

## SPECIAL MEETING

The City Council of the City of Charlotte, North Carolina convened for a Special Meeting on Tuesday, September 23, 2019 at 4:11 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Larken Egleston, Julie Eiselt, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps, and Braxton Winston II

**ABSENT UNTIL NOTED:** Councilmember Ed Driggs and Justin Harlow

**Mayor Lyles** said Mr. Driggs is on a plane, will be here around 8:00 p.m., and Mr. Harlow will be here around 5:00 p.m.

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

**Marie Harris, Strategy and Budget** said in front of you are the questions you've asked so far this evening; please take a look at those and let me know if there are any additional questions that you have at this time.

**Mayor Lyles** said the Consent Agenda items for deferral are Item No. 76, deferred until October 14, 2019. Staff has reached settlement for the following Property Transactions: Item Nos. 79, 80, 82 and 99.

Are there any Consent Items on which Councilmembers would like to make a comment?

**Councilmember Bokhari** said I would like to comment on Item No. 36.

**Councilmember Newton** said I want to comment on Item No. 28.

**Councilmember Mitchell** said I would like to be recused on Item No. 53.

**Councilmember Mayfield** said I want to speak to Item No. 51.

Mayor Lyles said are there any items that the Council would like to consider for a separate vote?

**Councilmember Winston** said Item No. 29.

Ms. Mayfield said Item Nos. 58 and 59.

**Councilmember Phipps** said I want to comment on Item No. 61.

Mr. Mitchell said I want to comment on Item No. 39.

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### ITEM NO. 2. AGENDA OVERVIEW

There was no agenda overview presented.

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### ITEM NO. 3. CLOSED SESSION

Motion was made by Councilmember Egleston, seconded by Councilmember Mitchell, and carried unanimously to go into closed session pursuant to NCGS 143-318.11(a) to discuss matters relating to the location of industries or businesses in the area and to consult with the Attorney to preserve attorney-client privilege between the City Attorney and the City Council.

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The meeting was recessed at 4:16 p.m. to go into closed session in Room 267.

**Councilmember Harlow arrived at 4:39 p.m. during the closed session.**

The meeting returned open session at 5:09 p.m. in Room 267.

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#### **ITEM NO. 4. CONVENTION CENTER UPDATE**

**Marcus Jones, City Manager** said a few weeks ago I sent you a memo that outlines several projects that we were reevaluating. One of those projects is the Convention Center expansion, and what we would like to do tonight is between Tom Murray and Mike Davis, reacquaint you with the vision of what the Convention Center expansion would do, as well as talk with you a little bit about some of the difficulties that we have had in the construction environment, then lastly, have Tom come back up again and talk a little bit about the return on investment. So, that is the succinct presentation that we are providing tonight. So, what we will do is we will turn it over to Tom.

**Tom Murray, CEO, Charlotte Regional Visitors Authority** said thank you for the opportunity to speak with you all again. As you know, this is now I think the 6th time that we have been before you about the Convention Center project and just to remind you that the project began after a 2015 study about the competitiveness of the Convention Center, and the outcome of that pointed to a competitive weakness that we had in that we did not have as much breakout space as the cities that we compete with, and we were losing business to that, so we designed a way to make ourselves precompetitive and address the number two reason of why we lost business to the competition.

We also addressed a major irritant for our meeting planners in that our host hotel for major conventions was not officially connected to hotels, and so by putting a bridge across Stonewall we were able to cause that connection and also complement the development that is across the street and further our ability to someday connect with the Rail Trail, and as future developments in the Convention Center happen over the years, we made be able to run the Rail Trail beside or between the Convention Center. Today, that bridge will bring you right into the middle of the Convention Center where the meeting space is being reconfigured. I am going to bring Mike up and ask him to talk about some of the project work that we have been doing to date.

**Mike Davis, City Engineer** said I want to talk a little bit about this project and the method that we used and kind of describe it along a time line of major activities. This project started really in earnest with the design phase in January of 2017 when we hired TDS as a designer. That process really looks the same at the beginning as any other method of delivery. What we used in this process is something called construction manager at risk, which I want to just give you a little bit of info about as we go along, but rather than a traditional design built bid process where you would go all the way through to the design process and put the construction documents out to bid, the advantage of a construction manager at risk process, one of the advantages is you get to bring in construction expertise early in the design process, so in our case, we did an RFQ and selected a joint venture of holder, Edison Ford and RJ Leeper Construction, some of them are here tonight, to bring their expertise to the City to help in the design process. One of the things that does for us is as the architect is producing those design drawings, we are able to benefit from that construction expertise, and there are efficiencies built into the process when we are able to do that, rather than waiting until the end. The other thing that it let's us do is get cost estimates done with the help of that construction manager along the way, so in this case we had three different estimates that brought us to a moment in time November 26, 2018, which was when we came before you to ask for the award of a \$98 million construction manager at risk contract. After we negotiate and executed and finalized the agreement with holder Edison Ford/Leeper, which for convenience we will call Heffle. I think that they self-named themselves Heffle. Heffle then begins bidding

those construction packages, and again one thing that makes us a little bit different than the traditional method, Heffle would not self-perform the work. What they are doing is managing that construction activity, and they are putting those construction packages out for bid. So, as those bids started coming back in and they are determined to be higher than what had been predicted through those series of construction cost estimates. That is when a lot of the heavy-value engineering work was occurring. That was kind of an iterative process based on those packages coming back, then where that leads us to tonight is, after doing a lot of that valued engineering work to try to bring those costs back down as low as possible, we are at a place where we are recommending \$11.9 million of additional funding to enable construction to go forward. One thing that is different about this vote than where we were earlier on the timeline is this version comes with what is called a guarantee maximum price, because the bids have now been opened, this is no longer in the realm of estimating. These values are now known quantities for that construction contract, so there is less risk at this point.

The other slide that I have for you is just to talk a little bit about major findings from a review of those bids. So, understand that when this work is bid, it is not one single set of construction drawings; it is in this case 51 bid packages, all made up of different types of things that go into the project, and normally what you will see is some will be over and some will be under the estimates that all works towards the original projected value. In this case, we had 22 that exceeded their individual estimates, and some of them were very significant, so what I have done here is just list some of the major overages. This is not the comprehensive list but probably where we saw the most overage on some of the individual packages, and what we get by what we have learned throughout our actions with Heffle on our team is that the real driving factor here has been a lack of subcontractor competition, so when that estimation work is going on, Heffle would communicate with subcontractors who anticipated to bid. There is a time value of money that is put into that so that there is an escalation for what we think people will actually bid on bid day. In the end, we had few people turn out for many of these packages, so 14 out of 27 trades received zero or one bid. Another five trades received only two bids. We are really at a competitive labor market particularly for building construction right now, so I am available for questions. I'm available for questions but I will turn it back to Tom.

Mr. Murray said the good news is that when we told you that we thought that this meeting space would make us more competitive, we have been in the process in bidding, because all of the business that we book is booked usually three to five, even greater years out, and the space has been highly sought after. In fact, we've booked already \$35 million worth of business in the first couple years after construction is complete.

I was asked earlier about the return on investment, so when we came to you with the JLL study, we proposed that the investment would be returned in 7.7-years or with five new city-wide bookings and seven potentially new smaller ones. The good news is we are way beyond that pace. For 2023, we are 50% up over our normal pace, and for 2024, we are 67% over that pace, so we are now lowering the estimate on the return on investment to six years, so the study was accurate. It told us that this was going to be something that was highly sought after. It has enabled us to book larger pieces of business that we were not normally able to get, so we are very pleased by that. As Mike pointed out, we are looking to request an action to authorize the City Manager to negotiate and award a guaranteed maximum price of \$114,000,500 to Holder Edison Ford Leeper Company for construction manager risk services for the Convention Center Phase One Renovation Project, and we would also ask that we would adopt a budget ordinance appropriating \$11.9 million from the Convention Center Tax Fund for the Convention Center Phase One Renovation.

**Councilmember Harlow** said we have this conversation all the time in the ED Committee about subcontracting opportunities we understand there is a squeeze on a lot of these marks right now, and there is a lot of business to be done, so from a capacity standpoint, some of these subcontractors are stretched thin, so they do not bid. You said 14 or so received one or no bids at all. What are some of those industries?

Mr. Davis said I know one that we have spent some time talking about is mechanical, so all of these buildings going up have big needs for heating ventilation and air-conditioning systems, so I think just from memory what I understand about that is we had what we thought we were going into it with three bidders, and in the end, I think that we were down to one, but we are seeing issues with plumbing, electrical, HVAC, and really all the major trades.

Mr. Harlow said that is good to know, because we have been talking about capacity building and strategies around that through the ED Strategic Plan, but when it comes down to the construction manager at risk, what is the threshold there? Is there a threshold saying this is when we are going to go that route versus the traditional bid route?

Mr. Davis said I think the City has a good track record over a long period of time with construction manager at risk, but generally for us, if a project becomes very large or very complex, that is usually when we are going to lean towards a construction manager at risk format. Most of the police stations that we have build have been traditional design bid build methodology, same with fire stations but just depending on the complexity. There is not an exact price threshold, but generally speaking, the more complicated the project, the more likely we are going to want to have someone in early who can help coordinate all of the things that happen during the design and ultimately construction process.

**Councilmember Mitchell** said I totally agree with the subcontractor market the way it is. This is truly a tough market, so I totally understand why we have some bids and another subcontract we are not receiving any. Tom; I have a couple of questions for you on the bookings; the JLL projection, this is FY2023 and 2024?

Mr. Murray said on the return on investment analysis?

Mr. Mitchell said yes.

Mr. Murray said when they did the study, we asked them to give us a return on investment analysis, and that is how they did ours. What we are saying is we are booking beyond that pace today.

Mr. Mitchell said so, do you have a list of those conferences? You are using the work potential, so are they saying we are definitely in the running, or are they saying we have opportunity to pursue five new events?

Mr. Murray said so, when they did their analysis, this was in 2015, they were not talking about specific conventions. They were just talking about what it would take to do a return on investment. We do have a list of further conventions. We pulled the slide from the deck in order of brevity but we have \$35 million worth of business on the books. We have it on a slide available; if you would like, I could pull it up.

**Mayor Lyles** said it is on the agenda for tonight; it is Item No. 14. Could we just make some copies of it and put them at our place in the Chamber or do you need it earlier?

Mr. Mitchell said no, I think the Chamber would be fine. So, on the \$11.9 million request for action, what would be the remaining balance in the Convention Center Tax Fund?

Mr. Jones said let's see if we can attack it one way, and I would like to call our CFO Kelly Flannery up to see if she can address the question.

**Kelly Flannery, Chief Financial Officer** said we talked about the dynamics of this fund and all the projects that are attributed to it. When we looked at the model back in January when this was really contemplated, we were expecting an interest rate of five percent. We actually went to market in May for the \$110 million, we realized that interest costs were 3.4%, so that is realized savings of about a million dollars every year, so that is where the capacity is coming from. Does that answer your question?

Mr. Mitchell said no. After we approve this, what is the remaining balance in that fund?

Ms. Flannery said I do not have that with me. To go through all of the projects, I think that is a discussion that we want to have with all of you through all of the projects that are currently slatted.

Mayor Lyles said the Manager at the end of our prior discussion said that he would be coming back with that. I guess when is the question?

Mr. Jones said we could do that within the next 30 days to come back with where we are at capacity. The one thing that I would like to say Mayor and specifically Councilmember Mitchell, it is much like how we have handled the CIP. If you would go back in time, maybe two-years ago, we talked about we would get to 2020 then there would be no capacity, but then we changed the way we viewed the CIP and we realized that there is capacity going forward every two years in terms of bond cycle. I think that it is something like \$223 million. We are trying to model this the same way so that we can view the capacity which is in the fund then match the projects with the capacity as appose to starting with capacity, spending everything, then falling off a cliff in two or three years.

Mr. Mitchell said total transparency, I am on the Board, because I have been complaining for a long period of time. Our Convention Center needs to make sure it can be able to compete instead of tier three, be a tier two and tier one. I think thought I am not comfortable knowing that we do not have an answer to how much is left in the fund, so I am going to take a leap of faith and support this, but I think that all of us need to be comfortable that if we spend \$11.9 million we need to get very comfortable with how much is left in the Convention Center Tax Fund.

Mr. Jones said sure, we can turn that around to you much quicker than 30 days.

Mayor Lyles said I think that is something that you are hearing, but it is not only what the financing would show that we could project. I think that we ought to have a list of what we actually think we are going to spend it on, because it is one of those areas where you may be thinking oh, I'm going to have this project and someone else is thinking it could get to a place that you do not know that. I guess what is crucial for this and this is a question about timing probably for Mike and Tom, if the Council has to wait to get that fund balance report, how far can this action be taken? I was wondering Mr. Jones if you could respond to it because that is what Mr. Mitchell is saying; I am going to agree with it, but taking prior conversations and what we have, I think that we have heard that we have money in the funds, so we know that, but we are trying to make sure that everybody is thinking the same thing and are on the same page.

Ms. Flannery said as it relates to the \$11.9, this is last-end dollars, and this is up to \$11.9, so perhaps CRVA will come in under budget, but this will be the last contribution in the pool. So, all their funds will be extended first.

Mayor Lyles said I understand that. I think we understand that.

Mr. Murray said as a matter of timing, we are up against a really tight deadline. We have moved back this conversation several times, and now we have business on the books for October 2021. We think that we can get the project done by October 2021 now, but we need to make the decision within the next few days, or we will have to start canceling business for October of 2021 we have some large pieces of business on the books for that time period. So, it is crucial that we continue to move forward if that is the will of the Council on a shorter timeline. Just to make it clear, what we are saying is when we thought there was \$115 million capacity last time because of the lower interest rates, we feel like we could use that same capacity that we thought before to fund the newer amount now and not seeking additional capacity out of the funds, so the point is, the money that you have already approved for us to go out and raise, was cheaper for us to raise, so now we can afford to raise additional money.

Mayor Lyles said I am going to ask if this is correct. The Council authorized an amount of money that was already out of the fund projection. The fund has grown more, and the

issue is that you are using that same amount of money, but it has a better outlook. You are not going into the fund that we have been talking about for other uses at all. So, when did we authorize the \$110 million?

Mr. Murray said November 2018.

Mayor Lyles said what you are saying is that that amount in 2018 is now sustainable enough to do the reaction today and that the new fund report that you come back with would be a report to go farther or go out to other projects that we have been talking about? Am I saying that correctly?

Mr. Murray said I think that you are saying that correctly.

Mayor Lyles said what I am saying is \$114 million is equal to what we authorized with the growth and the change in the fund projection, and if we are going forward, we would still have the money that we have talked about for additional capital improvement projects?

Mr. Murray said yes, I also just want to remind everyone that this fund was created this way for specific use that this fund was created for. It has some new additional uses that are allowed to it, but until a few years ago, this fund was solely meant just for the Convention Center. Also know that we have turned away to clear this time for convention. Over \$87 million of economic impact that could have been absorbed by the hotels in this time period so taking the industry out of the convention business slightly for a couple of years as we move forward was a good partnership with the hotels and the restaurants in our community, but they are anxious for us to get started on this construction, because it has been damaging to their results as well. They are looking forward to the windfall on the other side, which we are very excited about, because we have plenty of evidence that that is exactly what is going to happen.

**Councilmember Egleston** said I am not going to penalize one project for what I think is a bigger issue, but I can appreciate that the new normal now is that we have a lot tighter labor market. The companies are so busy that they maybe are not chomping at the bit to bid on all of our projects, but with our projections being as off as they are, as often as they are, if the new normal means that our old way of calculating our estimates doesn't work, we have got to have a new way to calculate, whether it is Cross Charlotte Trail, the Convention Center or whatever, being off 252% on something is hard for me to wrap my head around. One of these things was 252%. It was a line item not the whole project but regardless, the amount by which we are off and the frequency by which that happens is frustrating and really makes it hard to plan around, so I think I understand why that is, but we have got to adjust to that and figure out a new way to come up with more accurate estimates. We cannot keep missing this often and always on one side of the estimate.

Mr. Davis said I take your feedback to heart, and I agree.

Mr. Jones said Mr. Egleston I would like to add to that, this is one of the reasons that we have the internal auditor reviewing this construction manager at risk. I hate to use antidotal information. There are questions out there about our process and is our process so cumbersome that we are not getting people bidding on our process? So, part of it is a self-reflection to see why we are not getting some of the bids on some of these contracts.

**Councilmember Eiselt** said that was my first question; are we looking at our own processes to find out why companies are not bidding and how we are being perceived in the market? Secondly, we have gone to market for the \$110 million. Is that right? So, we have borrowed the whole amount and we have locked in that interest rate? What is the term on it?

Ms. Flannery said yes, we went to market in May, and we locked in an interest rate. The reason that we went earlier was because a portion of that offering was also for the UNC Convention Center payment in the expectation that this was all going to be ready to go.

Ms. Eiselt said how much was the offering?

