

The City Council of the City of Charlotte, North Carolina convened for a Business Meeting on Monday, February 22, 2021 at 3:05 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, Renee Johnson, Matt Newton, Greg Phipps, and Braxton Winston II.

ABSENT UNTIL NOTED: Councilmembers Malcolm Graham and Victoria Watlington.

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Mayor Lyles welcomed everyone to the February 22, 2021 Business Meeting and said this meeting is being held as a virtual meeting in accordance with all of the laws that we have to follow, especially around an electronic meeting. You can view this on our Government Channel, the City's Facebook Page, or the City's YouTube Page.

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INVOCATION AND PLEDGE

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

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

Mayor Lyles said we have one item that has been settled, Item No. 54.

Marie Harris, Strategy and Budget said we also have Item Nos. 41 and 42 which have been settled.

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CONSENT AGENDA

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve the Consent Agenda as presented with the exception of Item Nos. 41, 42 and 54 which have been settled.

The following items were approved:

Item No. 23: Traffic Signal Components

(A) Approve unit price contracts for the purchase of Traffic Signal components for an initial term of three years to the following: Econolite Control Products, Inc., Temple, Inc. and (B) Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

Item No. 24: Land Acquisition for Charlotte Fire Department

(A) Approve the purchase of a 2.03-acre property located at 5800 North Tryon Street (parcel identification number 049-011-12) in the amount of \$1,700,100 from Metrolina Retail LLC, HKS2&3 Holdings, LLC RFVW Properties LLC, and Jamanadas Kothadia for the Hidden Valley infill Fire Station, and (B) Authorize the City Manager to negotiate and execute any documents necessary to complete this transaction.

Item No. 25: Mechanical Engineering Design Services

(A) Approve unit price contracts for mechanical engineering design services for an initial term of three years to the following: AME Consulting Engineers, PC (SBE); Avcon, Inc. d/b/a Avcon Engineers & Planners, Inc (MBE) CMTA, Inc.; Maloney & Associates (SBE); McKim & Creed; The Professional Engineering Associates, PA; RMF Engineering, Inc.

PC; Shultz Engineering Group, PC (SBE); and (B) Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

Item No. 26: Charlotte Water Facility Improvements

Approve a contract in the amount of \$1,518,567 to the lowest responsive bidder OnSite Development, LLC for site improvements at Field Operations Zone 1 and 2 facilities.

Summary of Bids

OnSite Development, LLC *	\$1,518,567.00
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*Only bid received.

Item No. 27: Irwin Creek Tributary Sanitary Sewer Construction

Approve a guaranteed maximum price of \$6,593,215.89 to Sanders Utility Construction Co., Inc. for Design-Build construction services for the Irwin Creek Tributary-Stuart Andrew Boulevard to East Cama Street Segment Sanitary Sewer project.

Item No. 28: Mallard Creek Wastewater Treatment Plant Expansion

Approve a contract in the amount of \$5,674,580 to the lowest responsive bidder Crowder Constructors Inc dba Crowder Construction Company for the Mallard Creek Wastewater Treatment Plan Phase 1A Expansion project.

Summary of Bids

Crowder Construction	\$5,674,580.00
M. B. Kahn	\$6,804,650.00
Harper Corporation	\$6,957,500.00
PC Construction	\$7,042,000.00
Shook Construction	\$7,077,000.00
Wharton-Smith	\$7,677,000.00

Item No. 29: McMullen Creek Tributary Construction Services

Approve a guaranteed maximum price of \$9,178,204.55 to Atlantic Coast Contractors, Inc. for Design-Build construction services for the McMullen Creek Tributary-Quail Hollow Segment Sanitary Sewer Replacement, Rehabilitation, and Repair project.

Item No. 30: Vest Water Treatment Plant Upgrades Contract Amendment

Approve a contract amendment in the amount of \$895,045 with Black & Veatch International Company for the Vest Water Treatment Plant Upgrades project.

Item No. 31: Airport Master Civil Engineering Consulting Services

(A) Approve a contract with Aviation Consulting Engineers, LLP for master civil engineering consultant services for an initial term of five years, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustment and to amend the contract consistent with the purpose for which the contract was approved.

Item No. 32: Airport Mechanical, Electrical, and Plumbing General Engineering Consultation Services

Approve contracts for engineering consultation services with the following firms for a three-year term: AME Consulting Engineers, PC (SBE); Burns Engineering, Inc.; Bard Rao + Athanas Consulting Engineers, P.C.; McKim & Creed, Inc.; RMF Engineering, Inc., P.C.; and Prime Engineering, Inc.

Item No. 33: Airport Waterline Construction

Approve a contract in the amount of \$1,701,062 to the lowest responsive bidder Chandler Construction Services, Inc. for the North End-Around Taxiway Waterline construction project.

Summary of Bids

Chandler Construction Services, Inc.	\$1,701,062.00
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Thalle Construction Company, Inc	\$1,706,100.00
D. E. Walker Construction	\$1,845,090.16
State Utility Contractors, Inc.	\$2,284,578.00
Sanders Utility Construction, Inc.	\$2,983,527.25

Item No. 34: Air Traffic Control Tower Ground Lease

Approve a twenty-year ground lease with the Federal Aviation Administration for a new Air Traffic Control Tower at Charlotte Douglas International Airport.

Item No 35: Refund of Property Taxes

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$22,983.18.

The resolution is recorded in full in Resolution Book 51, at Page(s) 259-260A.

PROPERTY TRANSACTIONS

Item No. 36: Aviation Property Transactions - 8017 McAlpine Drive

Acquisition of 0.512 acres at 8017 McAlpine Drive from Russell James Anderau for \$220,000 for Aviation Master Plan.

Item No. 37: Aviation Property Transactions – 8308 McAlpine Drive and Adjacent Vacant Lot

Acquisition of 1.232 acres at 8308 McAlpine Drive and adjacent vacant lot from David L. Robinson and Jacqueline P. Robinson for \$326,000 for Aviation Master Plan.

Item No. 38: Aviation Property Transactions – 8009 Steele Creek Road

Acquisition of 0.980 acres at 8009 Steele Creek Road from Lucas R. Johnson for \$189,000 for Aviation Master Plan.

Item No. 39: Aviation Property Transactions – 9020 Whispering Pines Lane

Acquisition of 1.177 acres at 9020 Whispering Pines Lane from Edward T. Moore (deceased) and Shirley A. Moore for \$280,000 for Aviation Master Plan.

Item No. 40: Property Transactions – McCullough Drive Streetscape Parcel #19.1

Acquisition of 2,337 square feet (0.054 acres) in Utility easement at 115 East McCullough Drive from J and J. University Boulevard, LLC for \$42,150 for McCullough Drive Streetscape, Parcel #19.1.

Item No. 43: Property Transactions – McCullough Drive Streetscape Parcel #23.1

Acquisition of 1,512 square feet (0.035 acres) in Utility Easement at 131 East McCullough Drive from McCullough 131, LLC for \$29,925 for McCullough Drive Streetscape, Parcel #23.1.

Item No. 44: Property Transactions – North Sharon Amity Road Sidewalk Project, Parcel #8

Resolution of Condemnation of 1,228 square feet (0.028 acres) in Sidewalk Utility Easement, 2,353 square feet (0.054 acres) in Temporary Construction Easement at 1400 North Sharon Amity Road from Morgan Donohue for \$9,725 for North Sharon Amity Road Sidewalk Project, Parcel #8.

The resolution is recorded in full in Resolution Book 51, at Page(s) 261.

Item No. 45: Property Transactions – North Sharon Amity Road Sidewalk Project, Parcel #9

Resolution of Condemnation of 921 square feet (0.021 acres) Sidewalk Utility Easement, 1,128 square feet (0.026 acres) Temporary Construction Easement at 1412 North Sharon Amity Road from Wilson A. Montoya Franco and Stephanie Montoya for \$5,625 for North Sharon Amity Road Sidewalk Project, Parcel #9.

The resolution is recorded in full in Resolution Book 51, at Page(s) 262.

Item No. 46: Property Transactions – North Sharon Amity Road Sidewalk Project, Parcel #10

Resolution of Condemnation of 882 square feet (0.02 acre) Sidewalk Utility Easement, 1,660 square feet (0.038 acres) Temporary Construction Easement at 1420 North Sharon Amity Road from Willie James Wooley and Mary E. Wooley for \$7,450 for North Sharon Amity Road Sidewalk Project, Parcel #10.

The resolution is recorded in full in Resolution Book 51, at Page(s) 263.

Item No. 47: Property Transactions – North Sharon Amity Road Sidewalk Project, Parcel #12

Resolution of Condemnation of 424 square feet (0.01 acre) Storm Drainage Easement, 1,686 square feet (0.039 acres) Sidewalk Utility Easement, 1,074 square feet (0.025 acres) Temporary Construction Easement at 1500 North Sharon Amity Road from Spectrum Southeast LLC for \$14,450 for North Sharon Amity Road Sidewalk Project, Parcel #12.

The resolution is recorded in full in Resolution Book 51 at Page(s) 264.

Item No 48: Property Transactions – Parkwood Avenue Streetscape, Parcel #23

Resolution of Condemnation of 7,716 square feet (0.177 acres) Temporary Construction Easement at 317 East 16th Street from WPP Block Owner II, LLC for \$84,875 for Parkwood Avenue Streetscape, Parcel #23.

The resolution is recorded in full in Resolution Book 51, at Page(s) 265.

Item No. 49: Property Transactions – 6534 Providence, Parcel #1

Resolution of Condemnation of 154 square feet (0.004 acres) Sanitary Sewer Easement at 6600 Providence Road from Brock Robins for \$425 for 6534 Providence, Parcel #1.

The resolution is recorded in full in Resolution Book 51, at Page(s) 266.

Item No. 50: Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #20

Resolution of Condemnation of 2,388 square feet (0.055 acres) Sidewalk Utility Easement, 1,751 square feet (0.04 acres) Temporary Construction Easement at 3800 Providence Road from Damon Decristoforo and Veronica P. Decristoforo for \$15,700 for Providence Road Sidewalk Improvement (Greentree Drive – Knob Oak Lane).

The resolution is recorded in full in Resolution Book 51, at Page(s) 267.

Item No. 51: Property Transactions – Shade Valley Road Realignment and Roundabout, Parcel #7

Acquisition of 1,338 square feet in Fee Simple, (0.03 acres) 1,247 square feet (0.029 acres) Sidewalk Utility Easement, 4,825 square feet (0.111 acres) Temporary Construction Easement at 4833 Monroe Road from Andrew Patrick Linton for \$44,963 for Shade Valley Road Realignment and Roundabout, Parcel #7.

Item No. 52: Property Transactions – Shade Valley Road Realignment and Roundabout, Parcel #8

Acquisition of 926 square feet (0.02 acres) Fee Simple, 898 square feet (0.021 acres) Sidewalk Utility Easement, 3,063 square feet (0.07 acres) Temporary Construction Easement at 4843 Monroe Road from Andrew Patrick Linton for \$31,460 for Shade Valley Road Realignment and Roundabout, Parcel #8.

Item No 53: Property Transactions – Shade Valley Road Realignment and Roundabout, Parcel #9.

Acquisition of 1,257 square feet (0.03 acres) Fee Simple, 1,142 square feet (0.026 acres) Sidewalk Utility Easement, 4,032 square feet (0.093 acres) Temporary Construction Easement at 4915 Monroe Road from Richard W. and Jeanette A. Stikeleather for \$57,300 for Shade Valley Road Realignment and Roundabout, Parcel #9.

Item No. 55: Property Transactions – Shade Valley Road Realignment and Roundabout, Parcel #12

Acquisition of 743 square feet (0.02 acres) Fee Simple, 711 square feet (0.016 acres) Sidewalk Utility easement, 1,348 square feet (0.031 acres) Temporary Construction Easement at 4929 Monroe Road from Oak Investments LLC for \$24,000 for Shade Valley Road Realignment and Roundabout, Parcel #12.

Item No. 56: Property Transactions – Shade Valley Road Realignment and Roundabout, Parcel #16 and 18

Resolution of Condemnation of 97 square feet (0.002 acres) Fee Simple, 1,526 square feet (0.035 acres) Utility Easement, 235 square feet (0.005 acres) Storm Drainage Easement, 4,007 square feet (0.092 acres) Sidewalk Utility Easement, 7,089 square feet (0.163-acre Temporary Construction Easement at 4715 Monroe Road and Birchside Drive from Oakhurst Townhome Association, Inc. for \$121,025 for Shade Valley Road Realignment and Roundabout, Parcel #16 and 18.

The resolution is recorded in full in Resolution Book 51, at Page(s) 268.

Item No. 57: Property Transactions – Townes Road 1225, Parcel #1

Acquisition of 363 square feet, (0.008 acres) Storm Drainage Easement, 343 square feet (0.008 acres) Temporary Construction Easement at 1232 Townes Road from Charles Hall Ashford III and Kirstin E. Ashford for \$13,725 for Townes Road 1225, Parcel #1.

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ZONING

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HEARINGS

ITEM NO. 58: HEARING ON PETITION NO. 2020-083 BY THE KEITH CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.397 ACRES LOCATED ALONG THE NORTHEAST SIDE OF 5TH STREET, THE SOUTHWEST SIDE OF PARK DRIVE, AND NORTH OF CASWELL ROAD FROM O-2 (OFFICE) AND R-43MF (MULTIFAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is about 2.4 acres on East 5th Street and Lamar Avenue on the southwest side of Park Drive and just north of Caswell Road. The existing zoning is O-2 and R-43MF; the proposed zoning is a mixed-use development, option, or MUDD-O. The adopted land use for this project comes from the Elizabeth Area Plan, adopted in 2011 and that plan does recommend the office and residential for the majority of the site and a portion of institutional on that corner of Lamar Avenue and Park Drive. The proposal under this petition is for three development areas, A, B, and C. Development Area A which is on Lamar Avenue and 5th Street back to Park Drive is up to 120,000 square feet of gross floor area for office and/or medical uses with below-grade parking. On top of that, we are looking at 35,000 square feet of rooftop event or gathering space with accessory rooftop outdoor space. We do have some limitations along outdoors of operation within that proposal for that development area. Development Area B would be for structure parking up to 10 single-family attached townhome units either for sale or for rent. Development Area C would be a minimum of 3,000 square feet of open space with improved landscape and seating areas. We do have some limitations on residential uses for building height up to 55-feet and then non-residential would be up to 85-feet. We do have some optional provisions to deal with recessed doorways, some architectural requirements and also allow 10 by 10 site triangles. Also, to not to require the cell tower on the parking structure to be indiscernible.

We do have some transportation commitments along with this petition. Access would be on to East 5th Street, Lamar Avenue, Clement Avenue, and Park Drive. We do have an eight-foot planting strip and sidewalk on all street frontages. Parking for office uses would be provided at a rate of five per 1,000. We also have a pedestrian crosswalk at Greenway Avenue and Caswell Avenue which would be subject to C-DOT (Charlotte Department of Transportation) approval. In the event that that crosswalk would not be approved, the petitioner would contribute an amount equal to \$40,000 to the City of Charlotte for the purpose of a pedestrian improvement assessment, designed and/or construction of sidewalk and/or other pedestrian connections within the Elizabeth Neighborhood. There are also some modifications to the signal at 5th Street and Hawthorne Lane and some architectural building standards for both the office and townhome structures. We do have some renderings on the proposal for what would be potentially constructed on the site in terms of architectural guidelines.

The staff does recommend approval of this petition. We do have a few outstanding issues related to transportation and site and design to work through. It is consistent with the Elizabeth Area Plan for the majority of the site. We do have that corner piece that is inconsistent that recommends institutional uses, but overall, the project is generally consistent with the Elizabeth Area Plan. Will be happy to take any questions following Ms. Grant's presentation.

Mayor Lyles said Ms. Grant if you will hold for a moment I should have done a brief overview that we are conducting 10 public hearings. In addition to that, I should have recognized Keba Samuel, Chair of the Zoning Committing.

Keba Samuel, Vice Chairperson of Charlotte Mecklenburg Planning Commission/Chairperson of Zoning Committee introduced members of the Zoning Committee. They will meet Tuesday, March 2nd at 5:30 p.m. to make recommendations on the petitions heard in the public hearings tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at charlotteplanning.org.

Bridget Grant, 100 North Tryon Street said I am with Moore & Van Alan, here today with Patrick Faulkner with The Keith Corporation. As you can see there are a number of partners that have been working with us on this effort with staff and the Elizabeth Community Association after the last year. The Keith Corporation in collaboration with the Lucky Real Estate, [inaudible] Architecture, Land Design, SCR Norma Wright, Design Resource Group, and Banks Engineering. It is difficult to put a year's worth of work into a three-minute presentation so I'm going to start by thanking the Elizabeth Community Association for the collaboration and thoughtful participation over the past year and [inaudible].

As Dave mentioned, we are seeking a rezoning to develop the site with a medical office, accessory structured parking, relocation of an existing cell tower to another spot on the site, and residential uses fronting the Park. As always staff did a great job giving the plan overview so I'm going to jump ahead to the plan highlight. The Keith Corporation spent a lot of time with us and did a good bit of preliminary outreach with the land use and development communities for the PCA. We felt it was important to get an understanding of the community's priorities and opportunities. We recognized it was important to have residential uses on the Park which also serves as a buffer to the structured parking. We are protecting some large existing trees along Park Drive and Lamar Avenue and subsequently creating a hidden pocket park on the corner and creating a signature medical office building that doesn't read like an extension of the existing hospital campus. We worked with the community and a different opportunity presented itself and we've spent the past month working pretty quickly to increase the height of the residential units on the Park and adding an access point on Park Drive and shifting from a townhome format to a four-story residential unit with four units on each floor. What this means is that ultimately we are increasing the number of units and again changing the townhomes to residential stacked. Our building area where we originally had residential townhomes is going to change just a little and extend to accommodate those different forms. We will be fine-tuning this footprint before our next submittal to the Zoning Committee. We've done

some preliminary elevations to show what that new residential feature might look like. This is the front elevation; again, we are still working through this.

We've included a number of images depicting the character of the office. The site really doesn't have a back house and a great deal of attention has been put into each elevation. This shows the [inaudible] on 5th Street, moving around the structured parking, and how we orient to the Park.

With that, I'm going to bring it back to where we always start which is how we check the box and show the benefits of conditional zoning. We've put up here a number of community outreach opportunities throughout this process, provided certainty on the development, limiting the uses, guaranteeing residential uses on the Park, providing some certainty on the access, guaranteeing commitments on the materials, the orientation, and some of the overall public benefits with roadway improvements, pocket park, and intersection improvements at Greenway Avenue and Caswell Road.

Councilmember Egleston said I was just going to reiterate what the petitioner said on this petition and actually the next one. In both instances, the petitioner has been working very closely with the Elizabeth Community Association. There are a few small details around the edges of both petitions that the [inaudible] has expressed for me to have confidence will get resolved before we get to a decision essentially a month from now.

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

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ITEM NO. 59: HEARING ON PETITION NO. 2020-156 BY EASTGROUP PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 38.33 ACRES LOCATED ALONG THE EAST AND WEST SIDE OF PINECREST DRIVE, NORTH OF SHOPTON ROAD, AND EAST OF INTERSTATE 485 (ETJ NEAREST COUNCIL DISTRICT 3) FROM R-3 AIR (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO I-1 (CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 38.33 acres located off Shopton Road and Pinecrest Drive, east of I-485. The current zoning is R-3, the proposed zoning is I-1 (CD), both present and future zoning would have the airport noise overlay established on it as well. The Westside Strategic Plan which was adopted in 2000 does recommend the office, business park, and industrial land use for this site and the surrounding area. The proposal itself is for up to 550,000 square feet of space over a maximum of three buildings on site. It does allow I-1 uses except for the following, and you can see there is a limitation on things like automobiles, truck, and utility trailer rental, automotive repair garages, service stations, barber and beauty shops, financial institutions, eating and drinking establishments, retail, shopping centers, adult establishments, etc.

We do have commitments to provide a five-foot bicycle lane with a three-foot buffer along the site's frontage on Shopton Road, also has a reservation for a potential future right-of-way acquisition and purchase by the City for an 85-foot wide portion of the site that would be a future Shopton Road Extension or realignment. We do have architectural design standards for materials for each building as well as a minimum eight-foot planting strip and six-foot sidewalk along the new public street as well as along the Shopton Road frontage.

The staff does recommend approval of this petition. We still have a few outstanding issues related to transportation and some technical revisions to work through. It is consistent with the Westside Strategic Plan that does recommend the office, business park, and

industrial land uses for this site. With that, we will be happy to take questions following the petitioner's presentation.

