

The City Council of the City of Charlotte, North Carolina convened for Action Review on Monday, April 11, 2022, at 5:08 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Matt Newton, Gregg Phipps, Victoria Watlington, and Braxton Winston, II.

**ABSENT:** Councilmember Tariq Bokhari.

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**Mayor Lyles** said we are going to do something differently. We are going to start with our closed session because we have two very important items that we need to cover. We should try to have that done so that we can go ahead and continue the business portion of the meeting. We will have the closed session and then we will do the presentation on 7<sup>th</sup> and North Tryon and then approve the Consent Agenda items.

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#### **ITEM NO. 4: 15-17665 CLOSED SESSION**

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously to go into closed session pursuant to North Carolina General Statutes § 143-318.11(a)(3) to consult with the City Attorney concerning litigation that is captioned English Construction Company v. City of Charlotte and Daedalus et al v. City of Charlotte.

The meeting was recessed at 5:09 p.m. for a closed session in Room 267. The closed session recessed at 6:19 p.m. for the regularly scheduled Action Review.

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### **ACTION REVIEW**

#### **ITEM NO. 2: 15-17716 ACTION REVIEW AGENDA OVERVIEW**

**Mayor Lyles** said we are now going to have an update on the 7<sup>th</sup> and North Tryon Project. Ms. Dodson.

**Tracy Dodson, Assistant City Manager** said thank you Mayor and Council. Seventh and North Tryon is not a new project for you. In fact, this project has been in the work for about the past seven years. I'm going to recap some of the steps we've been through and then what has happened since the last time it was here in front of you, which was about two years ago. So, as I said, this is something that we have been really working on for the past seven years and it started with the North Tryon Vision Plan that launched in

2015. In 2017, City Council approved the plan which had goals such as creating an art and cultural destination that also incorporated retail and restaurants. It's centered around lifelong learning with the library and supported multifaced transportation in a walkable community.

In July, you further supported this plan by an investment in the Carolina Theater and the rehab of that. That project will be completed later, in probably about a year. In 2018, we released with the other stakeholders for North Tryon an RFP (Request for Proposal) this was for the redevelopment of a one-and-a-half to two-block area that's bound by Tryon, 6<sup>th</sup>, 7<sup>th</sup>, and College Streets. The idea was to get a mixture of uses, hotel, office, and retail in here and to accomplish public space as well as parking that would support the surrounding cultural facilities. In 2020, which is the last time I was in front of you on this project, we had selected a developer and you authorized us to work on an MOU (Memorandum of Understanding) and that's why we're here back today. The MOU incorporated these mixture of uses that we asked for, incorporated the parking, it also had land sales proceeds plus 3 million from the developer for affordable housing, an MWSB (Minority, Women, Small Business Enterprise) goal of 30 percent as well as coordination with the adjacent project of the library, Spirit Square and McGlohon Theater.

As I mentioned, this is a three-acre site that's a block and a half and contains the mixture of uses that connects throughout the area beyond the site. It has now shared below-grade services. So, that is one significant change that we've had in the project along the way. Originally in 2020, we had underground parking and we have switched that now with below-grade shared services between the 7<sup>th</sup> and North Tryon project as well as the library and adjacent theaters. We have ground-floor retail that connects the open space and there's more than half an acre in open space in Public Plaza.

You can see here in the blue several of the surrounding amenities, as well as the future Inlivan development that is adjacent to it. Also, remind you that this site has three different landowners that we have coordinated with to implement this vision between the library, the county and Bank of America.

So, as I mentioned the master plan has shifted slightly. The new changes allow for movement throughout this site to the east and west as well as to the north and the south and we think, create better connectivity to the surrounding amenities and cultural facilities as well as through the site as a whole and better connects all the retail to the larger area.

Looking a little bit closer at the site, what you have here in the bottom left is approximately 400,000 square feet of office. Throughout the site you have about 30,000 square feet of ground floor retail, you have 345 multifamily units that are in the top right. There's a hotel in the center of the project for about 200 rooms that also include retail. There's a 7<sup>th</sup> Street parking deck which is at the bottom right of your screen and that has 585 spaces of which 250 will be public parking. This is up from when we were talking about this is in 2020 when we said it would have about 150 to 200 spaces of public parking. Again, the shift was we pulled the parking above grade and put the services below grade so that the flow

of pedestrians through this site to engage in the retail and the various uses was an easier flow. Then also as I mentioned before, all of this now incorporates between the new library, the theaters, and the 7<sup>th</sup> and North Tryon development, more than half an acre of public plaza space.

The economic benefit and public benefits to the project. As we've talked about the North Tryon Vision Plan, this is a major milestone in implementing that vision plan that was started more than seven years ago. The project will connect as we said, the cultural and civic, and learning venues as well as the new uses of retail, residential, and office. We have a significant amount of retail incorporated in there. There will also be enhanced pedestrian and cyclist improvements to this site. MWSB goals of 30 percent that we mentioned, and then lastly the access to multi-forms of public transportation with the Gold Line, and the Blue Line connecting into the parks. The job creation is a major part of this as well. We anticipate over 4,300 new jobs coming to this site and also 1,200 jobs during the three years of construction and when it's all said and done. This will create an estimated 4.7 million of new property tax revenue. As we have mentioned, the pedestrian and nonvehicular circulation through this site, this includes improvements to the 6<sup>th</sup> Street cycle track. We have 7<sup>th</sup> Street, will become more of a festival street and the plaza will have at least six public events annually. If you think about what's going on right now in uptown with Charlotte SHOUT!, this is yet another opportunity to program and bring people into our uptown and host our community. Then as I mentioned, the 250 parking spaces that will support the library, Spirit Square, and again, that's an increase from where we were in 2020.

In affordable housing, this has largely remained the same from where we were in 2020. We had \$18.7 million for affordable housing. That was the land sale proceeds as well as the 3 million developer contribution. Six million of that was held for Inlivan in the adjacent development to 7<sup>th</sup> and North Tryon. That would be 106 units. Eleven point seven million of that is for 546 units outside of downtown, and you can see the list here. There's a remaining 1 million that has yet to be allocated. Just as a recap, we are looking here at a \$600 million development that generates a 1:22 public/private investment leverage. We're also proposing a \$3 million CIP (Capital Investment Plan) that would support the roadway and streetscape enhancements along 7<sup>th</sup>, 6<sup>th</sup>, College, and Tryon. The tax increment grant would be 24.4 million of that. The city contribution is 8.8 million and then you can see here in the bottom section that our tax increment grant would go to support the public plaza, the cycle track, the roadway improvements as well as the public parking and the underground service area that supports both the office, the theaters, the library.

Just to wrap this up, here's a quick overview from when you voted on the MOU in 2020 to where we are now in 2022. The private investment remains the same. The tax increment grant we had estimated at about 25 million in CIP in the 3 to 5 million range. Obviously, now we have locked in at 24.4 million and 3 million on the CIP. A 30 percent MWSB goal remains the same. The affordable housing in 2020 was estimated at 18.7 million, 691 units. Now we're still at the same dollar amount, 652 units with 1 million still remaining to be allocated. The below-grade parking allows for the public plaza. Now

we've flipped that instead and now we put the service below. The service was originally above ground. So, service is below now, and public parking is above ground. The parking spaces have changed from 1,489 spaces to 810. Partly this is because the office square footage between the 2020 proposal and now has decreased by about 50,000 square feet. Also, the multifamily is going to self-park itself. So, that's where the shift in the numbers are coming from. The public parking that is provided has increased from that range we were initially at to 150-200 spaces, to 250 spaces.

So, we're in front of you here tonight, the County Commission has already voted on the Master Development Agreement and public investment. We will be back on May 9<sup>th</sup> for the City Council vote on the public investment and construction is estimated to start this summer. That was a lot of information really fast.

**Councilmember Egleston** said Ms. Dodson can you go back to the slide that shows the site layout? The three-dimensional one.

Ms. Dodson said I think you're looking for slide seven.

Mr. Egleston said thank you. North of 7<sup>th</sup> Street, the pink retail which I think you were also synonymously referring to as service. You said it's below grade?

Ms. Dodson said so, the service actually is below grade basically between 6<sup>th</sup> Street to 7<sup>th</sup> Street. The parking now has moved to the 7<sup>th</sup> Street parking deck that you see up there on the far right.

Mr. Egleston said I guess what I'm trying to get to is, I couldn't determine whether you were saying the retail is below grade.

Ms. Dodson said no.

Mr. Egleston said the retail is at street level.

Ms. Dodson said yes, all the retail is at street level.

Mr. Egleston said okay. I wanted to be clear about that because of the way it was stated. I mean we laughed but we built an under-street mall that now most of the people other than the folks who work in our offices don't know exists. I think Charlotte Ledger did an April Fool's story the other day that the new South End was going to be underground.

Ms. Dodson said they did.

Mr. Egleston said it was going to be called like UnSo or something.

Ms. Dodson said LoSo.

Mr. Egleston said I did want to make sure that I understood that correctly because when you said something about below grade, sometimes we have historically tucked things like our retail into our buildings in a way that only serves the people in those buildings and not the broader community. Then when you have a situation like COVID if you walk the over street mall today, it's tumbleweeds. So, I just wanted to make sure.

Ms. Dodson said that is important. That goes to part of the switch. When the parking was underneath, I think part of what we figured out was that you would have people parking and going straight to their use. So, they'd go straight to the office. They wouldn't necessarily be up on the street level and interacting with that retail unless they went down from their office or the multifamily with a purpose. So, the idea here is that you're coming out of that 7<sup>th</sup> Street deck and you're really flowing through the middle of the project, being able to see and experience that retail in that plaza environment.

Mr. Egleston said I couldn't fathom that that was what was happening, but I wanted to make sure that we were very clear about that.

**Councilmember Ajmera** said Ms. Dodson, could you go back to that slide where you had 2020 and 2022 comparisons?

Ms. Dodson said Wendy, that's slide 13. Thank you.

Ms. Ajmera said okay, I just need this slide for a minute. If someone else wants to go first.

**Councilmember Eiselt** said I'll start with this slide because I was going to ask. Presumably, 691 to 652 is just the cost of materials and inflation and the cost of building today versus two years ago.

Ms. Dodson said well, we actually feel like we can still get when that 1 million that's not allocated right now gets allocated, we can get much closer to that 691 number.

