordinance which is derived from the State's ordinance, we have to allow that additional time so the appeal based on the finding of facts that we have out there will be heard in February. We can put a more robust write-up in your package to you.

One more thing that I would leave for you; we've never stopped helping the residents On November 30, 2018, we held a Resource Fair to connect them to non-profit agencies that they said, based on a door to door survey we did, that they wanted. We had eight non-profits come out there to offer their assistance. Ms. Mayfield, our Housing and Neighborhood Development Committee Chair was there, so we want to continue to help those residents.

Mr. Winston said this is part is more about our ability and will to hold the property owner accountable to his commitment. When was this appeal put in?

Ms. Wideman said I don't have the exact date in front me, but it was before the 30-day time. It was done in conjunction with the 30-day time period that they have according to State Statute.



Mr. Winston said 30-days from what?

Ms. Wideman said when we issued the finding of facts; when we said here are our findings from a Code Enforcement perspective.

Mr. Winston said is that to say that we knew ahead of time that this deadline would not be met, or are we saying that in fact there was no deadline, because they filed this appeal and there was no kind of enforceable timeline?

Ms. Wideman said that is not to say that we knew that the deadline would not be met. That is to say that we followed our ordinance, and we have to allow them the appeal that they requested.

**Mayor Lyles** said Ms. Wideman; I think the property owner followed our ordinance.

Ms. Wideman said that is correct.

Mayor Lyles said it is not that we did anything; if the 30-days had come we would have been prepared to go to court, but he chose to request –

Mr. Winston said what I'm saying is that we were told that these fixes would be in line by December 31, 2018. Did we know before December 31, 2018 that he made this appeal, and there was a good chance that those improvements and commitments that were told to us would not be made by December 31, 2018?

Ms. Wideman said the answer to that Mr. Winston is no.

Mayor Lyles said we will get a report that tells the status of Lake Arbor and the court status and where we are in court, who represents us, what is going on and maybe we can hear how the Resource Fair is working in an update on where the project is.

**Councilmember Mayfield** said one thing regarding comments from my colleague, we can look in the Intergovernmental Relations Committee for language to work with our partners in the General Assembly regarding additional authority, regarding privately held businesses, because at the end of the day it is within the courts to determine whether or not there is going to be any extension.

Ms. Wideman, a number of us have received calls and there have been concerns regarding the four percent tax credit, those in the development community now that we have passed our bond as well where our partners may come in regarding funding. I have shared with some people our next meeting date which will be January 16th at noon where we will possibly get an update, but I think it will be helpful as we are getting the update tonight so that my colleagues will also know where we are regarding four percent versus nine percent, and if we are trying recognizing that the State Lytech, their date is I believe around April, just to give some information and some clarity, not only for Council, but so that my colleagues can speak to developers that may be reaching out to them.

Ms. Wideman said I think Ms. Mayfield, and correct me if I'm wrong, what you are asking is a timing questions right? So, the State allows one time for developers to submit for nine percent tax credits. Those are the most lucrative, if you will; they bring the most equity from a state perspective to a deal. They have the least amount of requests from your Housing Trust Fund. Those are allowed by state one time per year, the state recognizing the affordable housing need across the state and across the country, they have widened the process, if you will, for developers to submit four percent tax credits, and that is simply to say that developers can submit the first time in January consistent with the nine percent. They also have another opportunity to submit in the May/October timeframe.

Ms. Mayfield said again for clarification sake because I did have a developer that reached out, and they had concerns specifically with Lytech and the idea of which we don't do moratoriums, but there is some that are speaking in the community if there is a

moratorium on four percent so giving some clarity around- You just mentioned with the nine percent tax credit that you actually have multiple opportunities, it would be helpful to get a little more clarity around the Lytech specifically, when we are looking at the state's calendar versus the potential of our calendar, as we still need clarity around the goals with the bond dollars as well as corporate non-profit dollars.

Ms. Wideman said you are exactly right Ms. Mayfield; I want to be clear there is one time to do nine percent. There are two times to do four percent. I think what the opportunity that we have before us, because we are working with the philanthropic funding, the equity fund and with LISC, I think we have an opportunity to really develop some metrics and for you all to understand how we are going to do four percent. I think our goal is to utilize our dollars or to stretch our dollars as far as we can, so with LISC and other equity coming into the market perhaps we will not do— there is an opportunity to do nine percent in January, understand how we are going to work together in a collaborative environment now that we have more money than we've ever had and do four percent in the May through October timeframe. That is the opportunity that we have and all in an effort to bring down the costs, because we know it costs, although four percent is good equity it costs more from the Trust Fund to do those just with the Trust Fund so we want the opportunity to use the philanthropic funding as well.