John Carmichael, 101 North Tryon Street Suite 1900 said I am here on behalf of the petitioner, Eastgroup Properties. With me tonight are John Coleman of Eastgroup and Greg Rouch of [inaudible] Engineering. The site contains just over 38-acres and is located on the north side of Shopton Road at the intersection of Shopton Road and Pinecrest Drive. The site is located across Shopton Road from an existing office, warehouse, distribution business park. The site is currently zoned R-3 and is in the airport noise overlay district. The petitioner is requesting that the site be rezoned to the I-1 (CD) zoning district to allow an office, warehouse and distribution, and light industrial business park. It would contain a maximum of 550,000 square feet of gross floor area. The request is consistent with the Westside Strategic Plan and the site is located in the Shopton Road Industrial Activity Center and the airport noise overland district.

Eastgroup is an experienced developer, owner, and operator of Class A Office, Warehouse, and Distribution Business Parks. I'm going to show you a series of pictures of Steele Creek Commerce Park, which is an office, warehouse, and distribution park located to the west of the rezoning site at the intersection of Shopton Road and Steele Creek Road was developed by Eastgroup. This development would be consistent with Steele Creek Commerce Park which you see before you in the picture. This is another picture of the buildings at Steele Creek Commerce Park. This just shows you the relationship between Steele Creek Commerce Park which is highlighted in yellow and the rezoning site which is highlighted in blue.

The site would be accessed from Shopton Road and Pinecrest Drive. Pinecrest Drive is currently a private street, that portion of Pinecrest Drive located within the site would be converted to a public street. The site would contain three buildings; Class A buffers would be located along the western and northern boundaries of the site. The two buildings next to Pinecrest Drive would face Pinecrest Drive and the truck courts would be to the rear of all the buildings. We appreciate the planning staff's recommendation of approval and we appreciate the time that the Eagle Lake residents have given to us during this process.

Kent Main, 5509 Eagle Lake Drive said just to say very quickly, we are the neighborhood of 30 houses at the other end of Pinecrest Road which has been our immediate concern through this whole process. We have been working with the applicant and talked with them on a number of occasions.

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

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ITEM NO. 60: HEARING ON PETITION NO. 2020-159 BY BAINBRIDGE COMMUNITIES ACQUISITION III, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.83 ACRES BOUND BY THE NORTHERN SIDE OF MALLARD CREEK ROAD, THE NORTHEAST SIDE OF RIDGE ROAD AND THE EASTERN SIDE OF BEARD ROAD FROM R-3 SINGLE-FAMILY RESIDENTIAL) TO R-22MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 14.83 acres on Beard Road and Ridge Road as well as Mallard Creek Road. The property is currently zoned R-3, the proposed zoning is for R-22 multifamily conditional. The area plan for this spot is from the Northeast Area Plan from 2000, it does call for multifamily, office, retail for the site, up to 12 plus dwelling units per acre. We have a proposal for up to 325 multifamily units in five buildings, commitments for an eight-foot planting strip and 12-foot shared-use path along Ridge Road, Beard Road, and Mallard Creek Road. Access to the site would be from Beard Road, they would also have a right-turn lane on Beard Road with

100-feet of storage to allow folks easier access to the site. We do have an 11,000 square foot amenity area with landscaping, seating, hardscape, and shade structures. Sidewalk and crosswalk network within the project itself and then the cap on the limitation on lighting at 22-feet as well as architectural design standards in regard to building materials, articulation, and massing.

Just to give a little bit of context, you can see there is quite a bit of CC in the area, this petition originally started out as CC which is Commercial Center. When we talked to the Zoning folks that were a less desirable outcome that didn't necessarily meet the intent of what CC typically is. Just to carry forward CC does allow things up to R-22MF, they are basically the same standard so we had the petitioner convert to the R-22MF conditional, otherwise, we would be looking at another CC type of zoning just to give you some idea of consistency with what is around it. I just wanted to go back to that real quick.

The staff does recommend approval upon resolution of outstanding issues related to transportation as well as some technical revisions. It is consistent with the Northeast Area Plan recommendation of multifamily up to 12 plus dwelling units per acre. We will be happy to take questions following the petitioner's presentation.

Justin Houston, 200 South Tryon Street Suite 200 said we don't really have a presentation. Staff did a great job on this one, especially with their review dealing with C-DOT (Charlotte Department of Transportation), NC-DOT (North Carolina Department of Transportation) as we are close to Mallard Creek Road and I-485 here and [inaudible]. We appreciate their time and effort in helping us get this turned around getting us here today.

Councilmember Phipps said I noticed in the transportation summary notes that some road enhancements to the intersection of Beard Road and Mallard Creek Road will be undertaken as part of the [inaudible] and the Vision Zero. Where could I find a description of what those enhancements will be?

Mr. Houston said we placed those on the plans as well as the conditional notes that would be on RZ three. I believe you may be referring to the intersection of Beard Road and Ridge Road. Beard Road and Ridge Road currently are a stop condition on Beard Road and a through condition on Ridge Road. That was a comment that we had received from C-DOT through their working with NC-DOT to convert that to a three-way stop section at all three approaches to the intersection there. There would be particular signage, restriping and some minor reconfiguration of the curvature as Beard Road approaches Ridge Road. It was a safety condition that NC-DOT had asked us through C-DOT. It is not going to be any kind of realignment of roadways, just a signage and striping modification there with advanced warning detection signage ahead of time from Ridge Road coming from the south.

Mr. Phipps said will these enhancements have to be made prior to any certificates of occupancy?

Mr. Houston said yes sir, that is correct. They were requested and we had listed them as proposed improvements.

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

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ITEM NO. 61: HEARING ON PETITION NO 2020-161 BY KM JDH BEATTIES FORD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.377 ACRES LOCATED ON THE SOUTH SIDE OF MT. HOLLY-HUNTERSVILLE ROAD, EAST OF FOX THORNE DRIVE AND WEST OF BEATTIES FORD ROAD FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said is .377 acres located on the south side of Mt. Holly Huntersville Road at the shopping center just off Fox Thorne Drive and Beatties Ford Road. The current zoning is B-1 ICD), the proposed zoning is B-2 (CD). The adopted future land use from the Northwest District Plan in 1990 does recall from retail land uses for the site. The proposal itself is to allow a 620 square foot EDEE (eating, drinking, entertainment establishment) with a drive-thru facility. It does propose access off an internal private drive as well as screening along the drive-thru lanes and then all outdoor lighting will be the shoe-boxed type to match the existing shopping center.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation and land use to work through. It is consistent with the Northwest District Plan, essentially it is just a request to add that drive-thru facility on that corner parcel of the shopping center. We will be happy to take any questions following the petitioner's presentation.

Walter Fields, 1919 South Boulevard Suite 101 said I actually did the zoning on this shopping center many, many moons ago and a new tenant wants to arrive and join this successful collection of businesses. This rezoning is required because the restaurant does not have 50 internal seats and as a result, the ordinance defines it differently and so the sole purpose of the rezoning is to permit this small eating to locate on this site. There were three items listed as unresolved issues; we've actually already corrected our site plan to address all three of those and we will be resubmitting that in time for the Zoning Committee meeting. I will be happy to answer any questions you may have.

Councilmember Phipps said I just wanted to ask Mr. Fields, is he at liberty to disclose which restaurant it is going to be?

Mr. Fields said Mr. Phipps, welcome back; I don't know that my clients have prohibited me from saying the name of the business. It is actually a small coffee shop called Human bean. I believe there is one over in Gastonia, but this will be the first one in Charlotte to my knowledge.

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

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ITEM NO. 62: HEARING ON PETITION NO. 2020-162 BY MT. ISLAND PROMENADE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.11 ACRES LOCATED ALONG THE NORTHWEST SIDE OF SMITH FARM ROAD, THE SOUTHEAST SIDE OF CORNING PLACE, AND SOUTH OF RIVERBEND VILLAGE DRIVE FROM NS LWPA (NEIGHBORHOOD SERVICE, LAKE WYLIE PROTECTED AREA) TO NS SPA LWPA (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is just over six acres in the River Bend Village Shopping off Mt Holly Huntersville Road. The current zoning of the property is NS and we are looking at an NS site plan amendment and would continue to carry the Lake Wylie Protected Area Overlay on the property. The Brookshire/I-485 Interchange Study from 2002 does call for residential, office, retail for this site. The proposal itself is split into two development areas. We've got Development Area A-1 which would allow up to 8,000 square feet of retail, office, or financial institutions, personal services, and EDEE that allow only one user with an accessory drive-thru window. Development A-P allows for the development of up to 60,000 square feet of retail, EDEE general or medical offices, financial institutions, and personal services. That would allow

up to two uses with an accessory drive-thru window and then one must be connected to a financial institution, retail use, and the other may be used for retail or EDEE uses.

The staff does recommend approval of this petition upon resolution of some outstanding issues. It is consistent with the Brookshire/I-485 Interchange Study that recommends residential, office, and retail. We will be happy to take any questions following Mr. MacVean's presentation.

Keith MacVean, 100 North Tryon Street said I am assisting Mt. Island Promenade, the petitioner with this rezoning request. With me tonight and available to answer questions is Lawton Crowe and Randy Smith. I want to thank Dave for his presentation; he has covered most of the points. We will be submitting a revised plan to address the minor outstanding issues listed in the Staff Analysis.

As Dave indicated, this is an NS Site Plan Amendment to a previous approval for River Bend mixed-use village shopping center. [inaudible] corporate office is relocated here from Hickory a few years ago. This petition does not add to our footage and is basically to allow some additional flexibility to some of the allowed uses to allow them to have accessory drive-thru windows. Those uses that were previously approved were restaurants, retail, office, financial institutions, personal service uses.

Parcel A-1 is along Mt. Holly Huntersville Road, though it is a single building location, it could be multi-tenant. Building configuration and size are identical to what was approved previously, but the request is to allow one use with an accessory drive-thru window on this particular parcel. This parcel is located along Highway 16; Highway 16 is to the left of the screen here and Mt. Holly Huntersville is to the top of the screen. This area has already been approved, already has the right to do one bank with an accessory drive-thru window. This petition would add a second and allow additional flexibility for the previously approved bank. The drive-thru window could be used for retail or restaurant use as David indicated.

In summary, this is an NS Site Plan Amendment really to create some more flexibility for the allowed uses that were previously approved, giving them some ability to come back with uses that have accessory drive-thru windows.

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

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ITEM NO. 63: HEARING ON PETITION NO. 2020-165 BY TAYLOR DAVIS FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.99 ACRES LOCATED ALONG THE SOUTH SIDE OF MT. HOLLY HUNTERSVILLE ROAD, THE EAST SIDE OF BEATTIES FORD ROAD, AND NORTH OF INTERSTATE 485 FROM R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) TO R-8MF(CD) SPA (MULTIFAMILY RESIDENTIAL, CONDITIONAL SITE PLAN AMENDMENT) WITH 5-YEAR VESTED RIGHTS

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is just under seven acres on Beatties Ford Road and Mt. Holly Huntersville Road. The current zoning is R-8 multifamily, conditional; the proposed zoning is R-8 multifamily, conditional with a Site Plan Amendment. They are requesting five-year vested rights. The North Lake Area Plan from 2008 does call for a portion of this site to be residential up to five DUA (dwelling units per acre) and a portion of the site to be used for possible greenway uses. The proposal itself is for 57 senior multifamily units in one building. You can see that highlighted in yellow. We do have commitments to construct a five-foot sidewalk and eight-foot planting strip along Mt. Holly Huntersville Road and then Beatties Ford Road would get an eight-foot planting strip and a 12-foot multiuse path along Mt. Holly Huntersville Road. Commits to road widening improvements that contribute towards a future four-lane roadway on Mt.

Holly Huntersville also dedicate additional right-of-way along Beatties Ford Road and Mt. Holly Huntersville Road for any potential improvements. Dedicates a 100-foot SWIM buffer and 50% of the floodplain to Mecklenburg County for potential future Park and Rec uses as well as a Class C Buffer adjacent to the existing single-family and limitations on the height of lighting at 22-feet.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation and land use. It is consistent with the recommendation for residential use for a portion of the site although it is inconsistent with that density recommendation of five DUA. Also, it is inconsistent with a portion of the site recommended for greenway uses, however, I think with the dedication of buffers and flood plain to Mecklenburg County we do meet the general intent of that land use recommendation in the plan from North Lake Area Plan. We will be happy to take questions following the petitioner's presentation.

Joseph Kass, 227 Asbury Avenue, Greenville, SC said as you can see this is located actually near the Human Bean Shopping Center that was mentioned in the previous zoning request. This is a wooded site and the surrounding area would generally be described as wooded. There is a nicer newer shopping center that we just took a look at that has a Food Lion and a CVS and there is another Walgreens a mile east down the road. I mention that because this is intended for age-restricted for households over 55-year of age. So, the shopping amenities nearby are important.

As was previously mentioned the current base zoning is R-8MF(CD) and we are seeking an R-8FM(CD) Site Plan Amendment so the current base zoning of R-8MF(CD) will remain in place. Across the street is highway commercial zoning and the CVS is of course B-1(CD) and the corner parcel is owned by Piedmont Natural Gas and will likely remain undeveloped for the foreseeable future. As was mentioned the site is crisscrossed by some water quality buffers and creeks all of which will remain undisturbed. The best quality land to be developed is in the northeast corner which is where the building improvements will be placed

As you can see approximately half of the acreage will be developed and half of the acreage will remain undisturbed tree canopy, which will preserve the water quality and protect those streams. As was mentioned the site backs up to land currently owned by Charlotte Mecklenburg is going to be part of the Long Creek Pedestrian and Bike Greenway and we are really excited to coordinate with the City and County about connecting to that greenway, which will be a fantastic amenity for our residents.

This is a proposed rendering of the building, it is a senior building, as we mentioned, and it does have a pick-up/drop-off area and the building will be served by elevators. We are proposing 57 units; this will be all one and two-bedroom spacious units with amenities, energy star appliances, library, and fitness center, that sort of thing.

This site will be dedicated to affordable housing and this is located in what staff considers a high opportunity neighborhood. The rents will range from \$500 to \$1,200 per month. It will serve a range of incomes from 30% AMI to 80% AMI. The average monthly rent is \$815.

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

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ITEM NO. 64: HEARING ON PETITION NO. 2020-167 BY HOOPER COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.08 ACRES LOCATED ON THE WEST SIDE OF BANCROFT STREET, NORTH OF 24TH STREET, AND EAST OF GRAHAM STREET FROM I-2 (GENERAL INDUSTRIAL) AND R-5 (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is just over three acres on North Graham Street and Concordia Avenue. The current zoning is a mix of I-2 along North Graham Street and then R-5 on the back portion of the site in yellow. The proposed zoning is for MUDD-O. The North Tryon Area Plan from 2010 does call for residential, office, and retail for this site with a density of up to 22 dwelling units per acre. The proposal itself for this petition is to allow up to 73 townhomes. We do have an optional provision that the front stoop may be covered by an awning canopy roof extension or other architectural feature in lieu of a recessed entryway. Access to the site will be provided from Concordia Avenue and Bancroft Street. We do have a provision for an eight-foot planting strip and six-foot sidewalk along both Concordia Avenue and Bancroft Street, and then an eight-foot planting strip and 12-foot multiuse path along the frontage of North Graham Street. Internal/external sidewalks will provide pedestrian connections throughout the site. We do have a 2,800 square foot commitment for an amenity area, a Class C buffer adjacent to single-family zoning, and then as well a commitment to construct a new ADA compliance bus waiting for the pad on North Tryon Street. It provides a garage for each townhome as well as architectural features including some rear-loaded units and covered stoops as mentioned.

The staff does recommend approval of this petition upon resolution of some outstanding issues. As mentioned, it is consistent with the recommendation of residential, office, and retail uses but it is slightly inconsistent with the plan recommendation of up to 22 DUA. This petition comes in at just over 23.7 dwelling units per acre so just slightly over that 22 DUA recommendation. We will be happy to take questions following Mr. Carmichael's presentation.

John Carmichael, 101 North Tryon Street Suite 1900 said I here on behalf of Hooper Communities; with me tonight are Bart Hopper and Clay McCullough of Hopper Communities and Nick Bushon of Design Resource Group. The site contains approximately three acres located on the southeast corner of the intersection of North Graham Street and Concordia Avenue. This is an aerial of the site and you can see Concordia Avenue to the north, Bancroft Street to the east, and North Graham Street to the west. As you can see portions of the site have been devoted to industrial-type uses. The current zoning is a combination of I-2 and R-5, the I-2 being in brown. Hopper is requesting that the site be rezoned to the MUDD-O zoning district to accommodate up to 72 townhome units on the site.

This is the site plan the site is currently proposed to be accessed from Concordia Avenue and Bancroft Street. The townhome units adjacent to North Graham Street would front North Graham Street. Each unit would have a garage that would be accessed from the internal private alley. Architectural standards are a part of the rezoning plan. Additionally, the ends of the townhome buildings that face Bancroft Street would have additional architectural requirements. David mentioned the central green, there is also a Dog Park to the south on the southern portion of the site as well as visitor parking. We appreciate the Planning staff's recommendation and we will address the outstanding issue this week.

We had a community meeting and we had a meeting with Druid Hills Community and last week we had an additional meeting with some residents on Bancroft Street. They had some concerns that we are going to seek to address and then we will have a follow-up meeting with those residents. We are happy to answer any questions.

Councilmember Winston said just looking at this petition I find this to be very exciting. This is the first of many developments that I think we are going to see along the Graham Street Corridor. As we look at the way we want neighborhoods to be built, there are so many opportunities for people to live, work and play very close to where they live. That is going to mean that this corridor is going to look very different I think very quickly. My suggestion would be for the community to pay attention, get organized, and get involved. I would be remiss if I didn't mention that this is a neighborhood that is very close to Druid Hills and is part of the Druid Hills Community. We lost a great leader and organizer in Darryl Gaston from this community and I'm sure we will talk about that later, but it just

highlights the importance of community members to continue to do the work and organize and be part of what is not just coming, but what is here. Thank you for presenting this, but again, I hope the community pays attention to the changes that are coming.

Councilmember Egleston said to Braxton's point, my last conversation with Mr. Gaston was actually on Friday about this petition. I talked with him for about 20-minutes on the phone about this about 24-hours before we lost him. I know we are going to talk about that later. He and others in these communities have done a good job of engaging folks and making sure that they understand and are aware of what is going on with rezonings and with our planning the future of Charlotte and making sure that those resident's voices are reflected in those plans and reflected in the decisions that are being made about the future of their neighborhoods. I want to thank Mr. Carmichael, there were a number of people who live on Bancroft Street that were some unaware, some available to attend the initial community meeting that John had, and when I brought that to his attention he was gracious enough to put on a second one for those people to be able to hear from him about what the plan is for this site, voice some of their concerns or their feedback. Most concerns largely centered around density, traffic, and displacement. The density I think acknowledged that the area plan here calls for almost specifically this exact amount of density for a corridor like Graham Street or one of these sorts of artery-type streets. I think they mostly hit the mark there; John and I have talked since that community meeting and I know he is working with the petitioner to find some ways to address the concerns around the traffic and mitigate some of the impacts that could have on Bancroft Street as well make sure that we are doing right by the folks and I think there are three houses that would be eliminated to allow for this development.

I do think this begs, and this is not on the developer; I think this is on us to figure out how we build into this system away to help protect renters in terms of if an owner of a property decides they are going to sell it that is the right they have as the property owner. But oftentimes I think we find that the property owner is maybe not being proactive in alerting the folks who might reside in a home that they own and they have decided to sell of what they plan might be, and but for the fact that this had to go through a rezoning, and ultimately it ended up being the petitioner essentially who is alerting someone to the fact that the house that they rent might be sold. I know John and the petitioner is going to work with us to make sure that these people are able to find other safe, suitable, affordable housing in our community, but I just wonder, and this is not a question I'm looking for an answer tonight, but as we reimagine the rezoning process as we do the UDO (Unified Development Ordinance), as we do the 2040 Plan what can we do to try to encourage, if not demand more transparency with landlords? I know that if someone just decided to sell and tear down and it didn't require a rezoning who knows how late in the game the landlord owner would have made the tenant aware of that decision they had made. Again, that is not something that has anything to do necessarily with this petitioner, they are trying to do right by the folks who live there but it does beg the question of how we can try to do better in other situations to create that transparency and help folks who just by the nature of the growth of some of these communities will have to relocate. I do think that is a good project, I appreciate the petitioner's willingness to work with me and work with the community to address some of the concerns that have been voiced.

Councilmember Phipps said I had a brief question about density. It was stated that it was just slightly over the density of 22 dwelling units per acre up to 23.7, but another note here says that if this is approved it would go up to 43 dwelling units per acre. I was just curious how could it almost double just with the approval of this particular rezoning? I can get with Mr. Pettine and Planning to get a better understanding of that, but I was curious about that.

Mr. Pettine said it would just be the land use recommendation. The project wouldn't allow up to 43 DUA, but in our land use categories we have to amend our map accordingly and we have to do that based on existing land use categories that we have so the next one after 22 is 43. That doesn't mean that this project would allow up to, it would still be capped at that 23.7, but in order to amend the land use map as a result of the rezoning, we have to go up to that next category which is 43.