Ms. Eiselt said okay.

Ms. Dodson said it's just really to date what has been identified with the projects and solidified around the project. So, two slides before, we talked about the affordable housing. When we were here in 2020, we had an idea on some of these projects, but now we've really been able to go through and lock in on the projects that are on the list. So, there's a million left and we hope to be able to get as close to the 691 number if not hopefully exceed the 691 number.

Ms. Eiselt said okay. Along those lines, what happened to the Inlivian portion of this project?

Ms. Dodson said so, if you remember when we originally started with the RFP it wasn't in. Then it came in, and then part of what we figured out through the process and selecting the developer was that it was really difficult to integrate the affordable housing onsite and

we've seen this in multiple times when you're talking about urban environments, especially when you're incorporating a lot of structured parking into the project. From the tax credits, it's very difficult to achieve something that we can do, so that's when we shifted offsite but at the same time, Inlivian had decided that they wanted to be able to move forward on their properties strictly with an affordable housing project. So, we kind of separated out their running with their own project was the 106 units that was on the previous slide.

Ms. Eiselt said in their spot there at Hull House?

Ms. Dodson said yes.

Ms. Eiselt said okay. Then lastly just to recap. We had very little to do with this overall project, right? We had a little piece of an alleyway I believe.

Ms. Dodson said yes ma'am. We've always been a stakeholder as we look at North Tryon, right, and what can we do?

Ms. Eiselt said yes.

Ms. Dodson said when it came to this project we were a stakeholder at the table and have tried to be a partner with the other stakeholders from the bank to the county to the library in there, but we have abandoned the small alleyways that we had that were mixed into the project like we would do with other projects and alleyways.

Ms. Eiselt said if you go back to the map, the bird's eye view that showed it was Bank of America property and the theater, this is to a great extent, the county's property, most of this. Is that correct?

Ms. Dodson said between the county and the library, yes. That's the full block of 6<sup>th</sup> to 7<sup>th</sup> Street.

Ms. Eiselt said okay, so I guess in the spirit of partnership, that's what we're doing right because this is not our project necessarily.

Ms. Dodson said right.

Ms. Eiselt said we're just being stakeholders and good partners and being asked to contribute our portion of the TIG (Tax Increment Grants) plus CIP (Capital Investment Plan) dollars.

Ms. Dodson said correct. We get into this quite a lot between is it a city project, is it a county project, and tax increment grants or business investment grants. When it comes to economic development, a lot of times we need both the city and the county to support the projects.

Ms. Eiselt said yes.

Ms. Dodson said it varies from time to time on who's running what project, who's running point on it, but similar, this is more of a county-led project in this case. Whereas in the past or looking forward to future projects, we have ones that are perhaps city-led that we need the county to be a partner with us on.

Ms. Eiselt said yes. What I just wanted to point out was that we have to do these things together very often and it isn't always just one way. That in this case, we're not really the lead stakeholder in this but we are stepping up with what we can do with a portion of the TIG and with CIP dollars.

Ms. Dodson said I think it's important with that, to acknowledge that we shouldn't be thinking in the way of what we do like the county does parks and we do streets. This is more of are we investing in projects that lead to the greater good for the public.

Ms. Eiselt said correct. I think that's very important without going down the path of a little different conversation, but this is one of those projects where we all should be working together. I just want to be clear; we were asked to participate and we are and I support that, it was the right thing to do. Thank you.

**Councilmember Winston** said you can keep this slide then we can go to slide 13 that Ms. Ajmera had pulled up. I had a chance to speak with the developer about this project and to kind of understand why it was in 2020 and what it is now. I'll tell you what I told them and what I understand from them. So, right now we see that this project is about one and one-quarter square blocks. Initially, this project was supposed to be two full square blocks and that pedestrian walkway was supposed to pretty much extend through those two square blocks and it was going to create a pedestrian plaza. It took me a lot to get there to support building parking with public dollars about two blocks away from two light rail stops in the most intense part of town and this is just for the public, when that kind of quarter block or more than a quarter block of Inlivian property didn't work, everything changed and all of a sudden the design was put in a situation where you have a loading dock above ground that would cut through the cycle track on 6<sup>th</sup> Street. That's how they penciled it out; the economics of it. I'm happy that they have found a way to design this project so that the pedestrian plaza continues all the way through and that eyesore of the loading dock doesn't happen on 6<sup>th</sup> Street so that the cycle track doesn't get interrupted and there's just entrances on College Street now. In order to make that work, to make the project pencil out, they had to basically take the more expensive below-grade parking deck and build a less expensive above-ground parking deck and we're going to add more public parking to it.

With there being a 7<sup>th</sup> Street station right there, that is never full or very rarely full. Right across the street, the Levine Museum of the New South is being sold to put market-rate housing, which I imagine would also have parking that will be both private and public. I am not going to be supportive of us spending that money on more parking above grade

that doesn't activate the space. I know there's the argument that below-grade parking only has people go to one destination. I don't believe that to be true if you create an area, a district, a place where people are actually going to be encouraged to walk around. So, I encourage us to figure out how to create a place like that. I'm not going to be supportive of spending our money on this above-ground parking. Again, I talked to the developer about that last week. Thank you.

Ms. Ajmera said could you please go back to that slide where you got the comparison between 2020 and 2022? Okay. So, I know last time when we approved this, a lot of discussion like Mr. Winston said was around parking and how our TIG public dollars are going towards parking. It's good to see that now it's less parking, well from 1,489 spaces to 810 spaces. Where do you see more?

Mr. Winston said more public parking.

Ms. Ajmera said yes, more public parking. I'm talking about just overall, right? The concern was about our TIG dollars going towards not just public parking, just parking. I know this policy still needs to be reviewed in the Economic Development Committee, but we ought to look at what are other things we can tie our TIG to. When we look at our overall project, it's hard to explain that our TIG has to be associated with one item, whether it's parking or something else. So, when we say \$24 million is going towards parking, that's not necessarily true because if you don't provide TIG, this project wouldn't be successful. So, I think we just need to find another way where we are not attaching our TIG to specifically parking.

Ms. Dodson said it's always tough when we have these. It's always hard to explain that the TIGs are legally tied to a public infrastructure investment, but yet we're investing in the project because of the project as a whole. Our dollars might be going to a road, but they wouldn't be going to a road unless we supported the whole project, and so, that's where it gets sometimes very difficult to kind of separate out.

Ms. Ajmera said I had this conversation with many residents who had reached out to us. "Hey, why are you all funding tax increment grants, or just parking in general?" So, there needs to be a better way of saying our money is really going towards the entire project's vitality. If you don't fund it, then it's not going to be successful. It's not just the parking. Are there other tools that we have to tie to anything else in the project?

Ms. Dodson said well our dollars are not going solely to parking. We're also investing in the public plaza space and in the streetscape as well as the rebuilding of 7<sup>th</sup> Street into the festival street.

Ms. Ajmera said alright. That's all I have.

**Councilmember Driggs** said I think we should appreciate we approved a deal like this and that's kind of a done deal so we're now looking at the changes from then and whether



the public interest is served still or whether we lose ground or something like that. On the parking spaces, the fact is we need parking spaces and until we have alternatives to cars, we can't start trying to squeeze those out. So, I'm interested on that. You said 50,000 square feet have gone away from the office building right? How many spaces would we normally assign to that 50,000 square feet?

Ms. Dodson said I can get you the specific breakdown.

Mr. Driggs said I just want to understand the calculation where we get from 1,489 to 810. A piece of that is the parking spaces in the residential building. Is that right?

Ms. Dodson said well, the multifamily will self-park itself, so it's kind of separate.

Mr. Driggs said right, but are those spaces, the multifamily spaces, ones that were included in the 1,489 before?

Mr. Dodson said yes, I think that we were anticipating that it was all connected.

Mr. Driggs said alright. So, I'd just like to see a breakdown that starts with 1,489 subtracts the spaces related to the 50,000 square feet, subtracts the spaces that are now in the multifamily, so we get an apples-with-apples comparison on what parking capacity we're talking about. What is the TIG actually paying for right now? It was the parking before?

Ms. Dodson said yes.

Mr. Driggs said what is it? Is it paying for the above-ground deck or what?

Ms. Dodson said it's going towards the public parking; it's going towards the plaza and it's going towards the streetscape. As well as the rebuild of some of the cycle tracks.

Mr. Driggs said so, we have kind of expanded the scope of that TIG beyond just parking which I think is what it was before, to also help pay for those other things. So, it does reflect the change in the terms of our deal with the other parties. I think the public interest is still there, but I want us to be very clear about how it compares with what we had before. Thank you.

Mayor Lyles said alright. Those are all the speakers I have for this item. Thank you, Ms. Dodson.

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## CONSENT AGENDA

Motion was made by Councilmember Driggs, seconded by Councilmember Ajmera, and carried unanimously to approve Consent Agenda as presented, with the exception of Item No. 26 which was deferred to May 9, 2022; Item No. 39, which was pulled by staff; Item No. 52, which was deferred to May 9, 2022; and Item No. 53 which was deferred to May 9, 2022.

The following items were approved:

**Item No. 21: Recover Latent Fingerprint System**

(A) Approve the purchase of the RECOVER Latent Fingerprint System by the sole source exemption, (B) Approve a contract with Foster and Freeman USA Inc for the purchase of the RECOVER Latent Fingerprint System, and (C) Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance and support, and system upgrades/expansions as required to maintain the system for as long as the City uses the system.

**Item No. 22: Citywide Onboarding Services**

(A) Approve contracts with the following companies for citywide onboarding services for an initial term of three years: Wolfe, Inc., US ISS Agency LLC, Concentra, Forensic Polygraph Consultants, Employment Practices Counsel, Inc. (WBE, 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. 23: Construct 9th and College Storm Drainage Improvement Project**

Approve a contract in the amount of \$1,432,617.04 to the lowest responsive bidder OnSite Development, LLC for the 9th and College Storm Drainage Improvement Project.

**Summary of Bids**

OnSite Development LLC

\$1,432,617.04

**Item No. 24: Boiler System Preventative Maintenance and Repair Services**

(A) Approve a unit price contract with Mitcham and Company, Inc. for preventative and corrective maintenance services for boiler systems at Charlotte Water facilities for an initial term of three years, and (B) Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

**Item No. 25: Clarke Creek Pumping Station and Force Main Owner's Advisor Services**

Approve a professional services contract with Brown and Caldwell in the amount of \$2,705,041 to provide owner's advisor services for the Clarke Creek Pumping Station and Force Main Project.