Ms. Flannery said it was at \$140 million. I can give you the exact number.

Ms. Eiselt said I think what we are all trying to get at is that we see these things, and we are given this one statement, and it makes it look like there is a point in time where there is \$11.9 million sitting in a fund that hasn't been allocated. We have got to see schedules on these things. We did get this initially I thought when the Convention Center was first proposed was a couple of years ago. Is that the first time?

Mayor Lyles said no, we have talked about it before that.

Ms. Eiselt said so, we got a schedule and it showed what else is on there, so when you are saying we are appropriating \$11.9, over how much of a period of time? How does that match up with the funds that we borrowed? We just need more information. I will trust that we do; I have no doubt that we have a huge opportunity cost of not getting this thing done and getting it going, but there is something out there that we do not know. What are we not doing? What is in there that has gone away? We see this time and time again with City projects that they go away, and we did not know that they went away, so we just really need over all a 10-year schedule of how that money was going to be used. I do not believe that we were just going to let it sit there and accrual interest. I have a feeling that we probably scheduled that for something different over the next 10 years. Can you get more information on that? In principle, I support this.

Mayor Lyles aid Mr. Jones, I hear that 30 days will not work to get this fund out to everybody can understand it.

Mr. Jones said what Kelly said earlier is there were some assumptions in this model. We beat the assumptions and because we beat the assumptions, there is new capacity.

Ms. Eiselt said you must have that, so why would it take 30 days?

Mr. Jones said no, no, that was a different question; the question was, every project that anybody has ever thought of in the history of this fund to come back to you to see whether or not those projects are still relevant, whether it is Discovery Place or whether it is the- So, you just want the convention fund?

Ms. Eiselt said yes.

Mr. Mitchell said the Convention Center fund balance.

Mr. Jones said just remember, you also have in there a land purchase that you could choose not to do, so we will give you this week what is planned for that fund related to the Convention Center.

Mr. Mitchell said I want to be very sensitive to staff and to the general contractors, in this regard Council. It is the new norm; it is called competition in the City of Charlotte. The good news is that we are booming. Construction is going, whether it is the private side or public side. It is going to cause us to think differently, because you see the reflection of price of subcontractors now can demand more, because they are needed more I should say, so they are going to get as much money as they can right now. I think for us as the City and staff, we need to find a way; I do not know if you can control it, because it is driven by the market, but we need to understand. So, staff, I do not want to beat you guys up, because you [inaudible] control mechanical, and the GC is in control of that. I think that we need to understand what is going on in the market so that we do not get blown away when we see what is 215% over what it was budgeted at just over a year ago. It is the market that is driving this.

**Councilmember Mayfield** said we are lacking some transparency in this conversation, because right now, we have had multiple statements regarding, I remember this conversation. I remember seeing this dollar amount; I remember this particular proposal. Council should not even be looking at a financial ask from the CRVA without it clearly

being laid out, this is what was already identified and presented. Here is the ask. This is how much will be left in the fund balance as we move forward. There is also this challenge of government in general, we move behind the market. I just had a meeting earlier today with a business owner where his business is moving dirt. His business sees the impact of the market, good or bad, before the rest of the economy sees it; they will see it a good six to eight months prior to. If dirt starts moving on their end, that is a major factor of what is happening with development. They are already starting to see the impact, those that load and unload, to actually get the dirt from point A to point B. So, this idea of, okay, we made a little more. We had conversations earlier in the year also about what are we doing to protect the City so that when we see a financial decline which all numbers, all the economists that are having conversations right now are sharing concerns that the impact is going to be greater than the impact that we saw in 2007, 2008, and 2009. Some of the core conversations that we were having is to bring back to us what this speculation looks like. To have a request when we have already allocated one amount but still what you are asking for is a greater amount than what was initially allocated and to say well, we think that we actually did better than we proposed, but you have not presented that in writing in order for someone to actually look at it prior to asking for this request, and the reality is, we have had numerous conversations of overruns. We have had numerous conversations of mismanagement. We have had numerous conversations where we have identified that there has been padding done in certain departments. There has been speculation done in certain departments. There have been speculations done on certain projects. It would be nice just to have some full transparency of what is the amount that we have actually identified? What have we actually gained? What is the ask? What commitments are out there, and how much will be left in order to continue to move the City forward.

The idea saying for any Councilmember to say, well, I am going to hold my nose and trust the process when trust factor has been broken so many times over the years. It is just really amazing. It would be helpful to have the information presented so that people could actually make a decision based off of information versus going back four or five or six months later and saying, oops, I did not know; that is not what I thought I was voting on.

**Councilmember Phipps** said I know we are in Phase 1 right now, so assuming that Phase 1 goes forward, how soon are we looking at Phase 2, and in looking at Phase 2, how comfortable are we that our projections will be such that they will not result in an overrun of the magnitude that we are seeing now?

Mr. Murray said Phase 2 will be much further into the future. As the Manager expressed, we are talking about an acquisition of some additional land that you have been aware of, so that would be the beginning of that when we decide to expand the Convention Center, again will be based on further research and evidence that there is a need, so at this point, we have not begun any of that research, but suffice to say that the intent here is to make sure that we keep the Convention Center where it is and that we do not have to build a bigger Convention Center somewhere else. So, we are trying to make sure that this Convention Center remains competitive into the future, and as you are probably well aware, our competing cities are investing much more heavily than we are in their infrastructure, but we think that we can compete well in the investments that we have asked you to make.

**Councilmember Bokhari** said I do want to call out two quick positives. One, I know that a lot of folks on all sides of this have worked hard to scramble for many months to get us to this point even, so I think that we do need to recognize that. Also, I think we need to recognize the fact that we are seeing more business cases and proformas and things like \$16.6 million in estimated annual increases in revenue from this investment, just over a seven-year break-even point. These are the kinds of things, even though they are quantified but soft still that we that we need to move more into so definite kudos for that. I do think though that it is really challenging; if it was one vender that was kind of out there and doing something strange or one topic area that had a unique vertical industry challenge that changed things, but this is a laundry list of a lot of things. I think that again points to several comments that we already heard, and we have known this. There is something that is broken at a more basic level. Over the last year and a half, we have



gone and fixed a lot of that, but the question still remains, how many big projects are floating out there that either were not forecasted properly, the time changed, whatever the factors that pushed us? Mr. Manager, I just really encourage you to think about how we go back and look at the things that maybe haven't been touched by some of the overhauls that you have done to date, because it hits a certain point to where you are just going to lose the public's confidence in being able to do this kind of work anymore.

Mr. Harlow said I share some of the concerns around the let's put the blinders over and cross our fingers, whether we have had overruns in the past with other projects or not. So, Mr. Murray, you mentioned we would get less competitive or we would lose business if we do not make action tonight. No one in here likes being put in that type of a corner to say you must act or else. We have a business meeting in three weeks. What is three weeks delay do? It gets the Manager time to get us a fund balance with some other schedules and stuff, if he can produce that back in a week or a week and a half, that give the Council another week, week and a half, two weeks to ask questions, then come back. What does that look like? How much business are we losing in those three weeks?

Mr. Murray said we would end up at least canceling three major conventions in October 2021. Those are significant conventions that will be damaging to our relationship with these clients and meeting planners. I only answer the question as asked. I am not trying to threaten the Council and you. You asked me what would be the harm in postponing it. We have been postponing it for some time, and we are now with the contractors who are telling us they can get it done by October 2021, but they are telling us delays past this week they will no longer be able to guarantee that. So, I am just relaying back to the Council, just reminding everyone; it is the City's building. It is a joint project between the City and the CRVA, and I am just acting on your behalf in letting you know what you are asking me to answer. I am not trying to put any coercion.

Mr. Harlow said I am just trying to find a balance between saying, hey you have to do it tonight versus finding some middle ground for us to meet some of the concerns from Council. I guess for the Council just take that into account.

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#### **ITEM NO. 5. MINIMUM HOUSING CODE**

**Mayor Lyles** said I do not know how many of you know the Public Health Director for Mecklenburg County, Dr. Alma (Gibbie) Harris; she has been here for about a year now. Two years? Gosh, it goes by fast having fun, right? She has been a part of this discussion as well, so I just wanted to make sure that she was acknowledged here.

**Councilmember Harlow** said first of all, I want to acknowledge the Neighborhood Development Committee, Vice Chair Mr. Winston; Mr. Newton; Mr. Egleston; and for abstention, Mr. Driggs. This was referred I feel like half of this term ago now, and it has been in the Committee and marching through a lot of conversations. Staff has really worked very, very hard through the spring and the summer to have conversations with as many stakeholders as possible, including but not limited to the Greater Charlotte Apartment Association, REBIC, a variety of housing groups, Charlotte Housing Justice Coalition, Equitable Communities, and really anyone who wanted to be at the table, and they speak to all of the community engagement sessions that they had. It was first referred in March, even though it felt longer. The Committee met many, many times through the spring and the summer, and we have gotten to a point to where the Committee voted out three to one these recommendations that you will hear tonight. Thank you for passing this along. You hear a lot about our current code enforcement process. You will hear some conversations about In Rem repair, In Rem Remedy conversations, some changes as it relates to fees and civil penalties, changes in the new provision as it relates to lighting and new ventilation, space and use issues such as doors and hardware operating properly, HVAC concerns, plumbing, so a lot of different provisions around crawl spaces and general building structure.

You have received a lot of emails probably over the last couple of days on both sides of this. I think this is what our job is. Mr. Mitchell mentions all the time; we have difficult decisions to make, and this is why we are in the seats that we are in. As as we have dealt through this committee with the noise ordinance, there was a lot of opinions on both sides. I imagine that there will be a lot of opinions here tonight and going forward before this hits a policy agenda around are we doing enough or not? The Committee, like I said, voted this out three to one last week for recommending these, with some conversations that their current process is already in place that we are learning that the City staff are not executing; some because they want more nudge from the Council, and I think that is a word that is worthy for a conversation between all of us and also if this Council sees fit to recommend any new type of direction for that. So, you hear about all that.

**Pamela Wideman, Housing and Neighborhood Services Director** said as it has already been stated, this was referred to the Committee in March of this year, and this rewrite is about the minimum housing code, and I only point that out because I know there are a lot of complexities to code enforcement, but this is particularly about the minimum housing code. In this review of the code, we did a couple of things. We looked at peer cities. There was robust community engagement. There were six sessions throughout the City of Charlotte. We wanted to make sure that we could connect with as many people as we could, and we had separate meetings with some of the industry groups like the Greater Apartment Association, Equitable Communities, who are here with us tonight and several others. We also looked at legal considerations as we work through this ordinance.

I want to say a special thank you to Jane Taillon, our Code Enforcement Division Manager and her team; they worked tireless efforts on this. I think through the community engagement process, we reached reasonable consensus with some of the rewrites, so without further ado, I am going to turn it over to Jane to walk through the specifics of the standards of fitness and the rewrite, so thank you.

**Jane Taillon, Housing and Neighborhood Services** said as we walk through this presentation, Pam has kind of covered the first part of it. What we are recommending to Council is to enhance civil penalties and to introduce 22 standards of fitness that will provide clarity and strengthen our ability to enforce the code in the City of Charlotte.

North Carolina General Statutes give us our authority. They give us the authority to then enact city ordinances, and the city ordinances that Code currently enforces is our housing code, which is minimum standard of fitness for dwellings; our health and sanitation code, which is public health nuisances, such as tall weeds and grass; zoning, which is land use requirements; and our non-residential building code, which is also minimum standards of fitness for commercial structures. Tonight, we are here to focus on our housing code and the minimum standards that go along with that.

The housing code is regulatory; it gives us rules. It is prescriptive; it gives us direction; it applies to structures. It provides standards, and it is meant to prevent decay and deterioration and to eliminate blight. Code Enforcement has four primary functions; we are here to promote, protect, and preserve the health and safety and general welfare of our citizens to insure minimum standards of fitness for dwellings and commercial structures and to ensure land is used in accordance with zoning regulations.

One of the things we want to do is make sure we are balancing between what tenants need and what owners need, and so we do that through, tenants want affordability. They want to live in clean and sanitary conditions and they want a safe living space. Our property owners want options; when we talk about bringing their properties into compliance; they want to make sure that we are offering them reasonable timeframes to make repairs and we want to make sure that they are getting due process.

One of the most important parts of what we do in Code Enforcement is conducting an inspection. So, as it relates to our housing code we typically receive a complaint, a petition, a public agency referral. If it is a tenant complaint, we will go out, meet with them, conduct our inspection which includes interior inspections, every room in the

dwelling, it includes an exterior section, which is your roof, could be your crawl space, but whenever we go out we are going to conduct a comprehensive inspection of the dwelling. If we see something where we think a tenant needs some type of referral or if they ask us questions, a good example is if they ask us a legal question we will let them know that they can contact Legal Aid to assist them with any legal resource they might need. If we identify 48-hour violations we will refer them to Community Link to find out if they are eligible to be relocated to a new place of living. We will also discuss next steps with them; we will talk about what the code process is and what they can anticipate from us. We go, we identify ownership; we identify who the property manager is or landlord, if there is one. We will make sure if there is a 48-hour violation we will contact them to let them know that they have a specific timeframe that that specific violation needs to be completed and then we generate our report.

That report is mailed to the property owner and to any other parties of interest; the tenant gets a copy; the owner is notified by certified and regular mail. So, we make every effort to make sure everybody involved in this particular dwelling or unit is notified of any code violation. Within our code we have what we call 48-hour violations, and there are 13 violations that we enforce that are specific to if they are present in a unit or a dwelling, and they are not corrected within 48-hours this is when we make that referral to Community Link.

Let's talk about our code process. You have some attachments in front of you and we will get to them in just a minute, but let's talk about what the Housing Code Process looks like. Day one, we receive a complaint; sometime between day three and five we are out there trying to get our inspection conducted and we are issuing what is called a Complaint and Notice of Hearing. This puts the owner on notice that they have code violations at their property and that we are going to conduct a hearing within 30-days to address those. Day 35 rolls around; we conduct our hearing and based on the repairs that are needed to that structure. If it exceeds 65% per ordinance we will issue a demolition order. If the repairs are less than 65% per ordinance we will issue a repair order. They will have a 30-day compliance date and when that expires hopefully the unit is repaired, if not there is additional action Code can take.

Some of the question we received throughout this process were about what tools are available that we might not be using. The first one we have is in rem repair, and if you can look at your Housing Code Process you have a four-page document that talks about the Housing Code Process. When you look at that it gives you lots of options for how our process works, but the one I want to point out to you is on pages three and four. When you look at page three in the far-right column it talks about the City's action and what we can do with an in rem repair. The reason I want to point this out is to just let you know that we are willing to do in rem repairs; it is just a very complicated process. It is a very time-consuming process. We have to be really careful about what units we are choosing to do in rem repairs.

Typically, we have a property owner that wants to be fixing the property so, we would have to determine that number one, a property owner did not want to fix the property, there was nobody engaged to do that process. We would have to go through a cost estimating process; we would have to get contractors out, we would have to award a contract. We would have to schedule work which could displace a tenant or an occupant, we may have to secure a warrant to access the structure. Somebody may not be willing to allow the City to come in and do repairs for them. Then we've got to get the repairs conducted.

If it is a vacant structure we would then have to turn around and secure the structure to make sure nobody broke into it and then we would place a lien on the property, then hopefully be able to close our case. The thing that would come next is something that we don't use now, a lien foreclosure. There are a lot of steps that would go into a lien foreclosure. I'm not the expert, so I'm just going to speak to some generalities that we've been advised about. We would have to review this on a case by case basis. We would have to look at is this a lien that we really want to foreclose on. There is a time period we would have to wait. The County would come in front of us as far as if there were any back

taxes owed on the property. We would have to look and see is this a property that is worth foreclosing on, is it something the City believes they can recoup the monies they have put in for an in rem repair? So, it is a relatively complicated process if were to go down that road.

Another question that came up as we were going through this process is what are we doing to currently relocate tenants. Currently, when we have a 48-hour violation we make that referral to Community Link, the tenant is assessed, Community Link determines whether or not they are eligible for any relocation assistance. One of the other questions we had was can we bill if the City relocates somebody, and it is our understanding that legally we do have the authority to bill a property owner if we have to relocate a tenant from one of their units.

Committee Action: a recap of our Committee discussions, we've met several times. We started meeting in March and that is when the Committee was introduced to the topic of the Housing Code. We did an overview on April 17th; on May 15th we reviewed the code process. We talked about common violations, we talked about considerations for change and best practice research. On June 19th we received community feedback and we provided staff recommendations. Our July 17th meeting was cancelled; that was our opportunity to have some additional meetings with the Greater Charlotte Apartment Association, REBIC and Equitable Communities to talk about the standards of fitness and the civil penalties that would be proposed and our last meeting was this past Wednesday, September 18th when we gave the Committee our final recommendations and asked it to be brought to full Council for review.