Ms. Mayfield said I know my Vice Chair has a comment, but I also want us to be careful how we have conversation in community, because we've got one meeting on the books so far, so I'm hoping that there is not an expectation that at this one meeting that is coming up in January that the Committee is going to be recommending a number of projects to be rushed through, because we have to have a clear understanding of what our goals are with our bond dollars versus partner dollars and what is the trigger, because unfortunately, we have to remember Housing and Neighborhood Development Committee missed out on a couple of meetings in 2018 because our meetings were cancelled for other business in the City, so we need to make sure that we are very clear of what our goals are and what the triggers for the outside dollars and our dollars.

Ms. Wideman said I can assure you Ms. Mayfield from a staff perspective you will not need to make any decisions around funding for nine percent or four percent at your January 16, 2019 meeting.

**Councilmember Bokhari** said Ms. Mayfield listed out the basis of where my question was going. Can you be a little more specific because the concern that I heard wasn't that we needed to jam through it and vote on bunch of deals; it was that we are for some reason not even accepting four percent applications alongside this January window of nine percent deals and there are multiple opportunities that I think the market could move on from representing hundreds of units in the AMI areas we are looking at. My question wasn't will we accept them or not, it is what is the logic in us not opening the window for all deals to look at? Also, I heard some anecdotal feedback about maybe a disjointed nature of the process and multiple departments and areas kind of involved that make this a little difficult. I would hope we are making this as streamline and easy on those folks in the market who are trying to present these projects to us to get a single answer maybe with a single group that is able to move nimbly and make sure that the reality doesn't become we got this bond passed, and we only have a couple nine percent deals in 2019 and nothing else happens in 2019.

**Marcus Jones, City Manager** said I don't know what the right word is, but what I do know is that you meet again on January 14, 2019, and we are going to be talking about affordable housing. The next day there is going to be an announcement that is related to private funding and opportunities for affordable housing. What we do know is that the nine percent credits, as Pam said, are the most economical if you will in terms of the Housing Trust Fund. We do know the four percent which are non-competitive draw more from the Housing Trust Fund so instead of having the nine percent and four percent all in January, not know what will be available to this body one week and one day from now it would seem like having the four percent be in the May timeframe in a better utilization of all of the dollars that would be available. So, it is not stopping and saying there aren't any

four percent in 2019; it is using the ability to have that second cycle for four percent, as well as taking into account what we may find out on the 15th of January.

**Councilmember Driggs** said I know that we are currently in the process of getting down to more specific issues related to our best use of the funds, and I think that is a good thing. LISC has arrived on the scene, created new dimensions to the conversation; what bothers me a little bit is apparently a decision was taken not to process any four percent applications until later this year that was not communicated to us in, which we had no part and the result was we started getting phone calls and we had no idea of what was going on. So, I think that is something that this body should have been aware of if we were doing that and some of the people that have called me have said you know this is creating some real problems for me. I'm in a certain status in terms of my land purchase, and I proceeded on the basis of certain assumptions, and it really messes me up. Now, there may be an issue about clarifying what their opportunity is to apply later, but all of this could have been communicated in a way that put us in a better position to respond to those calls, because I don't know what to say to people, and I think we should have known about the decision to stop processing these applications rather than being told that somebody decided that it was a good idea.

Ms. Mayfield said in Committee, I mentioned that I wanted us to have a conversation about slowing down, because at least two of our meetings were cancelled, and before we run out and have multiple applications brought before us because \$50 million is not a lot of money, for us to have a pause as a Committee to really be able to identify what is our goal with our bond dollars? What are our partners bringing to the table and what that trigger is? It was in Committee when I first asked both our Deputy City Manager, Sabrina Joy-Hogg, as well as Ms. Wideman, what would it look for us to pause? Because we don't have a clear understanding opposed to having multiple applications brought before us, without us having an understanding on it. I don't think what we are hearing now is clarification. I think there is some misinformation in the community regarding what that trigger is for four percent. There seems to be this idea that there is one shot, and that is it, but what we just heard is no, with the nine percent there is one, but we have at least two opportunities with the four percent. I want to make sure, and I said this in Committee as Chair that I need us to pause to make sure that we have a clear understanding of what the expectation of this \$50 million because \$50 million can be gone in three or four projects, if that many.

So, it was brought up and discussed in Committee for staff to understand before you run out the let the development community bring us a bunch or projects or multiple projects that we, as a Committee and as a Council, need to be at least in the same book if not on the same page of how this funding is going to be triggered. I do want to make sure that is out there, because that one doesn't fall on Ms. Wideman; that was in our pre-meeting with the Deputy City Manager as well as Ms. Wideman and in Committee meeting me saying, in which Gail has got the minutes somewhere on it that I specifically asked can we pause so we can be clear about how this money is going to be spent before everyone comes forward.

Mr. Driggs said I just don't remember an action by Council or an explanation to Council before that decision was taken not to process any applications.