**Item No. 27: CATS Bus Automatic Vehicle Location and Dispatch System  
On-Going Maintenance and Support**

(A) Approve contract extension #1 for up to five years with Trapeze for maintenance and support services for the bus automatic vehicle location and dispatch system, TransitMaster, (B) Authorize the City Manager to approve price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and (C) Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance and support, and system upgrades/expansions as required to maintain the system for as long as the City uses the system.

**Item No. 28: CATS Light Rail Vehicle Parts and Repair**

(A) Approve the purchase of parts and maintenance overhaul services for a Light Rail Vehicle auxiliary power supply system by the sole source exemption, (B) Approve a contract with Powertech for the purchase of parts and repair services for a term of three years, and (C) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

**Item No. 29: Cats Ultra-Low Sulfur Diesel Fuel**

(A) Approve a unit price contract with the lowest responsive bidder James River Solutions for the purchase of ultra-low sulfur diesel fuel on a fixed-price basis for an initial term of three years, 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 contract consistent with the purpose for which the contract were approved.

**Summary of Bid**

\* The complete Summary of Vids is available in the City Clerk's Office

**Item No. 30: Airport Grading and Drainage Construction Contract**

(A) Reject the low bid submitted by Blythe Development Co. for the North End-Around Taxiway Grading and Drainage Construction Project, and (B) Approve a contract in the amount of \$42,184,265.30 to the lowest responsive, responsible bidder ES Wagner Company, LLC for the North End-Around Taxiway Grading and Drainage Construction Project.

**Summary of Bid**

\* The complete Summary of Vids is available in the City Clerk's Office

**Item No. 31: Emergency Medical Services at the Airport**

(A) Approve a contract with Mecklenburg Emergency Medical Services Agency for the provision of emergency medical services at Charlotte Douglas International Airport for an initial term of three years, and (B) Authorize the City Manager to renew the contract for

up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

**Item No. 32: Set a Public Hearing on Windsford Voluntary Annexation**

Adopt a resolution setting a public hearing for May 9, 2022, for the Windsford voluntary annexation petition.

The resolution is recorded in full in Resolution Book 52, at Page(s) 673-674.

**Item No. 33: Set a Public Hearing on Enclave at Fairhill Pond Voluntary Annexation**

Adopt a resolution setting a public hearing for May 9, 2022, for the Enclave at Fairhill Pond voluntary annexation petition.

The resolution is recorded in full in Resolution Book 52, at Page(s) 675-676.

**Item No. 34: Resolution of Intent to Abandon a Portion of the Alleyway off of East 16th Street Parallel to Pegram Street**

(A) Adopt a Resolution of Intent to abandon a portion of the alleyway off of East 16th Street parallel to Pegram Street, and (B) Set a Public Hearing for June 13, 2022.

The resolution is recorded in full in Resolution Book 52, at Page(s) 677-678.

**Item No. 35: Resolution of Intent to Abandon Unopened Beechway Circle and Mark Way Right-of-Way**

(A) Adopt a Resolution of Intent to abandon unopened Beechway Circle and Mark Way Right-of-Way, and (B) Set a Public Hearing for June 13, 2022.

The resolution is recorded in full in Resolution Book 52, at Page(s) 679-680.

**Item No. 36: Resolution of Intent to Abandon Unopened Wayne Avenue and a Portion of May Street**

(A) Adopt a Resolution of Intent to abandon Unopened Wayne Avenue and a Portion of May Street, and (B) Set a Public Hearing for June 13, 2022.

The resolution is recorded in full in Resolution Book 52, at Page(s) 681-682.

**PROPERTY TRANSACTIONS**

**Item No. 37: Aviation Property Transactions - North Side of Old Dowd Road**

Acquisition of Permanent Slope Easements - 79,604 sf (1.8275 acres); Temporary Construction Easements - 23,495 sf (0.5394 acres), 114,517 sf (2.629 acres) at North side of Old Dowd Road, East of I-485 and West of Little Rock Road from Norfolk Southern Railway Company for \$464,000, and all relocation benefits in compliance with Federal, State or Local regulations for NEAT (North End Around Taxiway).

**Item No. 38: Aviation Property Transactions – 5400 Wilkinson Blvd.**

Acquisition of N/A at 5400 Wilkinson Blvd. from James A. Worthy for \$1,445,500, and all relocation benefits in compliance with Federal, State, or Local regulations for Aviation Master Plan.

**Item No. 40: Charlotte Water Property Transactions - Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcel #14**

Resolution of Condemnation of 6,888 square feet (0.16 acres) in Waterline Easement at 2539 Little Rock Road from Graham & Faust, LLC for \$90,050 for Graham & Faust, LLC.

The resolution is recorded in full in Resolution Book 52, at Page (s) 683.

**Item No. 41: Charlotte Water Property Transactions - Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #30**

Resolution of Condemnation of 6,374 square feet (0.15 acres) in Sanitary Sewer Easement, 8,675 square feet (0.20 acres) in Permanent Access Easement, and 12,369 square feet (.28 acres) in Temporary Construction Easement at 4840 Reagan Drive from F9 Properties, LLC (P/K/A ANO, LLC) for \$53,425 for Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #30.

The resolution is recorded in full in Resolution Book 47, at Page (s) 684.

**Item No. 42: Property Transactions - Dixie River Road WM Extension, Parcel #22**

Resolution of Condemnation of 9,354 square feet (0.215 acres) Utility Easement, 889 square feet (0.02 acres) Temporary Construction Easement, 10,208 square feet (0.234 acres) Waterline Easement at 8604 Dixie River Road from Alan Buch, William L Mowry, Raymond L Lancaster, William C Davis, Christopher M Turner and wife Britney W Turner for \$55,775 for Dixie River Road WM Extension, Parcel #22.

The resolution is recorded in full in Resolution Book 52, at Page (s) 685.

**Item No. 43: Property Transactions - Dixie River Road WM Extension, Parcel #24**

Resolution of Condemnation of 11,782 square feet (0.27 acres) Utility Easement, 137 square feet (0.003 acres) Temporary Construction Easement, 2,999 square feet (0.069 acres) Waterline Easement at 8720 Dixie River Road from Alan Buch, William L Mowry, Raymond L Lancaster, William C Davis, Christopher M Turner and wife Britney W Turner for \$37,425 for Dixie River Road WM Extension, Parcel #24.

The resolution is recorded in full in Resolution Book 52, at Page (s) 686.

**Item No. 44: Property Transactions - Dixie River Road WM Extension, Parcel #42**

Resolution of Condemnation of 541 square feet (0.012 acres) Utility Easement at 0 Dixie River Road from Alan Buch, William L Mowry, Raymond L Lancaster, William C Davis, Christopher M Turner & wife Britney W Turner and BCCR Properties LLC for \$475 for Dixie River Road WM Extension, Parcel #42.

The resolution is recorded in full in Resolution Book 52, at Page (s) 687.

**Item No. 45: Property Transactions – Monroe Road Streetscape, Parcel #4**

Acquisition of 187 square feet (0.004 acres) Utility Easement, 50 square feet (0.001 acres) Sidewalk Utility Easement, 307 square feet (0.007 acres) Temporary Construction Easement at 3800 Monroe Road from Toy Holdings LLC for \$11,000 for Monroe Road Streetscape, Parcel #4.

**Item No. 46: Property Transactions - Monroe Road Streetscape, Parcel #22**

Acquisition of 23 square feet (0.001 acres) Utility Easement, 1,677 square feet (0.038 acres) Sidewalk Utility Easement, 1,914 square feet (0.044 acres) Temporary Construction Easement at 4336 Monroe Road from T and D Monroe LLC for \$41,525 for Monroe Road Streetscape, Parcel #22.

**Item No. 47: Property Transactions - Monroe Road Streetscape, Parcel #24**

Acquisition of 920 square feet (0.021 acres) Sidewalk Utility Easement, 1,974 square feet (0.045 acres) Temporary Construction Easement at 4346 Monroe Road from J and E Enterprise LLC for \$21,150 for Monroe Road Streetscape, Parcel #24.

**Item No. 48: Property Transactions - Monroe Road Streetscape, Parcel #30**

Resolution of Condemnation of 5 square feet (0 acres) Utility Easement, 787 square feet (0.018 acres) Sidewalk Utility Easement, 878 square feet (0.02 acres) Temporary Construction Easement at 4427 Monroe Road from 1200 The Plaza LLC for \$10,825 for Monroe Road Streetscape, Parcel #30.

The resolution is recorded in full in Resolution Book 52, at Page (s) 688.

**Item No. 49: Property Transactions - Monroe Road Streetscape, Parcel #31**

Resolution of Condemnation of 765 square feet (0.018 acres) of Sidewalk Utility Easement,  
780 square feet (0.018 acres) Temporary Construction Easement at 765 square feet (0.018 acres) Sidewalk Utility Easement, 780 square feet (0.018 acres) Temporary Construction Easement from 1200 The Plaza LLC for \$9,925 for Monroe Road Streetscape, Parcel #31.

The resolution is recorded in full in Resolution Book 52, at Page (s) 689.

**Item No. 50: Property Transactions - Monroe Road Streetscape, Parcel #33**

Acquisition of 196 square feet (0.004 acres) Utility Easement, 806 square feet (0.019 acres) Sidewalk Utility Easement, 336 square feet (0.008 acres) Temporary Construction Easement at 4435 Monroe Road from Jung Properties LLC for \$18,750 for Monroe Road Streetscape, Parcel #33.

**Item No. 51: Property Transactions - Monroe Road Streetscape, Parcel #35**

Resolution of Condemnation of 1,248 square feet (0.029 acres) Sidewalk Utility Easement, 2,095 square feet (0.048 acres) Temporary Construction Easement at 4506 and 4508 Monroe Road from Clayworks INC for \$53,225 for Monroe Road Streetscape, Parcel #35.

The resolution is recorded in full in Resolution Book 52, at Page (s) 690.

Mayor Lyles said on the business items Ms. Johnson has asked a question and everyone should have an email with a copy from Ms. Harris about that. Then the final thing is that Mr. Winston has asked for a separate vote on item 31.