Pam talked about already, we did Peer City Review; we looked for community input. We talked to our industries and stakeholders; we talked about legal considerations and the reason that we want to make these changes is, so that we can revise any potential conflicting language. We can update the fine structure, and we can strengthen our standards of fitness.

We went out to the community, had six engagement sessions. We had a total of 86 people actually join us in those sessions. We then put out an on-line survey and had a total of 128 responses between our in-person engagement session and our survey responses and some of the themes that we got out of that was that people don't have a familiarity with our code. I think unless you are actually involved in the process you report a tenant complaint, you are going to have little knowledge around the Code Enforcement Process, and we had a total of 30 people out of that group that actually participated at some point in the Code Process.

We had a lot of themes throughout the engagement process. I would say that depending on how you self-identified would tell you where you were so, we had people that said civil penalties as they current stand at \$100 for the first day, and \$10 for each additional day were too high. We had people that said higher civil penalties would adversely impact affordable housing, that harsher penalties are needed for repeated chronic offenders and that one of the concerns is that absentee landlords and slumlords are not addressed.

From a process standpoint we should only enforce life-safety issues. Some felt the process takes too long, others felt like owners should get additional time for compliance. We got feedback that in rem repair should be used more frequently, that the citizens would support a multi-family inspection program, that landlords to be required to be contacted prior to Code coming out or prior to a tenant calling 311 to submit a complaint and that in addition to our Environmental Court process we should also be utilizing Superior Court.

For the tenants, they wanted pre-occupancy inspections; we don't have statutory authority to do that. Tenants wanted to be provided with a minimum standards checklist at move-in. They wanted tenant's rights, minimum standards, and the enforcement process may be posted at rental properties or sent to tenants. They wanted tenants to be required to provide evidence that the landlord was made aware of an issue and tenants required to provide access for repairs.

We had a lot of discussion around mold. We talked about air conditioning, there was support for provision in the ordinance as far as air conditioning is concerned. Some thought that inoperable air conditioning should be a 48-hour remedy just like no heat in the winter is. They wanted to add language that requires A/C for populations vulnerable to respiratory health issues. There was concern about enforcement of older properties and air units. Another theme was roach infestation in one unit should require an entire building to be treated.

Our proposed ordinance revisions: the first recommendation that we have is our civil penalties. Currently, it is \$100 for the first day and \$10 for each additional day. The stakeholders and the City came together and came to a place where we want to recommend \$100 per day and that begins the first day of non-compliance. We also talked about the Standards of Fitness and we had several meetings with Greater Charlotte Apartment Association, with REBIC, with Equitable Communities to talk about out 22 standards of fitness.

What we want to do with our space and use is that we want to make sure we are addressing the condition of all interior doors and door hardware. For light and ventilation, we want to clarify that windows must be made of glass only and we want to add a couple of new provisions for kitchen exhaust and clothes dryer vents. For plumbing, we want to require an adequate and safe water heater and we want to require that kitchen and bath fixtures be operational and sealed to eliminate water intrusion. For our heating facilities we need to clarify that portable heaters of any kind can only be considered a supplemental heat source. For structural standards, we want to make sure we provide clarity and improvement enforcement of various structural features related to our foundations, interior walls, ceilings, roofs and porches. For property maintenance we want to improve enforcement as it relates to cabinetry and clothes dryers and we have recommended a new provision requiring that any existing cooling system be operational and maintained. This specific one is consistent with tenant/landlord law.

Our Process Enhancements: we are going to implement a multifamily enhanced rental inspection program, and this will be based on certain criteria. A comprehensive assessment of the multifamily complex will be initiated and we are also going to update and work with the Community Relations Committee to make sure that our websites are updated and they have information for tenants that we can collaborate together to try to get as much information out and available to tenants as possible so they know their rights. As far as mold is concerned, we want to continue our current process. Currently Code Enforcement addresses mold through causal factors; water intrusion, lack of ventilation and those types of things. Because mold is such a complicated issue, our goal is to continue to address it in that manner. We feel like our ability to cite a property for unclean and unsanitary conditions is able to get us to a place where we can address those conditions for tenants for remediation. We had Ms. Gibbie Harris from the Health Department come and speak to the Committee and provided some really good information. As time passes this particular issue will be a collaboration but it is our believe that the County Health Department are the experts. They have the training and we can build a partnership with them, but we feel like when we talk about the subject of mold that is really something where they would take the lead.

Our Proposed Transition Plan: between October and December of this year, we need to make sure that do an external education plan with the community. Internally, we would have to update policy and procedures and conduct staff training and then potentially anticipate a January 1, 2020 date for the update ordinance to go into effect.

Our next steps are to send out notice of public hearing; we have to advertise twice for a public hearing. Once we hold the public hearing then we can ask Council to vote on the updated ordinance.

**Mayor Lyles** said thank you, well done and a really good explanation.

Mr. Harlow said thanks Jane; you have really jumped in and helped bring some explanation from the Code side and the process side of what we truly have authority over versus what we don't, what we have authority over versus what we could be employing so I hope some of the questions center around that.

Also, thanks for your comments on this being kind of one component of the full ordinance when we are talking about housing code versus health and sanitation versus zoning and non-residential building code. I know there will be questions, and there are already questions about does this prevent the future Lake Arbor or other things like that, are there other Lake Arbors in the pipeline, so just to kind of put that all out there I think there is a number of things in this ordinance rewrite and the proposed recommendations that help address some of that, particularly what we already have in the toolbelt that we have not been necessarily using.

In rem repair, as Jane mentioned, is a complicated and long arduous process but it is certainly something that we could use that could lead to more liens and possible foreclosures on properties if we deemed them fit and a situation like Lake Arbor is possibly something we could have explored. Other things as it relates to what I'm considering some of the basics of improvements to this thing; proper heating sources, safe water heaters, kitchen exhausts and clothes dryers, those are things I think a lot of us in here take for granted that just wasn't in the code. Those are just basic things as it relates to living in any space and so adding that type of stuff around cabinetry, cooling systems, making sure doors have hardware; these are things that I don't want us to look at as we try to find some perfect solution to all of this that we forget about what we consider good simple things that should already be in our Code. I'm sure there will be questions and if there are questions about did the Committee discuss certain things I'm sure we are going to address that too.

**Councilmember Eiselt** said thank you for the work that Code Enforcement has done and the Committee on this, and I think it is a good first step but a code is only as good as the practice and if it really gets used. To your point, there were a couple things that were identified that I think most of Council didn't know about before with in rem repair and taking out a judgement on a landlord who doesn't make the repairs if we are not doing them. I guess my question is, are we going to also then use those tools more aggressively, especially this situation where we have a landlord that we don't lose that property, but we don't feel like the landlord is really trying to do anything? We are in this environment where a lot of the land they are sitting on is just too valuable, and there is this complacency that they will just sit on it until it is time to sell it. Are we of a mindset that we are going to be more aggressive with some of those tools so that we can change the culture in Charlotte of telling landlords that yes, we are going to enforce this if you are not going to do this on a timely manner? Beside from the changes, which I support, are we really going to have a practice of a more assertive enforcement?

Ms. Taillon said I think we have that opportunity. I will tell you now our cases that have repair orders on them, we do vet them to see if they are really viable for in rem repair. We just really haven't had any properties that we felt like were a good match for using those funds because our concern is that we don't want to invest \$30,000, \$40,000, \$50,000 or \$60,000 of the City's money and then just board a house up and let it sit.

Ms. Eiselt said for a house I would agree, but for multifamily, a small amount of money in an in rem repair means that we could take a lien on that property, which we can't do with Lake Arbor because we didn't do the repairs.

Ms. Taillon said what Legal has advised us is the first things we have to do is definitively determine that the property owner has no intention of repairing the property. I don't know that we've come across they are absolutely not going to repair a property; we get that they are going to take their time. They are going to be very slow about it, which then they are going to be subject to the civil penalties fines, but I've not come across any multifamily complex where a property owner has just said I'm not going to do this, and I believe Legal was very clear with that. We would have to definitively determine that a property owner was absolutely not going to repair a unit.

Ms. Eiselt said my question is about the mold. I understand that it is not all within our control but I hope that we will continue to work on that issue because mold is really one of those things that it might not affect some people and for other people it could be deadly. I would like maybe missing hardware and things that should be just basic part of a property that somebody rents; I haven't really heard that we've got a better solution to mold that maybe we even invest a little bit more on the upfront of testing it to see whether or not; it is expensive, but to spend \$1,000 or whatever to test the air quality; we can tell right away if it is at a dangerous level or not.

Ms. Taillon said you kind of hit the nail on the head; we don't know if the mold is good or bad and our staff is not currently trained to make an assessment related to mold. That is where unclean and unsanitary conditions work well for us. We will take a doctor's note from a tenant if the doctor feels like their health is being compromised. We will take that information, and we will refer them to Community Link for assistance to get them into a new unit.

Ms. Eiselt said we might not have that but there are plenty of companies out there that do. It is just kind of expensive, and that is probably why no-one wants to do it. I've had it in my own house, and I am allergic to mold, and I will tell you, it burns. You have a headache; you have asthma pretty quickly with very low levels that you don't even see if you have an allergy to it. I was in one of the apartments at Lake Arbor, and you could see it and they just painted over it. To me had that been tested that would have been a case right there, but I guess that is something that we have to work with the state on; there is just not that much we can do even if at the City and County level to tell a landlord that the level of spores in the air and knowing what those are. For less than \$1,000, they can test that; there is no inclination or will to say we will work with the Health Department and if it is determined that there is a dangerous level of spores in the air it has to be remediated?

Ms. Taillon said we have opened the lines of communication with the Health Department; the Health Department deals with commercial structures, so I think that is where some of the challenge is. We are dealing with residential.

Ms. Eiselt said is that a loophole; it is a commercial structure to the landlord? It is their commercial property. People live there, so is that a loophole that we need to address on our state agenda?

**Dr. Gibbie Harris, Mecklenburg County Health Department Director** said this is an issue that is coming up nationally that does not seem to have a really good solid solution to it right now. Unfortunately, or however you want to look at it, in the State of North Carolina our staff who do inspections in the community are agents of the State. They are certified by the State of North Carolina and have specific guidance from the State of North Carolina through statute and through North Carolina Administrative Code as to what they can do and where they have authority. Unfortunately, individual apartments are not one of those places, and that is just the nature of where we are right now.

There is a lot of conversation happening about mold; mold is challenging. Mold is everywhere. It is in the leaves that are sitting on the ground outside; there are different types of mold, and there are not very clear guidelines, even at the national level, about when mold becomes a health issue. That is another problem that we have; there is not clarity around that. There are a couple of institutions that will test for it, and it is quite expensive and there are varying degrees of verification at the federal level as to what those test results actually mean. So, it puts us in a rock and hard place I think.

Obviously, from the public health perspective the best thing to do is to prevent it in the first place. Mold does not grow if we don't have moisture; so, especially in those housing units, if we can keep moisture out of the housing units the likelihood that we are going to have mold goes down significantly, but, unfortunately with the specific guidance and administrative code that we have from the State of North Carolina right now our inspectors are not in a position to go into an individual unit and inspect it for mold. So, as you said,

do we have loopholes; we've got them in probably a couple of different areas in State Statute.

**Councilmember Newton** said so maybe that is space for a legislative agenda item and I know that we've had discussion about that in Committee as well, so, the mold topic and reaching out to our partners in the General Assembly on that.

Thank you and, thank you Pam and all the folks at Code putting together this presentation. I think there is a lot of good stuff here, so we have to look at this within the prism of Lake Arbor. That is why all this came up and I think that it is not the silver bullet to address many of the concerns that we are facing with the residents that have been misplaced at Lake Arbor. I think it is really important that we acknowledge that there is a lot of work that needs to be done moving forward. That work can continue in Committee at the same time. I think we need to acknowledge that we have a lot of work left to do with our community partners on this and also staff partners and the County.

To the extent that they have been included in this process, that has been really fantastic, but I want to explore the idea of in rem repair in remedy a little bit further. I don't know if everybody fully understands what that means, so maybe I can get some clarity on this as well. What we are talking about here is when a code violation exists to the extent that there is this outlier of a situation like we've experienced with Lake Arbor, in multifamily situations, the land owner decides to drag their feet and not make the repairs, we can go in and make those repairs and then bill the land owner for that, right?

Ms. Taillon said technically yes. Under in rem repair we can go in and make the repairs. We would bring it to you just like we would bring In Rem Demolition to City Council; we would come to you and ask you for the authority to conduct an in-rem repair. We can't proceed until you provide us with that direction.

Mr. Newton said and thereafter if they continue to fail to make the repairs then we can place a lien on the property and seek remedies that could eventually foreclose on that property.

Ms. Taillon said we are the ones that do the repairs, yes we can put the lien on the property.

Mr. Newton said what we've seen with Lake Arbor is we've seen tenants that clearly need repairs made on their property and at the same time have now been displaced. I think with an In Rem Remedy that we pursue we would essentially meet cutting that off. We would be more proactive and ensuring that the repairs were made and that these folks don't get displaced. I think that is where we need more action; as the chair was mentioning he said nudge, we need to maybe start to talk about ways to kind nudge our staff members in that direction of in rem repair. I would say we need to do a little bit more of a push towards that direction. It seems to me that by the time we get there we've already completed all we need to complete. We've already gone through a 65-day period; we've already explored the possibility of obtaining the lien in and of itself. How much more is it, particularly when we know the extent of the damage that could be created through displacement; how much more is it of a burden on us to just go all the way through?

Ms. Taillon said the first thing I want to caution us about is that an in rem repair, when we go out and do an initial inspection of a property, keep in mind, we are only citing for minimum standards. I think when we would go in and do an in rem repair that we would have to go beyond minimum standards. I think we have to be careful about what we might be uncovering during that process, so I do have a little bit of concern about the scope of work. We would probably have to go back and develop a new scope of work so when we went in and did repairs we would have a better idea of what that actual cost was going to be.

We have to prove that the property owner is not going to make a repair, so when we talk about Lake Arbor the property owner has been trying to make repairs. So, I don't know that we would have been able to meet that burden in a situation like that, because they



are actively doing some repairs. Ultimately, if we could go in and get the repairs done and then put the lien on the property we would definitely be willing to pursue in those instances where we can do that.

Mr. Newton said it is our job to protect the residents of the City. We know that there are many multifamily situations where residents are being taken advantage of to the extent that repairs are needed. Just to have their premises habitable, just so they can live in it aren't being made, and they are then, through no fault of their own, are being displaced. I feel like it is our job to see to it that no longer happens. This is the way we do it, and I think it is also important to note that at some point in time, and we've seen this before. When we go through condemnation, whenever a lien is actually filed at some point in time the inaction of that landowner is an expression to that person's family to do the job and saying that they are not going to do it. Even if they tell us verbally that they are going to continue to do it there comes a point where that inaction speaks volumes.

We are looking at a process where we wait 65-days plus, if they haven't done it in over 65-days and that is 30-days after we've had a hearing and they maybe have made promises; maybe them dragging their feet is all we need to know that they are not going to do it, and we should explore those In Rem Remedies at that time which I just don't see being given the problem it creates where the people that we have a responsibility and an obligation to in this City shouldn't be that much of a burden for us on the flip side of that. These are the outliers; this isn't something that happens all the time, so when it does happen it is not going to be the thing that breaks the piggybank so to speak. That is my nudge, that is my push to City staff.

**Councilmember Bokhari** said I will frame this in the form of a question for later follow-up. If it hasn't been done I would really appreciate staff and the Committee engaging an economist group or our economist or something; clearly this stuff is no brainer as it relates to quality of life and the importance of that. I am curious what the impacts on affordability of housing this would have at a more macroeconomic perspective.

Mayor Lyles said in addition to that, what would be the loss of housing as a result of that as well, not just where the rents lie but where the unit count would be impacted?

**Councilmember Winston** said I sent all of you an e-mail this morning and also submitted it to the Clerk for the record.

Mayor Lyles said Mr. Winston, you will have to read it because we do verbatim minutes.

Mr. Winston said I will read it. Colleagues, please go back and take a look at the live stream from the last Neighborhood Development meeting. The responses I have been receiving from community members over the past week suggest we should approve the changes that staff has recommended thus far only if the Minimum Housing Code (MHC) remains in Committee. I agree with this; we should pass these changes but this Housing Code should remain in Committee. It seems to be our best chance, our best tool to deal with Lake Arbors but also in trying to find some remedy for displacement of residents due to conditions like Lake Arbor. These changes to do not deal with that displacement.

The MHC seems to be the best route to create both "carrots" and "sticks" to compel multifamily property owners to prevent displacement due to the degree of conditions in places like Lake Arbor. In it, we have tools to be used for "Alleviating substandard housing". I would point out that substandard housing to me is subjective and it is different than what is in the Code. I will say that as we saw in Lake Arbor, there were many units that were legal or at least situations or conditions in those apartments that were not subject to a Code Enforcement violation, particularly as we talked about with mold. But, I can tell you that those apartments were uninhabitable. If our Fire Department went to a first aid call I guarantee the officer would tell his crew to put on their respirators when entering those apartments. Those places should not be considered livable and they are right now. We should be using these tools and applying them from a resident-centric approach as opposed to just getting the property align of working with the property owner. We have no solutions right now that give residents relief immediately and we need to find those.