Councilmember Johnson said approximately how many houses are on Bancroft Street? It is my understanding that Bancroft Street is a very small residential street with limited houses. Is there a dead-end on Bancroft Street?

Mr. Egleston said yes, it dead-ends at the bottom of what you see on the map here.

Ms. Johnson said when we say a small number of houses, is it less than 15 or 20 houses? The proposal is to add 73 townhomes with an entrance off Bancroft Street.

Mr. Carmichael said there are five houses on the east side of Bancroft Street and currently, there would be two access points on Bancroft Street from this site and then an access point from Concordia Avenue to the site, so there is currently planned to be three access points, two of which are currently planned to be off of Bancroft Street.

Ms. Johnson said do we know what the number of trips are for this proposed development?

Mr. Carmichael said the existing use has 210 trips, the current entitlement 175 and the proposed zoning 400 trips total during the day. There would be some widening on the site's side of Bancroft Street along the frontage, but it would still be a two-lane road.

Ms. Johnson said I just want to understand, it is 400 trips for a dead-end street with less than 20 houses.

Mr. Carmichael said if this project were to move forward there would be the church on the east side, and then five houses on the east side, and then one home on the west side, for a total of six.

Ms. Johnson said is an entrance off Graham Street, is that a possibility for the development?

Mr. Carmichael said I may have to defer to Nick Bushon; we had one at some point and then it was removed.

Nick Bushon, 2459 Wilkinson Boulevard Suite 200 said I had to step out, could you repeat the question?

Mr. Carmichael said Ms. Johnson asked whether there could be an access point from North Graham Street and what I said was there was one initially, but it was removed, and I didn't know if you could add any context to that.

Mr. Bushon said really what it was, it was our preference and it was going to be restricted to right in/right out and to do so would create a center median and that would have a lot of impacts with the existing industrial site and their access to be able to go left out across the street. We decided to move that and that was per discussions with C-DOT and NC-DOT and that is how you see the current plan now funneling everything to Concordia Avenue with the existing driveway access. I will say our transportation team, we did analyze, and this actually just came in. That is what I was running to get was the percentages and the breakdown for the driveways. Most of the traffic would be that first right alley access right off of North Graham Street and Concordia Avenue and then only an estimated 15% traffic along Bancroft Street, so the majority of the users of the site would be using that first driveway closest to North Graham Street along Concordia Avenue. We are also analyzing additional solutions per our neighborhood meeting in addition.

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

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ITEM NO. 65: HEARING ON PETITION NO. 2020-170 BY SREE PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY .26 ACRES WITH FRONTAGES ON DOWNS AVENUE, AND SHAMROCK DRIVE, EAST OF NEWELL AVENUE FROM R-5 (RESIDENTIAL) TO R-8 (RESIDENTIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is just over a quarter of an acre. We have frontage on both Shamrock Drive and Downs Avenue. The current zoning is R-5 residential and the proposed zoning is conventional R-8 residential. The adopted future land use from the Central District Plan which was adopted in 1993 recommends single-family uses up to five dwelling units per acre. Because of the age of the plan, we do consider the General Development Policies which would allow up to eight to 12 dwelling units per acre on the site. The rezoning from R-5 to R-8 is essentially to establish two lots on this property versus the one long lot between Shamrock Drive and Downs Avenue. There are other lots next door to this one that has frontage on Shamrock and then the lot on the backside that has frontage on Downs Avenue. The proposed outcome for this would essentially be the same, split the lot in half and allow frontage on one lot on Downs Avenue and one lot on Shamrock Drive. Even with the R-8, we would still be getting just one additional house on the lot that would front Downs Avenue.

The staff does recommend approval of this petition. It is a conventional petition so there is no conditional site plan. As mentioned, it is inconsistent with the recommendation for up to five dwelling units per acre, but it would meet GDP for up to eight to 12 dwelling units per acre. The staff will be happy to take any questions following the presentation by the petitioner.

Russell Fergusson, 933 Louise Avenue said the rezoning as Dave mentioned is a really modest change to allow for an additional house to be built on the Downs Avenue side of this lot. It is a single-family addition. As you go down that street and you look around when you come to this lot, you see what looks like a vacant lot and there are a few lots like that left on the street, but predominantly across the street on Downs Avenue you've already had and build single-family development come in on similar width lots, similar depth lots, so we are simply talking about the most modest step possible [inaudible] As Dave mentioned it is a conventional rezoning; we will follow everything in code after that. We've got a comparable lot with everything there and to put it in context, this view from here you can see how close we are to The Plaza. Downs Avenue comes out between 34th Street and 35th Street and you can see if you look at the top of the picture the orange of the clay where there are now townhomes and other projects coming up as you go down 36th Street. This fits the character of the neighborhood. It is a little unusual to be here as a proponent of single-family, but in this case, it perfectly fits the context and we hope you will vote to approve it. There hasn't been any really negative feedback generated. I have done a ton of outreach because of the sort of modest nature of this and I do understand there is a little bit of opposition that predominantly had to do with some water runoff issues a few lots over from this lot. I think the speaker will be speaking about and I'm happy to respond to that and take some questions on the other side.

Councilmember Egleston said I would ask maybe the staff if possible connect with Mr. Storm to look at the Storm Water issues that Mr. Fergusson mentioned. I believe if I recall correctly that, I don't know if it is a stream or just a pipe, but whatever it is, the infrastructure that is in question there actually does not cross the lot that this rezoning is about. It is a separate issue that is not related to this rezoning, but we have had, and staff has been great dealing with a lot of Storm Water issues in this area so I hope we can get someone from Storm Water to connect with Mr. Storm and his neighbors, but this petition is incredibly simple, makes a lot of sense and there is no reason for us not to move forward with it. But the Storm Water issues there are real, they are just separate.

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

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Councilmember Graham arrived at 4:19 p.m.

ITEM NO. 66: HEARING ON PETITION NO. 2020-174 BY MOD CLT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY .44 ACRES AT THE SOUTHEASTERN CORNER OF THE INTERSECTION OF NORWOOD DRIVE AND PARKWAY AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (SINGLE-FAMILY RESIDENTIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 0.44 acres on Norwood Drive somewhat adjacent to Parkway Avenue, just one lot away. The current zoning is R-5, the proposed zoning for this property is R-8 conventional via single-family zoning, no MF district, just R-8 single-family. The adopted future land use is from the Central District Plan and does recommend five dwelling units per acre. Again, this would apply GDP (General Development Policies) and in that sense, GDP would allow up to eight dwelling units per acres so it would be consistent with the GDP recommendation on this rezoning. Again, it is conventional, there is no site plan to discuss.

The staff does recommend approval. It is inconsistent with that recommendation on the base plan for up to five dwelling units per acre, but GDP would support an increase up to the eight dwelling units per acre for the site. Again, these would all be single-family detached dwelling units, no attached would be permitted. We do have some instances of slightly higher density being appropriate on this corner lot and then the extension of Stewart Creek Greenway which is currently under construction will also bring a connector trail across Parkway Avenue to the site. We will be happy to take any questions following Mr. Smith's presentation.

Brian Smith, 1213 West Morehead Street said I'm just here to answer questions.

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

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ITEM NO. 67: HEARING ON PETITION NO. 2020-178 BY TERESA M. ORSINI FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.7 ACES LOCATED SW OF THE INTERSECTION OF BELMONT AVENUE AND SEIGLE AVENUE IN THE BELMONT NEIGHBORHOOD FROM MUDD-O/I-2 (MIXED-USE DEVELOPMENT, OPTIONAL & INDUSTRIAL) TO MUDD-O AND MUDD-O SPA (MIXED-USE DEVELOPMENT, OPTIONAL AND MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 0.7 acres on Seigle Avenue, also some frontage on the back end of McAden Street. The current zoning is MUDD-O and I-2, the I-2 being the brown portion. The proposed zoning is for MUDD-O and MUDD-O Site Plan Amendments. The Belmont Area Revitalization Plan from 2003 recommends multifamily for a small portion of the site in orange and then the multifamily, office, retail for the majority of the site that is in striped hatched color on that graphic. The proposal itself is up to 15,000 square feet of non-residential uses in the MUDD district. This would also include the adaptive reuse of an existing structure on the site. It does prohibit automotive service stations and adult establishments on the site commit to a maximum height for any additions or new construction at 40-feet. We do have potential patio use surrounding the primary building and notes that those areas may be utilized for outdoor amenities associated with EDEE (eating drinking entertainment establishments) uses and/or building expansions. We do have a couple of optional provisions to allow

parking between the street and the front of the existing building, also meeting screening requirements by providing a green screen or living wall with a minimum of three feet in height. We do have architectural standards to prohibit vinyl as a primary building material and then full cut-off lighting for all new fixtures except the decorative lighting may be provided.

The staff does recommend approval of this petition. We do have a few minor outstanding issues to work through and a couple of technical revisions. It is consistent with the Belmont Area Revitalization Plan for multifamily, office, retail; that small portion that was recommended just for multifamily is where we have that slight inconsistency, but overall, the project is consistent with that vision for the property. We will be happy to take questions following the petitioner's presentation.

Russell Fergusson, 933 Louise Avenue said I am excited to be able to bring this presentation to you for a rezoning that is to save this building right here. We are going to talk about keeping this building and not a new building to take the place of this one. The cool thing about this rezoning is that this is saving this old building and with the tenant coming in it is going to help an existing area business to stay in the neighborhood that they have already become a part of, even though they are being displaced by another development that is moving on to bigger and better things.

So why zone from MUDD-O to MUDD-O? The answer is there on your left, it is in tiny squiggly drawings, but essentially this lot in 2004 was rezoned with the lots across the street because buildings A and B marked in red, are not there anymore. The idea was to make it sort of an artist area, had some very strict limitations on what could be done in this building and it never came to fruition. Even my clients actually attempted to get a photography studio but ran into some hurdles with code and other things in the building that make it really not economically viable.

The proposed zoning does a couple of things in terms of removing the restrictions and applying a little bit of flexibility so that this building and its parking can both serve to reuse this building and possibly help some other buildings that are right in the vicinity by providing some shared use parking arrangements with them and that is a big reason why we have so much space marked as potential parking because we don't know whether those will come along or not.

I think it is really important to look at this; the area plan for this area from 2003, the Belmont Community Association update it; it is not a formal area plan from my understanding, but in 2016 these are some screenshots from their area plan. This building is a red building on there as a heritage building and it is listed as something to be repurposed for another use. It is in a section where they see it sort of a business section and we are trying with this building to follow the path of Sweet Lou's [inaudible] burger bar recess which is in actually my old Sunday School building where Seigle Avenue Presbyterian was.

We've worked with the neighborhood to come up with these different areas so that we can keep the outdoor entertainment on the side of the building that is further away from single-family. The contingent patio is really related to McAden Street if that were to become a real road or greenway use. I will take any questions you have. We hope you will support us. The potential tenant planned is a [inaudible] which is currently located on North Davidson Street.

Councilmember Egleston said Mr. Fergusson touched on all the key points there, but we are saving an old building and saving a small local business, so this is a great project, it is a great fit and I think it is complementary to a lot of other things that are going on in the Belmont Community right now.

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

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

Era & George Johnson – ecdiva87@yahoo.com

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The meeting was recessed at 4:30 p.m. and reconvened at 4:41 p.m.

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BUSINESS MEETING

ITEM NO. 2: ACTION REVIEW AGENDA OVERVIEW

Marcus Jones, City Manager said I will have a 30-day memo for you today and consistent with what we've been discussing since the beginning of the year; we have three updates for the Action Briefing, two of which will be led by the Legal Department and that is Redistricting Considerations and Mayor and Council Ethics Policy Revisions. Both of these have come through the Budget and Effectiveness Committee and then we have another update on the Source of Income Discrimination which has come through our Great Neighborhoods Committee. With that said I will turn it over to the City Attorney's Office.

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ITEM NO. 3: REDISTRICTING CONSIDERATIONS

Patrick Baker, City Attorney said I would like to discuss redistricting with you; some of this information has been presented to the Budget and Effectiveness Committee and what you have here is a map that has been produced by our Planning Department that has an estimation of the Charlotte population as of 2018 by the Neighborhood Profile Area and the Planning Department has separated those into districts so you can see the relative population of the various districts that we have here. By my back of the envelope calculation it looks like the average District, and when you put all seven of those together should be right around 137,820 residents in each District if you average them out and you will see what appears to be the high end is District 2 at a little over 156,000 and the low end appears to be District 5 at 121,000. That looks like it is roughly a 21% of 22% difference between those two Districts. That issue that the percentage of the difference between Districts will come up later in this presentation, but I just wanted you to see that map if you haven't seen that before.

I also wanted to share with you the election turnout for Mecklenburg County from 2014 to 2020. As you can see, and it should not come as a surprise, that in 2016 and 2020, the Presidential Election years we get much greater turnout by the population of the vote in Mecklenburg County. The mid-term elections would be second in 2018 and 2014. You see in 2018 it was approximately 50% and in 2014 a little less, around 39%. Municipal Elections 2015, 2017, and 2019 you see those numbers there much lower when you don't have the President on the ballot or the number of seats that are typically upon the mid-term elections in 2018 and 2014. You see that you are averaging roughly 18% turnout in the Municipal Elections 2015, 2017, and 2019.

You've heard a lot of information about census data that is coming out and it is coming out considerably late which affects various local governments that have True Election Districts because those districts typically would need to be redistricted or rebalanced, if you will, every 10-years after the decennial census. Here we have a list of Boards of County Commissioners that have True Election Districts. I don't think any of these counties are going to be impacted by the census delay since their elections aren't until 2022. What you see is that Mecklenburg County is part of that group that has True Election Districts. This is the City Councils that have True Election Districts, and this is

the one that we are really interested in. As you see Charlotte is among I think about 43 or 44 Municipalities that are impacted in the sense that they have True Election Districts that may have to be addressed in this 2021 election coming forward. You see that we are in a group that includes a high-end Raleigh, Rocky Mount, and there are some smaller communities there as well.

This slide is the local School Boards that also have True Election Districts and you will see that Charlotte Mecklenburg is in that group as well. This could potentially come into play depending on what the School Board ultimately elects to do with their election which I believe is also in 2021.

We put together some timelines and these are based on the current facts as we understand them and the current law that exists right now. Typically by March 31st is when we would expect to have received the census data, but as you know the Census Bureau has put out that the results will be significantly delayed as late as September of 2021 due in part to the pandemic and the delays that the pandemic has caused in the collection of this information. July 21st is the date on which the Council must adopt a plan for redrawing Districts and by law, that plan has to be put together three business days before the filing period for Municipal Elections for those District elections, so July 21, 2021, is an important date for us. That is really the drop-dead date by statute by which if we have to redistrict we would need to have it finalized so folks can make their plans as it relates to running for office. July 26th through August 9th is the typical candidate filing period is open; that is what we have on the books for this year if it was a normal year. September 14th the primary elections for Council Districts and September 30th is the date that we would expect the information that we would use to rebalance our Districts to be released. We put that date in there so you see how much is already supposed to have happened prior to actually having the data that we would need to rebalance our Districts going forward. The rest of the schedule is the October 12th primary runoff date for Municipal Elections and November 2nd would normally be the general election date.

Also putting out 2022 key dates for the County Election Schedule which we will come to in just a moment as to why that is important, but for the 2022 election for the County, December 6th through 17, 2021 is when the filing period opens for the County Election Primary. March 8, 2022, is the primary day, April 26th is the primary runoff day and November 8, 2022, is the general election.

The key considerations, typically, if we get the information from the census at the end of March we've got three or four months to adopt our redistricting plans going forward for the 2021 election is how it normally would work. You see the amount of time that we typically have there. Each census period, when we get that information, that is when you make the determination (a) if you have to redistrict, that rebalances your Districts, and (b) what that is going to look like going forward. You will get the question of yes or no; we have to rebalance our Districts and then that information gives you the data that you need to actually accomplish the rebalancing of your Districts.

The General Assembly may delay filing deadlines; they have the ability to do that, and this is an important point for us going forward. There is a lot of conversation that is going on between the League of Municipalities, the School of Government, and the General Assembly. You all may be involved in some of those conversations as well in terms of what to do about this situation. I think it is on everyone's radar now, although some people it did catch them off guard in terms of whether the General Assembly needs to do anything and what if anything can they do to provide some potential relief beyond the particular statute that is available to us that allows us to potentially push our elections back to 2022. At this time, we don't know exactly; I know there have been a lot of proposals that have been put out there and floated out there. We are trying to make sure that we are in those conversations, but right now, I don't have a particular game plan in terms of what the General Assembly may do if anything as it relates to this issue of the late receipts of the census data.

Recommended Next Steps; as I mentioned the City does have the option under NCGS 160A-23.1 to delay elections it appears that we won't have the information that we need

to have prior to that July 21 deadline to let folks know what the new Districts are going to be. I don't see any chance absent the Census Bureau coming back and revising their dates substantially to suggest that we would have that information prior to the scheduled opening of the filing period for District Elections in 2021. That seems to be where we are at this stage going forward, so the likelihood of us having an election in 2021 I think is slim to none. I just don't see that information being presented to the City and it appears, and that is why I led off with the map, at least as of 2018, it is pretty clear that we would need to rebalance our Districts. Some of the Districts are well beyond that five percent threshold and that is something that has come out of the case law, particularly the Stevenson Case that basically requires that in these decennial redistricting efforts that your Districts need to be no more than five percent off of each other going forward. So, you are not going to have the Districts that are 100% equal, but within five percent is the rule of thumb based on the case law and we are certainly out of balance as it relates to that. You see what we have here are the next steps; at some point in time if we choose to go forward with delaying our elections we would need to hold a public hearing to do that and then passing a resolution delaying the elections going forward.

At this stage, I don't believe we need to do anything specific right now, but we will have to do something I would say by April or May if it appears that the General Assembly isn't going to do anything, we would need to do something to take advantage of that opportunity under 160A-23.1 to delay the elections. But I do think that we have some time to hear back from the General Assembly and kind of see what is going on so, I'm not recommending at this time that Charlotte do anything on its own, but let's see what the General Assembly is going to do and to stay involved in those conversations going forward. Assuming that we get the information in September of 2021 we will proceed to immediately start the process of looking at our Districts and that balancing process for the Districts. If we end up moving and again, based on the current state of the case law, if we end up moving the election to 2022, you see the proposed filing dates that exist right now of December 6th opening up that candidate filing period for the 2022 elections and we are tied also to the County schedule of March 8th with a general election of November 8, 2022.

I know there have been a lot of questions that have come to me and if you have a particular interest or want to know something about this situation please feel free to send those questions to me. I've gotten some questions about whether we've got the ability to bifurcate our election process. That is move forward in 2021 with the At-Large seats and the Mayor's seat and then go forward in 2022 with the District seats. The current state of our Charter doesn't seem to contemplate bifurcating the election; I don't really have a clear answer as to whether we could do that or not. The concern that I would have is that you are potentially looking at three elections back to back if you wanted to move forward with some in 2021 and then the rest in 2022 and then everybody in 2023. The added expense of running back-to-back elections may be something to take into consideration, and I don't know if we have the legal authority to bifurcate. It is not contemplated in either the current State Law of moving your election nor is it contemplated in our Charter of how we do elections. This is a very unique situation and it may be something that gets cleared up by the General Assembly.

Another question that I've heard is the possibility of essentially a second three-year term so, if we extended the election from 2021 into 2022 that would effectively give you this term a three-year term and potentially in 2022 doing a three-year term that would get us back on schedule in 2025. Again, there is nothing in the current state law that would allow us to do that, but it is something that may be considered by the General Assembly for communities like ours that have two-year terms going forward, that is a possibility, but I don't believe that we've got the unilateral authority to do that going forward. A third question that has come up is whether a proposed bond referendum or even an election referendum could go forward in the absence of a municipal election. This comes into play as to what the School Board is going to do because neither of those referendums, either a bond referendum or the governance referendum that we've discussed could go along as a standalone item. They would typically be tied with some other election, either City, County, or the School Board election, so a lot of this may depend on what the School Board actually does as to whether or not we could have a bond referendum going forward.

Mayor Lyles said before we go to the Councilmembers, I just wanted to say we were prepared and we were thinking about this, if you will remember, our Governance Committee recommended ideas that we should look at. We knew some of the issues around the legal decisions that we would have to make and we were prepared, but the former Administration of the Census made it almost impossible to carry out what we thought was our plan and the discussion today is to get everybody well informed. I think that is the most important thing, is that we all understand the information. I also think any questions that haven't been asked or addressed by Mr. Baker, would be really important to get out on the table. There is no action required of Council tonight, it is a matter of continuing to work across, not just our City and School Board issues, but the General Assembly and the other communities that are engaged in this dilemma as well as Charlotte.

I just want to say this, it was so important when we appointed Mr. Phipps there were 142 other people that really showed a strong interest in serving on our City Council and the idea that we have to make this kind of decision is just as important to those folks that are considering running for office as well as those of us that are currently serving. I just want to make a point that we will need to continue to ask the Budget and Effectiveness Committee to keep up with this and report back to us on a regular basis.