\* \* \* \* \*

**ITEM NO. 31: EMERGENCY MEDICAL SERVICES AT THE AIRPORT**

Mayor Lyles read Item 31 Motion.

Mayor Lyles said Mr. Winston you had asked for a separate vote on that.

Mr. Winston said yes ma'am. Do you want me to comment on 31 now or when we vote on it?

Mayor Lyles said no, we're going to do it up here right now. Alright, so we'll now go to Item number 31 for emergency medical services at the airport as I read out. So, Mr. Winston asked for a separate vote on this. I want to recognize Mr. Winston. Do we want to make a motion to approve the item, Item 31?

Mr. Winston said yes. I'm not going to vote to approve this, and I hope nobody joins me. I'm just putting this on, Mr. Manager, I don't think this is a matter of public safety. I don't think this is necessarily something that we should just do via consent agenda item. I think there's a bigger kind of conversation we can and should have around emergency services work together and best practices. There are two things that come to my mind during this term. One is the police-involved shooting that we saw. We do a lot of work with police and fire to find better ways to have an effective emergency service response, whether it be our six-minute response time for fire or our internal policies applying first aid for police officers. We have a big hole in that, and we saw that on that tape when it took six to nine minutes for a medic to respond. We don't have an effective way of dealing with those

policies. I'll also go back to the airport workers, and they had questions and concerns about responses in the terminal. We were able to look inside, under our own cover, and understand how we respond via police and fire.

I don't know how to factually answer some of the questions as it relates to medic and when we're dealing with seconds and minutes, those are dealing with saving people's lives. So, I think we need to have a different conversation about how we interact and interface with medics to provide emergency services whether it be in the airport or all over our city. That's why I'm pulling it out. I think it should be a different conversation than just on the consent agenda item.

Mayor Lyles said alright. Thank you very much. We have people waiting for our public forum. We have I think seven or so speakers. If we could move promptly down to the chamber and then we'll proceed with our regular agenda for the business meeting.

Motion was made by Councilmember Eiselt, seconded by Councilmember Driggs, and carried unanimously to (A) Approve a contract with Mecklenburg Emergency Medical Services Agency for the provision of emergency medical services at Charlotte Douglas International Airport for an initial term of three years, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

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

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

NAYS: Councilmember Winston.

\* \* \* \* \*

The meeting was recessed at 6:55 p.m. to move to the Meeting Chamber for the regularly scheduled Business Meeting.

\* \* \* \* \*

## **BUSINESS MEETING**

The City Council of the City of Charlotte, North Carolina reconvened for a Business Meeting on Monday, April 11, 2022, at 7:30 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Ed Driggs, Larken Egleston, Malcolm Graham, Renee Johnson, Matt Newton, Gregg Phipps, and Braxton Winston, II.



**ABSENT:** Councilmember Bokhari.

**ABSENT UNTIL NOTED:** Councilmembers Julie Eiselt and Victoria Watlington.

**Mayor Lyles** said good evening. It's so nice to come down from the second floor where we have a Council meeting where we would discuss issues that are coming up or actions that we are about to take. It's always so good to come down here and see people that are willing to sit and listen to us talk even more. We really appreciate you.

Tonight's meeting is being held in accordance with the laws governing remote meetings. It's also that we will have some Council members participating remotely and all the legal requirements have been met. We will have other Council members joining us momentarily.

\* \* \* \* \*

### **INVOCATION AND PLEDGE**

Councilmember Newton gave the Invocation followed by the Pledge of Allegiance.

**Councilmember Eiselt and Watlington arrived at 4:11 p.m.**

\* \* \* \* \*

### **PUBLIC FORUM**

#### **National Poetry Month in April and Improving Mental Health**

**Tonia Lyon, 201 North McDowell Street** said thank you. Hello, I'm Tonia Bendickson Lyon. I'm a resident of our great city and a mom of two teen boys, Cooper and Ascher, and also a lovely adult daughter Sierra. I've had the blessing of holding some fun and impactful positions in our city. I was a WBTV news anchor for 10 years, I was ordained a pastor at Elevation Church 10 years ago in 2012. I'm currently a special assistant to the president of Montreat College and a small business owner in our city as well. So, I'm grateful for your leadership in our city and the opportunity to stand before you tonight because April is National Poetry Month. In partnership with the Institute for Poetic Medicine, our team has been bringing poetry as healing to Charlotte since 2020. When we write when we experience epiphany moments that more deeply connect us to our shared humanity, so I'd like to share with you a few items from our third and newest addition of embracing uncertainty. These are original poems that were written by poets served through the nonprofit organization RunningWorks. We've also have been blessed to work with The Sandbox and Hope Haven.

The first poem was written by a man named Harrison. "Today I am observing the love, the happiness, the joy of planting positive seeds along life's highway. When we allow

ourselves to assist others in their life space there is a reflection of our actions that is seen in the mirror of life. Our delight illuminates our will to serve mankind whenever we can, to whomever we can, wherever we can. Positivity breeds positivity.”

The second poem is written by Matt, he’s one of the staff members at RunningWorks who told us he was a little reluctant to write poetry at first because he thought it might be weird and then he wrote this lovely poem. “We are all runners.” Running is probably one of the most misunderstood forms of art in the world. If you are breathing you are running. Running towards something, running away from something, running. To the next minute, hour, and day that is coming, as long as your heart is running. Body, mind, and soul, all three are in constant motion moving forward as we grow old. Experience life, love one another, seeking peace in a world of sorrow. Some run fast, some run slow, but we’re all in the same race. We just finish at different times. The biggest question to me is will you win your race? Not on the road or the track, but as a son or a daughter, mother or a father, friend or foe. One may think, ‘I don’t run,’ but the reality is we’ve all been running our whole lives.”

And the third one I want to share with you is written by Vince. Vince wrote this. “I said two poetry sessions ago, I don’t care for greenery,’ but today after this pandemic sitting near a tree might be alright.” We offer these original poems as a gift. Thank you. Samantha, my business partner, and friend made sure you have a few from our recent work. We’re dedicated to growing and guiding our community and we ask that you consider those who might benefit from the work and connect us to them so that more people might benefit from this healing process. We can be reached. You can see it there.

**Mayor Lyles** said thank you very much for your time and the comments.

Ms. Lyon said thank you for your time and attention.

Mayor Lyles said it’s truly an expression.

**Councilmember Driggs** said running, I think running is particularly appropriate in this company.

Mayor Lyles said exactly. It is particularly appropriate. Thank you for the publication. Alright, our next speaker.

### **Affordable Housing**

**Kyle Clark, 2825 Holt Street** said alright, that’s a tough act to follow, but my name is Kyle Clarke. I’m a resident of Villa Heights. I’ve been living here for around five years. Shortly after moving into my home, the home next door was sold to a builder and left in some pretty questionable condition. We have squatters and trees falling into our property and the whole thing. So, just a little bit of background. Eventually, the construction began on the lot and that happened in 2020. There were some practices which seemed kind of

questionable. Namely, there's a shared driveway for two properties. This driveway cuts about 15 feet in front of my home and approximately 20 feet off of the road. The driveway was positioned in a way that prevents some on-street parking and actually, my driveway ends up being blocked. When I brought it to the attention of the builder he'd say things like, "We have permission to do this, and we have the ability to basically build a driveway clear across your house and be thankful that we're not." So, I started looking into the builder and the situation. Turns out some guidelines weren't followed, and planning seemed sparse if at all, but while I was digging around, found that the city actually granted them the adjoining property. So, another piece, so two doors down from me. Shortly after that, the property was subdivided into three and if you're following the game of three cards Monty, we've gone from two lots, one which the city owns to three lots which now the builder owns.

He built two homes, each of which sold for around \$900,000. The covenant in the grant that the city gave them was that they had three years starting in 2019 to build an affordable unit. We're sitting here in April and that unit isn't much more than a foundation. So, those two 3,200 square foot homes that were sold for \$900,000 and two car garages were completed during the pandemic and the city's affordable units have not. So, I've been speaking to some of the city staff about some of the driveway and code issues that we've seen along the way.

Mayor Lyles said, Mr. Clark. Thank you, your time is up. Thank you very much for your concern and the problem. I understand that Shawn Heath is working with you and will take the lead from the staff. So, please look forward to an email or a call from Mr. Heath and we'll begin to work on that and try to straighten out as much as we possibly can. Thank you very much.

### **Building a Skate Community**

**Kamelia Pearson, 9825 University City Boulevard** said yes ma'am. I hope you are doing well tonight. My name is Camila Pearson. I'm a local skater at the DIY Skatepark Eastland. I do not necessarily look like your typical skater. I'm extremely girly as you can see and I have long nails, but that's what makes it a good skate community. It's diverse, it's a judgment-free zone, where people come together as a community to do what they love. I work three jobs and I'm a full-time student at UNC Charlotte. Skateboarding is something that saved my life. If it wasn't for skateboarding I would not be in school. My major is based around helping athletes, especially skaters. With all this pressure to succeed, sometimes life can get stressful. I can't count how many times I felt stuck, scared, and worried about my next move, but I think it's safe to say I can speak for every skater when I say this. I go to the skatepark to find a peace of mind. It's a place where I can let loose and enjoy the wind going through my hair. A place where I know if I'm down somebody will encourage me to keep going. A place I can feel accomplished at when I learn something new.

So many skaters have taught me the value of life just from one conversation. That is why it is so important for us skaters to have a place to call home. We need skate parks. Not

just because it's a fun place to be, but because a skate park is a place where so many skaters can come together and feel safe. We are one big family. Please after this, think about the lives you will be impacting when you consider building more parks and not taking down Eastland. We need this more than anything. Skateboarding is so many people's careers and a lot of people only have skateboarding. By tearing down Eastland you are taking away from the community. People have put their own money, hard work, and love into building Eastland. Please take the time and evaluate everything I'm saying tonight because I'm not just speaking for me, I'm speaking for the skate community. Thank you so much.

Mayor Lyles said thank you so very much. We're working on it. Alright? We're working on it. Thank you, guys, for showing up. You've been here and been very consistent. We are working on it. We have to do some more work on it.