Ted Fillette has described some legal tools that we have but we do not apply. If we have more ways to hold property owners who are maintaining substandard living conditions accountable, then we should be doing so.

There are ways I believe that we can also create carrots. We should look at this from our lens of our NOAH preservation. Can we create a set of standards that, if met could create a pathway to partnership with the City? These standards would have to compel owners to have a track record of responsibility with their property to qualify. The owner of Lake Arbor would not qualify to those standards I would hope.

Situations that are similar to Lake Arbor need more sticks. Lake Arbor represents those substandard housing situations that might not technically be illegal. I continue to go back to the moldy apartment that I visited. It is my understanding that the mold problem did not constitute a code violation because mold remediation is not written into our code for many reasons. However, you couldn't breathe in that apartment. We need language that gives a person that is living in situations like this into housing that meets our standards immediately until those standards can be met by the property owner. This would be something different than our current arrangement with Community Link. Those costs associated with temporary relocation should be the responsibility of the property owner.

In the end, there is much we have to do. The work on the MHC done in Committee was good to bring our standards more up-to-date, but we need it to be a tool in dealing with the realities of displacement due to aging neglected properties. In the end, this work needs to continue in Committee now and we need to go further. I heard that there are some loopholes and we should attack those loopholes with our policy and if it means going to bat for our residents in court with them fighting for their rights then we need to do that. If that means running a fowl of legislation that continues to put corporations and profits over the people that it is our duty to protect and ensure their public safety, then we should do that and we should do that through this code and I hope we will pass this when it gets on our agenda, but only under the condition that it remains in Committee so we can keep working on it.

**Councilmember Ajmera** said some of the points are already addressed by my colleagues. I just need a clarification on slide #22 where you've got the cooling system, it says only for existing.

Ms. Taillon said yes, that is correct. We are not asking that we require every owner to go back and retrofit their unit with air conditioning. We are asking that if a unit is currently provided and it breaks the owner is required to maintain it.

Ms. Ajmera said why is that? Why are we not asking for the retrofitting?

Ms. Taillon said I think we take the approach that if an owner has provided it needs to work properly, and typically with things that are not actual, we can't actually cite them for under the ordinance; kind of our standard line to a property owner is if you are providing it, even though we can't cite you for it, you need to make sure it operates property, whether that is a door or in this case an air conditioning unit. If the tenant moves into that unit, and these things work they should continue to work for them for the life of them living in that unit.

Ms. Ajmera said I know under State Statute heating is required; is air conditioning not part of state requirement?

Ms. Taillon said it is not. A unit is only required to have screens; if they don't have an approved ventilation system, they are required to have screens in the windows.

Ms. Ajmera said on slide #24, you've got multi-family enhanced rental inspection, current process is discretionary, so is that when if someone calls us there is an inspection? How it is different with the enhancement?

Mr. Taillon said currently it is more as we see a pattern develop then we try to take a more in depth look at a particular property, specifically multifamily. This is something we don't need the ordinance changed for us to implement; we are in the process of implementing this. We are going to use our data to identify those places where we are starting to see a lot of code activity and if it meets a certain threshold within a specific amount of time then we are going to do a more in-depth review. We are going to pull the cases, we are going to see what we are citing out there, we are going to look at the specific violations, are they 48-hour violations? Are they violations that require a permit? Start to do a more in-depth look and then are the specific to one building, is this a pattern across the entire complex and then depending on what criteria it meets would either end in an inspection of an entire building or potentially an inspection of an entire complex.

Ms. Ajmera said I like the approach where it is more comprehensive where you are tracking based on the data or previous violation to avoid or prevent future Lake Arbors. If there is a complaint the current process was only inspecting just for the specific problem that was in the comprehensive report?

Mr. Taillon said we only inspect in that unit or that single-family dwelling, but it is a comprehensive inspection of that dwelling.

Ms. Ajmera said how do you define multifamily? Is it anything more than single family?

Ms. Taillon said we are going to define multifamily as 24 or more units, which I believe is consistent with our housing policy.

Mayor Lyles said it has been a very informative process, thanks to the Committee and the work that you've done and the challenges.

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

There were no outstanding consent item questions.

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The meeting was recessed at 6:35 p.m. to move to the Meeting Chamber for the regularly scheduled Business Meeting.

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#### **BUSINESS MEETING**

The City Council of the City of Charlotte, North Carolina reconvened for a Business Meeting on Monday, September 23, 2019 at 6:43 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Larken Egleston, Julie Eiselt, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps, and Braxton Winston II

**ABSENT UNTIL NOTED:** Councilmember Ed Driggs

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#### **INVOCATION AND PLEDGE**

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

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## PUBLIC FORUM

**Mayor Lyles** said I'm going to ask our Aviation Director to come because I understand several of our Public Forum speakers want to talk about lighting and other issues regarding our Airport.

**Brent Cagle, Aviation Director** said it is my understanding that Ms. Prophete would like to speak about lighting around Gates E-31 through E-38. We are aware of the issue or we have been made aware that there has been some concern expressed with the lighting around Gates E-31 through E-38, so we will be looking at that. We have already been conducting a lighting analysis at the request of American Airlines and their Affiliate Airline partners around the C and D Concourse and will be adding in those areas around the E Concourse. I will say that there was recently a fatality accident on the ramp; that accident is currently under investigation by OSHA and no findings have been released at this point. That accident occurred near Gate E-3 on the ramp.

Mayor Lyles said Ms. Prophete, we would like to hear from you, and if Mr. Cagle would like to add anything after you speak he will do so.

### **Improve Airport Lighting**

**Donielle Prophete, 8920 Avebury Drive** said I actually have three items and the lighting is not the only issue. I am the Vice President of CWA Local 3645 in Charlotte. CWA Local 3645 represents 1,700 agents who work for Piedmont Airlines a subsidiary of American Airlines. We operate as American Eagle. I am here this evening because I and my coworkers would like to discuss important issues. Last month we lost our beloved coworker Kendrick due to a freak tug accident at night. The agents have for some time complained about the tarmac lighting on the E Concourse, especially around Gates E-30 through 38. We would like request that the City do a lighting sample to determine if we could get more lighting. It is so bad around those gates that the agents call "Death Valley". We don't know if lighting contributed to Kendrick's death or not but we want to be proactive in our own safety when working on E Concourse because we feel it is an accident waiting to happen.

I also want to address the heating and air temperatures of the jet bridges on the E Concourse that we were told that the City maintained. This summer the agents and passengers have been forced to stand in these bridges with temperatures ranging from 101 to 114 degrees while waiting for bags. We filed multiple safety reports with our company and now we are coming to the City who maintains the jet bridges for help with this. In the May of this year the City of Charlotte also opened a new \$11 million baggage transfer area. Somewhere in the design someone left off air circulation measurers. This building is extremely hot; we have approximately eight to 10 fans trying to cool a 54,000 square-foot building. Since the building opened we've had multiple agents have to get treated for heat exhaustion and dehydration due to working in that building. We can't add more fans because there are not enough outlets and we can't use an extension cord due to the OSHA standard. We need the City to rewire that building to allow for more air options.

Last and most importantly we would like to know who is on the Citation Review Board. We have multiple agents cited for a variety of offenses and we only are told to appeal the citation via e-mail address and we have to do it in three days. The City Airport website lists multiple boards and Brent Cagle is the Aviation Director. Does Mr. Cagle appoint people to this Board or the Appeals Committee? We would like to know, are we being judged by a Board of our peers or are we being judged by a bunch of suits who could never empathize with us? Suspending our badges and in some cases permanently revoking our badges which ultimately affects our livelihood. I stand before you requesting help, not only for Piedmont and American Mainline Agents CWA represents but for all the employees who work at the Charlotte Douglas International Airport who on many occasions feel like we are being bullied by a City we pay taxes to and a system that is not designed to give us our fair due process.

Mayor Lyles said that you very much Ms. Prophete; I think sometimes it is very hard for us to determine what the City's responsibility, as the owner, and American Airlines, Piedmont and American Eagle what their responsibilities are. I know how difficult it is because I can't figure it out and we talk about this all the time, I can only imagine how it is at the Airport when you are an employee to know what is what. I certainly think this is something that we ought to take up with the Airlines and I hope they are watching tonight or seeing you speak about these issues. Mr. Cagle; do you have anything that we need to address?

Mr. Cagle said I will say to Ms. Prophete we are always willing to talk. Many of the issues that you brought up tonight we are already working through and we want to be transparent and provide you information as we work through those. But, a couple you have not and so we will take those back and be working through the issues and be communicating with the Airlines, but we are also willing to talk directly to you and to your fellow coworkers as we go working through those issues.

### **Get the Lead Out**

**Krista Early, 19 West Hargett Street, Suite 405, Raleigh** said I am the Cremorne advocate for Environment North Carolina. I am here tonight with Bryant Casher who is a concerned Charlotte tenant. I wanted to talk to you all today about the threat that lead in drinking water poses to our communities and our children. Current state law and federal law is not adequate or expansive enough to protect our children and does not require schools to test for lead. The state should be doing everything it can to limit childhood exposure to lead and that begins with identifying sources of exposure at school. Luckily, there are solutions that could be pursued to eliminate the risk we are exposing our children to. The commonsense solution is to get the lead out of school's water delivery systems. Today, Environment North Carolina is releasing our free back to school "get the lead out" tool kit which serves as a research to help parents, teachers and administrators get the lead out of their schools drinking water. With the lack of accurate information on lead contamination in schools [inaudible] this back to school "get the lead out" toolkit gives parents, educators and caretakers information about the problems, solutions and ways to take action as well as resources for more information. We know that lead is a huge problem and we know that we need to get the lead out. Children deserve to live and grow in a supportive environment where they are not subjected to toxic lead levels that can alter the course of their lives. Our get the lead out tool kit is available today to help advocate for better regulations against lead in drinking water. The tool kit can actually be found on our website [environmentnorthcarolina.org](http://environmentnorthcarolina.org). We just want to point out that federal exposure goals for lead in drinking water are lower than exposure levels for cyanide. The goals for cyanide and drinking water is 200 parts per [inaudible] and for lead it is zero. This is actually found in the federal register. Lead is a hazard that too many public officials incorrectly deem not that bad so we really just wanted to explain this problem to you guys and bring this to everybody's attention as well as the tool kit that is free and is available on our website [ennvironmentnorthcarolina.org](http://environmentnorthcarolina.org).

Mayor Lyles said thank you for educating us and making sure that people know the tool kit is available. I want you to know that Charlotte Water actively engages and encourages testing and they do that very, very well. I would hope that you would continue to advocate, look at our school systems and we want to be the kind of City where we have protection for our children, especially lead in the water.

### **Smoking at Charlotte Douglas Airport**

**Jahaira Lara, 7124 Indian Ridge Lane** said I also work at Piedmont Airlines at the Charlotte Douglas International Airport and my issue is the smoking outside of the baggage claim area between D all the way down to the turn style where we have to clock in. I don't know if there is anybody out there that is regulating all the smokers that are smoking in a non-smoking area. Every time we get off the bus there are people sitting out there smoking and there is a clear sign that says "no smoking" but there is nobody out there telling them not to smoke there and that is an everyday issue, morning and in the afternoon.

Mayor Lyles said I'm with you on that. I'm not out there but anytime you have to walk out of a bus into smoke, I can understand. My understanding is that in November they are going to do a soft launch of a ban on all tobacco products at the Airport so, look forward to that occurring. If I said the wrong date Mr. Cagle will correct me I'm sure.

Mr. Cagle said Madam Mayor; I would never correct you. But, I would add additional information; it is currently not illegal to use tobacco products at the Airport. There are regulations regarding how close to the doors. However, in November we will be, in addition to City of Charlotte employees being prohibited from using tobacco products, all our tenant's employees will be prohibited from using tobacco products in and around the terminal. What we find is the vast majority of users of our smoking areas are employees of our tenants. They are airline employees or they are employees of HMS Host, so not for the passengers, but for the tenants, which will greatly reduce the number of people using tobacco products. The soft launch is in November, we are working with County Health to make suasion programs available and it will coincide with November because that is the Great American Smoke Out.

Mayor Lyles said tell me why we can't just ban smoking altogether.

Mr. Cagle said that is regulated by the County and when the County passed their ordinance three or four years ago banning tobacco product use on public property, the Airport was exempted. Because of that it is not illegal to use tobacco products but, through Airport rules and regulations we can ban using tobacco products for our tenants and that is what we plan to do.

Mayor Lyles said I think that might be open for further discussion but we are going to try and we are going to have a soft opening in November, so thank you very much for bring it to our attention.

### **Sky Chefs and American Airlines**

**Bobby Kirkpatrick, 504 Tribune Drive** said I am an employee at Sky Chefs, a shop steward in our kitchen. I represent 200 employees which all of them work under a poverty level and that is terrible for our community. A community that is growing, that is booming and we work for a major, major Airline in American Airlines. What is happening shouldn't happen here in Charlotte, not a bright, bright City like Charlotte. Poverty wages are an eyesore for us and we should be ashamed. We should, because we have the means to fight poverty. There should be a livable wage for all people in the Airport because the people who don't have a livable wage have to go get food stamps, which is burden on this County or this City. We have to fight for subsidy, we have to go ask for subsidy which is another hurting on this County. It shouldn't happen here in America; it shouldn't happen here in North Carolina and it definitely shouldn't happen here in Charlotte because other cities are looking at how we do things because we are a bright light. Everybody wants to move to Charlotte but when you see what is happening to our less fortunate it is an eyesore. Actually, it is immoral when a company that has billions like Sky Chefs and billions like American Airlines and they don't want you to have the same thing that they have. We should have a fair wage, a livable wage, we should have healthcare, good healthcare, cheaper healthcare. It shouldn't happen here in America; not here in North Carolina. No company should be allowed to come here and treat North Caroleans like we are the sweat shops, not because we live in the south. We need comers but we should make sure when we have comers that they give North Caroleans a livable wage.

Mayor Lyles said thank you Mr. Kirkpatrick; I know that your organization and your team mates have come down here over and over, every week that we have the opportunity. I hope that people are watching this and hear what you say. We really appreciate the ability to give you this forum to speak and we understand those negotiations are going on and we hope that people will see and hear exactly what you said and it is not just in Charlotte, it is across this county.

### **Nonprofit Organization**

**Vincent Starks, 6001 Providence Road** said I came to discuss my process with the Charlotte Mecklenburg Housing project, a non-profit organization whose mission is to help low and moderate-income families in the City of Charlotte and Mecklenburg County. I have been under contract with them since February 2019 for a new home. I am 24-years old, I'm from Richmond, Virginia. I went to school in New Port News, Virginia, got my degree in economics then moved to Charlotte because like the gentlemen said, it is a growing city and I felt like it was room for growth here and it was diverse. It reminded me of Richmond, just a little bit larger. I went to [inaudible], middle school and high school in my county, ended up graduating with various honor societies and things of that nature, then I realized when I was in school that I was taking out a lot of student loans and I didn't want that to hinder me from growing so I ended up finding a position that allowed me to fit my race schedule and made a substantial amount of money so I ended up being able to stop taking out student loans and have a savings. What my plan was, was to get a home because as we all know that is an easy avenue through equity to what you can do with that equity and everything like that. When I moved here I got [inaudible] of the analyst and as soon as I got that I went on MLS to try to find a home that was affordable. I wasn't making a lot of money but I wanted to get something small so I found a house through Charlotte Mecklenburg Housing Project and there were income requirements and things like that. I sent the necessary statements, my pay stubs to VP of the organization and she personally approved me for that organization. It just came to a shock when in September she wanted to terminate the contract for the home. Throughout this time since February I've been speaking with the builder, I chose the exterior, interior, cabinetry, everything I of that nature. Any reason for a person to say I'm good to go. I asked her what did I break in the contract or what is going on in the contract to allow you to terminate the sales agreement. No answer of course, just skirting around it so, I asked if I could schedule a meeting with the President of the organization. I spoke with the President of the organization, Julie Porter, Charlotte Mecklenburg Housing Project and asked her up front what in the contract did I break.

Mayor Lyles said your time is up; we are going to ask someone from our housing area to get your information. What I understand you say is you had a contract with Charlotte Mecklenburg Housing Partnership and it was rescinded and you are uncertain as of why.

Mr. Starks said the reason why I know it wasn't anything factual because they sent me a mutual agreement thinking I was going to sign it. If there was something I broke in that contract they would have sent me a unilateral termination which didn't require my signature. I have already reached out to my attorney.

Mayor Lyles said if you've got an attorney, the best that we can do is have someone on our team get your information so that we can forward that information to the Partnership and get a response from them. Ms. Wideman; would you mind working with Mr. Starks and we will continue.