Councilmember Driggs said I appreciate the City Attorney's excellent exposition of all the issues here, but if I could sort of paraphrase, when we got the information a week ago Friday that we were not going to have census data until the end of September, what that did was completely take off the table any idea of trying to get an election done this year based on new Districts. At that point what we were left with was either the thought of doing an election this year based on old Districts or deferring. It was pretty clear that trying to do something based on old Districts when we had a census and with the census data as pending would invite very serious legal challenges and was really not a place we want to do. So, the indication is pretty strong that deferral is, and I believe the City Attorney said this, is the way we are going to need to go. The only thing I would slightly take issue with is the primary responsibility for deciding about these things rests with us. So, the possibility of an intervention by the General Assembly is a contingency. I would prefer personally that we move ahead with establishing what our plan is and make our intentions known and not wait to see when and if, and possibly leave ourselves in a position of being pretty far down the road and finally getting or not getting from the General Assembly any instructions. Personally, I think it is pretty clear where we need to go and my feeling is that if we kind of decided that we accepted the fact that the deferral is really what we need to do, it might actually send a message to the General Assembly about our view on the situation and I think would be preferable.

I just actually wanted to ask a question which is to the City Attorney; if the School Board does have an election and again, I would just like to clarify in case anybody knows, the School Board runs on four-year terms and they are staggered so, this year is the year that the District people run which is why they have this particular issue. If they decide to hold an election this year and because they don't have primaries it is not a partisan election, that is an option that may be available to them and it absolutely isn't to us. But if they do we have a choice about whether to do our bond referendum now or later or when do we have to make that decision?

Councilmember Watlington arrived at 4:47 p.m.

Mr. Baker said you would have a choice as to whether or not you want to go forward now or at another time. I don't have the timeline for that, but typically, you would make that decision sometime in mid-spring is when you would typically make that decision to put something on the referendum for November.

Mr. Driggs said I would note, particularly, as it relates to our referendum related to the Mobility Plan that given the steps involved there as we know the timeline, how does that play out in the context of these issues? We were thinking that we might get from the Board of County Commissioners the authority to put the tax increase on the ballot this year. When do we have to decide how we are going to handle that?

Marcus Jones, City Manager said Mr. Driggs, I appreciate all the questions you are asking; absent action by this Council or by the General Assembly, we are continuing to address the charge that was given to me and staff which basically said to find a financing plan as well as a legislative strategy in order to have a one-cent sales tax increase on the November 2021 ballot. I understand everything that you are saying, and I understand what the City Attorney said about the likelihood of November of this year, but we must continue to do our assessment until there is total clarity.

Mayor Lyles said Mr. Driggs; as someone who cares passionately about that plan and the effort, I was talking to Commissioner Auten and I said to her in my consulting days it was going slow to go fast and I believe so much in this plan and our growth and what we have to do to figure this out that I still take that position. We need to go slow to go fast meaning that we need to work really hard on making sure that what we say to the public and the community will be something that we can deliver, and when we say that, that we do it with the trust and the ability to do that. I think we have a sense of urgency around being informative and building a coalition. The end result is a success, but success only comes when you've taken the steps that are forward. I say that with one of my greatest steps around this community. The way that our City and our County and our region will be successful is we see the growth and the kinds of things that are happening around successful communities like ours, it is to do three things, provide affordable housing, give people good jobs and the ability to move around the City efficiently. I just wanted to say that because it is so very important for all of us.

Mr. Driggs said Mayor, I was just saying I thought it might be to our advantage to move quickly on the election timeline decision, otherwise I was just asking questions about operationally how our plans for a referendum in November are affected. I really just don't know how that works frankly. I would note that if it is a School Board election attendance is likely to be very thin and so we saw the participation rates for other elections we would probably want to think about how very light attendance at that election might affect the outcome of the vote.

Mayor Lyles said I agree that they are kind of independent of each other and yet dependable. I understand what you are saying. Thank you so much for that.

Councilmember Egleston said I wholeheartedly agree with Mr. Driggs that the outcome of this as it relates to the Council election is fairly inevitable at this point. To have an election with old lines knowing that without doubt be legally challenged I think would be reckless and very ill-advised. The possibility of having the election this fall with redrawn lines we know with pretty good certainty as of last week is one percent, probably zero percent. I do think we are going to end up with little to no choice in the matter, but I disagree with Mr. Driggs in regard to what Patrick said was, we probably need to take action in April or so if we didn't get some guidance from the state level and I succeeded Mr. Driggs as our Representative on the North Carolina League of Municipalities and have had conversations with leadership there, they are having conversations with the Legislature. I do think there is some value in us giving, even if it is just a month or two, giving some time for a decision to be made because there are as was shown on that chart, almost four dozen communities who are facing the exact same thing we are. I think that it will be a better solution for there to be something that can be universally adopted as a go-forward plan on this for all of us as opposed to us all doing it individually and separately and I think too no matter how much we explain all of what Mr. Baker just explained, to me the optics of the Council, particularly in February, voting to delay our elections a year will strike many wrongly, but it will strike them as us not wanting to face the voters or us wanting to extend our terms. The fact of the matter is we have very little alternative to what Mr. Driggs and Mr. Baker just laid out there, but I think it will be widely misunderstood regardless of how much we try to explain it, and if there were a solution that involved the Legislature proposing a plan from all of the municipalities like us that would be better in a bunch of ways. I hope that if we wait till April and nothing happens and we have to take that action, then we have to take that action and I think it is inevitable, but I do think there is a chance there could be a movement for something to be done across the board and I would be in favor of following Mr. Baker's recommendation of

allowing a little bit of space for that to possibly happen and then revisiting this in April or so if need be.

Councilmember Newton said I am definitely troubled by all of this. I think we definitely want to rebalance our Districts to ensure that there is fairness in the representation that the citizens of Charlotte receive. At the same time, and I think that our City Attorney might have indirectly touched on this, that would at the very least, and this is outside the context of going to four-year terms or staggered terms, but at the very least result in back to back election years that could certainly hamper our ability to get work done. I don't think that it is a secret that it is more difficult for elected officials to work in election years. At the same time back in 2019 when the voters elected us there was an expectation that we would serve for two years and thereafter be held accountable. So, whatever decisions we may make or in conjunction with voters make to adjust the length of our terms, certainly, in 2019 the expectation of every voter who went to the polls was that we would only serve a two-year term. Having said all of that, I do have great reservations and concerns here. I want to ask the City Attorney a question because I'm really wondering if we are missing a step in this process. I had the opportunity to review the statute 160A-23.1 a couple of weeks ago and when I read that statute, and let me be clear, the name of the statute is Special Rules for Redistricting after a federal decennial census, so after the census, and the way I read that, please enlighten me on this Mr. Attorney, the way I read that it would suggest we aren't as a municipal body required to draw districts, not every ten-years but we are not required to do it until [inaudible] census. I was hoping for some clarification on that point. Is it ever 10-years or is it when we receive the census data?

Mr. Baker said typically you receive the census data every 10-years and that is the basis by which we talk about this 10-year period, but it is after the receipt of the data, the trigger for looking to see if you need to rebalance your Districts and if so, to rebalance them for that next election which is typically going to be the election ending in 2021.

Mr. Newton said that is what would make sense to me because then the option for us to petition or apply for an extension is applicable. It is logical at that point and I think the point I'm trying to make is if it is not every 10-years that state statute would require this Council or any other municipal government to draw districts simply upon the receipt of census data, which typically would happen every 10-years, but does not necessarily have to happen every 10-years under the terms of the statute. Now certainly, as Mr. Driggs was saying the primary responsibility regarding what we want to do still lays with us, but I just wonder if we are getting a little ahead of ourselves if we are presuming that we have no option, but to delay the election this year. Under the terms of the statute, even if there is a legal challenge, I think, and I would ask for your opinion on this, Mr. Attorney because you had also mentioned a five to 10% threshold in Districts, and the population within the Districts, we don't know for sure, but us possibly exceeding that, but even still under the plain language of the statute it would appear that we would be well within the law, regardless of whether legal challenges are presented, to move forward with elections if we so choose because we would not have received the census data. I will pose that question to you Mr. Attorney to answer, at the same time, before I forget, be interested in knowing what the difference between 2019 numbers were and today, numbers inasmuch as the populations within each District. From the standpoint of that original question, I would pose that to you. Are we talking about an additional overlay regardless of the state statute pertaining to the five to 10% threshold?

Mr. Baker said just to be clear the five percent threshold is a product of case law that has come out of North Carolina that is typically the rule of thumb when you do that rebalancing of your Districts that typically occurs every 10-years. The challenge that we have here is based on the information that we've gotten from the Census Bureau. We will have that information from them to begin the rebalancing process prior to our general election and we are also going into this and gain the latest information I have for you is 2018. I don't believe we have 2019 data, but at least as of 2018 if those were the actual numbers it would show that you would need to rebalance your Districts going forward. You are looking at the possibility if you stayed the course and schedule the 2021 elections of finding out in the middle of your process that the information that you have from the census suggests that our Districts are out of line and need to be rebalanced and we have

then chosen not to take this off-ramp if you will, that is provided in the statute. The statute back in 1991 was created, not obviously for a pandemic situation, but it was created when there appeared to be a bit of a hitch in the receipt of that census data information from 1990 and that is why the statute was put out there to where if local governments didn't get that information in time to be able to complete their rebalance process, do the public hearings, etc. it gave them the option if they so choose to delay the election so that they could have an election process that had a better chance of standing a legal challenge under that one person, one vote kind of approach that a number of municipalities have faced over the years when they don't rebalance their Districts.

Mr. Newton said I think what you mentioned Mr. Attorney about the possibility of the census data being received in the middle of an election this year is a very fair point. I just want to make sure that we understand, assuming my interpretation of that statute is not incorrect. I don't proclaim to know everything or say that I always interpret statutes correctly, but assuming that it is not incorrect, I just want to make the point that we are not necessarily locked into having to delay the election this year. It did seem like that has been within our conversation today and other conversations that we've had that seemed to have been the assumption. Certainly, I'm looking forward to a continued conversation about this and I hope we get it right.

Councilmember Winston said I just want to point out to Mr. Egleston's point earlier, to go to Raleigh to ask the General Assembly to change something that they have already established in law and they have considered this situation clearly for all 43 municipalities that might face this. I don't think there is any coalition-building to get them to change the law. I think it is clear the law speaks for itself and there is the precedent this is not the first time something like this would have had to been done in North Carolina. So, the idea that we can go up to Raleigh to get an exemption or to rally change in Raleigh I think that is a political argument and that is a political conversation that if groups of citizens wanted to get behind that would make more sense, but I don't think it would be a worthwhile battle to go to Raleigh with a political request for a law that is clear. I agree with the steps that are laid out right here and I would be comfortable moving forward and it allows for the public conversation so that we can explain this and talk with our constituency to understand our role in this and the legal situation that we face. I've seen some people say have the elections, but I think if we had an election in November under the current law that election would be thrown out and considered unconstitutional and the idea of leading people on I think is irresponsible and counteracts the responsibility of us as elected leaders not to be political but to govern. I think that is what we are being asked to do right now.

Given the implications that this has on families and individuals as people decide whether or not to enter into the democratic process, I do have a question about what could or could not happen in relation to the primary in March. I would imagine that the County, as well as the state, would need to redraw lines with new census data. We also know that the County and the state do business very differently than the City of Charlotte. I don't imagine that the November 2022 general election is in any danger here, but I have heard anecdotally that the March 2022 primary could be moved as well. I would imagine that this delay could impact the time because of the potential delay for our redrawing lines and the time period around filing in December. Do we have any visibility or vision as to whether that December filing date could be pushed back as well and/or what is the process for the state and County to redraw the lines in time for that December 2021 filing period?

Mr. Baker said Mr. Winston, the best information that I can tell you as it relates to the filing periods and those primaries coming up next year is that I have heard that there is some discussion about potentially pushing that back given the likelihood that some municipalities are going to be in that discussion where they weren't going to be in that discussion prior to the delay of the census materials. I've heard that is a possibility of pushing that back to allow more time. Again, you are assuming that the information that we get from the census that they are telling us in February is going to be available to us on or about September 30th. You are assuming no more slippage in that time as well, so I don't know what they will ultimately decide, but that has been a discussion of potentially moving those deadlines back to create more time for municipalities in particular, but it

also creates issues for counties as well because they will be under the same push to redraw their Districts to have them balanced as well. As far as the state and the County process for redrawing, I honestly have not looked at that. I've really just been focused on Charlotte and the municipalities, but we will be in conversations certainly with our counterparts with the County and the School Board as well to get a sense of what they may be thinking about going forward and will share that information as we get it.

Mr. Winston said I think that is important for the entire context for the public conversation so if we can have that timeline that the County and state usually work with around redrawing the lines that would be helpful.

Councilmember Eiselt said I will keep it brief; I would have preferred to have the elections this year and keep it on the two-year track. This does really have an impact, but that said I don't want Charlotte to be the one that gets out ahead and puts our stake in the ground as to what we are going to do. I think it is pretty clear, so we don't really have anything to lose by waiting for a little bit. I would just as soon wait until we hear something out of Raleigh at least, but I would agree it is sort of a foregone conclusion.

Councilmember Johnson said I would like to wait for the decision also. If we know we are going to have to make that tough decision we can be prepared to do that. I would like a little more answer from the City Attorney if we can get the information such as what Mr. Winston asked about the County and School Board, the timeline. We also asked the question about, I think the word is bifurcate, that you used, and you didn't have that answer and there were a couple of other gaps in the information. If you could get us the information so we can make a fully informed decision such as can we bifurcate and have the Mayor and At-Large elections? You mentioned our Charter; it is my understanding that we create the Charter so if we could just get a full picture and what our options are and really have all of the information so we can make those decisions. Also, the questions Mr. Newton asked. We may come to the same outcome, but at least if we are making an informed decision so we can weigh the pros and cons comprehensively that will be helpful for me.

Councilmember Ajmera said I will keep my remarks very brief because some of my questions have already been addressed by my colleagues. I would like Mr. Baker to address the timeline, and I know this was something that I had asked at the Committee meeting. What is the timeline you think the General Assembly will take an action by on this if any, so that way we have some time to look at what actions the General Assembly has taken and then base our decision? I think right now I would like a little bit more time rather than just moving forward with this timeline.

Mr. Baker said it is my understanding that those conversations are going on right now and I'm assuming just the way that things typically move in the General Assembly that it may be six to eight weeks before something bubbles to the surface if you will, in terms of some thoughts and ideas that then come together in some sort of cogent plan going forward. I would be surprised if we are not hearing anything from the General Assembly if they are planning on doing anything different than what is available to us by mid-April, and again, I know Mr. Egleston is on the Board of the League of Municipalities and obviously I'm involved on the legal side with those conversations going forward. I would think that if something is moving along that we would hear that things are being considered or Bills are being considered as early as March, that something is going on, those conversations are being had. Certainly, if I am hearing from my various sources that no one is interested in making any changes whatsoever, you've got a statute in the City and you are free to do what you want based on what you've got out there when you want to do it. I would think that I would have that information available, in the sense that I'm not hearing any progress, certainly in March and that is why I had suggested not necessarily moving forward, particularly if there is a comprehensive plan that will address all the communities at once as opposed to the 45 communities sort of doing things on their own. If there is a comprehensive plan we will at least hear about it going forward because I think that we would want to have a seat at the table, and I would imagine that the General Assembly, hopefully at least, would want to hear from local governments as well. Obviously, the League of Municipalities is going to have a seat at the table as well.

Ms. Ajmera said if we are operating under that timeline, if the General Assembly was to take an action early I think this could be a follow-up conversation we could have at the end of March or by mid-April as to what steps that Council needs to take. Mr. Egleston and Mr. Newton had said very well that this could lead to perception issues. I just want to get the message out there that this is not something that Council is prepared to have an election this year because that is what we had all signed up for, but the census issue is not within our control. So, as a perception issue of Council having another year, it is something that we do all need to actively address which means there will be back-to-back elections in the following year and that is going to create a challenge when we have back-to-back elections. I don't know what other option is out there right now with our General Assembly intervenes, so I'm just not prepared to take any action as of right now until mid-April.

Councilmember Watlington said much of what I was thinking has already been said, but I just want to lift up again the desire for more information in regard to the options and make it very clear we can delay everything, we can bifurcate, we can move forward as is, it would be helpful for me to see the options laid out and what the risk associated with each are. I just want to make sure I understand two things, number one, it sounds like that the County is already saying that March may need to be shifted for them. It would seem that this recommended April action where it says we delay until the 2022 elections, it sounds like we are not even sure that that recommendation is going to be plausible, is that correct?

Mr. Baker said that is the challenge with this that I'm trying to give you the information that exists right now with clear knowledge and that is why I want to make sure that everyone understands that some of the information that appears to be fact could also be changed in regard so we are sort of playing this is what you have and there are some potential changes that may occur as well and we are trying to just make sure that all of you, as well as the general public, is educated on what is going on, the decisions that are being made and why they are being made.

Ms. Watlington said what I take away from that I certainly understand that things are not in stone at all, so you are doing the best you can on that. What I'm taking away from that is that this is the best-case scenario at this point, and we may end up with a horse of a different color if we can't get the census information. That leads to the second question that I wanted to make sure I understood. When we think about our current plan or our current recommendation here before us, what we are essentially saying is the [inaudible] the election not from this year to next year, but from September to December so the question for me then becomes October and November, is that a realistic timeline to be able to do redistricting, like a two-month sufficient to actually do it, and if not then I would like us to think about what that looks like. It sounds like obviously, the County is already saying that is not realistic for them. Is it possible to start that any sooner, I understand we need the census data, but we also had this conversation when it comes to governance about adding a District seat for instance? Those are the kinds of things I'm wondering how do we use the time that we have in between to work some of those governance issues into this as well? It seems that we would have this issue and then immediately thereafter we would be addressing whether or not we would want to add a District, reduce the number of At-Large or another member of Council if we want to stagger. I would like to see all of those things kind of buttoned-up within this work if possible.

Mr. Baker said that makes perfect sense and I would say that our Office will certainly work with the Administration on those matters. Today was really just sort of a status report as to where we are right now, but I think those questions about the length of time it takes to go through the redistricting process, both from the Administration side and also the public side in terms of putting the information out and hearing from the public. I think is something that my office and the Administration can work together and give us the opportunity to supplement this presentation with you all in the very near future to have some of those other questions answered if we can or at least put into proper perspective.

Councilmember Phipps said from a practical standpoint I was wondering the impact of a possible delay would have on our Council schedule terms, I know in previous election

years we paused rezoning hearings and decisions and things. Will they go on now as planned even during the summer months?

Mayor Lyles said I would guess Mr. Phipps, depending on how far this gets. We are going to have to be flexible, but ordinarily, we would have our budget adoption, take a couple of weeks to give everybody a chance to breathe while the staff gets all of that information out to all of the various suppliers, contractors, employee, rewriting of payroll data and all of that and we would come back in August for this. I think what we've learned is that we are not the drivers in this situation; it is going to be September 30th before the census data is released to us. I don't know that we have an action step to actually begin the work on redistricting until we get actual data. Making the decisions will just depend, we will need to be flexible and nimble on this one for the summer. For example, if the General Assembly does something, if they do nothing, we need to begin to think about all of those steps that we have to follow through on. It is not necessarily ours alone from one perspective. There may be other perspectives about that. Mr. Phipps, I probably muddled through that, but I think the summer schedule is traditional, but at the same time we have to see where things are.

Councilmember Bokhari said I would just add that I have been in regular communication with our leadership and other touchpoints in Raleigh and the General Assembly, and this is very high on their radar as it should be. One thing that gives me hopes that the right answer is indeed what the Attorney has laid out right now of letting the world turn a few times and see what happens is that while there are 500 municipalities across this state that do not have Districts and therefore this is not a problem for them in redrawing the lines, we saw the 43 that do. It is not an urban-rural thing, it is very much just the luck of the draw and several of the leadership members in Raleigh, those are their home municipalities. This is as high of a radar item as can be on their to-do list and I believe they will do something about it, they will figure out a good statewide solution, and if they don't they are going to let us know very soon. They are not going to wait around till the last minute. I was communicating with one of our colleagues in Raleigh City Council who is on that list, is going through the same things we are and they are actually non-partisan and they still don't believe there is even a plausible chance at the time in November for them to do the things they need to even without requiring a primary. I think this is a pretty clean cut which is based on the deadlines that we've seen from the census. It is not humanly or legally possible to have an election this year, we need to continue to focus on the work at hand that is on our plates, and the more we pay attention to it and try to solve for it the more we actually hurt ourselves from that transparency and from that perception perspective that we are worried about. I think moving forward with the way it has been designed right now is the right thing to do.

Mayor Lyles said if I can add to Mr. Bokhari, in the handout, there are 40 municipalities, but I did a quick count and it is over 100 elected officials boards probably having these same conversations and hopefully, Raleigh does understand it because they live in hometowns just like ours but they also live with School Boards and County Commissioners so we are not alone in this.