### **Electronic Transfers Only Businesses**

**Kevin Murray, 9510 Grove Hill Drive** said this is Jimmy McMillan, and Jimmy McMillan is going to be a newborn-again gentleman. The reason I say that is because I'm a homeless advocate. If you don't know the story of Jimmy McMillan., you're going to real quick, okay? Jesus got me out of bed to come here. This was not my idea. In the 80s when the gubernatorial races were on for New York City, Jimmy was a Council member and the left and the right couldn't get it together to back this guy with a party. So, Jimmy decided that he's going to start his own party and he named his party the Rent Is Too Damn High Party. I was in communication with Jimmy at that time because I was the sole owner of a masterpiece of literature that I recently recorded in Nashville that I will be sending you guys tomorrow. I'll be sending it to you to listen to it and I will legally sign documentation to give you free authority to ever use that song for any fundraising this city ever does to feed children.

Now, some of you I see on tv. Sometimes I get caught like if I don't change the channel quick enough and then you guys pop on. I got to get quick with this. I'm a Marine, a United States Marine, and a born-again Christian, and a broke one of both. I can't buy coffee in NoDa because I did not have a credit card. I will not allow that. We're going to talk about that. I only got two minutes. There's an incident that really got me here, it wasn't Jimmy. That was a late gift. What the gift was, was why I couldn't buy coffee in NoDa because I didn't have my credit card. I left my wallet at home. I was more shunned than an abandoned child. To think that my money was no good no more. Where are we going? You got bloodline that died for this country and I got bloodline that died for this country and we got people who love each other. I heard of Elevation Church before. I gave Steven and Holly 25 percent of the song that I'm going to email to you and if you want to play it, that's up to you. I'm sorry for the emotion, but without that, that means there was no prayer. Thanks for your time.

Mayor Lyles said thank you very much, Mr. Murray.

### **Project to House Critically Homeless**

**Aime Gelinas, 5913 Waverly Inn Lane** said hi. I've never been to a meeting in my life. I'm going to make this the best possible I can. I wrote it down really quickly because I was one of the last people. My name is Aime Gelinas and I'm the executive director of Changed Hurt and Traumatized and there's some individuals out there that I'm sure you guys have never seen or talked to and they're critically homeless people. They are people that are not able to even mention that they need help. I don't know if you've seen them, they wear all rags and they come out every now and then from the shadows and you barely see them and they have a hodgepodge of mental disorders. What I want to do is I want to be able to give them housing, give them job interviews, give them all the things that every citizen of this great queen city deserves, and they can't even think for themselves. I would love to be their advocate and I need your guy's help to be able to start that project which is definitely housing. They don't even want to go over to Urban Ministries or any of these places that there is housing because they can't think for themselves, and I would like to be their thinker and I would really appreciate it if somebody on the Council gives me a callback and lets me know maybe if you guys could vote on helping me live their dreams. It's nothing to do with my dream. I believe that they deserve to have a dream and that's my time. I'm going to cut it short. I'm not going to go rambling. Thank you.

Mayor Lyles said, Mr. Gelinas?

Ms. Gelinas said yes ma'am.

Mayor Lyles said, believe me, I want you to know that this Council also has that dream for every resident, and we want to do our very best. We appreciate people like you that care very much and offer your ability to communicate and serve, so thank you.

Ms. Gelinas said Ms. Mayor, I've had my non-for-profit business for three years and I haven't had any help from grants or anything like that, so you guys are my last resort in trying to get some funds or maybe a lot allocated to help these people. Anything would help, but I just want to get something started so that these people can feel like normal human beings. They don't even look like normal human beings. They talk to me, I'm there with them every day and I'm speaking with them and they trust me, so I figured that you guys could find somebody who's a president of a non for profit that you can put your trust in.

Mayor Lyles said thank you. Trust is a wonderful thing.

### **Affordable Housing**

**Fred Lawing, 3024 East Independence Boulevard** said I didn't get the gentleman's name that just left, but my dream is sort of like his. I have the Cities of Refuge. They called me because I own a hotel and I also have Crisis and sometimes I can't deal with them because it is a crisis. Then I have the Cities of Refuge. All of these groups are looking to house people and then when I look at affordable housing, I am definitely for affordable

housing, but I see it going in a backward direction. It takes a year to get a hotel, gut it out to put in kitchens and stoves so they can cook. The reason I see this as being a backward way, everybody keeps filling up the hotels and wherever they can find people to put. If they buy a hotel, use it as a hotel. Why not just use it as a pilot? These people can move on and if they want to get an apartment later, then you know how to deal with them and where they're going from that. A lot of these young people and a lot of the old ones don't want to cook, they don't want a kitchen. Some of them don't even want to learn how to cook and so we're tearing down all of this to put in these appliances they don't even have the money to buy. So, it's so many areas that we just keep losing when we have it at our disposal to use but use it in a different way. So, I have people who keep wanting to buy my hotel. Everybody wants to tear it up to put in all of these appliances and then everybody got to have an extra room. That's their problem. Some of these homeless people, they have Harry. Harry comes to visit; he won't leave and so they lose what they have gained trying to get rid of the baggage that they bring. So, again I'd like to thank the City Council and I'd like to thank all of the ones that's putting in affordable housing. I'm not against that, but why tear down a high rise? People staying in a tent when you can put people in housing? Thank you.

Mayor Lyles said thank you, Mr. Lawing. Thank you very much. We do try to work on alternative ways of providing housing. So, we'll get back to you. Especially I think in the past year, we've bought some hotels, but we can look and work with you to see what's available and what we might be able to do. So, we'll get back to you. Thank you very much Mr. Lawing for your compassion.

So, I want to recognize, we have another person in our list and his name is Thomas Chester Kelly. Mr. Kelly, would you please stand? Officer Kelly, would you please stand? I want you to know that Thomas Chester Kelly is working on his communication merit badge and that's why he is here watching us tonight as we have this dialogue and meeting. So, we appreciate the work that you are going to do in explaining how wonderfully conversant we were and how collaborative we were, and very informative. Thomas, we're always proud to see young men like you in our audience doing the right thing and I want you to know your dad has one of the best jobs in the world and he does it for many of us and especially for you. So, thank you very much for being here today. So, the Kelly family, I present.

Alright, so that is the end of our speaker's list and we are now going to go to a recognition that we would like to have for Fair Housing Month followed by Mr. Dwayne Turner is going to come down. Mr. Turner, please come down. Mr. Phipps is going to recognize you with our resolution.

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## **AWARDS AND RECOGNITIONS**

### **ITEM NO. 7: FAIR HOUSING MONTH PROCLAMATION**

Councilmember Phipps read the following proclamation:

**WHEREAS**, the Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and

**WHEREAS**, the Charlotte and Mecklenburg County Fair Housing Ordinances of 1980 and 1982 respectively, and the Federal Fair Housing Act of 1968 prohibit discrimination in housing because of “race, color, religion, sex, national origin, familial status, and disability”; and

**WHEREAS**, the City of Charlotte is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

**WHEREAS**, our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and

**WHEREAS**, more than 50 years after the passage of the Fair Housing Act, discrimination persists and many communities remain segregated; and

**WHEREAS**, acts of housing discrimination and barriers to equal housing opportunity are unacceptable to a common sense of decency and fairness:

**NOW, THEREFORE**, I, Vi Alexander Lyles, Mayor of Charlotte do hereby declare the month of April 2022 as

### **“FAIR HOUSING MONTH”**

in Charlotte, as an inclusive community committed to fair housing, and to promoting appropriate activities by private and public entities to provide and advocate for equal housing opportunities for all residents and prospective residents of Charlotte.

**Mayor Lyles** said so would you like to take that over to him so that he could have our official copy?

Mr. Phipps said most definitely.

Mayor Lyles said alright, thank you.

### **Fair Housing**

**DeWayne Turner, 2010 South Tryon Street** said thank you. I just wanted to give reverence in this moment. Good evening everyone. I appreciate your time. Again, my name is Dwayne Turner and I’m the 2022 Chair of the Canopy Realtor Association Fair and Affordable Housing Advisory Group. I appreciate the opportunity to be here tonight and I’m thankful to you Councilman Phipps for coordinating this proclamation and also to

you Mayor Lyles and everyone involved for allowing this to come forward and for taking the time to recognize April as Fair Housing Month. Thank you.

Mayor Lyles said thank you very much.

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## **PUBLIC HEARING**

### **ITEM NO. 8: PUBLIC HEARING ON THE PROPOSED THE FISCAL YEAR 2023 ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT**

**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.

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### **ITEM NO. 9: PUBLIC HEARING ON AIRPORT 2022 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 Graham, and carried unanimously to (A) to conduct a public hearing related to the issuance of General Airport Revenue Bonds and Revenue Bond Anticipation Notes to provide permanent financing for projects listed below, and (B) to adopt resolutions authorizing and approving the issuance of General Airport Revenue Bonds up to \$425 million and Revenue Bond Anticipation Notes up to \$300 million and calling for the execution and delivery of various documents necessary to complete the sale.

The resolution is recorded in full in Resolution Book 52, at Page(s) 583-633.



There being no speakers either for or against, a motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously to close the public hearing and (A) issuance of General Airport Revenue Bonds and Revenue Bond Anticipation Notes to provide permanent financing for projects listed below, and (B) to adopt resolutions authorizing and approving the issuance of General Airport Revenue Bonds up to \$425 million and Revenue Bond Anticipation Notes up to \$300 million and calling for the execution and delivery of various documents necessary to complete the sale.

The resolution is recorded in full in Resolution Book 52, at Page(s) 634-666.

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## **POLICY**

### **ITEM NO. 10: CITY MANAGER'S REPORT**

There was no City Manager report.

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## **BUSINESS**

### **ITEM NO. 11. NORTH GREENVILLE INFRASTRUCTURE REIMBURSEMENT AGREEMENT**

Motion was made by Councilmember Egleston, and seconded by Councilmember Newton to adopt and approve (A) to authorize the City Manager to negotiate and execute an infrastructure reimbursement agreement with The Drakeford Company in an amount not to exceed \$2,214,718 for public infrastructure, which is expected to be reimbursed through 45 percent of incremental City and County property taxes from a designated area over 15 years, or until fully reimbursed, whichever occurs first, and (B) to adopt a resolution approving an Interlocal Agreement with Mecklenburg County for the Greenville North Infrastructure Reimbursement Agreement.