### **Minimum Housing Code**

**Ted Fillette, 220 Wonderwood Drive** said I am with a community group called One Meck and we are concerned about diverse neighborhoods and affordable housing. I'm here to say that we have been following the Code Enforcement amendment process and we are fine with all the amendments to the Code, I think they will be very constructive. We just want to enter a note of caution; if people think these amendments are going to improve the Code Enforcement situation in these deteriorating NOAH properties like Lake Arbor you are mistaken. The problem is not with the text of the Code, there is nothing wrong with the Code, there is nothing wrong with the enabling legislation, we have plenty of it. The problem is we are not exercising the remedies that already exists in the Code in Section 11-38C, there are two very powerful remedies that the City is not using in these circumstances, particular the power to sue the owners and get an order to make them comply with your administrative order. Right now, you have an administrative order and it is not followed you issue these fines; they ignore the fines and the people are still sitting there in these unsafe and unhealthy conditions. You have the power to go get an order

from the court to make the owners follow your order. Your alternative, which can be done by act of this Council is to pass an ordinance to do an In Rem Remedy by getting a contractor to come in and do the repairs so the people aren't continuing to live in unsafe and unhealthy conditions. You could recoup your costs by putting a lien on the property, if the owners don't pay the lien you have the power to foreclose on the property. This is a way to get control over irresponsible landlords which are in a gross minority, but to take care of the health and safety concerns that you all share. Finally, it is important to understand that relocation, particularly in the context of these large apartment complexes is not a viable alternative for two reasons; one there are not simply enough affordable housing in the community for your contractor to relocate people, especially on the scale of a couple hundred people and secondly, you don't have enough money in your contract with your contractor so that they can pay some subsidies for those tenants that have another place.

Mayor Lyles said we will be having a public hearing specifically on the minimum housing code and we will be hearing from the community before the Council reviews the recommendations from the Council Committee to implement.

### **CMPD's Contract with Ring by Amazon**

**Joseph Margolis, 6549 Quarterbridge Lane** said I am here to share news tonight that some of you might not be aware of and the reason why I know that is because the Chair and the Vice Chair of the Neighborhood Development Committee, which oversees public safety, they were not aware of this. Just so you know, you may have heard about this by now, but I've discovered over the week-end from a Washington Post Story, there is an interactive map on there and apparently the Charlotte Mecklenburg Police Department has entered into an agreement which will broadly expand their surveillance capabilities and it is with a private company, Amazon, the Ring Doorbell System, to have a sharing agreement. I feel like I would like my City Council to know that, especially considering the terms under which this current body was elected. There may be some reasons why you did not know based on reporting and I'm just going to share some points from this electronic Frontier Freedom Foundation article where they compiled some reporting to make some of their analysis. The way Amazon has done this in other cities, according to reporting, is that they reached out to Chula Vista in California and they engaged in a multi-month marketing campaign to convince the City to implement this partnership. One of the things they did was they played on the fears of rising property crime to make this pitch. So, it is all a marketing technique, that is kind of how they did this and so maybe you are like, well, why is this a big deal with the ring agreements users have to opt in. That is what they say, but there are some other things that are going on in other cities. In other cities, city money and these are questions I would like you to address to CMPD. City money is subsidizing the cost of the Amazon products in other cities offsetting the cost by \$50 to \$100 per unit in some cities. I would like to know if CMPD has gone into business with Amazon under your noses. That would be useful for you to know I think. Mr. Bokhari; I think and other people I would imagine that you would agree with me that the City shouldn't be in the business of choosing winners and losers in this. Insufficient transparency about the partnership; the reporting is showing there is a reason why you don't know or the Charlotte Observer didn't know, any of these other outlets did not know about this and it is because Amazon has been controlling the messaging. They have been working with the Police Department, writing or approving the messaging and so think about that. This is one of the points that EFF piece makes a multi-national corporation in these other cities is deciding what is in the public interest to be communicated about this service and this agreement.

Mayor Lyles said I'm going to ask Deputy Chief Stella Patterson to come down and I'm going to ask if the City is subsidizing any agreement with Amazon; if we are in the business with Amazon and address the question on what our message is if we are doing that in that service. We are going to have Deputy Chief Stella Patterson address the issues around video sharing with CMPD and specifically with Amazon.

**Stella Patterson, Deputy Police Chief** said CMPD does utilize the Ring app; it is called The Neighbors Ring App, and really it is a digital neighborhood watch that allows Police



Officers, Law Enforcement and the public to access information free of charge. So, to answer your question, are we in business or are we subsidizing Amazon? No. This app is available completely free of charge to residents as well as to law enforcement, and it is an app that the residents have to opt into. In no way does CMPD or any law enforcement get any information that is not public information in using this app.

Mayor Lyles said let's go a little but further here just to make sure that we address his questions. What you are saying it is an app free of charge if residents choose it, but what are they choosing? Are they choosing it on their Ring? You are going to do it on my level and mine my Mr. Bokhari's, because I don't know anything about it, and he probably knows way too much about it. What are they choosing; are they choosing a security service through the ring app and many others, and they are choosing to opt in on app that they can do, and are people making that choice and what do they choose to get?

Deputy Chief Patterson said this is an application that you have on your phone; in fact, I have a Ring on camera at my house, and I have that option where I can go into my camera and opt in to allow my neighbors as well as law enforcement agencies to see my videos. So, they are my private videos at my residence that only I can give permission to other people to see it. There is no way in which- I think the gentleman mentioned that CMPD is expanding our surveillance capability; that is not true, because the videos are not ours. We don't have any surveillance available. The resident has to allow the police or anybody else to view those videos.

Mayor Lyles said so, I will say it back to you; if I decide to get a security service that includes a doorbell video I can opt in if I see my packages. I had the packages when I walked out, and they weren't there when I got back. If I choose to report that to CMPD I can upload that photo to CMPD. If I choose to just let it go nothing goes any further.

Deputy Chief Patterson said yes ma'am; actually, you are not uploading the video. It is in the Ring application.

Mayor Lyles said I'm sorry the same difference to me. I'm not saying it is not important, I'm saying is it my choice to show the video to CMDP or can CMPD see it without me making that choice?

Deputy Chief Patterson said no ma'am, we cannot see the video at all unless the resident makes it available to other neighbors and to the Police.

Mayor Lyles said Deputy Chief Patterson, you are going to have to stay tonight, because we are going to have a discussion about this on our agenda at the end of the meeting.

**Councilmember Mayfield** said we are doing what.

Mayor Lyles said we are going to have a conversation; we've still got the public hearings that we have to do in the Business Meeting. We are going to come back and ask her to be here at the end of the meeting for the discussion.

**Councilmember Winston** said so, we are going to add an item.

Mayor Lyles said it is not an agenda item; it is a topic to allow you guys to talk about it; I can't recognize ever body.

Ms. Mayfield said are you saying during Council Topics is when we are supposed to bring this up?

Mayor Lyles said no, I'm going to say we are going to bring it up and follow-up at the end of the meeting because I think I had three to four people to be recognized, right.

Mr. Winston said the speaker brought it up during the Public Forum, and you are going to cut this off now and have it at the end of the Business Meeting.

Mayor Lyles said do you guys want to continue the conversation right now? Alright, let's go ahead.

**Councilmember Harlow** said Mr. Margolis, thank you. I know you sent some e-mails to us over the weekend about this. Mine is just a clarifying question, I don't Ring. I'm familiar with it. I'm familiar with folks posting to various neighborhood social meeting groups with videos, packages, and about other things like that. My question is allowing the Police Department or for neighbors to see those feeds, do neighbors have to, or does anybody with that service have to do that each time or once you get access that access is always there?

Deputy Chief Patterson said once you get access it is there until you withdraw the access. So, any video that you might have related to anything that is occurring at your residence it becomes available at that time.

Mr. Harlow said so, it does increase the surveillance because then you have to opt out after the fact for anything. It is now kind of one off, it is not certain time limits or anything like that.

Deputy Chief Patterson said no, but the neighbor allows or makes the video available for the public or for their other neighbors.

Mayor Lyles said I know this is problematic for us, because we are all trying to figure out how this works. Mr. Margolis, I appreciate you bringing it up, but I think the best thing for us to do is probably schedule a time for you to come in and help us to understand because if we are still trying to figure out it works.

Mr. Winston said I don't think this is a question just for Mr. Margolis. I imagine this will be on the headlines of all the papers in the morning, and we are going to have to have this conversation.

Mayor Lyles said we will have the conversation publicly, yes, but, I don't think everybody is ready to address it right now. I just want to make sure that we get the questions out and that we schedule a time that we can do it with education and not just kind of guess at it. This will be perfect for a work session at our next meeting earlier in the day. Would you mind coming back Mr. Margolis?

Mr. Margolis said does the rest of the body have e-mail I sent?

Mayor Lyles said I don't have it.

Mr. Margolis said I will just forward it again to everybody.

Mayor Lyles said that will be great. Mr. Jones; we will schedule this at a work session.

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## CONSENT AGENDA

Motion was made by Councilmember Mayfield, seconded by Councilmember Egleston, and carried unanimously to recuse Council Member Mitchell from Item 53.

Motion was made by Councilmember Harlow and seconded by Councilmember Ajmera to approve the Consent Agenda as presented with the exception of Item Nos. 29, 58 and 59, which were pulled for separate votes and Item Nos. 76, 79, 80, 82, and 99, which were pulled by staff.

**Councilmember Newton** said Item No. 28: Construct the Charlotte-Mecklenburg Police Department Independence Division Station, is the first item on our Consent Agenda; it is

an item to appropriate funds for the construction of the new Police Station at Independence Boulevard and Conference Drive. This is an important step towards meeting our public safety goals, particularly in East Charlotte, this combines with the Hickory Grove Division, which is going to be completed later this year. It will place two new Police Stations in East Charlotte. This one is actually scheduled to be completed fourth quarter of 2020. This is really wonderful news; it is going to cut down on response time, it is within a 19-square mile area, create more capacity, approximately 100 employees will be staffing this particular site. It will improve neighborhood connectivity and make our community safer. It will also improve facilities, morale and be LEED certified and have a public art component. I wanted to let everybody know, so I thank the Council for their support in this and let everybody know that we will be having a ground breaking for this particular station tomorrow at 10:00 a.m. at 6025 East Independence Boulevard.

**Councilmember Bokhari** said I wanted to quickly mention for anyone who has been following along at home and holding us accountable on things we've said that we have something tonight, Item No. 36, Intelligent Transportation System Projects Engineering Services, part of this the vendor HNTB is part of it. That was, if you remember, during the Blue Line Extension, we did have a bit of a challenge during an audit that we had found some overruns in cost. We continue to monitor that, HNTB does a lot of work for the City obviously, but we just want everyone to know that we are staying vigilant with our commitment to make sure we finalize all of those audits in the scope with the City Auditor and ensure that we don't have price issues as we experienced before.

**Councilmember Mayfield** said regarding Item No. 51: American Airlines Cargo and Catering Lease, unfortunately, a number of them had to leave, but as we have our representatives from Unite Here tonight; this is the item regarding the actual catering lease at the Airport. I do want to share that along with [inaudible] we listened, and we heard from our partners within labor, and we reached out. A number of my colleagues, Mr. Winston and myself, the leadership within American and shared our concerns even though by law we cannot mandate, but it is clear that there is a conversation where they heard our concerns. Again, we cannot mandate the State General Assembly is a different conversation, on the same note I believe in our situation where there is a major strike going on with GM where I'm going to be right out there with them so I get it, and I understand but I do want to acknowledge that the leadership came down immediately and had conversations with us. There are conversations still happening within labor itself and American does know that once those contracts are done they are prepared to pay more. I don't know what that more is; we are going to let the labor leader figure that part out, but I do want to make sure that you all know that we hear you, we heard you, and we are continuing the conversations from our end of strongly suggesting. I will share what I personally shared is if your workers cannot afford to live in the City, then you will not have workers, so you figure out what to do with that.

**Councilmember Winston** said I just wanted to echo Ms. Mayfield's comments. I want to thank Unite Here, the workers at Charlotte Douglas International Airport and American Airlines and my colleagues. I think within the week or really the next day, we were getting calls from representatives from upper management of American Airlines, and they flew folks down here and they had conversations with us. We all understand this is all part of a national negotiation, and we are not trying to have a seat at that table but there is an opportunity to triangulate here to find how government, how business and how workers can work together to find common ground and find mutually beneficial means to move forward to work business models to build cities and to support families. This is by no means a place to stop. I have heard the same thing that American Airlines does understand the cost of labor at Charlotte Douglas International Airport might go up in terms of working with dealing with Unite workers. We are just going to have to stay on it, and I thank all parties again, American Airlines, workers Unite and my colleagues here for your willingness to think outside of the box and change the status quo about how we deal as a landlord with our tenants and the folks that work for them.

**Councilmember Ajmera** said I also want to echo my colleague's comments about conversations we have had with American Airlines. I want to personally recognize Tracy

Montross and American Airlines for facilitating the conversations that the leadership there, and I had expressed some of the concerns when Unite Here membership had met with me. I understand that conversations are continuing and we will continue to be part of that in terms of what we hear we will certainly relay the message to you all, but at the same time I think it is important to realize that this is not just American Airlines; we are seeing that with other airlines as well. I appreciate the leadership you had brought to the table in organizing the labor we are seeing and just organizing everyone to speak out when we see some of these inaccurate issues. I hope that with this negotiation we will see some sort of positive result that not just for Unite Here workers but workers across the nation where we have livable wages for all residents.

**Councilmember Phipps** said with regards to Item No. 61: Set Public Hearing on Rocky River Road and I-485 Voluntary Annexation, I just want to highlight this voluntary annexation at the interchange of Rocky River Road and I-485 of 77-acres where the petitioner proports to build a Birkdale like facility and complex along that Rocky River/Hood Road/Back Creek Church Road corridor consisting of pedestrian friendly mixed-use center with 102 single-family homes, 275 multi-family units, 131,000 square feet of retail, a hotel with 120 rooms and a 50,000-square foot Cinema all located there to amenitized my side of town and Mr. Newton's side of town as well. It is good that we are going to have this kind of amenities up there at the Harrisburg Exit at the Rocky River Exit, and I look forward to approving this voluntary annexation into the City of Charlotte right on the border between Mecklenburg County and the Cabarrus County line, some great amenities coming to the area.

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

The following items were approved:

**Item No. 28: Construct the Charlotte-Mecklenburg Police Department Independence Division Station**

Approve a guaranteed maximum price of \$13,045,257 to Turner Construction Company for Construction Manager at Risk Services for the Charlotte-Mecklenburg Police Department Independence Division Station and the City View Connector project.

**Item No. 30: Resolution of Intent to Abandon and Close the Unopened Alleyway off South Tryon Street and Hawkins Street**

(A) Adopt a Resolution of intent to abandon and close the unopened alleyway off South Tryon Street and Hawkins Street, and (B) Set a Public Hearing for October 14, 2019.

The resolution is recorded in full in Resolution Book 50, at Page(s) 176.

**Item No. 31: Resolution of Intent to Abandon and Close a Portion of Right-of-Way Along Parkwood Avenue**

(A) Adopt a Resolution of intent to abandon and close a portion of right-of-way along Parkwood Avenue, and (B) Set a Public Hearing for October 14, 2019.

The resolution is recorded in full in Resolution Book 50, at Page(s) 177.

**Item No. 32: Resolution of Intent to Abandon and Close a Portion of Auten Street**

(A) Adopt a Resolution of intent to abandon and close a portion of Auten Street, and (B) Set a Public Hearing for October 14, 2019.

The resolution is recorded in full in Resolution Book 50, at Page(s) 178.

**Item No. 33: Resolution of Intent to Abandon and Close the Unopened Alleyway off West Palmer Street and West Carson Boulevard**

(A) Adopt a Resolution of intent to abandon and close the unopened alleyway off West Palmer Street and West Carson Boulevard, and (B) Set a Public Hearing for October 14, 2019.

The resolution is recorded in full in Resolution Book 50, at Page(s) 179.

**Item No. 34: Resolution of Intent to Abandon and Close a Portion of Darby Avenue**  
(A) Adopt a Resolution of intent to abandon and close a portion of Darby Avenue, and (B) Set a Public Hearing for October 14, 2019.

The resolution is recorded in full in Resolution Book 50, at Page(s) 180.

**Item No. 35: Temporary Traffic Control Services**

(A) Approve unit price contracts for temporary traffic control services for an initial term of two years with the following: GDC Supplies Equipment & Contracting LLC, DBA GDC Inc, Phoenix Spirit Group LLC, and (B) Authorize the City Manager to renew the contracts for up to one, two-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

**Item No. 36: Intelligent Transportation System Projects Engineering Services**

(A) Approve contracts for professional services for the design and construction administration of Intelligent Transportation Systems projects for initial terms of three years with the following: DRMP, INC., Exult Engineering, PC, HNTB North Carolina, PC, Kimley-Horn and Associates, Inc., Midsouth Consulting Engineers, Inc., and (B) Authorize the City Manager to renew the contracts for up to two, one-year terms and to amend the contracts consistent with the purpose for which the contracts were approved.