Mayor Lyles said I want to speak to that too in terms of not to process any applications. I don't know what that really means to the folks, but I would still say that no matter what the schedule was that the objective for us is to leverage those bond dollars as strongly as possible so that we can have the highest amount of results or outcome or impact. In four percent deals, we all know, require over 50% or 60% subsidy by public dollars, and this is a very fortunate situation in some regard to be able to say that we did hear from the finance community that they were going to have something to present to us, which is now scheduled. I don't know what process means, because we've got a list of all of the four percent applications that are of interest, but how do you leverage and protect the taxpayer dollar first and foremost is what is more important to me than just saying we are going to go ahead and do four percent.

Mr. Driggs said Mayor, I don't disagree.

Mayor Lyles said I know that we don't disagree because we've had this conversation so I think when people come, and I've gotten one call that this is an issue but the statement was we are going to have to wait until May. It wasn't that you weren't going to get to submit and no-one brought, up any special- and perhaps I just don't know who it is that had some kind of impact on them, but I wanted to also say that we are looking forward and this is going to be a dynamic thing and if we are going to actually have it in Committee, and also we will talk about it every month. Right now, it is scheduled for the 14th. We will have the financial private sector announcement on the 15th, we have LISC coming to the Retreat on the first day of our work, and as well, I think that we have gotten the fortunate occurrence that everybody in the City understand what we are dealing with, so there might be some things that don't quite sync up, and that is to be expected because we are doing something completely new and different to try to make sure that the \$50 million works best with the private sector and the additional money that LISC will bring in. I think this is one of those two cases to go slow to go fast is really required for us, and in fact I'm going to go ahead and pass out.

I talked to Ms. Mayfield this afternoon about the idea of a referral to the HAND Committee to add to their plate, not just the four percent deals and how they work with the private sector but to begin to specifically address the issue around NOAH, because the one concern that I had was can we do Noah's now and we have no policy on how to do those. I am recommending that the Committee have a preliminary recommendation within 30-days framing the questions about how do we consider the goals for what we call NOAH, especially where gentrification is happening so quickly we are not able to protect neighborhoods and people living in their homes. Then when we start talking about how do we divide up our funding buckets; think about this new construction, NOAH, subsidy and whatever else is out there. \$50 million isn't a lot of money unless we leverage it heavily with the private sector or other equity partners so then we have a number of details. How do we a NOAH if we don't know what the renovation costs? Where is the equity is coming from; what is going to be required? whether it is a deed restriction for the timeframe, is it a grant? Is it a loan? All of these things are very important and they take a lot of expertise in financing of housing, and so we go to the Committee and ask them to work on this in a way, because new construction we know what it costs to a unit and we can probably do a lot of those, but it would not leverage our \$50 million.

If we do Noah's we have to figure out how to preserve existing units for people that are currently living in them and what does that mean 60%; how do we get more 30 if we are doing Noah's? All of these are big questions that we've never had to address, and I look at it in hindsight and always ask myself, what would I have done differently? If I had actually thought the community was going to pass it with 69% I probably would have been working on this in advance, but we didn't know that. We had no idea how much the community would understand around affordable housing, so now we do have the understanding and I think a really strong commitment by the private sector and others, our faith communities all of us are now trying to do this, but it does need approval by the Council.

So right, we are looking what does that approval mean? Nine percent deals are easy; four percent, if we subsidize 60% of every four percent and donate all of our land, we are done. So, I think if anyone says well why didn't that happen, it was because we had no plan to do it in a way that addresses the ability to leverage the dollars with our intensions, especially if we are talking about having people stay in their homes and neighborhoods where they can afford to live. I want you to know we often think about that as being on the west and east side, but the latest e-mail I got was from a woman who was over 70-years old in an age restricted apartment off Sardis and Fairview, and she is driving an Uber car now at night to make up that \$200 increase in rent. So, we've got to do this, but we've got to do it right, and we cannot just do it spending money; it's got to be really thoughtful, so I'm really looking forward to a couple things. One, finding out what the private-sector commitment financially will be and how it is structured, integrating that commitment into our own policies for new construction and NOAHs and actually going out and talking to people about what we are going to accomplish. We need some metric;



if we don't have any metrics how will we know that we are successful? So, I think at the Retreat we will be having the opportunity with LISC to provide us some metrics because we could easily say \$50 million 2,000 units. We did in the two years before that 5,000 units in three years. That is not progress; progress is integration of our community's ability to support this effort with our public dollars, so I'm going to ask that this be referred to.

**Councilmember Eiselt** said I want to say that just in general that I hope that we will give ourselves and the community will give us a little bit of grace on this to get it right because we have sort of one kick at the cat on this and I haven't found any other City that has been doing a staller job at it that we can say let's just copy what they are doing. To some extent we are just sort of prodding along in the dark to try to get this right, but what I don't want to see as the Mayor said, and this is my fear, the regret of my God why didn't we think about that before. We look back and we say we need to measure what we did before, put that through some kind of a metric and see how well it measured up. How many of those four percent deals were achieving the goals that we say we want to achieve? We don't really have that information in hand and I'd rather know that and get it right and go slower than honestly making promises to the development community that seems to be coming out of the woodwork with four percent deals now, when all of a sudden everybody is becoming the affordable housing developer.