**Councilmember Driggs** said thank you, Madam Mayor. So, I explained to Mr. Drakeford before that I appreciate his investment and I see the benefits of this. I'm a little concerned that we don't really have an established use of a TIG for this purpose and I'm not sure what kind of a precedent it establishes. So, for that reason, I won't support it, but I don't mean to discourage your investment in the community. Thank you.

The vote was taken on the motion to adopt and approve A and B and recorded as follows:

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

NAYS: Driggs

Mayor Lyles said thank you very much. Congratulations on the approval.

The resolution is recorded in full in Resolution Book 52, at Page(s) 667-668.

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## ITEM NO 12: SOUTHPARK MUNICIPAL SERVICE DISTRICT

Motion was made by Councilmember Eiselt and seconded by Councilmember Egleston to Adopt Budget Ordinance No. 279-X, approving the creation of the SouthPark Municipal Service District.

**Councilmember Eiselt** said thank you, Madam Mayor. I was asked by the Chair of the South Park Association of Neighborhoods to clarify some of the points that were discussed in our last meeting for the hearing. She pointed out that the majority of emails that were opposing the district were either from SouthPark residents who are actually not included in the district but read the story in the paper and were confused or are from the Piedmont Row residence. She said that there were four condos that were included in the project and single-family homes. They did not hear back from one of them, Phillips Place. Piedmont Row, the second one, asked for the entire complex to be excluded and the Council did approve that. Tryon is in the process of being sold and the owner of the new development is in support and then the Morrison neighborhood voted twice to stay in the district. So, she wanted to make sure that those points were made.

Secondly, she wants the Council to understand that there was an opt-out provision that was added to the MSD (Municipal Service District) ordinance in 2016, so that would be any MSD ordinance which allows residents with economic hardship or other unusual situations to be removed. It was not intended for those that were simply opposed for philosophical reasons. In their request, the petitioner had to identify why they felt they would not benefit from being in the district. According to one of the neighborhood associations, neither one of the two petitioners has financial hardships nor any compelling story for why they want out. So, the SouthPark Association of Neighborhoods is strongly in favor of the MSD as it will remove a huge burden off of their volunteers to keep projects moving in SouthPark, especially without a staff person to oversee this, nothing would happen. So, that is cited on behalf of the South Park Area Association of Neighborhoods.

**Councilmember Ajmera** said thank you, Madam Mayor. So, I had asked questions about the housing impact of this MSD and I had a conversation with Chris Thomas with our business community and also with Mr. Larsen with the SouthPark Neighborhood

Association and she walked me through all the work that they had done to do an outreach to reduce or minimize the impact it will have on our residents. So, I feel comfortable with the work that they have done to do an outreach and I will be supporting this.

**Councilmember Driggs** said Madam Mayor, in Mr. Bokhari's absence I just wanted to note this is a huge amount of work that goes into getting this done, and appreciate you Chris, and everybody else that participated. I think this will be a benefit and I intend to support it. Thank you.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 683-711.

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### **ITEM NO 13: AFFORDABLE HOUSING DEVELOPMENT SUPPORT REQUESTS**

Motion was made by Councilmember Egleston, and seconded by Councilmember Graham, and carried unanimously to approve \$12,403,700 in Housing Trust Fund allocations for the following multi-family rental affordable housing developments contingent upon their receiving a Low-Income Housing Tax Credit award from the North Carolina Housing Finance Agency, where applicable: Evoke Living at Eastland, \$2,496,000 (9% LIHTC) in Council District 5, Forest Park Apartments, \$2,500,000 (4% LIHTC) in Council District 3, Marvin Road Apartments, \$2,240,000 (9% LIHTC) in Council District 1, Mallard Creek Seniors, \$2,950,000 (9% LIHTC) in Council District 2, Northlake Center Apartments, \$500,000 (9% LIHTC) in Council District 4, Parkside at Long Creek, \$1,487,000 (9% LIHTC) in Council District 4, and East Lane Drive Townhomes, \$230,000 (Homeownership) in Council District 5.

**Councilmember Ajmera** said I just want to highlight that this is going to create 662 affordable housing units and 23 percent of them are going to be at 30 percent AMI (Area Median Income) or below and I know it's just a drop in the ocean, but this has continued our commitment to affordable housing. So, I just want to highlight the work that the staff has done, the committee has done to continue to address the affordable housing crisis in our city. Thank you.

**Councilmember Graham** said thank you, Madam Mayor. Kudos as well. I just want to thank Shawn, Rebecca, and Miles for all the work they've done to kind of get us to this point and then just to reiterate that the Housing Trust Fund turns 20 years old this year and it's time for a tune-up and take the car into the shop and kind of do what we got to do. So, hopefully, Mr. Manager, you get where this is headed to.

**Marcus Jones, City Manager** said it's on the assignment.

Mr. Graham said yes, I think it's really time for it.

**Mayor Lyles** said I have heard these words described. If you listen to Charlotte Talks you'll hear Mr. Graham talk about this issue.

Mr. Graham said yes, that's why I'm taking advantage of it. I think it's time and the issue as Councilmember Ajmera said is it's a drop in the bucket, but there's so much more work to do and Charlotte is cutting edge, leading edge in terms of what we're doing in reference to affordable housing. I think we can step it up and after 20 years, it's time for us to reevaluate the Housing Trust Fund. I know Councilmember Winston during the COVID - 19 (mild to severe respiratory infection caused by the coronavirus taskforce has mentioned some of the same things, and I think the time is right.

**Councilmember Watlington** said Councilmember Graham actually said much of what I was going to say. I would add a couple of things, specific to homeownership. I know that we talked about this earlier, but I really want to see what we can do to help invest in homeownership for folks because when we talk about economic mobility, we understand that oftentimes our home is the first driver for people to be able to build wealth. So, I appreciate the work that is here and the work that we've done. I'm also looking forward to ways that we can increase the Housing Trust Fund as well as increase homeownership. The other thing that I did want to point out, is and I'm not sure if Mr. Heath is around.

Mayor Lyles said he is.

Ms. Watlington said I have a question for Mr. Heath.

Mayor Lyles said alright.

Ms. Watlington said I know last time we spoke about Brookhill and I know that this \$12 million includes the \$3 million set aside for Brookhill given there's been some activity in recent weeks around Brookhill, I just want to make sure that as we look at these particular investments, that we've got our eye on what the residents of Brookhill will need going forward.

**Shawn Heath, Housing and Neighborhood Services Director** said yes, thank you, Councilmember Watlington. We look forward to more opportunities to speak with the new development team that's focused on Brookhill. August will be an opportunity for us to reassess again. We'll see how many of the nine percent deals that are reflected in this recommendation receive state funding. As I've said before, generally we'd see three maybe a maximum of four of the nine percent deals would be approved, but we can only speculate at this point in time. So, that'll be a fresh opportunity to reassess, and then of course assuming the Council's actions and voter actions later this year with the replenishment of the Housing Trust Fund, we'll be ready for a Brookhill conversation for certain. As it relates to the residents, one thing we promised to do last week was to continue with our community engagement work and we're initiating conversations with the Harvest Center led by Colin Pinkney. We know that they're doing some good work in the community, and we want to dovetail our efforts with theirs.

Ms. Watlington said awesome. Thank you.

Mr. Heath said sure.

**Councilmember Johnson** said thank you, Mayor. I'm excited to support this affordable housing approval, but I would also add if we're looking at revamping the process, that we should really take a look at the 30 percent AMI population. We know that that's the most critical need. We have a 25,000-to-35,000-unit deficit once the court's caught up on the evictions from post-COVID. We're going to see more of a housing crisis once there's no more funding to assist individuals in the hotels because that's where individuals are living who cannot afford a thousand dollars or \$1,200 for one bedroom. So, again, we are still in that crisis so if we could really take a look at that population and just be creative. I know that it's frowned upon to build a whole lot of units for that 30 percent AMI because we talk about concentrated poverty, but so was tent cities and so were the hotels and so were the homeless shelters. So, I just really hope that in the next addition of the Housing Trust Fund or any city assistance, that we are looking at those who have the greatest needs in the city. Thank you.

Mayor Lyles said I want to do some thank-yous. I want to thank the voters that continuously approve these bonds and I want to especially thank those that when we move from 25 million to \$50 million to overwhelming support this because there are places where this is not something that's done and I want to say to the city Council all of you know this has been a passion of mine. It's one of the very first pledges that I made in terms of not even when I was sitting around this dais in this seat but was to say that we have to have places for people to live and places for people to work. If we can do those two things. I think Mr. Graham and Ms. Watlington have addressed this, but Mr. Jones this idea of getting the right people in the room to talk about this is very important because the real difference is connecting the opportunities that we have for people to get to work so that they can afford to own a home.

Almost everyone around this dais is a homeowner and they did it because they had a job that allowed them to earn enough to get a down payment or to have credit scores that would allow them to be able to go to a bank and just be a part of what I call the expectation that we ought to have for people. There are a lot of different factors, but any factor that this Council can control is something that we ought to really be working seriously on. So, I know that Mr. Graham talked about this, but I'd certainly like to see the ability for us to have this summit prior to or pretty quickly right after the bond referendum this fall where we really are asking for a commitment.

I would hope that the Council approves an additional \$50 million on the bond referendum and by approving that additional \$50 million that we would have a plan that would address the dynamics of change that we can control. Those things like providing for with the adoption of the UDO (Unified Development Ordinance) and the 2040 plan to allow people to have more say about what they build on their land and how they do that to provide for

their families. So, let's get to work on that. Thank you very much. Now we'll go ahead and have a vote for the motion.

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**ITEM NO 14: AMEND RESTRICTIVE COVENANTS FOR PROPERTY ON MATHESON AVENUE**

Motion was made by Councilmember Egleston, seconded by Councilmember Watlington to (A) approve an amendment to the restrictive covenants of property located on Matheson Avenue to extend the timeframe for completion of a for sale single-family housing development, and to (B) authorize the City Manager, or his designee, to execute all documents necessary to amend the restrictive covenants.

**Councilmember Phipps** said I have a question about that. What's the construction status of the other two houses or are we just talking about just one affordable single-family housing?

**Mayor Lyles** said it was. I remember when we approved this document, they were building three, and one was affordable and two were market rate, but Mr. Heath is there any other information? Is that accurate?