**Item No. 37: Construct Bryant Farms Road Sidewalk**

(A) Reject the low-bid by M & V Builders, LLC for the Bryant Farms Road Sidewalk Project, and (B) Approve a contract in the amount of \$706,873.86 to the lowest responsive bidder Nassiri Development, LLC for construction of the Bryant Farms Road Sidewalk.

**Summary of Bids**

M & V Builders, LLC *	\$691,175.10
Nassiri Development, LLC	\$706,873.86
United Construction Company	\$798,451.90

\* M & V Builders, LLC was found to be non-responsive for failure to meet the General Contracting Licensing requirements as stipulated in the project solicitation.

**Item No. 38. Construct Highway NC-51 Sidewalk from McAlpine Creek to Ridgeloch Place**

Approve a contract in the amount of \$2,035,600.49 to the lowest responsive bidder DOT Construction, Inc. for construction of the NC-51 sidewalk (McAlpine Creek to Ridgeloch Place) project.

**Summary of Bids**

DOT Construction, Inc.	\$2,035,600.49
Blythe Development Company	\$2,227,550.00
Sealand Contractors Corp.	\$2,255,172.10

**Item No. 39: Construct Storm Drainage Improvement Projects**

Approve a contract in the amount of \$1,969,841.50 to the lowest responsive bidder Onsite Development, LLC, for the Collective Storm Drainage Improvement Projects - Series D.

**Summary of Bids**

Onsite Development, LLC	\$1,969,841.50
United of Carolinas, Inc.	\$1,998,888.43
Sealand Contractors Corp.	\$2,156,872.40
Blythe Development Company	\$2,781,554.88

**Item No. 40: Construct Storm Water Repairs and Improvements**

(A) Approve a contract in the amount of \$4,196,195 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repair and Improvement Fiscal Year 2020-A project, and (B) Approve a contract in the amount of \$3,941,003 to the lowest responsive

bidder Onsite Development, LLC for the Storm Water Repair and Improvement Fiscal Year 2020-B project.

**Summary of Bids for 2020-A**

Onsite Development, LLC	\$4,196,195.00
Blythe Development, LLC	\$4,233,935.00
United of Carolinas, Inc.	\$4,264,763.82

**Summary of Bids for 2020-B**

Onsite Development, LLC	\$3,941,003.00
United of Carolinas, Inc	\$4,171,383.82
Blythe Development Company	\$4,333,231.25
United Construction Company, Inc.	\$4,823,281.27

**Item No. 41: Professional Engineering Services for Minor Storm Drainage Projects**

(A) Approve unit price contracts for project engineering services for an initial term of three years to the following: CALYX Engineers and Consultants, Inc., ESP Associates, Inc., Kimley Horn and Associates, Inc., LaBella Associates, PC, LandDesign, Inc., The John R. McAdams Company, 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. 42: Construct McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements**

(A) Approve a guaranteed maximum price of \$43,494,549 to Garney Companies, Inc. for Design-Build construction services for the McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements project, and (B) Approve contract amendment #1 for \$2,931,730 to the contract with Black and Veatch International Company for consultant services for the McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements project.

**Item No. 43: Odor Scrubber Units**

(A) Approve a contract with Syneco Systems, Inc. for the leasing of odor scrubber units for an initial term of three years, and (B) Authorize the City Manager to renew the contract for up to two, three-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

**Item No. 44: Water and Sanitary Sewer Parts and Fittings**

(A) Approve a unit price contract to the lowest responsive bidder Ferguson Enterprises, Inc. for the purchase of water and sanitary sewer parts and fittings for an initial term of two years, and (B) Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

**Summary of Bids**

Ferguson Enterprise	\$3,852,189.77
Core & Main	\$3,955,905.15
Fortiline	\$4,425,504.23

**Item No. 45: Brass Parts and Fittings**

(A) Approve a unit price contract to the lowest responsive bidder Fortiline Inc. dba Fortiline Waterworks for the purchase of brass parts and fittings for an initial term of one year, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

**Summary of Bids Bid #1**

Fortiline	\$508,634.00
Core & Main	\$520,339.10
Ferguson	\$520,688.30
Miller Supply	\$533,859.20

**Summary of Bids Bid #2**

Fortiline	\$ 79,200.00
Ferguson	\$ 87,860.00
Miller Supply	\$ 90,092.80
Core & Main	\$ 97,682.00

**Item No. 46: Motor and Pump Repair Services for Water and Wastewater Facilities**

(A) Approve unit price contracts for motor and pump repair services at water and wastewater facilities for an initial term of three years to the following: A & W Electric Inc., American Rewinding of NC Inc. dba American MTS, B&M Electric Motor Services Inc., Dixie Electro Mechanical Services Inc., Integrated Power Services LLC, Purser Central Rewinding Co. Inc., Randall Supply Inc., and (B) Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

**Item No. 47: Engineering Services to Support Field Operations System Repairs**

(A) Approve a contract for up to \$2,500,000 with Freese and Nichols, Inc. for engineering services to support field operations system repairs, and (B) Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

**Item No. 48: Bus Replacement Parts for Allison Transmissions**

(A) Approve unit price contracts for the purchase of Allison transmissions and parts for an initial term of three years to the following: Reliable Transmission Service, Clarke Power Services, 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 they were approved.

**Item No. 49: Bus Pneumatic Parts**

(A) Approve a unit price contract with the lowest responsive bidder Muncie Transit Supply for the purchase of select pneumatic parts for the Charlotte Area Transit System bus fleet for a three-year term, 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 complete Summary of Bids is available in the City Clerk's Office.

**Item No. 50: Airport Baggage Claim Carousel Replacement**

(A) Approve a contract in the amount of \$695,172.66 to the lowest responsive bidder Pteris Global USA, Inc. for baggage claim carousel replacement, and (B) Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

**Summary of Bids**

Pteris Global	\$ 631,975.15
Western Industrial Contractors	\$1,190,247.00
Five Star Airport Alliance	\$1,212,457.00
Siemens Logistics	\$1,585,173.00

\* A 10% contingency fee was added to the price provided by Pteris Global.

**Item No. 51: American Airlines Cargo and Catering Lease**

(A) Approve a 10-year lease agreement with American Airlines for the cargo and catering facility at Charlotte Douglas International Airport, and (B) Authorize the City Manager to approve up to two, five-year lease extensions consistent with the purpose for which the agreement was approved.

**Item No. 52: FedEx Parking Facility Lease**

(A) Approve a five-year lease agreement with Federal Express Corporation for parking facilities, and (B) Authorize the City Manager to approve up to two, five-year lease extensions consistent with the purpose for which the agreement was approved.

**Item No. 53: Airport Concourse A Expansion Phase 2 - Preconstruction Services**

Approve a contract in the amount of \$825,280 with JE Dunn Construction for preconstruction management at risk services for the Concourse A Expansion Phase 2 project.

**Item No. 54: Airport Entrance Monument Construction Services**

Approve a contract in the amount of \$4,048,100 to the lowest responsive bidder Edison Foard, Inc. for the Airport Entrance Monument project.

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

**Item No. 55: Airport On-Call Property Surveying Services**

(A) Approve unit price contracts for on-call survey services as needed for an initial term of three years to the following: Professional Property Surveyors, Inc, Calyx Engineers and Consultants, 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. 56: Technology Portfolio Management Tool**

(A) Approve a contract with Decision Lens Inc. to provide, implement, and maintain investment portfolio software, (B) Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved, and (C) Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system.

**Item No. 57: Managed Information Technology Security Services**

(A) Authorize the City Manager to negotiate and approve a contract with Root9b LLC to provide Managed Security Services 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 amend the contract consistent with the purpose for which the contract was approved.

**Item No. 60: Set Public Hearing on Larkhaven Annexation**

Adopt a resolution setting the public hearing for October 28, 2019, for the Larkhaven voluntary annexation petition.

The resolution is recorded in full in Resolution Book 50, at Page(s) 187-189.

**Item No. 61: Set Public Hearing on Rocky River Road and I-485 Voluntary Annexation**

Adopt a resolution setting the public hearing for October 28, 2019, for the Rocky River and I-485 voluntary annexation petition.

The resolution is recorded in full in Resolution Book 50, at Page(s) 190-192.

**Item No. 62: Set Public Hearing on Dulin Farms Annexation**

Adopt a resolution setting the public hearing for October 28, 2019, for the Dulin Farms voluntary annexation petition.

The resolution is recorded in full in Resolution Book 50, at Page(s) 193-194.

**Item No. 63: Refund of Property Taxes**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$15,587.36.

The resolution is recorded in full in Resolution Book 50, at Page(s) 195-196.



**Item No. 64: Meeting Minutes**

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of: July 15, 2019, Zoning Meeting, July 22, 2019, Business Meeting, August 26, 2019, Business Meeting, and September 3, 2019, Strategy Session.

**PROPERTY TRANSACTIONS**

**Item No. 65: In Rem Remedy 1321 Harrill Street**

Adopt Ordinance No. 9647-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1321 Harrill Street (Neighborhood Profile Area 371).

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 399.

**Item No. 66: In Rem Remedy 1106 Pondella Drive**

Adopt Ordinance No. 9648-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1106 Pondella Drive (Neighborhood Profile area 371).

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 400.

**Item No. 67: In Rem Remedy 633 Dawn Circle**

Adopt Ordinance No. 9649-X authorizing the use of In Rem Remedy to demolish and remove the structure at 633 Dawn Circle (Neighborhood Profile area 371).

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 401.

**Item No. 68: In Rem Remedy 111 Shenandoah Place Accessory Structure**

Adopt Ordinance No. 950-X authorizing the use of In Remedy to demolish and remove the structure at 111 Shenandoah Place Accessory Structure (Neighborhood Provide Area 325).

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 402.

**Item No. 69: Airport Property Transaction – 9115 West Steeleberry Drive**

Acquisition of 2.089 acres at 9115 West Steeleberry Drive from Larry K. Johnson and Laura Ann Johnson for \$108,000 for EIS Mitigation Land South.

**Item No. 70: Property Transactions – Lakeview Road Farm to Market, Parcel #2**

Resolution of Condemnation of 403 square feet (0.009 acres) in Temporary Construction Easement at 5527 Lakeview Road from Albany Road – 77 Overlook, LLC for \$225 for Lakeview Road Farm to Market, Parcel #2.

The resolution is recorded in full In Resolution Book 50, at Page(s) 197.

**Item No. 71: Property Transactions – Lakeview Road Farm to Market, Parcel #3**

Resolution of Condemnation of 3,386 square feet (0.078 acre) in Temporary Construction Easement at 5615 Lakeview Road from Carolina Blue Sky Property, LLC for an amount to be determined for Lakeview Road Farm to Market, Parcel #3.

The resolution is recorded in full in Resolution Book 50, at Page(s) 198.

**Item No. 72: Property Transactions – Lakeview Road Farm to Market, Parcel #6**

Acquisition of 2,405 square feet (0.055 acre) in Storm Drainage easement, plus 5,118 square feet (0.117 acre) in Sidewalk and Utility Easement, plus 10,055 square feet (0.231 acre) in Temporary Construction Easement, plus 406 square feet (0.009 acre) in Sidewalk Utility Easement and Storm Drainage Easement at 6055 Lakeview Road from Duke Energy Carolinas, LLC for \$27,675 for Lakeview Road Farm to Market, Parcel #6.

**Item No. 73: Property Transactions – Lakeview Road Farm to Market, Parcel #9**

Acquisition of 6,375 square feet (0.146 acre) in Storm Drainage Easement, plus 1,786 square feet (0.041 acre) in Sidewalk and Utility Easement, plus 5,008 square feet (0.115

acre) in Temporary Construction Easement at 6415 Lakeview Road from M.I.K.E Land Co., LLC for \$69,075 for Lakeview Road Farm to Market, Parcel #9.

**Item No. 74: Property Transactions – Lakeview Road Farm to Market, Parcel #10**

Resolution of Condemnation of 18,669 square feet (0.429 acre) in Temporary Construction Easement at 6601 Lakeview Road from Gerdau Ameristeel US Inc. for \$68,850 for Lakeview Road Farm to Market, Parcel 10.

The resolution is recorded in full in Resolution Book 50, at Page(s) 199.

**Item No. 75: Property Transactions – Lakeview Road Farm to Market, Parcel #12**

Resolution of Condemnation of 497 square feet (0.011 acre) in Temporary Construction Easement, plus 342 square feet (0.008 acre) in Utility Easement at 5626 Lakeview Road from LC Concrete and Masonry, Inc. for an amount to be determine for Lakeview Road Farm to Market, Parcel #12.

The resolution is recorded in full in Resolution Book 50, at Page(s) 200.

**Item No. 77: Property Transactions – Lakeview Road Farm to Market, Parcel #19**

Resolution of Condemnation of 362 square feet (0.008 acre) in Sidewalk and Utility Easement, plus 5,192 square feet (0.119 acre) in Temporary Construction Easement at 6300 Lakeview Road from John W. Markham and Barbara D. Markham for \$22,175 for Lakeview Road Farm to Market, Parcel #19.

The resolution is recorded in full in Resolution Book 50, at Page(s) 201.

**Item No. 78: Property Transactions – Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #2**

Resolution of Condemnation of 4,726.98 square feet (0.109 acre) in Sanitary Sewer Easement, plus 1,517.41 square feet (0.035 acre) in Temporary Construction Easement at 2054 Edgewater Drive, from Lee Randall Estes for \$18,975 for Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #2.

The resolution is recorded in full in Resolution Book 50, at Page(s) 202.

**Item No. 81: Property Transactions – Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #15**

Acquisition of 3,132.97 square feet (0.072 acre) in Sanitary Sewer Easement, plus 3,581.41 square feet (0.082 acre) in Temporary Construction Easement at 6514 Wycliff Place from Sean Thomas McCarthy for \$12,175 for Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #15.

**Item No. 83: Property Transactions – Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #25**

Acquisition of 1,903.12 square feet (0.044 acre) in Sanitary Sewer Easement, plus 2,317.45 square feet (0.054 acre) in Temporary Construction Easement at 1534 Edgewater Drive from Benjamin M. Berezney and Lauren B. Berezney for \$15,000 for Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #25.

**Item No. 84: Property Transactions – Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #30**

Resolution of Condemnation of 3,912.71 square feet (0.09 acre) in Sanitary Sewer Easement, plus 1,846.21 square feet (0.042 acre) in Temporary Construction Easement at 1500 Edgewater Drive from Julio Cesar Chicas Lopez and Maria V. Cortez for \$24,650 for Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #30.

The resolution is recorded in full in Resolution Book 50, at Page(s) 203.

**Item No. 85: Property Transactions – Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #39**

Resolution of Condemnation of 871,84 square feet (0.02 acre) in Sanitary Sewer Easement, plus 1,063.27 square feet (0.024 acre) in Temporary Construction Easement at 6538 Candlewood Drive from Jesus Cuna Lopez and Liza Ann Lozano \$9,000 for Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #39.

The resolution is recorded in full in Resolution Book 50, at Page(s) 204.

**Item No. 86: Property Transactions – Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #40**

Resolution of Condemnation of 1,134.41 square feet (0.026 acre) in Sanitary Sewer Easement, plus 1,098.55 square feet (0.025 acre) in Temporary Construction Easement at 6432 Candlewood Drive from John Henry Costello and Jennifer L. Costello \$8,250 for Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement Parcel #40.

The resolution is recorded in full in Resolution Book 50, at Page(s) 205.

**Item No. 87: Property Transactions – Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #44**

Acquisition of 3,528.54 square feet (0.081 acre) in Sanitary Sewer Easement, plus 1,856.53 square feet (0.043 acre) in Temporary Construction Easement at 6510 Candlewood Drive from 4523 Park Road, LLC for \$10,726 for Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement Parcel #44.

**Item No. 88: Property Transactions – Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #46**

Acquisition of 1,652.73 square feet (0.038 acre) in Sanitary Sewer Easement, plus 1,505.53 square feet (0.035 acre) in Temporary Construction Easement at 6500 Candlewood Drive from Nicolas Corriveau Gaston for \$16,800 for Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #46.

**Item No. 89: Property Transactions – Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #50**

Acquisition of 874.76 square feet (0.02 acre) in Sanitary Sewer Easement, plus 2,423.07 square feet (0.056 acre) in Temporary Construction Easement at 6514 Rosecrest Drive from John D. Pondo and Lana W. Pondo for \$23,200 for Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #50.

**Item No. 90: Property Transactions – Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #51**

Resolution of Condemnation of 2,332.08 square feet (0.054 acre) in Sanitary Sewer Easement, plus 7,942.44 square feet (0.182 acre) in Temporary Construction Easement at 6500 Wisteria Drive from Archdale DNB, LLC and East Lake Associates 2, LLC \$19,850 for Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #51.