Mayor Lyles said I do want to say to Mr. Driggs and anyone that feels like the communication is hard, and as much as I think we are doing a good job at it. I know that we are not doing enough. So, we will work harder at it, but we've got to get our processes and referrals and then come back out with something.

Mr. Winston said I agree that we should come up with some type of NOAH strategy, but I don't know how I feel on this grace period that we should be asking the public for. What more metrics do we need; what kind of metrics are we looking for? We know that 5,000 units wasn't enough. We know that we need a net to show when we add units plus the displaced units. What is the net that we are adding? I've asked and I've heard my colleagues ask to get some of these metrics figured out over this past year. I asked for a full audit of Housing Trust Fund spends to find out the effectiveness of things. So, I just want to clarify what kind of metrics do we think we need to wait and see that we haven't been asking for or demanding from this Council or from the community over the past 18 months because for the past two years we've all been talking about this.

Mayor Lyles said I would say that we did not know what the private sector would do that would bring financing to the table to leverage something.

Mr. Winston said that is what we've asked; we were saying we don't need to wait to get to this point to get the metric; let's get all of those numbers and all of those things that we need ahead of time so we cannot plod like we've just literally said we were doing in the dark.

Ms. Eiselt said we don't have the metric to measure what you just said you had been asking for.

Mayor Lyles said I need to sit down with you and understand better. I don't understand how the financing; a four percent deal can require a 60% public subsidy, and that is the way we've always done it. What if we got that four percent deal to only require a 30% subsidy? That is the kind of thing we are trying to figure out. Maybe we will sit down and do a workshop on these financing methodologies.

Mr. Winston said wasn't that the point of our Housing Retreat Workshops and everything like that we've done over the past year as we prepared for this \$50 million loan and putting this housing framework together? How much longer is this going to take?

Ms. Mayfield said in Committee we are having these conversations. We had the very first Housing Retreat ever earlier in 2018. That was the first ever Housing Retreat that was held. So, along with the fact that we had meetings that were cancelled, we are having these conversations. It would be completely irresponsible for anyone to have moved

forward in our Committee with the spending model of \$50 million that the community had not voted on, so until the community actually came out and showed us support, as the Mayor says, there was no way that we could have known that we would have overwhelming support for our bond request, because that was the largest amount that we had ever asked for.

In Committee, we were being very cautious and being very physically responsible because of what if, so we weren't going to go out and give the impression to the corporate community or the development community that this is a done deal and then have a conversation regarding housing that we just spent 35 plus minutes on regarding transportation regarding our Trail. Well, we knew there was going to be a gap, some of us just didn't know how great of a gap that was going to be. That would be completely irresponsible, so in the Housing and Neighborhood Development Committee we are having these conversations. We accept the recommendation of which the Committee had already asked about Noah's and how they are going to be identified; we also ask about the environmental impact and what is identified as a good NOAH location. Staff is already working on that, because staff knows from Committee we are not interested in buying a slumlord property to bail them out or pay some ridiculous amount for a property that they are not maintaining. So, this was already on the agenda through Housing and Neighborhood Development, but I want to make sure that we are not confusing not only each other on Council but we are not confusing the community about what has been done up to this point, the direction we are going in and what the expectation is moving forward.

**Councilmember Phipps** said this particular referral, I wanted to make sure that it would embrace the situation that we had at our last rezoning meeting where we had a lady come before us and speak about being displaced in her units. It is about 30 units of NOAH that is going to be demolished, so I don't know if it wasn't for the lady reaching out to me I'm wondering had we known about this situation.

Mayor Lyles said I do not think the NOAH would apply to the place where that woman came in; that was being bought by a company that had made a decision to build another type of housing. So, that might be a relocation issue that we would have to figure out, but even with that there were no public dollars in it. We could have not approved the rezoning of course but this NOAH is to keep people in, so if that land owner had decided to work with us versus selling that would have been the difference. That land owner just decided to sell, probably a lot of people are going to do that, and that is why we are going to have to work really hard on the Noah's.

Mr. Phipps said are there any considerations going to be given when we know that there, are going to be some Noah's that are going to be demolished as a result of a rezoning? Are there any ways to alert us to that or any things that we might consider as part of our process that we would like to see?

Mayor Lyles said I don't think that has been put on the table yet. If we do it, it would be relocation, but because that was not a situation that involved government. It was just market and the developer did decide to do relocation as I recall, but I think that would be something that we could perhaps look at, because there could be a list of people where we know those developments occurred and try to help them find that. We can do that through our Social Serve Community Link, and I don't know if we have opportunities in this one, we would have to figure that out.