Mr. Bokhari said absolutely, and I would add some of the challenges again, different topics and this is not a normal topic at all, this is a black swan type event. Some of the topics we have issues with rural-urban and things of that nature; this is not that and in fact of those 43 one of them is Kings Mountain, of which the Speaker of the House, that is where he lives. So, everyone is thinking about this from the same challenging aspects and this makes me feel like we will figure this out.

Councilmember Graham said I tend to agree, and I hope that along the way that we will keep this as simple as possible and not make it more complicated than it has to be. I think the Attorney has really laid it out in terms of the direction that we need to go. I'm not sure that wasn't an assumption, I think he kind of stated it factually what we need to do from the legal perspective of our Attorney, so I accept that. I'm not really worried about the perception from the public. I think we kind of sell the public shortly, they kind of follow what we are doing and understand what is going on and I don't think anyone is saying that we want to add another year to our term. Some people want to get out of here, right. So, I don't think that is a problem, I think we've got to educate and to communicate to the

public and that is what we are doing tonight and so as simple as we can make this so they can digest it and understand I think it would be in the best interest of the public. Secondly, I do agree maybe 30-days to kind of see what the General Assembly does, and then after that, I think it is really important that we make a leadership decision here in Charlotte so those who are planning on running for City Council this year can know how to make their plans, whether it is to plan for a July opening date which is not likely, or sometime later in the year. I think we need to keep it simple, communicate and educate and see what happens over the next 30-days.

Mr. Newton said I would agree that it would be very helpful if the General Assembly were to weigh in on this. At the same time, I would be interested in the same information that Ms. Watlington asked for, a timeline of what we would be looking at from the standpoint of when elections would occur based upon when we would receive census data as well as what our options are. What the options are and what are the possible consequences. I do want to make sure that we are honest with the public and we aren't disseminating anything that is dishonest or that we truly don't know. That is why I still have a concern with us saying that moving forward would be unconstitutional. I don't think at this point in time we really know that and the reason why I say that is because there is an option here. State statute creates an option, it is not a mandate, it is an option to allow us unilaterally apply to delay a year, plus the other option to move forward. I don't know if that is statute so it wouldn't necessarily be our decision, it would be whether the statute is unconstitutional. I don't know if that has ever been challenged, I would say that every year separated from a census creates deviation from that census. If we are saying simply because there is deviation and I don't know what the threshold for deviation could be, but simply because there is a deviation from the census then you could just as easily say that any election separate from the census data year itself would be unconstitutional. I really want us to watch our language there when it comes to whether or not we are saying right now that moving forward would be unconstitutional and I would like to have a little bit more information from the City Attorney pertaining to that option and whether exercising an option that is granted by state statute. I would like to know how long the statute has been around, like to know if it has ever been challenged in its own right and if this has ever occurred. What are the considerations from municipalities elsewhere if they were ever confronted with this because I don't know if this is the first time? I know that this is a black swan incident and the fact that so many municipalities across the state are experiencing the same thing all at once, but that doesn't necessarily mean that there haven't been municipalities individually in the past that have experienced this. I would like to know where they stood on it and what their conversations were. Inasmuch as legal challenges are concerned, bear in mind that yes, there could be legal challenges if we were to proceed forward now, but there could also be legal challenges. I would like to know the legal challenges if we were to delay a year. We could be in a situation where we are between a rock and a hard place regardless. I just wanted to make those points, I just think it is smart and I would absolutely agree with my colleagues that seems as to how the General Assembly is talking about this now, we wait, we see if they weigh in and it would be very helpful if they did.

Mayor Lyles said I really appreciate that Mr. Newton; Mr. Baker has a lot of stuff to do, but can I say this? You know there is the constitution and the statute, but there is also the part of this community and when you look at the map and see where District 2 and District 3 and District 4 have grown so much, I think a little bit about our equity lens. We don't have the information by race and ethnicity, but somehow in my thinking is that we do need to draw Districts that represent our community, not just for the constitutional part of it, but the considerations that the constitution gives for it, and I by no means play lawyer and deeply regret it, but I just really feel like we owe our community the ability to have adequate representation in a way that addresses how we've grown in the last 10-years. I just worry that we are not getting the kind of representation that the community is in all of the areas that we would like to, and I think that is an important consideration.

Mr. Driggs said first I wanted to comment that rarely in my career on Council have I heard such a course of descent from what I said at the beginning of the conversation. So, I bow to the majority on that; I'm fine with the idea that we should wait. I just wanted to mention, I think questioning the interpretation that we got from the City Attorney sends a bad

message so if we need to have that discussion, maybe we should, but in my mind, from conversations of other people the consensus about what the City Attorney told us is widespread, and I did myself test the hypothesis that if we were able to have an election in 2019 based on what must have been unequal Districts then it is possible that we could have one this year given that we don't actually have the results of the census. The course of replies I got from different people who have different reasons to have an opinion about this, qualified opinions was no, the situation is very different and the likelihood that we would face a challenge that might well overturn the results of the election is very high. I would encourage us all to get behind the City Attorney on this one and follow that advice and be guided by the facts that have been presented to us. Let's work within the very thoughtful framework that we've received from the City Attorney and Mr. Newton, if you want to have discussions about legalities you may do so, but I don't think that people should take away from this meeting a feeling of uncertainty about the interpretation of the law that has been handed to us today.

Mayor Lyles said again, the intent of this presentation was to get the questions out, to the facts as we know them. No action is required, we will just keep going forward

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ITEM NO. 4: MAYOR AND COUNCIL ETHICS POLICY REVISIONS

Councilmember Driggs said I just want to offer a brief comment Mayor; for one the members of the Budget and Effectiveness Committee are myself as Chair, Councilmember Eiselt is Vice-Chair and Councilmembers Ajmera, Graham, and Johnson. We had a three to two vote on the proposal that you are about to hear from the City Attorney. I think that I've heard that two people who descended then were basically not in agreement because the draft was presented to us on very short notice before the meeting so, Ms. Johnson and Ms. Ajmera I hope I'm right in suggesting that you are now in agreement and that therefore this proposal can be taken as being unanimously recommended by the Committee. Without objection from those two, I would hand it over to the City Attorney to talk us through.

Councilmember Ajmera said that is right.

Patrick Baker, City Attorney as part of our opportunities and efforts to divide the work I'm going to turn this discussion and going through the PowerPoint to Deputy City Attorney Lina James.

Lina James, Deputy City Attorney said it is my honor and privilege to be here with you this evening. I think most of you have seen a copy of the PowerPoint presentation, I will try to go through it fairly quickly. You should also have received and had an opportunity to review what we Attorneys call a red-line copy of the policy that includes the proposed additions and revisions that came out of the Budget and Effectiveness Committee that were approved and a clean copy of that same policy which may help with ease of reviewing some of those sections. I just wanted to touch base on that.

If we can go to the first slide, the Background and Council's Ethics Policy and we will just preface some of the information that is in the presentation by saying a lot of what we put in here was put in for the questions that came up over the course of the last six months from the Budget and Effectiveness Committee and various Councilmembers. So, over the course of that time when we had questions about the history of the policy, how long it has been around, what is the law is that requires Council to adopt such a policy, etc. I wanted to share that. I think it is fairly self-explanatory. I will note that the statute that requires the Council to adopt it was not enacted until 2009 and so you will see on that timeline that in 2010 the Charlotte City Council adopted the Code of Ethics Policy that it has now in place and a very similar version of that policy is what applies to the City's Boards, Committees and Commissions.

As you can see in the summary, the City has had a Code of Ethics of sorts for at least 40-years, dates back to 1978. The critical changes that were made the last time the policy

was revised in 2015 are that a gift policy was added, the disclosure requirements were added which are reflected in the Annual Statement of Economic Interest that you complete every I believe February. There was included as well a process and affection for how complaints are received, how they are reviewed, and sanctioned associated with any violations. Then again in October of 2015 Council adopted it for Boards and Commission, so Council adopted it for itself in February of that year and subsequently in October for the rest of the Committees and Boards. Just to summarize, and I believe it is in your policy itself, but the jest and the guiding principles behind governing bodies, and this applies to County Commissioners to School Boards and to other governing agencies, the idea is that there are five guiding principles that apply. These include obeying laws with respect to official duties, upholding the integrity and the independence of the position, avoiding impropriety in official duties, faithfully performing duties, and conducting affairs in an open and public manner.

I just wanted to give you a high-level overview of the current Ethics Policy. The two sections that we are proposing revisions to, based on the feedback that received from the Council as well as from the Budget and Effectiveness Committee relate to Part A of the policy which has to do with the Code Ethics, and then Part D of the policy which has to do with complaints, review, and sanctions. The current language in that section simply states that for potential conflicts that may be misunderstood, a Councilmember should seek the City Attorney's advice. I will talk a little bit more about what the proposed additional language is, but that is the status of what it is as of now.

The new section that was added to the policy in 2015 included these sections with respect to complaints and you will recall that in September of last year we made a limited revision to a portion of this section; this is where the term investigator was removed and we subsequently added the independent outside counsel language. So, the redline in the clean versions of the policy that you are looking at includes those changes which the Council adopted in September of last year. Right now, the three-prong test is fairly limited in that it simply requires somebody who files a complaint to identify themselves, to state with specificity the facts that form the basis of their complaint, and to cite what provision within the policy they are alleging a violation has been made under. The Clerk then forwards it to the City Attorney for initial review and if the City Attorney finds that the complaint fails to provide information the complainant is told to do that and is given a chance to provide it. After that if they still are unable to complete or file a complaint that meets those prongs then the City Attorney closes that particular review. If the three-prong test again identifying those three parts is met then the only avenue available to the Attorney at that point is to simply refer it to the outside counsel.

If we can move to slide #4; this is the second section within that Part D that has to do with the review by the independent outside counsel. The process there is that the outside counsel would review the complaint that is referred by the City and make that determination of whether or not it is frivolous or does not state a claim, and in the alternative to review and find the complaint is not, in fact, frivolous that it does state a claim and if so what the process would be. So, again right there at the bottom, the next two sections you will see if the complaint is deemed to not state a claim, even if the facts are true, the City Attorney would be informed who would then inform the Mayor and the complainant of that conclusion, which is that it doesn't meet those three prongs. If it is determined that it does then the City Attorney would pass that on, investigate it with the outside counsel and make written findings. The outside counsel would then provide that to the City Attorney who would share it with the Mayor, the complainant, and Council. So, again that is the current language and that is the policy that we've been operating under. I just note that the third part of that section Part D is sanctioned, it simply states that to the extent a violation is found or there is some finding with respect to that the resolution that is available to Council is a resolution of censure, the sanction I should say. There is no language about the removal, there are just examples of the kinds of things that the Council could do, which is removing potentially somebody from a Committee assignment or leadership role. I will note, here again, there are no proposed changes to the sanction section of the policy, it was a summary of what it currently states.

Slide #5 gives you just an overview of the status of what the Code of Ethics Policy was before 2015. I share this because these were questions that came up during a number of our Committee discussions is what was the history of it before 2015? What was the impetus for adding some of the languages that are tied to Part D, trying to delineate and understand some of the differences with harassment-type complaints and those kinds of things? I will note that there is a Harassment Policy that applies, but again, it does not apply with respect to any complaints that are made by any members of the public against Councilmembers. It is simply with respect to City staff and Councilmembers so that second bullet that references the 2010 Harassment Policy is with respect to that. I think the rest of that slide is fairly self-explanatory so if there are questions we can come back and address those. Again, that is the preview of what previous policies were before the 2015 addition.

Slide #6 is a comparison of some of the larger cities and what the policies are there. There is a lot of information there and I don't want to try to go through all of it, but as you can see in some cities under their ethics policy Council is authorized to hold hearings. In some cities, the City Attorney has no role in reviewing or investigating any alleged complaints or violations that come in. In some cities, Winston Salem, for example, has the option of either the City Attorney or an outside ethics officer doing the review and the investigation with respect to complaints that come in. Again, I won't get into the details, but just say there are various protocols or steps that different Councils can choose to proceed in with respect with how they do a hearing, with how they notice a meeting in which they want to do that hearing, etc., but none of these are comparable to what we have here in Charlotte.

Now, I will try to focus on and hone in on the discussions that were before the Budget and Effectiveness Committee and based on which the proposal is before you today. This will be slide #7. There were two critical meetings, I think we had a lot of discussions through the summer and into the fall with this Committee. On December 15th the Committee accepted certain proposed revisions that are before you and that are reflected on that redline document. Again, they are to Section Part A 3.b of the policy and Part D of the policy. There was another meeting on January 6th where some additional clarifications were made to what was unanimously approved by the Committee on December 15th. I think those are all reflected in that; I will just point out that with respect to the potential conflict of interest section, again Section 3.b as we refer to it. The feedback that we received from the Committee members and through the course of that discussion was to have some language that strengthens the obligation of the Councilmember to seek the advice of the City Attorney rather than a Councilmember potentially having to discern whether what might be an ethical conflict or what might be some illegally permissible, but could be questionable again in the context due to either impropriety or some other area. To the extent that that burden fell on them, I think what the Committee was suggesting is that if we could strengthen that obligation on the Councilmember then potentially the rest of the steps in terms of what is done would remain the same but the Councilmember would then have the obligation so as to alleviate any question to make that an obligation to affirmatively seek the advice of the Attorney. What it seeks to do there is then make sure that actions which may be misunderstood or in instances where a Councilmember potentially has the business or real property interest that is disclosed on a statement of annual economic interest is the subject of some City business then the duty seeks that advice falls on the Councilmember. If you will look at the first bullet on Slide #7 and the first bullet on Slide #8 they are separated by meeting dates, but those all speak to the same obligation which is just to seek that legal counsel I should say and that obligation to do it doesn't fall on the contractor or the sub-contractor or any City staff member.

Going back to slide #7, with respect to the second item that is there for the complaint review, this is where you will see the bulk of the changes that were made and what we have done, and I think the feedback that we had received and those on the Committee will remember there was a lot of discussion around the prima facie allegation standard. Prima facie is Latin for essentially something on its face. On its face does the complaint appear to allege a violation that if the facts were true may have some validity to it and what we were trying to do here, based on feedback again, was to add some sort of a standard of review so there is some threshold based on which the Attorney has the ability to take a look at those complaints rather than simply say somebody has put down their

name, put in a few specific facts and has cited a provision in the policy and I automatically now have to send it out to outside legal counsel. The prima facia allegation speaks to that it also adds some other obligations with respect to the Attorney forwarding the complaint to the subject Councilmember, which was previously not in the policy. Also expands and provides the specific window of time in which you could solicit some feedback from the complainant in the event the complaint is incomplete. I think those last two bullets speak to if the prima facia allegation is made, what the process would be to then refer the complaint outside.

The last slide, slide #8, the second bullet, #2 again speaks to the kinds of situations that might potentially fall within what the City Attorney would again review, and again there was a lot of discussion in Committee about what kinds of allegations, how low is that bar and how high can I go and certainly, I don't think any Councilmembers and certainly Committee members would want a City Attorney reviewing or looking into anything that might be an otherwise criminal activity or something that some other agency or office were responsible for investigating or reviewing. This was trying to put some guardrails and parameters about the types of events and the types of complaints that might require review and might meet that threshold. So, it speaks to again the language that was added in 3-b about connections that might include potential conflicts, any potential misappropriation of city resources, any potential criminal or fraudulent activity, harassment, as that term is typically defined under the law and if any of the allegations are tied to violations of law such as criminal or fraudulent activity then certainly the appropriate investigative agency the City Attorney would refer to that party. You will note that the previous section shoe has been deleted in its entirety, so it has now been replaced with some additional options and some discretion once that complaint is received and once that three-prong test is made.

Mayor Lyles said this is Item No. 13 on your agenda and there will be an opportunity for you to vote and explain your position on the vote. It is now 6:10, we have Source of Income Discrimination Update ad then proclamations, and then the Public Forum so I would like to ask that you address questions that you need to have answered prior to the deliberation and debate on Item No. 13.

Councilmember Watlington said I thank you for the work you guys have done on this; I just have two quick things on slide #4, down at the both where it says any other sanction under the Council's power and then it says removal from Committee assignment and leadership roles, given that that is the Mayor's power is the intent here that the Council, just for the purpose of sanction assume those powers or should that say the Mayor or Council's power? I just want to understand what the intent is here. It says the Council's power, but what is mentioned here is actually not the Council's power, it is the Mayor's power. Do you follow what I'm saying, Part D, Section 3 under sanctions, the second bullet?

Ms. James said I believe I do Ms. Watlington; so, nothing has changed in the Sanction Section of your policy. Right now, the language simply says the City Council may sanction an official who is the subject of the investigation, potential sanctions include the adoption of a resolution of censure and any other lawful sanction within the Council's power. So, simply by way of example, just as an illustrative matter was trying to describe what those could be, but that is not currently actually specifically written into the policy.

Ms. Watlington said I want to make sure I understand, what I take away from this is that this is like you said, just for illustration. The result of a sanction actually could not be removed from a Committee assignment or leadership role because that is not a power that the Council has. That would have to come from the Mayor.

Ms. James said I believe so.

Ms. Watlington said if we could get some clarity on that ahead of the vote I would appreciate it. The second part just mentioned that the complaint information would be given to the complainant and also the Mayor. In the event the Mayor is whom the

complaint is lodged against, can we add language for the Mayor Pro Tem to assume those duties in that case?

Mayor Lyle said that seems appropriate. You wouldn't want the person that is being investigated investigating.

Ms. Watlington said that is exactly right.

Ms. James said I believe we have some language along those lines in the proposed Section 2-D.

Councilmember Winston said I just wanted to say what Ms. Watlington was questioning; civically the Council, the Manager, and the Mayor are three separate positions and offices, and included in that are powers that we have to check and balance each other. So, while there are a lot of responsibilities of the Mayor and privileges of the Mayor, for instance putting something on the agenda of setting the agenda, City Council does have through the voting process the ability to change the Mayor's decisions, likewise, the Mayor has ways that she could change Council decisions, at least delay them or push for other things. I would imagine that removal from Committee assignments or leadership roles are something that could be actionable should the City Council be able to organize itself to vote and check and balance the Mayor.

Mayor Lyles said thank you for the hard work of the Committee doing this and the clarifications. It is Item No. 13 on the agenda tonight.

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ITEM NO. 5: SOURCE OF INCOME DISCRIMINATION UPDATE

Mayor Lyles said we had a two-hour discussion on this a week or two ago and we asked the Committee to go back and take a look at this. I'm going to ask Mr. Graham, Chair of the Great Neighborhoods Committee to introduce the work that has been done since our last meeting.

Councilmember Graham said the Great Neighborhoods Committee met last week; we reviewed the Source of Income Discrimination recommendations from staff, we made one minor amendment to it. I'll have Ms. Wideman speak to it, so we approved it and sent it back to the Council for consideration along with an item that asks for the City Council to vote on whether or not we would like to go into closed session with our Attorney to talk about legal matters as related to it. Ms. Wideman, if you could kind of walkthrough where we were the outcomes of the meeting.

Mayor Lyles said Mr. Graham, before Ms. Wideman begins, my understanding would be that if this is something that the Council would agree to accomplish that we could direct the City Manager and Ms. Wideman to take this action as discussed by the Committee and does not require a vote on an agenda item, so it is something that is an action that the City Manager can direct to do if the Council agrees tonight. Is that your understanding as well?

Mr. Graham said I think so, but I'll let you and the City Manager outline a process for approval, but certainly, we voted out of Committee to send to the Council for their consideration, along with another item that we voted on as well that was a part of the motion.

Mayor Lyles said there are two parts of the motion.

Pamela Wideman, Director of Housing and Neighborhood Services said as been stated we went back to the Committee, we had another discussion at our February 17th Committee meeting and so the two things that I will point to after hearing from you all at the previous Council meeting, what you will see represented here is a shortened timeframe. We are proposing to end this work in December 2021 rather than December 2022 and what we also built in along the way is periodic reports about how we are doing

back to the Great Neighborhoods Committee and at any point, we feel like we are moving faster we will certainly bring this back to you prior to the December 2021 deadline. That is the major emphasis. The recommendations are still the same, I won't read those to you again. At the February 17th Committee meeting staff make this recommendation and the Committee accepted the staff's recommendation as amended and just a wording about the adds amended. We talked about the shortened timeframe and we also want some clarity, do we proceed with convening the group and there was some reluctance I'll say on the staff's part to do that if there needs to be a discussion that the full Council goes into closed session to confer with the City Attorney about legal implications regarding Source of Income Discrimination. We just want to get some clarity tonight about how you all would like for us to proceed.

Mr. Graham said I think those are two separate recommendations in terms of staff recommendations as amended. I think the Committee is ready to move forward with that with the proper process and procedures by the Manager or the Mayor, if we are not going to vote on it the Manager has the authority and power to get it done. Also, again there was a majority of opinion that we would like to have a closed session to confer with the City Attorney about legal implications regarding Source of Income. I don't feel that prohibits us from moving forward with the first recommendation at all.