The resolution is recorded in full in Resolution Book 50, at Page(s) 206.

**Item No. 91: Property Transactions – Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #52**

Resolution of Condemnation of 2,139.83 square feet (0.049 acre) in Sanitary Sewer Easement at Edgewater Drive from Cecil J. Little and Margaret G. Little for \$2,625 for Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #52.

The resolution is recorded in full in Resolution Book 50, at Page(s) 207.

**Item No. 92: Property Transactions – Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #55**

Resolution of Condemnation of 356.62 square feet (0.008 acre) in Sanitary Easement at Brookcrest Drive from James G. Bolton, III and Catherine E. Bolton for \$150 for Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #55.

The resolution is recorded in full in Resolution Book 50, at Page(s) 208.

**Item No. 93: Property Transactions – Lakeview-Reamers Intersection Improvements, Parcel #29**

Resolution of Condemnation of 2,487 square feet (0.057 acre) in Fee Simple, plus 4,106 square feet (0.094 acre) in Fee Simple within Existing Right-of-Way plus 1,843 square feet (0.043 acre) in Sidewalk and Utility Easement, plus 1,970 square feet (0.045 acre) in Temporary Construction Easement at 5000 Lakeview Road from Heirs or Robert Dennis Hill for \$2,600 for Lakeview-Reames Intersection Improvements, Parcel #29.

The resolution is recorded in full in Resolution Book 50, at Page(s) 209.

**Item No. 94: Property Transactions – Lakeview-Reames Intersection Improvements, Parcel #59 and #77**

Resolution of Condemnation of 2,405 square feet (0.055 acre) in Fee Simple, plus 1,003 square feet (0.023 acre) in Sidewalk and Utility Easement, plus 5,392 square feet (0.124 acre) in Temporary Construction Easement, plus 1,721 square feet (0.04 acre) in Utility Easement at Lakeview Road and Reames Road from Reames Investment Corporation for \$104,625 for Lakeview-Reames Intersection Improvements, Parcel #59 and #77.

The resolution is recorded in full in Resolution Book 50, at Page(s) 210.

**Item No. 95: Property Transactions – Lakeview-Reames Intersection Improvements, Parcel #71**

Resolution of Condemnation of 133 square feet (0.033 acre) in Sidewalk and Utility Easement, plus 538 square feet (0.012 acre) in Temporary Construction Easement at 411 Napa Oak Drive from Proximity at Northlake, LLC for \$2,150 for Lakeview-Reames Intersection Improvements, Parcel #71.

The resolution is recorded in full in Resolution Book 50, at Page(s) 211.

**Item No. 96: Property Transactions – Sugar Creek Road Streetscape, Parcel #20**

Resolution of Condemnation of 25 square feet (0.001 acre) in Fee Simple, plus 1,034 square feet (0.024 acre) in Temporary Construction Easement, plus 152 square feet (0.003 acre) in Utility Easement at 350 East Sugar Creek Road from Konstantinos V., Christina S., Vasilios K. and Vasiliki V. Beligrinis for \$6,275 for Sugar Creek Road Streetscape, Parcel #20.

The resolution is recorded in full in Resolution Book 50, at Page(s) 212.

**Item No. 97: Property Transactions – Sugar Creek Road Streetscape, Parcel #24**

Acquisition of 762 square feet (0.017 acre) in Fee Simple, plus 2,826 square feet (0.065 acre) in Storm Drainage Easement, plus 464 square feet (0.011 acre) in Temporary Construction Easement, plus 1,422 square feet (0.033 acre) in Utility Easement, plus 996 square feet (0.023 acre) in Storm Drainage Easement and Utility Easement at East Sugar Creek Road from Vien Chi Chau, Phuong Thi Vuu, Nam My Chau, Van My Ngo, Tam My Chau and Lien My Chau Quach for \$23,750 for Sugar Creek Road Streetscape, Parcel #24.

**Item No. 98: Property Transactions – Sugar Creek Road Streetscape Parcel #27**

Acquisition of 3,643 square feet (0.084 acre) in Temporary Construction Easement, plus 1,085 square feet (0.025 acre) in Utility Easement at 4220 North Tryon Street from The Thayer Residuary Trust and the Thayer Surviving Spouse's Trust, et al for \$19,175 for Sugar Creek Road Streetscape, Parcel #27.

**Item No. 100: Property Transactions – West Mallard Creek Church Sidewalk, Parcel #10**

Resolution of Condemnation of 99 square feet (0.002 acre) in Storm Drainage Easement, plus 20,264 square feet (0.465 acre) in Sidewalk and Utility Easement, plus 6,357 square feet (0.146 acre) in Temporary Construction Easement at 10101 Claude Freeman Drive from Cambridge Acquisitions LLC et al for \$75,675 for West Mallard Creek Church Sidewalk, Parcel #10.

The resolution is recorded in full in Resolution Book 50, at Page(s) 213.

**Item No. 101: Property Transactions – West Mallard Creek Church Sidewalk, Parcel #11**

Resolution of Condemnation of 477 square feet (0.011 acre) in Storm Drainage Easement, plus 4,613 square feet (0.106 acre) in Sidewalk and Utility Easement, plus 3,363 square feet (0.077 acre) in Temporary Construction Easement, plus 28 square feet (0.001 acre) in Utility Easement at 10300 Claude Freeman Drive from Lilly Industries (USA), Inc. for \$17,550 for West Mallard Creek Church Sidewalk, Parcel #11.

The resolution is recorded in full in Resolution Book 50, at Page(s) 214.

**Item No. 102: Property Transactions – West Mallard Creek Church Sidewalk, Parcel #12**

Resolution of Condemnation of 2,264 square feet (0.052 acre) in Sidewalk and Utility Easement, plus 749 square feet (0.017 acre) in Temporary Construction Easement at 2107 West Mallard Creek Church Road from Ronald H. Adams for \$14,400 for West Mallard Creek Church Sidewalk, Parcel #12.

The resolution is recorded in full in Resolution Book 50, at Page(s) 215.

**Item No. 103: Property Transactions – Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #18**

Acquisition of 1,936.64 square feet (0.044 acre) in Sanitary Sewer Easement, plus 618.77 square feet (0.014 acre) in Temporary Construction Easement at 2501 Massey Court from Sabino Omar Ramos for \$11,250 for Upper Little Creek Sanitary Sewer Replacement Phase 2, Parcel #18.

**Item No. 104: Property Transactions – Water Oak Storm Drainage Improvements, Parcel #2**

Acquisition of 834 square feet (0.019 acre) in Storm Drainage Easement, plus 93 square feet (0.002 acre) in Temporary Construction Easement, plus 858 square feet (0.02 acre) in Existing Storm Drainage Easement at 810 Judith Court from Madeline Guadiana and Edward Guadiana for \$12,167 for Water Oak Storm Drainage Improvements, Parcel #2.

**Item No. 105: Property Transactions – The Retreat at Rocky River, Parcel #3**

Acquisition of 4,369 square feet (0.1 acre) in Sanitary Sewer Easement, plus 2,188 square feet (0.05 acre) in Temporary Construction Easement at 9224 Four Farms Road from Hassab Hashemloo and Barbara Draughon Hashemloo for \$26,175 for The Retreat at Rocky River, Parcel #3.

**Item No. 106: Property Transactions – Herford Road 1528, Parcel #2**

Acquisition of 2,135 square feet (0.049 acre) in Storm Drainage Easement, plus 1,135 square feet (0.026 acre) in Temporary Construction Easement at 1600 Hertford Road from Matthew Todd Ashworth and Jamie M. Ashworth for \$93,700 for Hertford Road 1528, Parcel #3.

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**ITEM NO. 29: POLICE FIREARM AMMUNITION**

Motion was made by Councilmember Bokhari and seconded by Councilmember Phipps, to (A) Approve unit price contracts for the purchase of ammunition for an initial term of three years to the following: Dana Safety Supply Inc., Lawmen's Distribution, and (B) Authorize the City Manager to renew the contracts for up to two, one-year renewal terms with possible price adjustments and to amend the contracts consistent with the purpose for which they were approved.

**Councilmember Winston** said imagine if we had a mindset where we thought about public safety without spending a million dollars on bullets.

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

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

NAYS: Councilmembers Mayfield and Winston.

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

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**ITEM NO. 58: MIDLAND COMMONS APARTMENTS BOND ISSUANCE APPROVAL**

Motion was made by Councilmember Egleston and seconded by Councilmember Phipps, to adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds, in an amount not to exceed \$3,246,000.00 to finance the acquisition and rehabilitation of Midland Commons Apartments.

**Councilmember Mayfield** said we've been having a challenge with Midland Commons for a number of years regarding residents. They are not being evicted but, what is happening the leases are not being renewed. This is about \$34,000 investment per [inaudible]. The question that I have is what is the acquisition amount for this property? Because what is requested today is the bond issuance, but this property last sold for \$1,342,000 back in 2002. We've had a number of challenges within the actual complex regarding quality of life and housing. I'm concerned without knowing exactly how much we are saying. We are just saying the amount is not to exceed \$3,246,000, but it is not really giving the idea of previous investments or future investments outside of around \$32,000 per individual unit that is going to be invested. It would be helpful for future Councils to be able to get a little bit more information, because we seem to have a pattern of every few years investing in the same properties, expecting a different result.

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

YEAS: Councilmembers Ajmera, Bokhari, Egleston, Eiselt, Harlow, Mitchell, Newton, Phipps and Winston

NAYS: Councilmember Mayfield

The resolution is recorded in full in Resolution Book 50, at Page(s) 181-183.

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**ITEM NO. 59: HERITAGE PARK APARTMENT BOND ISSUANCE APPROVAL**

Motion was made by Councilmember Harlow, seconded by Councilmember Newton, to adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds, in an amount not to exceed \$13,000,000, to finance the acquisition and rehabilitation of Heritage Park Apartments.

**Councilmember Mayfield** said same conversation; 2011 Charlotte Housing Authority requested \$6.3 million in bonds for this exact same location under a different management name. In 2014 another \$650,000 was allocated from our Community Development Block Grant while the Bayan, different company name, Foundation has earned around a million dollars in developer fees in the 2014/2015-year cycle alone. We have had major health concerns out of this property. There has been reports in the local paper regarding this property. We have made investments, and so far from those investments, who are really benefiting are the owners, both Melinda and Robert Coats, Again, this property has changed names; it has changed hands, but we keep putting large dollar investments into it and still having people in a quality of life condition that is subpar at best, because the last request we did was within the last four or five years because when it is presented to Council it is not presented to Council with all the history of we can trace this back 2011 and we spent over \$6 million and some change on this address. At some point we should be asking some very different questions opposed to just moving forward and looking at a bond issuance, especially if we are talking about this one is not to exceed over \$13 million.

I understand and hopefully the community understands we are a pass through but at some point, Council needs to be responsible to know this pass-through dollars, where are those dollars going to ensure we are actually addressing the need that we claim are our priority in community and not just making certain individuals wealthy while the residents are still suffering because during these same four or five-year period rents are consistently going up.

**Mayor Lyles** said I want to agree with Ms. Mayfield on this one Mr. Jones; I think we should actually ask for a report from the Housing Authority. If they are issuing these kind of revenue bonds for these units and still coming to us for property through our Housing Trust Fund, I don't understand how that is working or why it is working in that way. I think we ought to have a report, because if we are going to end up doing this investment over and over again instead of actually getting to the core of a renovation. If you have to take down the walls and do all the HVAC again I think that is appropriate, and we don't get that information without some understanding. I want to ask our Board at the Housing Authority how they look at this, because I don't understand the process either. I would agree that this is something we've seen and if it a predictor of what NOAH's are going to be then we've got a problem with what we are taking about. Are they using the same criteria for NOAH that we are; are they actually doing revenue bonds funded by the rents and just doing it as a pass through, then we need to look at that differently. I just feel like the capacity for people at Heritage Park to pay back \$13 million plus interest is inappropriate for the way we are trying to do housing right now.

**Councilmember Winston** said thank you Ms. Mayfield for asking these questions. I think this relates to the discussion we are having around minimum housing code in terms of how do we create relationships with property owners that create some type of standard and create some type of framework that allows us to assess when we are dealing with folks that are good actors within our community. This calls into question approach because on one end you have a Lake Arbor where the property owners are hiding behind loopholes in regulation standards for monetary gain ultimately. It seems like there is a possibility. I don't know enough about the facts of the back story to this that there is concern that you have a property owner that is working with either the City or a quasi-governmental agency to report that they are good actors. I think we need to really take a look at this as it relates to our NOAH framework on both ends of this and there has to

be some type of standards that are drawn up that really do guide Council and staff to make better decisions.

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

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

Nays: Councilmembers Mayfield and Winston.

The resolution is recorded in full in Resolution Book 50, at Page(s) 184-186.

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## PUBLIC HEARING

### ITEM NO. 9: PUBLIC HEARING FOR COLUMBUS MCKINNON CORPORATION BUSINESS INVESTMENT GRANT

A motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to open the public hearing.

**Mayor Lyles** declared the hearing open.

There being no speakers either for or against, a motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to close the public hearing and to approve the city's share of a Business Investment Grant to Columbus McKinnon Corporation for a total estimated amount of \$36,946 over five years.

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### ITEM NO. 10: PUBLIC HEARING AND DECISION ON CATAWBA PLANTATION TOWNHOMES VOLUNTARY ANNEXATIONS

A motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to open the public hearing.

**Mayor Lyles** declared the hearing open.

There being no speakers either for or against, a motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to close the public hearing and adopt an annexation Ordinance No. 9641-X with an effective date of September 23, 2019, to extend the corporate limits to include these properties and assign them to the adjacent City Council District 2.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 381-387.

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### ITEM NO. 11: PUBLIC HEARING AND DECISION ON MIRANDA VILLAGE VOLUNTARY ANNEXATIONS

A motion was made by Councilmember Harlow, seconded by Councilmember Egleston, and carried unanimously to open the public hearing.

**Mayor Lyles** declared the hearing open.



There being no speakers either for or against, a motion was made by Councilmember Harlow, seconded by Councilmember Egleston, and carried unanimously to close the public hearing and adopt an annexation Ordinance No. 9642-X with an effective date of September 23, 2019, to extend the corporate limits to include these properties and assign them to the adjacent City Council District 2.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 388-394.

\* \* \* \* \*

## POLICY

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

**Marcus Jones, City Manager** said you have the 30-day memo that is in front of you.

**Councilmember Phipps** said I have a question on the request from the staff on these voluntary annexations; I would like to know how much of the ETJ do we have left to annex into Charlotte? Is there way to get how much ETJ is actually left?

Mr. Jones said we can do that.

**Mayor Lyles** said on October 7th we will have a Work Session on the Comprehensive Plan, and we will add the video from the Amazon issue and then we will also have a Wastewater update of Vision Zero, Business Investment Grant Policy and committee dates as we see them.

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## BUSINESS

### ITEM NO. 13: AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT AND MEMORANDUM OF AGREEMENT - BROOKLYN VILLAGE

Motion was made by Councilmember Winston, seconded by Councilmember Mayfield, to defer this to the Neighborhood Development Committee.

**Councilmember Winston** said I don't think we are informed enough about this to extend this another 10-years. There are a lot of questions that I have.

**Mayor Lyles** said I would like to have the City Attorney address what the impact of deferral would mean and how long it would take for us to get back. Could you give us any information that would be a consequence of a deferral?

**Patrick Baker, City Attorney** said I was going to speak from a legal perspective where you are with the with the Interlocal Agreement. Right now, as I understand it you have the ability to bring that park back if the project has not moved forward and the right to do that expires at the end of this year. I think that was assuming because this was done a while ago that you wouldn't be having this conversation right now. The county has passed the same Interlocal Agreement that is in front of you now; they have a new partner on board and they are moving forward with this and this Interlocal Agreement extends that right to pull the park back another 10-years to allow the development to go forward as has been put out there. To be clear this is not actually your project, it is just your parcel that is involved in the project.

Mr. Winston said even after the Attorney spoke, I think we have to have even more discussions, because I talked to several County Commissioners today and they were unaware of this on our agenda today and were unaware of this 10-year potential delay. A lot has changed since 2007 so we need much more discussion and contemplation about this.

Mayor Lyles said I watched that meeting when they discussed this and I don't know –

Mr. Winston said I'm just telling you what the County Commissioners I talked to said.

Mayor Lyles said I don't know which County Commissioners; were they not at the meeting or they just didn't participate?

Mr. Winston said I can't speak for them; I can only speak to what they told me.

Mayor Lyles said was it a majority of the Commissioners that said that?

Mr. Winston said no.

Mayor Lyles said I heard you explain what it was; I would just like to know the consequences of it.

Mr. Baker said ultimately, your ability to bring the park back would expire if you haven't exercised that right, at the end of this year.

Mayor Lyles said so, we have an end of the year deadline.