Mr. Phipps said I was wondering if the staff analysis could contain some sort of a section on that says hey, this particular rezoning will resolve in so many units being demolished.

Mayor Lyles said let's bring that up through Planning and ask Taiwo about that.

Mr. Driggs said Mayor, I think you recognize accurately that I had a communication issue in part that we just didn't know when we got those phone calls that the decision had been taken not to act on four percent. I think the reasons are good; I don't disagree with anything you've said here and there is more work that needs to be done Mr. Winston on how we get the best deal we can. You negotiate to buy a car and so on, we are going to

be dealing parties, some of whom we haven't dealt with before, and we really need to figure out how to accomplish the most we possibly can in terms of meeting the need through the resources we now have from public. I don't think the idea of spending a couple more months on this is a bad thing, and I think in the end it will serve better. I personally have an issue just with why there isn't room to avail ourselves of a tax credit structure that pays one-third of the costs of the construction of affordable housing. I don't want to discuss that here. I think that should be part of this conversation.

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## **ITEM NO. 2: COMMITTEE REPORT OUTS**

### **Housing and Neighborhood Development**

**Mayor Lyles** said I think we have practically done the HAND Committee. You are going to be busy.

### **Environment Committee**

**Councilmember Ajmera** said we have a very historic year; thank you all for your commitment to create a sustainable place to live for generations to come and really setting an example. We are leading in this space so thank you all. The implementation continues for the SEAP, and we will bring back here for further discussion on the SEAP and then we also have the tree canopy that is also part of our SEAP conversation. That is an ongoing conversation to address our 50 goal by 2050.

Mayor Lyles said can we get a report out on that to the full Council so that we know what question we are asking, because I know that you've said we would need to work on our 50/50 goal, and I don't know what the question is that would be referred to Committee. I use this as an example. I used to say when you are sending something to Committee let's go ahead, write it up so the Committee. So, let's do that for the canopy.

Ms. Ajmera said for the three canopy we have a report that we are waiting on from the consultant, and I know that report was something that a previous Council had asked for from consultants to look at our existing tree canopy and figure out what are some of the recommendations and policy changes that we need to make to get to our 2050 goal of 50% tree canopy. We don't have that report as of right now, but once we have it we will know whether, we need to make some policy decisions or if it is just programming. So, as of right now that is still outstanding?

Mayor Lyles said so we will have it at a Strategy Session, a consultant recommendation and decide what to do.

Ms. Ajmera said by that time, we are expecting to get that report by the end of this month.

**Marcus Jones, City Manager** said that is the hope.

Ms. Ajmera said so by the Strategy Session we will know whether we need to revisit our existing ordinance and some of the policies to get to our goal. At that time, we might need a referral so Mayor; I will reach out to you and you can refer that to our Committee.

### **Economic Development Committee**

**Councilmember Driggs** said on behalf of the Economic Development Committee I would like to acknowledge aside from the Chair who had to leave, the other members Justin Harlow, LaWana Mayfield and Matt Newton and provide a brief overview of our December 20th meeting. The Committee voted unanimously to approve the CBI Policy recommendations with an amendment to whole a public hearing prior to the full Council vote, and you may recall past conversations about this. The changes to the CBI Policy included lowering the construction sub-contracting threshold to \$200,00, allowing certified firms to count their dollars towards one sub-contracting goal in implementing CBI policy

or language revisions, to allow the CBI Office to establish thresholds and methodologies for a small business sheltered market program. So, that will come back to full Council for a vote.

We also received a briefing on project PEICE, which I must say was very encouraging and upbeat. That program has been very successful; we heard about some the metrics on graduates and how they are doing. There are \$370,000 remaining out of the \$1 million that we committed to that, which the staff proposed that we invest in the continuation of the original scope of Project PEICE. We also talked about the possibility of additional funding for Project PEICE to 2.0, which is an expanded program, and I would suggest that maybe we will talk at our Retreat about what that expanded scope might be and the funding requirements could be associated with that. We then also received an overview from Phil Reiger of the Economic Development Focus Area Plan, which includes strategic measurers and targets associated with the Plan, so this is sort of the score card type approach to the things that we set out to do and what we actually did. My only comment at the meeting about that was there was almost all green lights and something that gives you all passing marks is probably not a very critical test of our performance, so I would like to see a better mix of goals that we establish and the success that we had in achieving them.

Mayor Lyles said I'm real excited; I think that this Workforce Development Board, some of the work with some of our other organizations should be key to some of this Project PEACE.

### **Community Safety Committee**

**Councilmember Eiselt** said the Community Safety Committee, along with my Vice Chair Braxton Winston and Committee members Tariq Bokhari, Justin Harlow, and James Mitchell, approved two revisions to two ordinances that we had that are basically just technical clean-ups because of higherup that overrode our ordinance. The first case the Supreme Court had a case that effectively made us change our ordinance for hotel and motel requirements and what the Police Department was allowed to ask hotel owners.