Councilmember Winston said I wanted to talk about recommendation number two and why I made it. The concern here is if we do something that eliminates a Source of Income Discrimination from our local Fair Housing Ordinance, this could put us in a legal predicament i.e. open us up to lawsuits that if our ordinance creates conditions that business owners, i.e. landlords feel that does the damage and so if we do make those changes being that it is a legal situation and we would have to have a legal strategy I think it makes a lot of sense for the business of Charlotte that we confer with our legal team as a group to talk about said strategies. So, that is the rationale and the only way for us to do that as an entire Council for us to all be on the same page about what that legal strategy could or shouldn't be is if we go into closed session with our Attorney. That was the rationale from that recommendation, happy to have any kind of input from management or staff or our legal team if there is anything else to add to that.

Councilmember Driggs said I think given the various interests at stake here and the various equity that is at stake here than the recommendation we have to proceed with this process to consider it and to engage with all the parties makes a lot of sense and I think the closed session would make more sense if necessary in the course of that process and not as a precondition for it. I'm a little leery of closed sessions generally and this one would presuppose a state of conflict between us and landlords to qualify to meet the requirements for a closed session, otherwise, we can get advice from our Attorney anytime we want and should do so publicly. I think it would make more sense if we could to just proceed with the recommendation that comes out of the Committee and take up the questions that we might discuss with the City Attorney in the course of that conversation.

Councilmember Johnson said I have some questions; you all know that I'm an affordable housing advocate and I'm engaged with this so I have some questions because I don't feel like the Council may be aware that the advocates have been working with the City on this issue since 2017. Perhaps prior to any of us being on Council, I'm not sure, but I just feel like another Committee is not progress on this issue. There have been Committees; since I've been on Council we've had the [inaudible] Task Force Committee to make the recommendations through the Greater Neighborhoods Committee which went to the Intergovernmental Relations Committee [inaudible] to the Greater Neighborhoods Committee which is coming before us. I feel like this information has been provided because over 35 housing organizations have presented information. I'm concerned or questioning what will the Ad hoc Committee do? INLIVIAN has a Committee; they can be working on if there are some gaps or some specific questions that we need answers then maybe we can get that, but the information has been provided. It is just concerning that this feels like kicking that preverbal can down the road. I would also ask if we've heard that the State Legislature is not going to allow us to create an ordinance what are we hoping to obtain in the eight months? What information do we

think that we are going to get in the eight months that is going to change our ability to create a state ordinance? I've said it before and I'll say it tonight, it is the way that we can take action and have progress is if the City creates a policy that if there are developers that want City or public dollars then they are the ones that we can create the policy that they are not allowed to discriminate based on the source of income of reentry as far as I believe. I just don't know what the difference will be in eight months from today with another Committee. We've had an Ad hoc Committee on this issue, and they could have been a Committee, I don't know, prior to us being elected. But the information that we are seeking I believe we already have is just about our political will to make a decision and put our votes where our mouths are in my opinion.

Mayor Lyles said let me follow up because I want to be sure. The first recommendation is to adopt a policy requiring mandatory acceptance of Housing Choice Vouchers in all City supported housing. That would be the first action by the Council to do that. The second one is to encourage and monitor changes at the federal level and then the third one has a very specific charge to an advisory group. I just want to make sure, I agree with you that in housing anything that we put our government money in we have a lot of control over and I thought the first recommendation, and maybe I should ask this of Mr. Graham if the first recommendation would be for the Manager to come back with a policy doing and accomplishing this, which I think is really important to the core of it. I don't know whether to ask Ms. Wideman or Mr. Graham that question, but I thought that was what the Committee recommended.

Mr. Graham said I'm going to toss this to Ms. Wideman because I basically ask the same question to Ms. Wideman so I will allow her to respond to Ms. Johnson publicly as well.

Ms. Wideman said that is indeed exactly what the first recommendation and we are currently working on that and so yes it would be to bring you all back that type of policy. I would say the other thing is, as while there has been a group of advocates meeting working around this, what we have not done is we have not engaged to my knowledge, from a City perspective, City housing staff has not sat at a table with both the advocate group and the private market owners who actually have the units that we need to be fully engaged in this process to hear from them. There is some missing information, you are right Ms. Johnson, there is a lot of information but there is some critical information specifically about the vouchers that we need to get our hands around as well. That would be the different work that has been done since the advocacy group has been working together.

Ms. Johnson said let me clarify, when we talk about City dollars, I don't want to limit it to just the tax credit dollars, I mean the public dollars which should be used for public good such as the CIP and the TIG or any dollars that developers approach the City for then we need to create a policy that those developers are not able to discriminate against our most vulnerable residents. So, I just say public funding. Also as far as those gaps or those questions that the City staff might have Ms. Wideman is that a matter of an e-mail or question or getting those questions answered and filling in those gaps rather than wait eight months, especially if in eight months we are not going to have any more ability or authority to do anymore at a state level than we can do. That is what I was saying about another Committee. I'm prepared to take action because there are people every day or every month that need these services or need for us to take action. This will be my third time saying it, but there are landlords that are now discriminating against tenants who receive funding through NC HOPE and through the City. Landlords are not renewing leases, so we have to, as a City, really take action to protect our most vulnerable residents. We need to do something I just don't know that another Committee will be necessary when this has been an issue on the table since 2017. That is four years; if there is a question we need to ask or communicate or opened up, these are the kind of issues or questions that might be answered in eight days rather than another eight months.

Mayor Lyles said Ms. Johnson, I can hear the concern in your question. I understand, we don't have the specifics of the policies in front of us, but we have a roadmap for those policies to come before us sooner than later. I would assume one would not be something

that would take eight months to come. The Committee that causes people to collaborate instead of feeling like something is being done to them instead of with them might take a little bit longer, so I completely understand your point.

Councilmember Newton said I would agree with Ms. Johnson here; I feel like we have an ethical and moral imperative to do more to attempt to get Source of Income Discrimination within our ordinances. This is probably not going to come as a surprise to Mr. Driggs, but I'm frankly not personally convinced that we can't enforce such an ordinance. I get this idea of the Dillon Rule, but the fact is that is not something that as I understand it, is specifically prohibited by state law. We pass ordinances, amend our ordinance and pass new ones all the time, but I don't know that something even as large as the restructuring of our Unified Development Ordinance, the UDO, is something that is going to require some sort of overview. I think it goes without saying that we have amended our discrimination ordinance in the past and I think that Ms. Johnson made a very good point, it is not whether or not it could be enforced, it is whether or not the Legislature to the General Assembly will overrule it. It is completely enforceable, completely legal when we do it here, it is just a matter of what they may do. I will draw a stark distinction between what a prior non-discrimination amendment in as much as a composition of the General Assembly is concerned. Back then, this is a [inaudible] system, [inaudible] Legislature that we have requires certainly the Senate, the House but then also the Governor's approval and back then, that certainly wasn't going to be forthcoming. I don't know if that is the case today. I very much welcome the opportunity to have more of a discussion about this in a closed session. I welcome the opportunity to pick out the City Attorney's brain about this, to ask more pertaining to the two dis-enforcement issues because I really question, and once again I'm not convinced that us passing or including amending our current ordinances so that Source of Income Discrimination is no longer allowed in our City. I'm just not convinced that that cannot be enforced. That is my take on it, I agree with Ms. Johnson; we've been having this conversation for quite some time. I figure we kind of know where we are at, now the question is how do we get to where we know everybody wants to be? Let's have this closed session conversation to do that.

Mayor Lyles said I think we've got the recommendation from the Committee and we've heard some comments.

Councilmember Phipps said I guess I was struck by something that the Chair of the Community Relations Committee said at our last meeting. He talked about building a stronger business case and I think the same comments were echoed by our Attorney and I asked the question last time whether or not we had even broached this with our own delegation and I thought I heard someone say that it hadn't. So I would think that this period of time, which I'm glad is shortened, would give us enough time to build a better or stronger business case and it would inform the direction we would go in terms of how we would approach whether or not we change the ordinance or amend the ordinance or whatever. The business case is do we think we have a strong business case right now because what I've heard from these individuals I don't think that they are so sure.

Councilmember Watlington said my comments are similar to Mr. Phipps. Certainly, I've said before from the dais that I don't want us to be kicking the can down the road either when it comes to Source of Income Discrimination. I also however upon reviewing some of the information that was sent over to us from the Housing Authority, I do see the need to strengthen our business case. I certainly don't think action should be made at all, and I'm happy that we were able to see a shortening of the timeline. My expectation here is that we proceed immediately with the staff recommendation on a parallel path with the closed session without any delay. I also anticipate that these conversations then are happening in short order and so whatever learning that we can get, whatever data we can develop or gather based on the new matrix we are able to go get and I don't think we should say we have to wait until December but it does appear that anybody looking at this from the outside in would need more solid information that would show clear disparity and further reason of Source of Income Discrimination. We know there are extra vouchers, but I don't see information from INLIVIAN quite yet in connection to this is due and we can prove it is due to Source of Income Discrimination. That is the piece that I just want

to make sure that what we do is going to be effective and I think ultimately if the desire is to increase utilization of having choice vouchers that we know there are things in the process that we can address. I say this to say I don't think it is an either-or, it is let's get to work now. I think we decide that tonight, we get together and find out what our other options are from a legal standpoint in the meantime and then we adjust as necessary.

Mayor Lyles said I'm going to ask Ms. Wideman to confirm her position and statements. I think that is what I heard you say, but I want to make sure that is on the record for Ms. Watlington.

Ms. Wideman said what I'm understanding is that you all want us to go ahead get to work with an Advisory Group convening that group while you all travel a parallel path consulting with the legal counsel. Is that fair?

Ms. Watlington said yes.

Councilmember Bokhari said Mr. Attorney, this question is for you; is it permissible for us to go into a closed session to talk about what is essentially policy strategy on our behalf and to discuss with you to avoid how we can have lawsuits in a legal strategy for us to pass an illegal ordinance?

Patrick Baker, City Attorney said typically we can go into a closed session where I can provide you legal advice, but to have a general policy discussion in a closed session is not permitted by the statute. I just had a brief conversation with the Manager and we will put our heads together about how to have that communication because it may be just something where I give you a memo to make it easier and then you can have your policy discussion, which is where you are going to want to go anyway, but you are correct. You cannot have a general policy discussion in a closed session, but you can get legal advice from your counsel from which to base your policy discussion that would have to occur in an open session if that makes sense.

Mr. Bokhari said so said more simply, we can have policy discussions and we can enact policies and then if we have legal situations we need to be in closed session with you in order to understand a situation, or defend or whatever that is, we can do, but we cannot have a policy discussion under the guides of a legal discussion later on, otherwise that isn't acceptable as a permissible closed session use.

Mr. Baker said that is correct, you shouldn't blend the two just by I'm going to have a little bit of conversation with the Attorney and then the remaining 55-minutes is going to be on general policy. You shouldn't blend the two, absolutely.

Mr. Bokhari said that is the entire problem I had with this the entire time. I'm certainly not opposed to colleagues exploring what those aspects are, but I think a closed session is an improper use for that. This is a policy discussion right now and quite frankly, it is illegal. So, we can do one of two things, we can decide to break the law and pay those both legal and political consequences or we can decide to do it the proper way which is to develop the business case, put the work in and figure out how we can convince other parties that we were required to be convinced in order to do this and I believe the latter is what staff has proposed in part one. I think part two your staff has already told us everything that they know and perhaps you will have more ideas, but a memo would be more acceptable there, so if we have to vote all of this in one motion I'm going to vote no. If it is possible to vote it in two, I would like to be on the record as voting and supporting number one, but if that isn't possible then I will just be a no overall.

Mayor Lyles said I think Mr. Bokhari's point is that you have to have something that the lawyer can assess as meeting the statutory requirement for the closed session and right now we don't have that. I think that what number one does is establish that with recommendations out of the Task Force and the hope is that the Task Force moves more quickly than not and makes a decision that the Attorney can say the policy is consistent legally or inconsistent. That is what I heard but I know that many of you have had much more in-depth discussions around this and I was thinking that what I heard today was that

if we had concurrence by the Council then we could go ahead and ask for one to be done under the recommendations that are there but I'm not hearing concurrence by the full Council and I think that means we delay until there is actually an item on the agenda to vote on.

Mr. Winston said there was a policy discussion, you are right, it was action from this discussion right here. The idea was that for step four, recommendation number four, the one to change the Source of Income Discrimination language or add Source of Income Discrimination in our local Fair Housing Ordinance Policy, I in Committee suggested that needs to bump up to number one and I believe there is a possibility that we could get the votes to bump that up to number one as opposed to number four, change the policy. I think that steps one, two, and three as it stands right now actually work on changing the practice, but my intent, and I think from what I've heard from other Councilmembers was to change that policy. When you change that policy, that would trigger the potential legal situation which I'm saying is we should prepare for strategically if we do have the votes to make that change we should strategically and that is why we would go into closed session to confer with our lawyers to discuss that policy change.

Mayor Lyles said I understand what you are saying now.

Councilmember Eiselt said first, can we get the slide on all of those steps because I'm kind of confused now on what we could actually be voting on.

Mayor Lyles said we are not voting on anything.

Ms. Eiselt said I know, but what we would have been voting on. I just want to say I'm very comfortable if we were voting on the things that our City Attorney has made it clear that we could do i.e. number one, and I agree with Mr. Johnson that anything that we put public money into and we have the right to say you have to accept vouchers or have to be affordable we should be doing. I do support that, I'm not comfortable though going out on a limb on items that some Councilmembers have interpreted that we can do when our City Attorney has said that he is not comfortable. That is why we have a City Attorney, whether you agree with that or not, I would go back to 2015 when we passed the non-discrimination ordinance which there is not a doubt in my mind that we should be having an ordinance that allows us to tell people they can't discriminate against people because of sexual orientation. However, we thought we had the right to do that, and I don't need to tell you what happened. But the fact of the matter is that even though we really thought that a lot of the world was on our side, we still had everything to lose. We lost businesses, we lost sporting events, we lost everything even though people said we agree with your values, you did the right thing, but there is a lot to lose whether or not you agree with your own interpretation of the state law. My question is and I said this to Mr. Carter, and I have not heard back yet, but I want to know how they reached out to our delegation. I want to know what they've done to work with other housing authorities throughout the state to advocate and what has come of those meeting with the General Assembly? When we go back to 2015, we could have done it differently, and maybe it would have had the same outcome, but even though you think it is the right thing to do and you know it is the right thing to do the General Assembly has a lot of power and they have a lot more ways to hurt us than just what we think would be their ability to directly take away our right to do something. I don't want to go down that path again, I want input from our delegation as to whether or not they think this is a smart move. I will also remind everybody that they have their own legislative agenda and I did have one of our representatives say, when you guys go and you do something and you don't talk to us about it, it puts our own state agenda at risk as well. So, it is critically important that we work with them on these things, especially when our City Attorney has led us to believe that there could be some serious doubts as to whether or not we have the legal right to do this. I'd like to get a lot more information on that and what the process is before we proceed in that direction.

Mayor Lyles said I want to add on to what Ms. Eiselt said; when this came up I asked at the time, and it wasn't INLIVIAN, it was the Charlotte Housing Authority, and I asked a lot of questions that would say tell us where this is taking place, how it can be done, what is best for it and the comments that I got back were very general and very broad, but we all

know that from our experience collaboration is a lot better than setting up a conflicting situation. The same questions, what are the major, just like we test ourselves. When we are working on our non-discrimination ordinance we are working with Metro Mayors, Metro cities, Councilmembers, Mayor Pro Tem across the state and I think sometimes people give us these issues and assume that we've got the capacity to understand the passion that they have and so in some ways I'd like to say that there is a responsibility for a lot of our interest groups to help us be better and for us to actually give that feedback so they can understand what we have to go through. There are enough members on this Council with the passion and the drive for this and we've got a lot of passion and drive going on various initiatives. Ms. Johnson sounds like I do about mobility, and when she is doing that where is our meeting with the INLIVIAN Board? Where is our meeting with Habitat? I listen to that WFAE article yesterday morning about the number of people that we've put into homes that are having mortgage distress right now. I think one of our top goals ought to be keeping those folks in those homes, the homes that we helped build, finance, and their mortgages are not being paid. So, when we start thinking about this we need to have some sense of what do we do to make sure that the investments that we've made are successful and what do the other organizations have this same opportunity for investment, what are they doing to help themselves be successful? I think it is one of those things that I would love to see Ms. Johnson start going to INLIVIAN Board meetings. That is how I learned about what the Housing Authority did, I started to go and sit in and listen to the Board members and bring up some of those issues that were important to our community as a whole.

When I look at this Task Force, one I look at adopting the Housing Choice which I agree with and understand that we have the ability to do this in a way that can influence the 3,000 or 5,000 units that we are building, but I also say that we have the ability to help INLIVIAN and other organizations be just as strong as we are. There are a lot of needs out there, so when I started out I thought that we had some consensus on what to do with income source discrimination and I don't hear that consensus right now which means that we will end up having to put this on an agenda unless there is some direction from the Council that says this is what we want to do. We have the staff recommendations; we can take them one by one and make a decision, but I think that the question as a total group where do we feel that these recommendations lead us?

Ms. Eiselt said I just want to read something that Ryan said sent me from the School of Government and it did say that it is a little bit ambiguous as to whether or not you could pass an ordinance like this. At the end of the day, it really comes down to the local government's powers for risk. Sometimes the blowback for stretching the bounds of local authorities is severe and then he says feedback can still spell controversy. Like we need to be told that, but other times it is non-existent. It is tough to predict if anyone will care enough to raise a fuss in a court or in the General Assembly about some particular local issue. All I will say to that is Charlotte is different and it is not that we shouldn't try to do things that we think are right, but we've got to do them with our delegation and we've got to be very clear that this is what we want to do and talk to the General Assembly about it, whether or not they agree with us.

Councilmember Ajmera said as a former Board member of INLIVIAN, formerly the Charlotte Housing Authority, I'm very passionate about this issue because we all know the Source of Income Discrimination happens. The data that shows 21% of the residents are being discriminated against based on their source of income whether that is Section 8 Voucher, whether it is social security income, disability income, or veterans' income. This recommendation is a step in the right direction. I can't wait for us to move forward with this recommendation; it is not the perfect solution, but it is a step in the right direction, especially point number one, where we can ask folks who get rental subsidy from our City from our housing dollars that they accept Housing Choice Vouchers. That is a step in the right direction and if we keep delaying the decision I just don't know where we will end up. There are a lot of folks that are looking for housing, they are not able to get housing because of this income source discrimination and we've got to take an action. If it starts with number one I will say that I am ready to move forward.

Ms. Johnson said I just want to clarify what Ms. Eiselt said and I feel like we are sending mixed messages. I'm not in support of trying to create an illegal ordinance. We hear that if we create this ordinance it is not enforceable; I don't want to do that because that is my question. What is the purpose of this Ad hoc Committee to come back in eight months to tell us what, that we can't create an ordinance because it will be illegal? That is all I'm saying. If we know that we cannot create this ordinance the way to address it is to adopt a policy with our public dollars and not just a rental subsidy for public dollars. Now you can always create a Council, a collaborative Committee, but this continuous improvement is always a great thing, but there is no point in a Committee if the ordinance won't be enforceable anyway. That is all I'm asking so, are we saying that this would be dead on arrival or the state won't work with us or we don't have the ability to pass that ordinance, or are we saying that after eight months it is possible that a solution will come back and at that point, we would have the jurisdiction or the ability to create an ordinance? Can we create an ordinance that the state would support and if the answer is no that we can't create it on February 22nd, or we can create it in October or eight months from now on October 22nd? That is my question, bottom line is, can we create an ordinance that will be enforceable, if the answer is no, then the Ad hoc Committee is unnecessary for this purpose. If it is for the purpose of collaboration and working together and improving the communication between the private sector and INLIVIAN, that is great, but if we are simply not able to create an ordinance then I say we accept that and we create what we can and that is a policy that requires developers seeking our funding not to discriminate against our most vulnerable residents

Mayor Lyles said Ms. Johnson asked the question, I want to ask the staff, I saw these as four separate opportunities for us to improve what we are doing. I think that they are mutually exclusive and I don't know what the Attorney has been saying to the Committee but number four is about a Fair Housing Ordinance and I think what number three is about is increasing the opportunity that the Fair Housing Ordinance wouldn't have as many cases brought before it if number three was in place. So, it is not a question that they have to go together, my understanding is they are exclusive items each.