**Shawn Heath, Housing and Neighborhood Services Director** said that is correct. Two at the market and one at affordable.

Mr. Phipps said right, so the other two, have they been constructed?

Mr. Heath said yes, I believe. I can ask Deputy Director, Heffner to join the conversation if you'd like.

**Rebecca Hefner, Housing and Neighborhood Services Deputy Director** said you have a question. Would you repeat the question?

Mr. Phipps said yes, I just wanted to know the status of the other two houses because our write-up talks about it need water and sewer line extension, but I just wanted to know was this just talking about this one unit or if the other two units are okay or whatever.

Ms. Heffner said yes, the two market-rate units are complete.

Mr. Phipps said okay.

Ms. Heffner said they did not require new water and sewer connection. So, for the third lot, which is an affordable for-sale unit, the construction has started. There is a foundation there, and they are currently waiting for the water and sewer connection.  
Mr. Phipps said thank you.

**Councilmember Winston** said I guess this was the property that the public forum speaker was speaking of. I do remember when we passed this. I believe they built the market rate units before to help with the financing of the affordable unit, however, I think there's a policy issue here. If there are supply chain issues but two market-rate properties were already purchased, it would seem that some purchasing was delayed because we did not get that order. Obviously, this is making housing overall more expensive because time is money and this house is not being lived in. Why wouldn't you order or have those materials ahead of time when those market-rate units were being bought? I would think that those materials would now be more expensive, so obviously, it's not something we can deal with right now. It's in the weeds of the policy, but I think it begs the issue that we look into that.

**Marcus Jones, City Manager** said I follow you, yes.

\* \* \* \* \*

#### **ITEM NO 15: HOME-AMERICAN RESCUE PLAN ACT FUNDING SUPPORT REQUESTS**

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs to (A) approve \$9,566,784 in HOME-American Rescue Plan Act funds for contracts providing various services supporting the mitigation of COVID-19 impacts in the Charlotte community, as follows: United Way of Central Carolinas, \$4,898,984; Socialserve, \$1,350,360; The Salvation Army, \$1,188,000; Roof Above, \$1,065,480; Hope House Foundation, \$443,560; The Relatives, \$323,400; Dreamkey Partners, \$297,000; and to (B) authorize the City Manager, or his designee, to negotiate and execute any necessary contracts and agreements related to these support requests.

**Councilmember Eiselt** said I think I need to recuse myself.

**Mayor Lyles** said I'm sorry. Do I have a motion to excuse the Mayor Pro Tem to be recused on this vote?

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, to recuse Councilmember Eiselt from the motion.

Ms. Eiselt said thank you.

Mayor Lyles said alright so we have to do a roll call vote, Mr. Attorney, to excuse Mayor Pro Tem because of a conflict?

**Patrick Baker, City Attorney** said yes, you'll need to vote to recuse her.

Mayor Lyles said Mr. Driggs, this is on the motion to excuse Mayor Pro Tem.

**Councilmember Johnson** said Mayor, I'm sorry, may I also be excused from this vote?

Mayor Lyles said can you tell us why?

Ms. Johnson said it was just because of a possible conflict of interest.

Mayor Lyles said can you tell us what it is or would you like to text the city attorney so he can assess it?

Ms. Johnson yes, I will. Yes, thank you.

Mayor Lyles said alright if you'll text the city attorney.

Mayor Lyles said so let's get the conversation on the recusals done, and we'll come back. We're going to go to Item 16 and then let's figure out what's going on with Ms. Johnson. We know Mayor Pro Tem serves on the board.

Mr. Graham said I serve on Dream Key Board.

Mayor Lyles said you are on the Dream Key Board. Okay.

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#### **ITEM NO 16: LEAD AND COPPER RULE REVISION GRANT**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs and carried unanimously to (A)adopt a resolution authorizing Charlotte Water to apply for a grant in the amount of \$400,000 with the North Carolina Department of Environmental Quality for American Rescue Plan Act funds for the Lead and Copper Rule Revision project, to (B) accept a grant in the amount of \$400,000 from the North Carolina Department of Environmental Quality for American Rescue Plan Act funds for the Lead and Copper Rule Revision project if awarded, and to (C) adopt Budget Ordinance No. 280-X appropriating \$400,000 from the North Carolina Department of Environmental Quality to the Charlotte Water Capital Projects Fund upon being named a successful grant recipient.

The resolution for 16A is recorded in full in Resolution Book 52, at Pages 669.



The ordinance for 16C is recorded in full in Ordinance Book 64, at Page(s) 712.

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#### **ITEM NO 17: SALE OF CITY-OWNED PROPERTY ON SILVER MAPLE LANE**

Mayor Lyles said nobody had any recusal on the North Carolina Department of Environmental Quality.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to (A) adopt a resolution approving the upset bid process and sale of 0.721 acres of City-owned property at 8398 Silver Maple Lane (parcel identification number 197-172-52) to James W. Adams III and Emily D. Adams for \$24,000, and to (B) authorize the City Clerk to publish a notice of the proposed sale, including a description of the property, the amount of the offer, and the terms under which the offer may be upset.

The resolution for 17A is recorded in full in Resolution Book 52, at Pages 670-672.

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#### **ITEM NO 18: AMEND THE 2022 CITY COUNCIL MEETING SCHEDULE**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve amendments to the 2022 City Council Regular and Budget Meeting Schedule.

Councilmember Egleston said just briefly I wanted to point out the question I think that has been asked to a number of us by a number of folks and so hopefully our friends in the media will get the word out. It will be September 6<sup>th</sup> that the next Council will be seated and I think that had been sort of something dangling out there that was unknown. So, that's the main thing that I think comes out of this.

**Mayor Lyles** said alright. So, that's clarified.

**Councilmember Graham** said along the same lines, just that the numbers in my mind between July 26<sup>th</sup> and September, I thought that was a long time, but maybe it's not.

Mr. Egleston said it's maybe one week longer. It's normally a month between the November election and the December swearing-in.

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#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

**ITEM NO 19: APPOINTMENTS TO THE BUSINESS ADVISORY COMMITTEE**

The following nominees were considered for two appointments for three-year terms beginning May 1, 2022, and ending April 28, 2025:

- Dante Anderson, nominated by Councilmembers Ajmera, Newton, and Winston.
- Victor Perez, nominated by Councilmembers Ajmera, Driggs, Newton, and Phipps.
- Robert Phocas, nominated by Councilmembers Bokhari, Egleston, Eiselt, and Winston.
- Najam Usmani, nominated by Councilmembers Egleston and Eiselt.

The results of the first ballot were recorded as follows:

- Dante Anderson, 6 votes - Councilmembers Driggs, Egleston, Graham, Newton, Watlington, and Winston.
- Victor Perez, 6 votes – Councilmembers Ajmera, Driggs, Eiselt, Newton, Phipps, and Watlington.
- Robert Phocas, 4 votes – Councilmembers Ajmera, Egleston, Eiselt, and Winston.

Dante Anderson and Victor Perez were appointed.

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**ITEM NO 20: APPOINTMENTS TO THE CHARLOTTE TREE ADVISORY COMMISSION**

The following nominees were considered for one appointment for a partial term beginning upon appointment and ending December 13, 2022.

- Elizabeth Magan, nominated by Councilmembers Driggs and Phipps.
- Chris Steude, nominated by Councilmembers Bokhari and Egleston.
- Elliott Voreis, nominated by Councilmembers Ajmera, Driggs, Johnson, and Winston.

The results of the first ballot were recorded as follows:

- Elizabeth Magan, 2 votes – Councilmembers Graham and Phipps.
- Chris Steude, 1 vote – Councilmember Egleston.
- Elliott Voreis, 6 votes – Councilmembers Ajmera, Driggs, Eiselt, Newton, Watlington, and Winston.

Elliott Voreis was appointed.

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**ITEM NO. 15 CONTINUED: HOME-AMERICAN RESCUE PLAN ACT FUNDING SUPPORT REQUESTS**

**Mayor Lyles** said So, I'm waiting for the City Attorney to come back and give us some guidance.

**Councilmember Egleston** said we can go ahead and vote on the Mayor Pro Tem and Malcolm, I guess.

**Councilmember Eiselt** said can you do it as one motion?

Mayor Lyles said I'd really like to have the City Attorney to come in.

**Councilmember Graham** said unless you can pull this one out and we both look at that.

**Councilmember Ajmera** said is that the only item left now?

Mayor Lyles said that is the only item left and it is to recuse Mr. Graham because he serves on the Dream Key Board and Mayor Pro Tem because she serves on the Relatives and then I'm not sure what Ms. Johnson's position is on this.

**Councilmember Johnson** said, Mayor?

Mayor Lyles said yes.

Ms. Johnson said I just want to make sure since you asked the question so publicly, there's nothing salacious. I have a nonprofit organization that receives funding from United Way. So, I take conflicts of interest very seriously as most of you know, so that's why I asked if this was a conflict of interest. Patrick has said that it's not. It still feels like it is.

Mayor Lyles said you have an obligation to vote.

Ms. Johnson said I'm asking my Council colleagues if I may be recused from the vote.

Ms. Eiselt said I'd leave it to the lawyer, the City Attorney.

Mayor Lyles said Ms. Johnson, I want to say this because I've gone through this once before, but if Mr. Baker were here, you have in North Carolina an obligation to vote. You can't self-initiate. You have to have a reason that's legal and I'm waiting for Patrick to come back in here so that we can figure this out. Mr. Baker, so Ms. Johnson would like to be excused even though you've advised that she doesn't have a conflict.

**Patrick Baker, City Attorney** said we were just on the phone talking about this issue. So, from my perspective, she does not have to recuse herself. I'm not sure if she's still on the line or not.

Mayor Lyles said she's on the line. So, no recusal for Ms. Johnson, Mr. Baker?

Mr. Baker said that's correct, but there is not conflict. I want to be clear about that and I understand Ms. Johnson's perspective and the concerns that she has and those are well taken, but she's okay on this.

Mayor Lyles said alright, thank you very much.

Mr. Driggs said [inaudible] because there's no financial interest, so what we're talking about here is the perception issue.

Mr. Baker said correct.