So, we had to change the language of our ordinance and CMPD still feels that they are able to work with those hotels and motels. In the past, they were able to get information about registrants at the hotels and motels and in particular with hotels that are in the zone where we have issues with sex trafficking and end up in crime. They were able to get more information, and now they are not able to, but they still feel they have tools in place that they can work effectively with those business owners. The second one was some technical clean-up for the Passenger Vehicle for Hire Ordinance, and I think that was a state law that passed a couple years back that we hadn't cleaned it up on the books and we went ahead and did that with regards to applicants, background, and permit wording. Those were passed unanimously by the Committee.

We reviewed research on rental properties for the residential rental registration and remedial action program and staff is working to provide additional information on that with regards to criminal activity and what we can do in the next steps that we can take to work on that. The Committee anticipates taking a vote to update this ordinance, so we are consistent with the practice and the corresponding State Legislation. I'm sorry, that was the other one that was overridden by State law.

The Noise Ordinance is in review right now; CMPD have made some recommendations and staff will come back to us with recommendations and how we can make adjustments to the Noise Ordinance in particular. That came about because of the entertainment district where there is some conflict between residents in the entertainment district and business owners, so we will get some recommendations on that. We will also get recommendations or better information on the Noise Ordinance if an organization has violated the noise permit in the past, do we have the ability to say they can't get a permit for amplified sound the next time around? We will get more information on that. CMPD has also indicated that there is more current technology available to measure the base sound from music and noise in the entertainment district, so there are better tools that



other cities are using to measure that so we are talking a look at that as well. That will come back to the Community Safety Committee. Phil Reiger, the Budget Director, gave us our Focus Area Plan for review.

### **Transportation and Planning Committee**

**Councilmember Phipps** said as already we've had a robust discussion on e-scooters and I first would like to acknowledge my Transportation Planning Committee. I'm the outgoing Chair. Ms. Eiselt is Vice Chair, soon to be Chair after this Strategy Session, Ms. Ajmera; Mr. Egleston; and Mr. Winston. At our last Committee meeting that was held December 17, 2019; we did have a robust discussion on e-scooters, and it culminated here this evening with a presentation of the draft ordinance that everybody has gotten a copy of and everybody has made some comments on it, so we are looking forward in the interim before we look at this again in our January 14, 2019 meeting that any other questions that might want to be addressed would be done by then. With that being said, I don't think there is anything else to really say on the e-scooters at this time. At every meeting we have an update from Planning on the TOD process and how that is going and there was no exception this past meeting. The Planning Department updated us and addressed questions we had about the TOD and the economic impact of TOD on parking in our various districts, so that is a reoccurring type of discussion that we've been having at every TAP meeting and that is something that is going to be going forth until we move that process on further up the line.

We did have a very informative discussion on tractor-trailer truck parking, but there has been a steady increase in these semi and tractor-trailer trucks being parked all across the City on exit ramps and on the shoulders and everything, so we did get a really good update synopsis. Charlotte is a recognized logistic hub for trucking, one of the largest in the country and various regulations imposed by the Federal Highway Transportation Committee or whatever dictates that truckers can only drive for a certain amount of hours before they have to rest and the shortage of parking in Charlotte has really put a crimp in locations where trucks can park when they need to. We have a lot of people working on it; NC-DOT is aware of the problem. The Centralina Council of Governments is aware of the problem, so they are working together to come up with a solution that may include working with truck stops to get an inventory of how many parking spaces they have, maybe looking at renovating some closed truck stops. There are a number of things they are doing, so we recognize that the complaints that I've been receiving. I don't know if anybody else is receiving them in their respective districts, but it is going to take more than signs and fines to try to alleviate the problem of trucking parking in various locations. It is more complicate issue than that, and I know a few months ago I shared on the screen here we had a depiction of the Statesville Avenue ramp leading to I-85 north where you had both sides, about 30 trucks parked on each side and it almost looked like a tunnel but as you can see as you go past there now that has been rectified and that is one of the things that good action has been taken, so I really do applaud C-DOT and NC-DOT for working that out. That has been cleared up but the problem is one that is not a simple problem; it is an economic driver, trucks move America and all seem like they are coming through Charlotte, but I'm pleased to announce that there is a plan to try to rectify and come up with a solution for it, and we've got people working on it, so hopefully that will come to fruition. We also talked about the Focus Area Plans as Mr. Reiger has gone to all of the Committees and talked about it, so that was a part of this also and that is about it unless anybody has any specific questions.