Ms. Wideman said when we started this our overall goal is to increase the acceptance of Housing Choice Vouchers and so after doing our research we came back with these four recommendations, adopting a policy for all public funding. We've heard that and we are working on that now, monitor changes at the federal level, create this Ad hoc Advisory Committee so that we can bring in the private sector to hear from them about what it would take to increase the acceptance of Housing Choice Vouchers, work with INLIVIAN to understand one of the main points is how many vouchers are going unused if they are being redeployed, what methods are being used to have them redeployed. So, doing all of these things to building a different impact case, that is the information we've had from the Attorney so we can show because we believe we will be challenged. We've done all of these things, they don't work, this is our business case, and then if we amend the ordinance when we amend the ordinance and if we get a legal challenge we can show that we've built this business case or disparate impact case so that would give us stronger footing if you will if we are to get challenged on the ordinance. Mr. Baker, please bail me out if I got that wrong.

Mr. Baker said that is correct, and if I could just briefly expound upon, you used the term disparate impact, that is a basis whereby you can prove race discrimination, which you already have authority to review in your Fair Housing Ordinance, so that is a lane that is available to us, it is in your Charter, we don't have to worry about getting an extra authority or having that authority discussion argument or however you want to say that, and our preference in our recommendation has been to stay in those lanes that already exists. If we can, particularly with number three, I've looked at that as our opportunity to review what vouchers are not getting used and why they are not getting used. That puts us in a position to take a look to see if we can look at this and say this policy of saying no to these vouchers has a disparate impact over people of color, for instance, just putting that out there. If that is the case and we see that out there then we potentially already have a lane that we can go to without changing the policy at all and again without getting into that issue or that argument about authority when we can stay in the race discrimination lane that is already available to us. That is what I always assumed number three was because

I've not been presented with the evidence to suggest that we've got desperate impact. I think I believe anecdotally that it is probably out there and that it may not be that difficult to get that information, but as I recall Mr. Ratchford had put out to the Committee at least that for two of the cases where the vouchers were declined it was presented to those individuals that they may have a disparate impact race discrimination complaint and they chose not to pursue that going forward. I would again, like to see, because we may have the evidence there, if we can mine it a little differently that will allow us to address the issues that you all have raised and that is such a concern to this community in a way that is already legally available to us on the face of the ordinance that we have.

Mr. Graham said Ms. Wideman really articulated what I wanted to say in reference to outlining the staff recommendation and the intent to build the legal case, Mr. Winston, for doing an ordinance if that is necessary. One of the things that we wanted to do was the carrot and the stick so by putting the Task Force to work, giving those advocates who are listening to us right now an opportunity to be at the table. If you heard the discussion Ms. Wideman indicated that the City will now be at the table along with INLIVIAN and the property owners association which is uniquely different than the discussions that we had before and they are willing to see what we can do to provide incentives. I can't speak for the Council right now, but certainly, I will be very willing to support the Advisory Group in terms of those things that they believe we should be doing that would incentivize property owners to accept the vouchers, whether it is the Housing Choice Vouchers or social security checks or whatever it is they are not accepting that we will do just that and that is what the Advisory Group will kind of work to do. They will also begin to; Ms. Johnson I think the communication is important, that we all know who is doing what and why. We all agree that discrimination in any form is not right and certainly housing discrimination is something that we've got to deal with in this community. Just last week definitely demonstrates that we've got some housing issues that we cannot avoid that we have to confront face on and I think that we are doing it, but we are doing it in what I believe in a responsible fashion that will allow the Council the type of leeway that it needs. The City Attorney came to our meeting in November as well as in December and clearly outlined the pros and the cons in terms of doing what we should be doing so, I would hope that we can get a consensus around the recommendations so that we can move forward. Eight months in the life of a city is a short period of time. Ms. Wideman indicated that some of that can be brought back earlier if it happens that way, so we want to do it right. We want to make sure that we dot I's and cross t's, but I think there is an opportunity for us to be around the table to work some of these issues out and if it doesn't then the Council can do what it needs to do. But to not build the business case for doing this and notwithstanding individuals in the community have been talking about this since 2017, the Council really had not gotten engaged in terms of a policy discussion about this really until last July. I just hope that we can, as the Mayor indicated, get some consensus because number one it is a big deal that does require a mandatory acceptance. Ms. Johnson, I think you are absolutely right, if the Committee could examine all other public funding that we do, I think that type of recommendation I would love to get back from the Committee with the assistance of staff so I think the Committee can do some good work if we allow them the opportunity to do so and we move forward with the recommendations consensually tonight.

Mayor Lyles said I don't hear a sense of concurrence on this, so we are going to hear from Mr. Newton, and we will put it on the next business agenda.

Councilmember Newton said I was under the impression that there was a motion made by Councilmember Winston, seconded by possibly by Councilmember Johnson and so I was ready to move forward with the question.

Motion was made by Councilmember Winston, seconded by Councilmember Bokhari, to adopt staff recommendation number one.
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Ms. Watlington said that was kind of where I was going; we did actually have some consensus on some of these recommendations. I would really like to amend the motion to accept at least one through three, but I understand that three is supposed that we don't

have consensus. What I don't want have happened is that we go another week or two and can't call the Ad hoc group together. I don't know that I heard that nobody wants the Ad hoc group and so my question for the group was if we amend Mr. Winston's motion to include one through three, not just number one here would we still have consensus. If so I'm inclined to do that because that to me is the piece that is going to get us the data that we say that we need.

Mayor Lyles said I want to say the motion by Mr. Winston says adopt a policy requiring mandatory; that is going to have to come back to you on the agenda so the Manager, if we have agreement no that we can bring that back at the next Business Meeting. The same with the creating of the Council an Ad hoc Committee; the Manager could implement that if we have – I would say that we take the motion separately because I think they require two separate types of actions. One would be coming back with a policy for the Council to consider on the vouchers because it doesn't have the details in it and then the second would be to create the Council which the Manager could probably work with Ms. Wideman to get done. I'm just trying to figure it out, but right now I have a motion for number one which is to have the Manager prepare a policy with this intent. I'm assuming that is Mr. Winston's because we don't have the policy now.

Mr. Winston said yes ma'am; that was my understanding to direct the Manager to work that and bring it back.

Mayor Lyles said why don't we take that Ms. Watlington and then see if you want to do three and just have a separate motion on it? Will that work out okay?

Marcus Jones, City Manager said I'm going to really rely on my good friend Patrick Baker. I think this is where you are going; I'm not sure any of these are an agenda item tonight, but if what is happening if somebody is directing me to begin a process to begin to implement these staff recommendations I think that is okay.

Mayor Lyles said that was the idea that you would get concurrence by the Council to do Item No. 1 and I think Ms. Watlington is suggesting Item No. 3. We have a motion for Item No. 1 for the Manager to begin to develop a policy to come back, but the Council will still have to review that policy. I was actually going to bring back the discussion.

Mr. Baker said I want to make sure that the Manager and I are on the same page. If we are getting from Council a consensus that that is what you want, I don't think you need to make a motion, we just need to confirm that is the consensus and the Manager can then proceed to act in accordance with the consensus to bring something back to you for your adoption.

Mayor Lyles said I really love my City Manager and my City Attorney, but this is a virtual meeting and I can't see consensus. I'm sorry, it is just really hard for me to see it. We can raise hands, but that is not everybody being able to see whose hands are raised unless we do it on the screen. We are going to go to the screen with every Councilmember on the screen and I'm going to ask you to raise your hand to have the Manager develop a policy requiring acceptance of Housing Choice Vouchers and rental subsidies in all City supported housing.

The vote was recorded as follows:

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

NAYS: Councilmembers Bokhari and Driggs

Mayor Lyles said now I'm going to go to Item No. 3; create a Council-appointed Ad hoc Group to develop program enhancements, process improvements to the Housing Choice Voucher Program including representatives and you see the six that are listed here. If you would like the Manager to work with the staff to get this done please raise your hand.

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

NAYS: Councilmember Winston.

Mayor Lyles said we have two actions out of this; we will come back with those two actions and I'm not quite sure what we will do with the other two until we have a strategy from the staff, the City Attorney, and the City Manager

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ITEM NO. 6: CLOSED SESSION

There was no closed session held.

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AWARDS AND RECOGNITIONS

Mayor Lyles said no matter what we do the people of this community do a lot of good work and deserve recognition. Tonight, I would like to recognize the following Mayor's Youth Employment team, MYEP as we are called: Dawn Hill, Andrew Knoblich Kim Jones, Tawana Thompson, Sterling Oliver, Omar Crenshaw, and Bethany Rodriguez. I would also give to give special thanks to Bank of American, Atrium Health, Accenture, Siemens, CMS, and the other local businesses and employers who support the program and provide work experiences for our youth.

ITEM NO. 9: MAYOR'S YOUTH EMPLOYMENT PROGRAM MONTH PROCLAMATION

Mayor Lyles read the following proclamation:

WHEREAS, the Mayor's Youth Employment Program (MYEP) provides all of Charlotte's youth with equitable career development opportunities; and

WHEREAS, the MYEP assists youth with exploring the world of work and building social capital; and

WHEREAS, the MYEP helps to enhance economic mobility for program participants, and training and development for the future workforce of the City of Charlotte by providing youth with job and career readiness training, work-based learning, and employment opportunities within local business, industry, and government; and

WHEREAS, the City of Charlotte and the local business community partner to provide resources and work-based learning opportunities to the MYEP on behalf of our youth; and

WHEREAS, the MYEP provides high-school aged youth throughout Charlotte, particularly low and moderate income students, with diverse and inclusive work experiences to support their trajectory toward achieving upward economic mobility; and

WHEREAS, February 2021 celebrates a huge milestone and the 35th year of the MYEP by the City of Charlotte; and

NOW, THEREFORE, I, Vi Alexander Lyles, Mayor of Charlotte, do hereby proclaim, February 2021 as

"MAYOR'S YOUTH EMPLOYMENT PROGRAM (MYEP) MONTH"

in Charlotte and encourage all citizens to honor the youth who have made a commitment to invest in their future success and the community-based organizations that invest in Charlotte-area youth.

Thank you very much for all of the folks that work as mentors and employers and are willing to give a young person in this community the opportunity to see the value of work.

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ITEM NO. 10: RAMONA BRANT DAY PROCLAMATION

Mayor Lyles read the following proclamation:

Mayor Lyles said the next recognition that I would like to make is one that is very close to many of the people that are in the organization because this is a woman that worked for the City of Charlotte and gave so much more than she ever imagined that she would so let me just start off with this Ramona Brand Day Proclamation. This is being presented as a part of the work that is being done as re-entry programs are taking place in this community.

WHEREAS, the number of women in prison has been increasing at twice the rate of growth as men since 1980; 80% of women in jails are mothers and most of them are primary caretakers of their children; and

WHEREAS, Ramona Brant was sentenced to life in prison on February 2, 1995, for a first-time nonviolent drug conspiracy offense; and

WHEREAS, on February 28, 2014, Charlotte City Manager Ron Carlee announced that the City had "banned the box" for City job applications; and

WHEREAS, Ramona received clemency on December 15, 2015 and was pardoned by President Barak Obama on February 2, 2016, after serving 21 years in federal prison; and

WHEREAS, Ramona Brant was employed by the City of Charlotte from August 22, 2016 until February 25, 2018; and

WHEREAS, during and after her incarceration, Ramona was an active member of The National Council for Incarcerated and Formerly Incarcerated Women and Girls, an organization created by formerly incarcerated women with a vision to end the incarceration of women and girls; and

WHEREAS, Ramona Brant died unexpectedly on February 25, 2018; at the time of her death, she was in the process of organizing an internal education event for City of Charlotte employees to improve second chance job opportunities with the City of Charlotte:

NOW, THEREFORE, I, Vi Alexander Lyles, Mayor of Charlotte, do hereby proclaim February 25, 2021 as

"RAMONA BRANT DAY"

in Charlotte and commend its observance to all citizens.

Mayor Lyles said sometimes we just don't quite know what is going to be in front of you, but we continue to do Ramona's work, and thanks to Patrice Funderburk and many of the people that are taking this effort.

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Mayor Lyles said I have one last commendation; I think many of us know that it is a heavy heart that we talk and deliver this sad news in our community, especially for the folks that grew up in what I used to call Druid Hills/Druid Circle. Over the weekend Charlotte lost one of its most dedicated community leaders with the sudden passing of Darryl Reginal Gaston. Darrel was well-known to all of us on the Council, he was

exceedingly active in our business, the business of community building. He was President of the Druid Hills Neighborhood Association and a founding leader of the North End Community Coalition. Also, he was part of a great team when he met Melissa and they married and started acting as one. We want to offer support to his community, his family, and his loving wife. We have a video clip that we would like to show of Darrel Gaston during one of his many appearances at a public meeting. The last time Darryl called me he said I'm calling you because I want to know how you are doing. He didn't want to talk about what we weren't doing, what I needed to be doing, just how are you doing and that is the kind of voice he always had. I would like to show this video as the way that Darryl lived his life and Melissa, I hope you will be proud.

A short video was shown.

Mayor Lyles asked Councilmember Egleston to read a proclamation for Elder Darryl Reginal Gaston.

Councilmember Egleston said if you don't mind my taking an extra 60-seconds, and I feel even more compelled to read it because two of my favorites of Darryl's sayings were in that video. I was hoping to read something that I wrote down today and then share the proclamation, although I got the order of the saying wrong based on what he just said. You are visible, you are valuable, and you are vital. This was one of many things that Darryl Gaston would tell people to make sure they felt seen, appreciated, and important. No one ever walked into a room where Darryl Gaston was without receiving a warm greeting that made them immediately feel welcome and at home.

Two days ago, far earlier than any of us could have possibly imagined it was Darryl's time to be welcomed home. Darryl Gaston was a tireless advocate for this city and its residents as I've ever seen, especially for his home community of the North End which he would constantly remind folks was the Best End. He and his wife Melissa advocated, not just for the places, but for the people and the work of Team Gaston will live on through Melissa's tireless efforts. The premature loss of our friend Darryl has left a hole in our community and a hole in our hearts that will never be filled. The City of Charlotte and each of us that ever had the pleasure of crossing paths with Darryl Gaston is better because of him and he will be missed more than words can convey. To his entire family and especially his Queen Melissa, know that he was, and you are loved by so many in this community and that you are visible, you are valuable, and you are vital.

Mr. Egleston read the following proclamation:

WHEREAS, Darryl Reginald Gaston served the Charlotte community as a mentor, teacher, pastor, advocate, and servant leader; and

WHEREAS, he was President of the Druid Hills Neighborhood Association; founding leader of the North End Community Coalition; and was instrumental in shaping projects, programs, and plans in the city of Charlotte including the No Barriers Project, the North End Smart District, Stitch Together CLT, the Civic Leadership Academy, and CharlotteFuture2040 Comprehensive Plan; and

WHEREAS, he championed public participation, driving residents to give input at every opportunity, including voting and census completion, and continued his work during COVID-19 to connect residents with opportunities through programs providing free WiFi and digital devices to low-income residents; and

WHEREAS, Darryl lived his values as a strong advocate for anti-displacement, jobs, education, and wealth building in the Black community and served on the Board of Directors for both the Charlotte Area Fund and the Charlotte-Mecklenburg Housing Partnership; and

WHEREAS, he was passionate about the environment, which he demonstrated through his work with the Audubon Society, bringing the butterfly highway through his lifelong home of Druid Hills; and

WHEREAS, Darryl was a true collaborator, working with a multitude of agencies including the City of Charlotte, Mecklenburg County, Atrium Health, Novant Health, Habitat for Humanity, the Knight Foundation, Charlotte is Creative and many others; he worked tirelessly to ensure the North End community and its residents were visible, vital and valuable; and

WHEREAS, the city of Charlotte and all those who knew him, were greatly impacted by his contributions and spirit:

NOW, THEREFORE, I, Vi Alexander Lyles, Mayor of Charlotte, do hereby proclaim

February 22, 2021 as a

“CELEBRATION OF DARRYL REGINALD GASTON’S LIFE”

in Charlotte and commend its observance to all citizens.

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PUBLIC FORUM

Homeless Crisis

Keisha Surratt, 424 East 36th Street said I just want to say it is a pleasure and an honor to speak to you guys tonight. I think it is no coincidence that I’m speaking on the night that you are talking about Income Discrimination because what I have to speak about concerns my heart [inaudible]. I’m a resident of Charlotte and live on 36th Street in the NoDa area. Five minutes away you have some of the best restaurants, some of the best breweries, some of the best artistic influences, half-a-million-dollar townhomes, over \$1 million houses, and luxurious apartments that range from \$1,800 a month to \$2,500 a month. But what is also five minutes away is a community of the City’s residents in make-shift tents on a day like today where they will be saturated with rain and cold and hunger. How is this possible that we can have million-dollar homes, but five minutes away have a community of people living in tents? As I drive to work every day I am reminded of the homeless problems that affect our City in the worst way. As I look and googled I found that there are just as many, if not more, animal shelters in this City than there are homeless shelters, and this really bothers me. As a resident of this city, my heart goes out to all of the families that are displaced who are in tents, who unlike us from the comfort of our homes can speak and heat with food, running water. They don’t have this option, so it is my desire to come to you with not just problems but solutions. Many cities have started doing tiny home communities for the homeless and I would just ask that you put this in your heart to consider doing this. There have been many successful stories of this. Income discrimination is very important, but I think we really need to realize that as we talk about making committees and doing certain things that there are certain people out there in the cold right now who need our help.

Global Poverty

Gianna Pezzulo, 1201 Central Avenue said I am here as an ambassador for the Borgan Project. We are a national organization that works to engage citizens to local efforts to see stronger US leadership go toward improving living conditions. The wealthiest nation on earth, millions of North Caroleans spend every day just trying to survive. Low wages, lack of investment and infrastructure of opportunity, and in an economy with rules raised with the wealthy few have resulted in the lucky few mapping an imaginal wealth while children and families go hungry and struggle to get ahead. Poverty is a national problem, but it is a particularly acute crisis in North Carolina amid an economic recovery that has

taken nearly a decade to bring poverty back to pre-recession levels. Poverty in North Carolina is still worse than in 35 states; more than 1.4 million North Carolinians lived in poverty last year. Lower poverty reduction boosts the global economy, education plays a substantial role in this by closing the gap between the world's rich and poor. According to [inaudible] a study shows that the education gap between kids from poor and rich families has increased substantially in making it difficult for children from poor families to close the income gap between themselves and children from rich families. It is becoming more and more apparent that education bridges ease divides and helps each other economic growth. I would like to ask the Charlotte City Council to send a letter to Senator Tom Tillis, Senator Richard Burr, and Representative Alma Adams letting them know that the Council abuse global development programs crucial for creating more [inaudible] globally and new markets for Charlotte's businesses.

Code Letter Wording

Kelean Queen, 11932 Rock Canyon Drive said I am coming on behalf of myself and my husband who recently had a house fire and I've already talked to Ms. [inaudible] who is the head of the [inaudible] Department. I had a very bad situation with one of the Code Enforcement Inspectors and I've already talked to Councilmember Driggs about this as well, but I'm coming to you guys because of the letters that were issued to us; I just sent a copy of one ahead of time, I don't know if it got sent out or not, but after having a house fire getting a letter that says stuff like placing a lien on our property, issuing citations of \$150, \$250 and \$500, getting a uniform citation for a misdemeanor because of the items that were in the fire that were still on our property less than 14-days after the fire when there was still an active insurance investigation going on is a very strongly worded letter and very offensive to me. I actually thought it was a neighbor who had reported us, but apparently, it is the Fire Department that called the Code Enforcement Inspector and when I called to get it taken care of that gentleman was extremely rude to me. We've also gotten up to six more letters related to this house fire of things that we have to take care of on top of having to meet another housing inspector to look at the violation as well as our insurance company and then we had to hire a private engineer to come in and to look at some of the areas that we may want to change because some of the policies and procedures that are in place in the City of Charlotte.

Mayor Lyles said we will have a staff member, Shawn Heath follows up with you. Thank you for letting us know your concerns.

Concerns in Charlotte

Vanessa Williams, 1110 Phil O'Neil Drive said I have been in Charlotte, North Carolina for about a year and a half. I work on the front line. I have been working in the medical field for 35 plus years and have also been a Foster Mom. I've had a lot of kids come through my home. Just about every Saturday or Sunday I'm out feeding the homeless as well and I have a major concern to move to a city that is called the Queen City and to see the homeless people that is in dire need of a place. When I oversee so many abandoned buildings, looks they have been abandoned for some time now, so my concern is to have all these abandoned buildings then have 72-hours for people to move out when we have nowhere to go is a major concern to me. I've worked hard for everything that I have including the car that I just recently paid off and recently hit a huge pothole in the street that I had to go and get my car serviced. If the City pays for some damage like that, if they don't I think it should really consider in a major city that is called the Queen City to address these streets. I have never, other than New York City, seen streets as bad as Charlotte's since I've been here, and I have only been here a year. My other concern is that I've only seen in the year that I've been here, and I kid you not, is probably five Police Officers. When I say patrolling and I come from a small city too, from Los Angeles, California to New York and have seen Police Officers patrol the area and I think if the Police Officers are out here patrolling, not only because of a car accident or pulling someone over for a ticket, that they patrol the area a lot better.