Mr. Driggs said it's automatic under state law if you have a financial interest. It's at the discretion of the Council if a council member is concerned about a possible perception of a conflict that is not financial. So, in that case, I think the two board members would qualify to be excused by us. Ms. Johnson, I think that connection that you're talking about in my personal opinion is too remote for you to have any risk of being accused of a conflict of interest.

Ms. Johnson said okay.

Mayor Lyles said alright.

**Councilmember Watlington** said I would just say though to your point if it's at the discretion of the Council, I would rather vote on that rather than telling her she cannot do it.

Mr. Driggs said no, no, we're going to vote. I'm just expressing an opinion.

Ms. Watlington said no, no. I don't disagree with anything you said, but I didn't hear that we were going to vote on Ms. Johnson. What I heard was no recusal and what I'm saying is I want that to go to vote as well.

Mr. Driggs said again, failing a vote, everybody votes. So, unless we will vote to excuse two people, by not taking any action in Ms. Johnson's case, she is presumed to be included in the vote.

Ms. Watlington said I understand. What I'm saying is I want to vote on Ms. Johnson too.

Mr. Driggs said you can a motion I guess.

Mayor Lyles said you guys are down there being the lawyers and the questions, I'm going to ask the attorney. Mr. Baker?

Ms. Johnson said I will say this Mayor. I've said it before, I have a different perception of conflict of interest and it may not be illegal, but if there's an appearance of impropriety, then I would like to be recused if I can. I could have just done the easy thing and walked away from the camera, but I'm trying to do the right thing here, so I'm just asking for that, but if I'm required to vote I will also. I didn't want to make this a huge thing.

Mayor Lyles said so we're going to ask the city attorney to clarify Ms. Watlington's question. Mr. Baker.

Mr. Baker said how I had traditionally advised you all in the situation where you're concerned about an appearance of impropriety but it doesn't have the legal conflict of interest that would require you to be recused from voting, what I have often said is that you can put that on the record so that folks know that whatever issue or appearance is out there and then I would say, "Thank you for that, but that's not a legal conflict of interest," so that issue is taken care of. You've at least got an opinion from the city attorney that what you've done is not illegal and we've reviewed it. I'm sorry, this sort of caught me off guard on this particular one, but that's my recommendation. When you don't have an actual conflict of interest that requires you to be recused is to just state it on the record and then vote on the matter.

Ms. Watlington said but if that's the case, then there's no need to vote because either it's a legal conflict and you cannot vote on it, or we decide based on the perception.

Mr. Baker said that's typically how it would work, is that everyone would vote once you've done that disclosure publicly, and then I've said that it's not an illegal conflict of interest, then you go ahead and move forward.

Ms. Watlington said correct.

Mr. Baker said that's how I've usually handled all these.

Ms. Watlington said right, so let's just do that. There's three it sounds like.

Mayor Lyles said no it's not three the way I understand it. Let's just say I'm uncomfortable with a vote and I say I have an interest because I know Julie and then we would be voting and avoiding really voting on the issues that you're required to vote on. So, it's kind of like what I've always is, and I don't know if Mr. Baker would use these words, but the obligation to vote so that you're always participating in the Council discussion deliberations unless you have a legal conflict of interest. Does that make sense?

Ms. Watlington said right. It makes perfect sense. I understand the law. What I'm saying is what he has said is that there is a provision that the Council can decide if there's a perception.

Mayor Lyles said sir is that correct?

Ms. Watlington said. There's a perception that the Council can decide if it's not illegal. So, what I'm hearing is there's a case where there's a legal conflict of interest, no vote necessary, you cannot participate. There's a case where there's a perception. The council member asked to be recused as Julie did and we would vote. Then there's the case of there's no issue, you're obligated to vote, but what I'm hearing is that she has a perception. Even though he says it doesn't meet the legal criteria so it's not automatic. That puts us in the vote category. There is no category in which we just decide without a vote that you have to vote if she's brought up a perception.

Mayor Lyles said, Mr. Baker?

Mr. Baker said I'm trying to pull up your Council rules and procedure right now. What we're talking about now is excuse not recuse. Recuse is a legal issue. I'm trying to pull up your Council rules on excusing.

Mr. Driggs said my recollection is it's a judgment call by the Council, whether the council members' concern about a possible justifies an exception to the requirement that you vote.

Ms. Watlington said correct.

Mayor Lyles said we'll get to it as soon as the attorney tells us what the answer is, and we'll be okay.

Mr. Driggs said he's not going to have an answer.

Ms. Johnson said let me say we know that this Council has different views on what's ethical and what's not.

Mr. Driggs said it's up to us.

Ms. Johnson said we have very different views on what's ethical.

Mayor Lyles said I'm not disagreeing with the up to us, I'm just saying what is the procedure, Mr. Driggs?

Ms. Johnson said there's been some major issues that this Council's been split on, on what's ethical and what is not. If a board member who's not even receiving funding, but my organization does, I think it's more of a conflict for the recipient to vote, but I didn't want to make this huge deal out of it. I just asked my colleagues. It's not even uncomfortable in my opinion of what's unethical.

Ms. Eiselt said let's just take a vote and move on.

Ms. Ajmera said yeah, that would be the best.

Ms. Eiselt said I can tell you in my time in Council, I had one that I thought was a conflict and I was told it was not a conflict and I was not allowed to excuse myself. We can start that all day long in zoning.

Mr. Baker said to be clear, you can't excuse yourself.

Ms. Eiselt said correct.

Mr. Baker said the question is can the Council vote to excuse you? That's a procedural issue, not a legal issue.

Ms. Watlington said exactly.

Mr. Baker said there is a legal duty to vote absent from the Council allowing you to be excused from the vote.

Unknown said right.

Mayor Lyles said what you're doing is looking up what our procedures say about being excused and I appreciate everyone's participation. I think that we can either defer this item.

Ms. Eiselt said no, no.

Mayor Lyles said we just need to have the City Attorney rule on it so that we're not confused.

**Councilmember Winston** said do we have a motion?

Mayor Lyles said we have a motion.

Ms. Johnson said this is the last item of the night.

Ms. Ajmera said, Mr. Baker?

Mr. Egleston said he's trying to find the rule.

Mayor Lyles said he's trying to find it.

Ms. Eiselt said these things we really need to bring up before Council meetings, I think.

Ms. Johnson said I discussed this with Patrick about the United Way a while ago.

Ms. Watlington, we're almost out of here. It's cool.

Mr. Baker said so I'll just read into the record. This is a rule procedure 16 due to the vote. Every member must vote unless excused by the remaining members as authorized or required by law.

Ms. Eiselt said so let's take a vote.

Ms. Ajmera said okay.

Mayor Lyles said alright, so do I have a motion to excuse Ms. Johnson?

Ms. Watlington said are we doing all three or are we doing it separate?

Mayor Lyles said we're doing separate votes.

Ms. Watlington said okay.

Mayor Lyles said we need to do separate votes. We'll start with Ms. Johnson. Do I have a motion? So, we're using a motion to excuse Ms. Johnson which is not the legal term but just to [inaudible].

A motion was made by Councilmember Ajmera, seconded by Councilmember Watlington to excuse Councilmember Johnson from voting on Item No. 15.
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The vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Ajmera, Graham, Newton, and Watlington.

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

Mayor Lyles said you have to have six votes to pass. It's not a tie. Well it fails, so the motion fails. So, you vote for Ms. Johnson. If the motion fails to get six votes, you will vote. You will be not excused.

Ms. Johnson said I'm having some technical issues right now.

Mr. Egleston said she has signed off.

Ms. Watlington said she said she was having technical difficulties.

Ms. Eiselt said just leave it.



Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to excuse Councilmember Eiselt voting on Item No. 15.

Mr. Winston said I have a comment. I'm sorry, I have a comment.

Mayor Lyles said let me do the last vote and then we can have a comment okay. We've done two, we have three to do.

Mr. Winston said I didn't comment on either one of those votes.

Mayor Lyles said okay. It's okay, the outcome is still the same. I don't think it is. I don't understand. We really obviously need to deal with governance issues because I don't understand how the last vote was not five to five.

Unknown said because Renee cannot vote. It has to be the remaining Council.

Mr. Winston said why can she not vote?

Mr. Baker said it's the vote of the remaining members.

Mr. Winston said I had this issue a year ago when you guys voted without me to excuse me from a meeting, and I wasn't even included in that vote. I don't think there's anything from what you said that we have to vote on that vote until we are recused. So, you recused her from a previous vote and that shouldn't be valid. That should be [inaudible].

Mr. Baker said I only read you the first sentence. The second sentence says, "A member who wishes to be excused from voting shall so inform the Mayor who shall take a vote of the remaining members." I'm assuming the remaining members mean everyone other than the person who's asking to be excused. That's how I read that.

Mr. Eggleston said it could also fail either way if it doesn't get the six votes.

Ms. Ajmera said yes.

Mr. Winston said that would be five-five, and then you would have the Mayor have to break the tie.

Ms. Eiselt said no you have to have six votes to pass it.

Mayor Lyles said you have six votes to pass it and if it were a five-five tie, I could break a tie, but it wasn't five-five.

Mr. Winston said obviously our rules are very not clear.

Mayor Lyles said okay. Alright, the next item is a motion for Mr. Graham.

Ms. Ajmera said Ms. Mayor, did the second one pass?

Mayor Lyles said yes.

Ms. Eiselt said can I vote to recuse him or not?

Mayor Lyles said you're excused from the item that we're voting on which is the actual funding.

Ms. Eiselt said stay here.

Mayor Lyles said stay here.

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to excuse Councilmember Graham from voting on Item No.15.
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Mayor Lyles said alright. So, the following two people have been asked to be excused from this vote. You can walk out of the room if you'd like but now we're on Item 16.

Ms. Ajmera said who else needs to be excused?

Mayor Lyles said that's it. That's it.

Ms. Ajmera said I thought you did.

Mayor Lyles said no, we are all good. Everybody's here and having a great time. So, we have a motion and a second on the approval of \$9,566,784 in HOME-American Rescue Plan Act funds for contracts providing various services as stated prior in the minutes and in our agenda. Now, for a roll call vote for this item.


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

\* \* \* \* \*

## ADJOURNMENT

Motion was made by Councilmember Egleston, seconded by Councilmember Winston and carried unanimously to adjourn.

The meeting was adjourned at 8:16 p.m.

  
Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 2 Hours, 27 Minutes  
Minutes Completed June 6, 2023