### **Intergovernmental Relations Committee**

**Councilmember Egleston** said unlike the distinguished gentlemen from District 4, I will not rehash the entire Committee meeting, so that we can all get home, and watch the Clemson Tigers beat Alabama. We did not have a meeting in December; our next meeting is January 22, 2019. A couple of upcoming things coming before the Council; you've seen it but it will be coming before Council for a vote I believe next week, it will be out Legislative Agenda. A few updates just interesting facts; the County Commission has reinstituted, I don't know what the history of their having it or not have it, but they are going to have an Intergovernmental Committee and I spoke to Chairman Dunlap today,

they have appointed Mark Jerrell as the Chair of that, which is good because Co-Chair Bokhari, and I have relationship with him through knowing him primarily through Mr. Harlow, so I think he will be a great person for us to interface with and get more collaboration between the City and the County going forward.

Representative Kelly Alexander has been named the new Delegation Leader from Mecklenburg and everybody knows Mr. Alexander, so we will look forward to engaging him more moving forward. I would like to thank Councilmember Phipps and Mayor Lyles for their service on the Intergovernmental Committee and welcome Councilmember Mayfield and Mayor Pro Tem Eiselt as they join us. Everybody, Committee members and not, please look to see if you can join us on February 20, 2019 in Raleigh; there will be the annual Town and Steak Dinner put on by the North Carolina League of Municipalities; it is a great opportunity for us to get in front of not only our Delegation but a lot of member of the General Assembly. It was a good time last year and I appreciate everybody who joined us then and hope that you will all join us if possible on February 20, 2019.

**Mayor Lyles** said that is a good dinner; the cocktail hour is more networking than not.

Mr. Egleston said it actually is a good time, and it is a great opportunity for us to continue building relationships down there. One other note for those that are aware of and interested in. Mr. Phipps mentioned the COG, Centralina Council of Governments, just appointed Geraldine Gardner as their new Executive Director. So, I'm going to look for an opportunity, as our Representative on that Board, to get her here in front of us at some point just so everybody has a chance to get to know her and see what her vision is for our regional partnerships through the COG. She is incredibly impressive, just moved down from Washington DC, and I think is going to be a huge asset to Charlotte and to this region. So, Go Tigers!

#### **Budget and Effectiveness Committee**

**Councilmember Phipps** said we met on December 11, 2018 and had two things on the agenda. We received a report from Ms. Tina Adams, the Deputy City Auditor, who was sitting in for Mr. McDowell, to discuss the audit plan and various audits that had been completed and various audits that are underway. All of these audits are on the City's website, so there are generally available to the public. Mr. Driggs is going to talk briefly about Mr. Doug Carter from DEC Associates; he is the City's Financial Advisory and gave us a very informative discussion on our credit ratings for all of our entities that we have bond ratings for, so I will turn it over to the Vice Chair Mr. Driggs.

**Councilmember Driggs** said very briefly, Mr. Carter is a consultant to assist us with our debt issuance and helps us to manage our debt rating. He explained to us the City is responsible for 10 distinct credit entities, and I defy anybody on this Council to name them, but I will tell you that it is the General Fund, the CRVA, three buckets in the CRVA, NASCAR, five Enterprise funds, including two at the Airport. So, our former Budget Director knows that, maybe the rest of us didn't.

Anyway, we got a good overview of the AAA rating. We have basically the maximum ratings that are possible in all of the categories which include AAA and some AA. He did point out that our AAA rating is based mainly on good management and that in fact on our ratios we might not necessarily qualify for that, so we should be happy about the good management, but understand that in terms of ratios we are actually pushing it a little bit in terms of the AAA rating. I think those were the main takeaways, good situation with the debt.

**Councilmember Winston** said I know the questions about maintaining top ratings has come up specifically around budget time and the necessity to maintain the highest rating versus utility of utilizing our credit in different ways to do more for our citizens in the City. I don't think we have gotten a definitive answer on the wisdom of guidance on how to balance that or if we have the proper balance in those priorities. Did that conversation come up during this meeting?

Mr. Driggs said it did not come up, and he talked about some of the advantages of having the top ratings in terms of the cost of the debt, and so on. I would just point out personally that if our debt rating is based in part on good management and our ratios are in fact kind of borderline. I think we would end up spending a lot of money to borrow not that much more if we went to a different credit rating. I've asked for myself a more dynamic conversation around an ideal strategy for managing our borrowing and our rating costs versus other considerations, but we didn't have the conversation in Committee.

Mr. Winston said if I remember again, the kind of tenor of the conversations even from the message from our Manager was that it was interpreted that we may be able to do more, and it might be good practice if we looked at the way we are treating this. I understand that you said it was with good management, but I still think we have unanswered questions that have been floated around this dais for a year now. When are we going to get the opportunity to question this consultant on that?

Mr. Driggs said what I can tell you now is that we did not talk about it in the meeting and I'm not aware that it has been scheduled.

**Marcus Jones, City Manager** said the only thing I would add if I understand your question, it is what is the cost of a rating down grade, and so there are two pieces. One is that AAA is priceless; however, we could come back and show you if we went through our measurers and if it resulted in some down grade what would be the additional cost of borrowing money.