Mayor Lyles said Ms. Williams, your time is, but if you will send your remaining comments to the City Clerk we will have staff follow-up with you as a result of your comments and request for information.

Recognizing Montford Point Marines as a Potential Street Name

Craig Little, 11022 Grape Yard Court said I am a disabled the United States Marine Veteran who served [inaudible]. I am currently the local Chapter President and the National [inaudible] Affairs Officer for the Montford Point Marine Association. We would like to discuss the importance of recognizing the Montford Point Marines and identify its ties to Charlotte, North Carolina. Many people know about the Army Buffalo Soldiers or the Air Force's [inaudible] Airmen, but very few know about the history of the Marine Corp. Some of the first African Americans to enlist in the Marine Corp. after President Roosevelt issued Executive Order 8802 in 1941. Their Boot Camp was not at Paris Island, South Carolina, or San Diego, California like most Marines. They had to train in a segregated camp called Camp Montford Point from 1942 to 1949. What importance does Charlotte, North Carolina have with Montford Point Marines? The City of Charlotte is identified in the history books as having ties to the Montford Point Marines. There are two key individuals that have ties to Charlotte, North Carolina; one Howard Perry who is the first African American recruit to set foot in [inaudible] 1942, and two, Lieutenant Fredrick C. Brant, the first African American commission office in the United States Marine Corp. attended Johnson C. Smith.

On November 21, 2011, then-President Barack Obama issued an order to grant all Montford Point Marines this Congressional Gold Medal for the [inaudible] and dedication during World War II. Are there famous Montford Point Marines, yes they are. One, in particular, is the former Mayor David [inaudible] in New York City. In closing, although the United States Marine Corp. was the toughest branch in the Marine Corp. it was also the last branch to end segregation.

Mayor Lyles said you are extending a really good point here, especially about our history. Please continue to send your materials in so that we can read them and understand more of our opportunities around the Marines at Montford Point, North Carolina.

Source of Income Discrimination

Fulton Meachem, 400 East Boulevard said a young woman with children leaves work looking for a place to live, an apartment where she can call home. She looks online and finds an apartment advertising how wonderful it is. A good school district, close transportation, not too far from where she works. She has good credit, no criminal background history can afford rent because she has her own subsidy. She arrives at the apartment community and the property manager tells her we don't accept Housing Choice Vouchers. My name is Fulton Meachem, president, and CEO of INLIVIAN. What I have just described to you is Source of Income Discrimination and we've received over 1,300 signatures to stop it. You could replace this young woman I spoke about with a grandmother on social security or a veteran receiving VA benefits, your son receiving financial aid, or a disabled daughter receiving disability benefits. Let's be clear, providing protections for a source of income will not require housing providers to change their basic screening criteria or accept low rents. The Housing Choice Voucher Program is a true public/private partnership and to the over 1,300 housing providers on our program, I take this moment to say thank you for your partnership. I submit to you tonight that the so-called unintended consequences of a housing market collapse because as a community we've decided to make sure that all citizens have the right to rent wherever they choose to live will not happen. But what will happen is we will continue to work together; we will adapt, and our community will be much better for this newfound equity in opportunity in housing. All income counts; please amend the ordinance to include a source of income protections.

Source of Income Discrimination

Michael Webb, 306 Estes Drive, Carrboro, NC said I am the Research Director at the Center for Urban and Regional Cities at UNC. Before I begin I should say that [inaudible] that I express today do not reflect my employer because I've really got allergies. Our center is evaluated and INLIVIAN's participation and the federal Moving's Work demonstration for the past 10-years. Moving's Work is a federal demonstration program that allows a select number of high-performing public housing authorities the flexibility to respond to local housing needs through innovative programs and policies. The Moving's Work demonstration has three broad goals that govern participation in the program, the most important of which the discussion tonight is to increase housing options for low-income families. Among many of the policies that INLIVIAN has implemented through Moving's work has several aimed to help Housing Choice Voucher families move to higher opportunity neighborhoods. One of these policies known as Accept Your Payment Standards allows INLIVIAN to pay a higher rent for Housing Choice Voucher families that move to higher opportunity neighborhoods as these rents are up to 50% higher than HUD standard rent. Another Moving's Work activity is incentives for landlords to rent to Housing Choice Voucher tenants, both to start renting to Housing Choice Voucher tenants and to continue renting to Housing Choice Voucher tenants if they already do so. Looking forward INLIVIAN is moving towards participation that can allow it to continue to respond to local housing needs in an innovative way should the City Council decide to implement a Source of Income Discrimination Ordinance.

Source of Income Discrimination

T. Anthony Lindsey, 15829 Taviston Street, Huntersville, NC said first I would like to say thanks for the work, the actions that you all have taken tonight on the Source of Income Discrimination issue. My question is, isn't it possible to draft a new City Ordinance for Source of Income Discrimination separate from the existing Fair Housing Ordinance by instructing staff to bring forward a proposed ordinance in collaboration with stakeholders in the City Attorney's Office for Council consideration in June of 2021, concurrent with your actions tonight of immediately adopting a policy requiring acceptance of any legal rental subsidies for projects involving City supported housing including TIGs or tax increment grants, tax increment financing, City improvement plans and any use of City funds that involve the provision of housing, and to immediately appoint an Ad hoc Advisory Group to seek ways of removing barriers to the use of a rental substance. What we are facing is above all a moral issue. At stake are not just the details of policy, but the fundamental principles of social justice, the reputation, and the character of our community. If we want to be seen as a place that allows social economic and racial discrimination to fester out of fear to take decisive action against it. Thank you for your action tonight.

Source of Income Discrimination

Melody Heath, 400 East Boulevard said I speak before you tonight as INLIVIAN Resident [inaudible] Counsel President and on behalf of the 5,000 families that delight on the local Housing Choice Voucher Program for safe and quality housing. In 2019 cold calls were made to 57 housing providers along the Charlotte LYNX Blue Line. Housing providers were asked, do you accept Housing Choice Vouchers. Of the 57 responses, 54 stated that the property did not accept Housing Choice Vouchers. Of the three properties that did accept Vouchers all are mandated to accept Vouchers. We just try to put ourselves in the shoes of these families who are searching for desirable places to live in such a tight rental market, who confront persistent biases and closed doors, who are probably unstably housed during their search and right in the middle of a global pandemic that struggle should seem quite stark. Madam Mayor, a member of the City Council, please do not allow the outdated stereotypes of people on social welfare programs to dictate where certain people can live throughout the City. Please don't allow the stigma of what Housing Authority Programs offer the community via cause of negative outcomes associated with upward mobility and segregation by race and income. When an INLIVIAN research survey was conducted on landlord participation, HTV families were asked what they would like landlords to know about the program. Many interviewees offered that most Voucher recipients do not fit the negative stereotypes that they are grateful for the Voucher.

Source of Income Discrimination

Lucy Brown, 400 East Boulevard said I am serving as President of INLIVIAN [inaudible] Community Organization; I am a proud and active member of the Board of Directors of INLIVIAN, Resident Advisory Council and I'm also proud to serve as INLIVIAN's Resident Board of Commissioner. Please vote yes to amend the City of Charlotte Fair Housing Ordinance to add a source to income as a protective class. With this land lock, legislation housing providers will no longer be allowed to deny renters simply because they receive low wage income, rental assistance, disability checks, Veterans benefits, and other sources to help pay their rent. To me a source of income is discrimination, it is an important matter to both morals and economics. [inaudible] this legislation will require courage from our City Council and acknowledge the fact that Charlotte is really a tough place to grow up poor. This issue about whether we are willing to be good decent neighbors to those that you may not know much about. Please vote tonight and add Source of Income as a protective class.

Source of Income Discrimination

Sherkica Miller-McIntyre 10130 Mallard Creek Road said I am broker, owner, and property manager of Care Properties. I bring a three-fold perspective to the discussion of support for Source of Income Discrimination protection. My family's real estate portfolio has successfully partnered with INLIVIAN, former Charlotte Housing Authority, for 18 years as a housing provider. Professionally, I have been able to educate and empower owner clients for over 15-years to make informed decisions about subsidy housing. I am also a very strong advocate of our City's most vulnerable residents and believe that one of the foundational elements of upward mobility is access to safe and affordable housing. Though a source of income is not a protective class under the federal Fair Housing Act our municipality has the opportunity to include such legal protection. I firmly believe that potential residents who receive any variable source of legal income from any governmental or non-profit should be given an equal opportunity to apply for a home. The ultimate goal is that the opportunity afforded to these applicants will also result in the securing of expanding housing across our City giving access to better educational opportunities and the introduction to new experiences for our most vulnerable youth. My support of the INLIVIAN Program and other subsidies and its current efforts stem from my experience with all of the intentional actions within INLIVIAN to provide a new face to the program, revamp internal processes, and the concerted effort to give a new perspective of Voucher holders to the private landlord community. As an experienced housing provider, I can only attest to my overall experience with subsidy programs, but I earnestly state that we have found that Voucher recipients of any source hold no greater or less concern than a market-paying resident. We have found that allowing applicants the opportunity to apply for housing in which they qualify, based on their Voucher amount and overall application criteria equal to all other applicants has been a win/win situation for our owner clients, residents, and our office.

Source of Income Discrimination

Nicholas Griffin 4950 Antioch Church Road, Matthews said Housing Choice Voucher families are disrespectful precluding families that tear up properties. They don't pay their rent and a jet list from those that are holding the Voucher. The families are not long-term, and they bring down the value of the house and the neighborhood. The HCV (Housing Choice Voucher) houses are located in depressed neighborhoods and all statements that I've heard from landlords who are hesitant to participate in the HCV program. I am a landlord that has participated with INLIVIAN HCV Program and I, like many others share the same sentiment about renting to those with the Voucher as others and I was wrong. I have both those on the Voucher Program and those who are not, and I can unequivocally state that my tenants on the Voucher Program are more respectful of me and my property than those programs offered really make it easy to be a housing provider. Now, whereas the housing provider and INLIVIAN are in our partnerships that if they tear up the property they know that this could damage their standing with the HCV Program. The tenants pay their portion of the rent on time and if they don't they usually provide me with a reason why it is going to be late and the subsidized portion from INLIVIAN is automatically

deposited and it is never later. INLIVIAN has also standardized its rent increase policy which can go up to 10% a year based on the market analysis.

Source of Income Discrimination

Joedie Hall-Holt, 4401-2 Hovis Road said I am speaking to you today to share my experience of Source of Income Discrimination as a client of the INLIVIAN HCV Program. My last rental search process using a Voucher was hurtful and stressful. I was just desperate to find housing that was made worse by landlords who repeatedly denied my Voucher for no reason at all but just having a Voucher. I was discriminated at least six times while on my recent search, adding more stress and more unstable housing for myself. I felt that I must accept any housing option or else I was going to be on the streets and permanently homeless. I believe some instance of income source discrimination was because of the color of my skin and because the landlord thinks that I would tear up their property. Even after inquiring on my good rental, I felt like they didn't want us in their neighborhood. I went to view a nice unit that I could have [inaudible] with a Voucher and when the property manager found out that I was an HVC client she looked at me and rudely said we do not accept Section 8 people here. After 20-years of working as a nurse I fell on hard times due to my serious health condition and open-heart surgery and I speak out today because I know that there are many like me and others experiencing the same thing. INLIVIAN is a great program and offers resources like homeownership programs and assistance moving forward with financial but reaching my goals through this program relies first on the landlord acceptance. Please vote yes to amend this City's Fair Housing Ordinance to add Source of Income as a protected class. People like me cannot wait any longer for these protections.

Source of Income Discrimination

Greg Jarrell, 400 East Boulevard said I am from QC Family Tree in Enderly Park and also the Co-Chair of the Charlotte [inaudible] Coalition for Justice. Speaking, like others tonight about the Source of Income Discrimination Policy. As clergy, you might expect me to speak to the moral character of this debate as it relates to the poor in our City, but the moral lines of this debate are already clear as you have indicated yourself and you know them well. Instead, I want to briefly relate to my experience as property manager [inaudible] in our rentals to residents at 30% AMI (Area Medium Income) and below. My experience includes working with INLIVIAN for a tenant who receives a Housing Choice Voucher rather than being onerous or cumbersome the experience is simple; the guidelines are clear, and the long-term benefits are significant. Turn over is low and payments are consistent. The inspection process is easy, it simply requests that landlords bring housing up to minimum housing standards required in the City and state code. When problems occur, as they do in all housing and buildings the remediation process is not punitive but emphasizes the health and wellbeing of tenants. In this way working with INLIVIAN is no different than meeting the minimum building standards required in every sector. The primary reason not to work with INLIVIAN or other public funders is the intention not to meet the minimum building code standards. Housing Choice Vouchers and other subsidies are evidence that the housing market is not like other markets, and the choice is hardware or breweries of cars consumers can exercise the power of the purse to choose persons or companies to provide quality experiences and to withhold business from those who do not. But in a City with a perpetual housing shortage, the absolute human need for shelter is not the same kind of market. Housing is a unique market that required careful policymaking. The decision to use policy to ensure that housing providers engage in good business practice of providing quality service for their customers is simple.

Source of Income Discrimination

Ray McKinnon, 400 East Boulevard said I am a member of INLIVIAN, formerly Charlotte Housing Authority and I was also one of the inaugural members of the Leading on Opportunity Council. We know that all incomes count, and we know through surveys that many Housing Choice Voucher families would like to move to different neighborhoods with higher opportunities, but they are unable to do so. We know from our conversations

with our families that many are denied, we've heard it here tonight. We know that housing providers deny vouchers to our folks who hold our vouchers every single day and in so doing it relegates them and their children to a limited number of census tracts here in Charlotte. Many of those tracts have higher rates of poverty, they are segregated by race, they are adjacent to lower-performing schools. In the end, this prohibits our community integration and access to neighborhoods of higher opportunity. Neighborhoods with lower crime rates and poverty rates and possibly better-performing schools. Tackling matters of economic mobility is never easy and all the time it is going to be controversial. These matters have always required audacious leadership. Madam Mayor and members of Council, it is that audacious leadership we need today. We know that our members are waiting for us to do something; we can't do everything, but we can do something. Sometimes it requires an [inaudible] action; we believe that you can take this action. We believe that you must take this action and kicking the can down the road cannot be the way. We know a lot of committees are formed around here, but we already know we have done the work. At INLIVIAN we have all the information, if you and if your staff want it we are happy to share that with you but the time to act is now.

Mayor Lyles said I think we have all of that information and from the documents that have been presented to us. You've heard that the Council has asked the Manager to provide a policy that for any project with public dollars that we require that there be non-discrimination of Source of Income and then also the Council has asked the Manager to come back with a process for a Task Force made up of all the constituency of Source of Income Discrimination to work on a collaborate effort that might influence the efforts. Thank you to everyone that spoke on this issue tonight as well as those citizens that addressed the issues of our work in the Fire Department, our potholes in the streets. Homelessness is always a concern of many of our people in this community and we so welcome people that care enough to advocate for their positions and interests that care for our greater community.

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PUBLIC HEARINGS

ITEM NO. 11: PUBLIC HEARING ON AIRPORT 2021 GENERAL AIRPORT REVENUE BONDS AND BOND ANTICIPATION NOTES

Mayor Lyles declared the hearing open.

There being no speakers either for or against, a motion was made by Councilmember Egleston, seconded by Councilmember Driggs and carried unanimously to close the public hearing related to the issuance of revenue bonds not to exceed \$500,000,000 and revenue bond anticipate notes not to exceed \$300,000,000.

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POLICY

ITEM NO. 12: CITY MANAGER'S REPORT

The was no City Manager report.

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ITEM NO. 13: MAYOR AND COUNCIL ETHICS POLICY REVISIONS

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to adopt a resolution to revise the Code of Ethics, Gift Policy, Disclosure Requirement for the Mayor and City Council.

The resolution is recorded in full in Resolution Book 51, at Page(s) 238-246.

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BUSINESS

ITEM NO. 14: RATIFY AN INTERLOCAL AGREEMENT FOR THE VIOLENCE INTERRUPTION PROGRAM

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to (A) Adopt a resolution ratifying an interlocal agreement between the City of Charlotte and Mecklenburg County for the contribution of \$250,000 from Mecklenburg County for the Violence Interruption Program, (B) Authorize the City Manager to negotiate and execute all documents necessary to complete the interlocal agreement, and (C) Adopt Budget Ordinance No. 11-X appropriating \$500,000 from the General operating Fund (\$250,000) and Mecklenburg county (250,000) to the Neighborhood Development Grants Fund.

The resolution is recorded in full in Resolution Book 51, at Page(s) 247-252.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 571.

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ITEM NO. 15: AMEND AN INTERLOCAL WATER AGREEMENT WITH MOUNT HOLLY

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to adopt a resolution amending an Interlocal Agreement with the City of Mount Holly to accept flow into Charlotte Water's sanitary sewer system.

The resolution is recorded in full in Resolution Book 51, at Page(s) 253-253-C.

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ITEM NO. 16: APPROPRIATE PRIVATE DEVELOPER FUNDS

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to (A) Approve developer agreements with 2151 Hawkins, LLC; Golden Nugget Associates Owner LLC; and Novant Health for traffic signal modifications, and (B) Adopt Budget Ordinance No. 12-X appropriating \$169,063 in private developer funds for traffic signal installations and improvements.

Mayor Lyles said I am on the Board of Novant Health and would ask Mayor Pro Tem Eiselt to take the roll call.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 572.

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ITEM NO. 17: DECISION ON OAK HILLS PROPERTY AREA VOLUNTARY ANNEXATION

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to adopt annexation Ordinance No. 13-X with an effective date of February 22, 2021, to extend the corporate limits to include Oak Hills Property Area properties and assign them to the adjacent City Council District 2.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 573-576.

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ITEM NO. 18: DECISION ON WATERMARK AT MALLARD CREEK AREA VOLUNTARY ANNEXATION

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to adopt annexation Ordinance No. 14-X with an effective date of February 22, 2021, to extend the corporate limits to include Watermark at Mallard Creek Area properties and assign them to the adjacent Council District 4.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 577-581.

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ITEM NO. 19: RESOLUTION TO CLOSE AN ALLEYWAY OFF ROYAL COURT PARALLEL TO EAST MOREHEAD STREET

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to adopt a resolution and close an alleyway off Royal Court parallel to East Morehead Street.

The resolution is recorded in full in Resolution Book 51, at Page(s) 254-258.

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APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Lyles explained the rules and procedures of the appointment process.

ITEM NO. 20: APPOINTMENTS TO THE PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

The following nominees were considered for two appointments for two-year terms beginning March 2, 2021 and ending March 1, 2023:

- Andwele Beatty, nominated by Councilmembers Ajmera and Johnson
- Jakob Gattinger, nominated by Councilmembers Ajmera and Driggs

Results of the first ballot were recorded as follows:

- Andwele Beatty, 8 votes - Councilmembers Ajmera, Driggs Eiselt, Graham, Johnson, Newton, Phipps, and Winston
- Jakob Gattinger, 9 votes – Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Winston

Andwele Beatty and Jakob Gattinger were appointed.

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ITEM NO. 21: APPOINTMENTS TO THE TRANSIT SERVICES ADVISORY COMMITTEE

The following nominees were considered for one appointment for a partial term in the Local/Express Service Passenger category beginning upon appointment and ending January 31, 2023:

- Conner Burdno, nominated by Councilmembers Driggs and Graham

- Linda Webb, nominated by Councilmembers Ajmera, Johnson, Newton, Phipps, and Watlington.

Results of the first ballot were recorded as follows:

- Connor Burdno, 2 votes – Councilmembers Graham and Winston
- Linda Webb, 7 votes – Councilmembers Ajmera, Driggs, Egleston, Johnson, Newton, Phipps, and Watlington

Linda Webb was appointed.

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ITEM NO. 22: APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT

The following nominees were considered for two appointments for three-year terms as Alternate Members beginning January 30, 2021, and ending January 31, 2024:

- Roderick Davis nominated by Councilmembers Graham and Winston
- Amar Johnson, nominated by Councilmembers Ajmera and Johnson
- Raghunadha Kotha, nominated by Councilmembers Ajmera, Egleston, Eiselt, and Phipps
- Marshall Williamson, nominated by Councilmembers Bokhari, Egleston, Eiselt, Newton, and Phipps

Results of the first ballot were recorded as follows:

- Roderick Davis, 2 votes – Councilmembers Graham and Winston
- Amar Johnson, 2 votes – Councilmembers Johnson and Winston
- Raghunadha Kotha, 8 votes – Councilmembers Ajmera, Driggs, Egleston, Eiselt, Johnson, Newton, Phipps, and Watlington
- Marshall Williamson, 7 votes – Councilmembers Ajmera, Driggs, Egleston, Eiselt, Graham, Newton, and Phipps

Raghunadha Kotha and Marshall Williamson were appointed.

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ADJOURNMENT

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

The meeting was adjourned at 8:15 p.m.



Stephanie Bello, Deputy City Clerk

Length of Meeting: 4 Hours, 59 Minutes
Minutes Completed: April 16, 2021