**Mayor Lyles** said I think the last time I heard a conversation about whether or not we should keep AAA or do something different was during the recession of 2010, and a lot of people were asked that question whether or not you let your rating drop to encourage job growth, and that was around the idea that people were getting laid off from a number of institutions and unemployment was up, housing costs were up, and so that was debated just as a part of the recession, and it was decided not to do the lowering of the bond rating but this would be a different circumstance because it would be during a healthy economy.

Mr. Winston said the conversation was around the budget specifically in terms of our debt capacity to attack this affordable housing problem that we have and that the \$50 million this bond cycle was only going to be a one-shot deal and was going to go back down to \$25 million two years from now, and if we actually wanted to make a long-term commitment and investment from a City perspective of public dollars, should we be doing that? Is there something that we can do and does make financial physical sense so we don't have to go back to 2008 to do this? This is the current problem and the current solutions that we are looking for a wide spread effective policy and actions that we are having. So, again are we going to keep kicking the can down the road to get the answers that we know that we need and this is specifically germane to this issue that we say that we want to have a robust response to, but we keep waiting.

**Councilmember Phipps** said the tenor of your question is what I asked, because Mr. Carter did give us his telephone number that if we had any questions but I talked to our Budget Director, Phil Reiger, and I asked him a similar question to that, what if we looking at getting additional capacity for us to do other things? What if we voluntarily took steps to reduce, instead of having a AAA, suppose we wanted to go to AA or something? I think you could probably go off line and get that.

Mr. Winston said I think we should and this shouldn't be off line; this is urgent. This is a crisis that we are in.

Mr. Phipps said I don't know if it is a crisis right now.

Mr. Winston said our housing crisis and our ability to make long-term commitments to addressing this crisis.

Mayor Lyles said you know one of the things I've noticed and maybe it is just this meeting and maybe I'm just really noticing it. Sometimes we use this meeting, and sometimes I'm not quite sure what we have agreed to do and what we haven't so Mr. Winston brings up the question, and he says I asked for this, and I don't have that on a list anywhere. I'm actually saying we need to have a way to record that so that we can come back.

Mr. Winston said it is on Facebook live; every one of these questions can be gone back and taken a look at.

Mayor Lyles said I don't read Facebook all the time.

Mr. Winston said well, we have a staff that we also guide to say, how do we use these tools?

**Councilmember Eiselt** said there is a process.

Mayor Lyles said that is what I'm saying we need to get the questions in a place that everybody knows here are the questions that are outstanding. I don't want us not to answer a question. I want us to make sure we know it is the question.

Ms. Eiselt said I have asked this over the three years I've been here and met with our former Budget Director to understand it better. It isn't just a matter of if we add debt, here is what happens to our rating; you don't necessarily know. It is what are you investing in? Maybe the market says oh, that is great, they are investing in affordable housing that is going to reap benefits for them in the long-run, so we can't always anticipate what the market is going to say when we decide to take on more debt.

Mr. Winston said we pay a consultant to answer these questions; so, we had them come in so we should ask them and use this money that we are spending on these consultants to get these answers to the best of their ability.

Mr. Jones said I don't have for you tonight, but we do have a list of all of the questions that have been asked of me in the Strategy Session, and our understanding is there are four unanswered questions that you will get by Friday. We do keep a list of the questions asked during the Strategy Session. There were 42 and there are four unanswered.

Mayor Lyles said that require a response, financial ones.

Mr. Jones said questions that staff picks up during these meetings.

**Councilmember Ajmera** said would that be part of the memo?

Mr. Winston said is this one of them?

Mr. Jones said no, we will add this to the list and there will be five outstanding questions.

Mr. Winston said should we audit all of the meetings to find out whether there are much more than five questions over the past year that we've been having these meetings?

Mr. Jones said no what we are saying is that—

Mr. Winston said to say but you didn't have this question on the list, and it has gone unanswered.

Mr. Jones said what happens is the body says we will direct this to the Manager and the staff in order to come back with an answer, and that is what we've been tracking.

Mr. Winston said well, we haven't tracked it well enough, because this question wasn't put on the list. am I correct.

Mr. Jones said you are correct.



Mr. Winston said so, we don't know all the other questions that have been asked that haven't been answered that have somehow been flown under the radar.

Mayor Lyles said why don't we do this Mr. Jones, let us have a list of the questions that have been answered or not answered and then everybody checks them. Add yours that you want to add, and we will keep on trying to make sure that we capture them all.

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#### ADJOURNMENT

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to adjourn the meeting.
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The meeting was adjourned at 8:09 p.m.



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Emily A. Kunze, Deputy City Clerk, NCCMC

Length of Meeting: 2 Hours, 59 Minutes  
Minutes Completed: January 14, 2019