**Councilmember Egleston** said I'm curious about the 10-year extension, but I do wonder, and again, if there is not an immediate impact to the delay then what is another two or three weeks if the agreement goes to the end of the calendar year and maybe we could have more time to unpack this but the way this was originally explained to me was this was something that was part of a deal we made, and I am, I will say generally, if not always, in favor of following through with commitments that we make. This has come up before, and I would like to make sure that if we were to revisit this, we can't always go back and say well, this isn't the deal that we would make if we got to make the deal today. That is not how agreements work, so I would like to know if this is more of just kind of a – I don't want this to be something that brands the City as people who attempt to renegotiate things after they have made an agreement. We got what we expected out of this deal and what we expected out of this deal materialized in the timeframe it was supposed to so I do think it would be helpful to have more information on this.

**Councilmember Eiselt** said I support that as well. I don't want this to be our problem that this falls on us as to whether this deal goes through or not. This is the County's deal, and I don't understand why they need 10-years, and maybe they do, but that is not our problem. We need a better explanation as to why all of a sudden something that expires next month is being extended for 10-years. This isn't our deal, so if we can get more information on this that is great; if the County says we are still working on it that is their negotiation. It is not ours. I support the deferral to next month, so we can get more information as to why we are being asked for this. This shouldn't be our decision as to whether that deal gets restructured or pulled back.

**Councilmember Bokhari** said what is happening?

Ms. Eiselt said that is the question; what is happening, we don't know.

Mr. Bokhari said does somebody on staff have the ability to tell us?

Mayor Lyles said I think we can ask the question of the staff.

**Councilmember Mayfield** said the reason I support the deferral is because this is a conversation that started in 2007. We have had a lot of changes in Charlotte, specifically in uptown, since 2007. So, the land that we were responsible for, Marshall Park, the original agreement goes until December 2019. If this was not developed this original agreement was saying that the City has first right of refusal to reclaim the park which we have lost a lot of community space in uptown.

Also, when we entered into this agreement there was a different conversation regarding true diversity and housing stock. One of the proposals the County has, some members of the County Commission has a challenge with the development. I'm not interested in the development piece, what I'm interested in is that Council has the opportunity to receive more information on a deal that was signed and sealed by a 2006/2007 Council. This new Council should have the ability to review all the information and recognize is this still the best use of government land when we have so few parcels that we own, especially in uptown, is this the best use of that parcel today based on this contract? Because there are not many times that you are going to have the ability to review a contract. That is why support and I hope and respect the fact that my colleagues, just get some more information and ask the questions.

**Councilmember Phipps** said it was my impression that the City has been working closely with the County and the Charlotte Housing Authority in revising this particular contract and has been privy to the County's efforts to secure a developer for the proposed Brooklyn site. This is part of a land swap that we did back in 2007 that gave us the BB&T Ballpark, so I'm trying to understand. Inasmuch as we have worked with them last year, we knew the status of the development, and the development probably wouldn't occur before this deadline. I don't know, even if we get additional information, for us to try to pull the rug from under the County at this late stage, I don't see how that is fulfilling our end of the contract. I don't know how we could go back and try to claim the land while we have already said we would work with them to get the affordable housing on the project; they've got the developer in place. I don't know what other information we really would want and I would hope that staff would be able to give us some clarity on this issue.

Mayor Lyles said I think he is asking the staff to give him some clarity on what happened with the land at the Ballpark and the land for the park here in this agreement.

**Pam Wideman, Director of Housing and Neighborhood Services** said let me attempt to address some of the things that I've heard tonight and try to bring some clarity to this agreement. As has been stated, what you are being asked tonight is to extend for another 10-years to allow the development to take place. The development is a pretty comprehensive development and it will occur over three phases. The first phase will include retail, office, housing, and a hotel. The second phase will include more housing and retail and a park and the third phase will include additional housing and retail. If you recall, this development is related directly to the Second Ward Master Plan and the Third Ward Master Plan and the swap to get the Knights Stadium. The Knights Stadium is up and running, and so the idea here was to maintain a park that was in Brooklyn Village and to also have affordable housing that was severely lost with the Brooklyn Village. This agreement allows another 10-years for the development in the three phases to be fully realized. There is a developer in place; the County has selected a developer and they are ready to go. As has been mentioned the County approved this back in June, and so the City is the next body to approve this development. The other thing that I would add is this has been updated to include more affordable housing than was in the original development and that will also include affordable housing for folks earning 30% and below all the way up to 80% and below and this developer has committed to accepting Section 8 Vouchers as well.

**Councilmember Driggs arrived at 7:54 p.m.**

Mr. Winston said somebody else is asking us to change the original deal. We have held up our end of the deal and our past Council in 2007 put a claw back at the end of 2019. We are approaching that point; I would like to believe that my previous colleagues did that for a reason, and there was some wisdom there. So, the idea that we are amending it is just forgetting about the wisdom of that Council. I want to explore why that was put in there and ask these questions and see about this. I will also say this is not about the developer, this is about the deal. I would like to note that the original RFQ, when we first put this land swap in, called for the preservation of five acres of park. The final RFQ came back at 1.6 acres of park land and that has nothing to do with the developer, that has to do with the RFQ that was developed. We are in a county that is dead last in terms of public park space. We have made a commitment on this Council of building better

neighborhoods that includes all of those amenities, including open space and park lands. Again, we have done our part, and we have to decide whether the original deal should be held up, or we should allow somebody else to amend that deal. I hope that we don't just get e-mails about this but this is put into Committee so that we can have a decent discussion amongst our colleagues and staff to figure out the best way forward and recommend that to full Council so we can have a pragmatic approach to what the future of this Brooklyn Village deal will be.

Mayor Lyles said when this came forward it came from the Attorney to say that this was a requirement that the contract had in it. So, that is what we are being asked to do. I think the key question is making sure that we ask the questions that we want the County to respond to, because they are the partner to the agreement. Right now, I have why the year end to take the property; I think Mr. Winston said that. Information on the use of the park, I think Ms. Mayfield did that. How would the swap occur since we've already swapped land, what is the consequence of not swapping the land? So, that is another issue. I'm just asking to make sure that get the list of questions that we would like to address so that we can forward it back to Mecklenburg.

Mr. Winston said what I'm saying is I don't think we have enough information to ask the proper questions right now. We need a full understanding of the whole history of this from 2007 to now, so we can have the opportunity and that is why I say we should put it into Committee, so we can hash this out amongst colleagues and deal with the same shared information, so we can give a fair shake to staff and their fair shake to the County to have a real full comprehensive discussion around it.

**Councilmember Harlow** said I support this coming to the Committee and then allowing a full layout of the history and then also what our role, whether that is a very narrowed scope role or not, or can our role be widened in it based on these terms. I don't know if anyone through this would take this long and that we would even be at this point, so for whatever reasons and the contractual language brings it back to us so we have a fortunate or unfortunate opportunity to address it. I wasn't up here and most of us were not when all of that was going down; so, I think that is the true reasoning why we want to get this back. I agree we don't even know all the questions to ask yet, and if we've got until December we can get two to three Committee meetings in by point if need be. I don't think it will take that long. I think versus just sending questions just to get back an e-mail saying here is the structured time Commissioners can come, folks that were involved can come, sit down and staff can have it out with us, and we can ask those questions in a publicly broadcasted format.

**Councilmember Egleston** said it does seem to be a consensus that it is completely appropriate for people to want to get more information on this; so, I hope we will vote to defer it. I'm not arguing whether or not in the thing that we are all reading here, that we can claw this property back, I'm arguing whether or not we should, and I think that just because you can do something doesn't mean you should do something as long as the two-people charged with Intergovernmental Relations. I don't think this is a great way to continue to strengthen our relations between the City and the County and I can feel certain that if the tables were turned and for whatever reason we had something that took longer than we expected and the County said well, we can take it back, I don't know that we would feel like that was really trying to have a two-way street type relationship and good faith between the City and the County and I think we would be pretty frustrated by it. I am fine with the deferral.

Mr. Winston said I would just like to put out there that initially the City Council and the City government were responsible for the urban renewal that destroyed the original Brooklyn Village. So, this is a continuation of the legacy of the systemic practices of this City Council or this body to destroy black communities and create and spread the inequities. So, this our responsibility, this should be our burden, and we should take special interest in this project, because we created this mess in the first place.

Mayor Lyles said I think if we are going to do something we are going to have to talk to the County and tell them what we want to do and tell them the questions that we have.

That is what the next step is. I think this is coming because of this agreement and a part that they have fulfilled their obligation on. Mr. Baker, what is the next step? I think this is something they felt would be fairly routine.

Mr. Baker said I think they did and based on what I've heard; I understand the questions that you all have. One thing that I would like to know is- I know where the claw back is in the contract, but I don't know what the potential impact would be of that claw back. So, that is information that I would certainly bring back to you; it is my understanding that the development that the County and the developer are going to do is going to happen whether our parcel is a part of it or not. That is my understanding at least. I've heard from the Attorney's perspective what you are going to need to hear in terms of information and I'm happy to do that and bring that to you.

Ms. Wideman said I would add that Mr. Baker is correct; I talked with the County today, the development will move forward, it would just be a decision of whether or not to have Marshall Park a part of the development and whether the amount of affordable housing, if any, would be included in it. The development is moving forward; so, I wanted to be very clear and transparent about that.

Mayor Lyles said I had asked the Manager how big is Marshall Park; I'm really not sure that I would be able to describe how many acres it is and what we did before, but I think you hear that there is an agreement that we should take this back, let the Attorney contact the County, tell them what the questions were and the cement around the table as best to be described and get a reaction from them, because they may say that is fine, keep the park and we will move on. There are other options besides us diving into the project because the project is theirs and we have to figure out where that is. They may just say okay, but if they say that is not okay, where do we need to meet and what intersection does that take place?

Mr. Baker said I will start those conversations first thing in the morning.

**Councilmember Ajmera** said Mr. Baker, in the contract, does it have a timeline for the development?

Mr. Baker said it had an original timeline; I think it was around 10-years, and we are at the end of that timeline.

Ms. Ajmera said I understand that, but in terms of multiple phases; there is phase one, phase two, phase three is that part of the contract?

Ms. Wideman said I don't know Ms. Ajmera if that is part of the contract, but what I do know and again, in speaking with the County representative today, is that the total development will occur in three phases and the total timeline is a 12-year development phase.

Mayor Lyles said that is what the County looked at in June and approve; am I understanding that correctly?

Ms. Wideman said that is correct. One of the questions about what has happened since then, remember there was a recession that occurred between 2008 and 2010. There were some changes at the County; there was an RFQ let; the County went through an exhaustive process to select the developer that they have in place today.

Ms. Ajmera said I understand there was a land swap and we got the parcel for BB&T Ballpark, but the vision for this swap, was it to incorporate some affordable housing?

Ms. Wideman said yes ma'am; affordable housing was always envisioned to be included in this development.

Ms. Ajmera said I know we still have until the year end Mr. Baker; and I don't need an answer right now, but what happens if Council decides to not extend an agreement, what

does that mean? Do we get that parcel back? I would like to understand that and the overall timeline for this new proposed extension would also help.

Mr. Baker said I have the question.

Mayor Lyles said if you could send something to us that would be very helpful before deciding the next step.

**Councilmember Newton** said the motion, as I understood, it is that it would be referred back to Committee and that was at the request by the Committee Chair. So, are we saying that the City Attorney will be reporting back to the Committee, because I think that is what I understood the motion to be.

Mayor Lyles said you have to get a willing partner first; if the County says we don't want you to do anything; we are just going to take it and move on.

Mr. Newton what I'm asking is because I believe the motion was at the informational session inside the Committee, right?

Mayor Lyles said yes, I agree with that; I'm just saying a willing partner to do that.

Ms. Mayfield said you are saying two different things.

Mayor Lyles said I'm saying does the County want us to amend the agreement or just leave it.

Ms. Mayfield said the amendment that I seconded was strictly about City Council's role and City Council having this go back to our Committee. This motion has nothing to do with what the County is doing. It is our request is to extend, so what was motioned was can the Committee get more information on the background on this?

Mr. Baker said that is where the County part would come up in that conversation, not the motion conversation that we are having tonight. I just want to be clear.

Mr. Newton said and you will be coming back to the Committee.

Mr. Baker said yes.

Mayor Lyles said you will come back to the entire Council with the information from the dais. We need a charge for the Committee, and we will try to figure out what that charge might be based upon what the County might want in addition to your questions.

Mr. Phipps said do we have timeline when this goes to Committee, when it is going to come out of Committee?

Mayor Lyles said I don't think we have that; we will have to have a timeline and when the Committee meets.

Mr. Harlow said it is the third Wednesday; it is already scheduled.

**Councilmember Driggs** said we did just vote on something; I'm not clear.

Mayor Lyles said we are voting on a deferral of Item No. 13 with a referral of the information that we have from this agenda item and from the County to go to Committee. That is what the motion is.

Mr. Driggs said and that has been made and seconded.

The vote was taken on the motion to defer and send to Committee and was recorded as unanimous.

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**ITEM NO. 14: CONSTRUCT THE CHARLOTTE CONVENTION CENTER PHASE I RENOVATION**

Motion was made by Councilmember Mitchell and seconded by Councilmember Harlow, to (A) Authorize the City Manager to negotiate and award a guaranteed maximum price of \$114,500,000 to Holder-Edison Foard-Leeper Company for Construction Manager at Risk Services for the Charlotte Convention Center Phase I Renovation project, and (B) Adopt Budget Ordinance No. 9643-X appropriating \$11,900,000 from the Convention Center Tax Fund for the Convention Center Phase I Renovation.

**Councilmember Mitchell** said at our Dinner Briefing there were a lot of questions by Council, particularly around what is left in the Convention Center Tax Fund and in talking with my colleagues I think we need to get comfortable that we are not depleting our fund. So, I would like to make an amendment if I could, additional Action C.

Council, you will remember we appropriated \$30 million to buy land beside the Convention Center for a hotel. I think when you look at the market of hotels, that market is doing extremely well without the City playing a role. My Action C would be to take the \$30 million, reprogram that and to put it back in the Convention Center Tax Fund in order to cover the \$11.9 million, and I would add that as a part of the motion.

**Councilmember Egleston** said could you say that again please?

Mr. Mitchell said I think it was at the Retreat we earmarked \$30 million to purchase the land right beside the Convention Center. I'm just asking that we reprogram that \$30 million for placeholder and put that money back in the Convention Center Tax Fund.

Mr. Egleston said are we taking away the options to use that \$30 million for what we had talked about using it for?

Mr. Mitchell said yes, and my explanation would be- remember we did it for a hotel, if you look at the hotel market now the private sector has done an excellent job of going there and buying land and building a hotel itself. Part of this renovation would connect a walk to the Westin Hotel.

Mr. Egleston said I don't know that if this is the right form to get this far into the weeds on it so feel free to stop me but I don't know the specific use of that land was as critical as the option to have a contiguous parcel there and not have someone else in that block essentially. I kind of see the idea here but I'm wondering if we want to relinquish that possibility.

**Mayor Lyles** said I think what Mr. Mitchell is saying; there seemed to be concerns at the Dinner Meeting about having sufficient funding to do this and that doesn't mean that we wouldn't have the contiguous land; it would just be a project that would be on a list that we would look at with the Manager coming back and ensuring that there is sufficient to adopt the budget ordinance as it is.

If there are questions about the \$11 million, it just means that if we still have a priority for the project, for buying the land for the hotel, which I empathize with what Mr. Mitchell is saying, I think the private sector is doing fine on hotels, but I think this is assurance saying that the Convention Center project requires that funding, and we will have a report on what is left.

**Marcus Jones, City Manager** said as we discussed in the Action Briefing, I would like to look at this as a Phase I and a Phase II, and so Phase II had a land acquisition that could include the expansion of the Convention Center or even potentially a hotel. We had land [inaudible] on one or the other, but it was more or less trying to get control of the land. If I understand what Mr. Mitchell is saying and I think I do, is that take the resources that

were allocated for Phase II that isn't here yet, use that for Phase I, but then as the Mayor has said, that doesn't mean that the land acquisition is no longer a priority, the attempt to have Council feel comfortable that the resources are there for Phase II, for the land acquisition, would be the work for the team as opposed to trying to figure out what the resources are for Phase I.

Mayor Lyles said Mr. Egleston; does that address your question?

Mr. Egleston said yes ma'am, I think so.

**Councilmember Driggs** said I think one of the problems here is that we don't have enough understanding of the funding capacity of CRVA to know whether or not this is something they can absorb or what response. I appreciate the idea that we take the \$30 million and kind of reschedule it I guess, if that is what we are calling it but an action like that to be taken on the spur of the moment in response to a different situation strikes me of being not being very deliberate.

Mayor Lyles said oh, you were not here for the two hours of discussion at dinner.

Mr. Driggs said I know and I had the same conversation, but we do not have, unless you guys got it earlier tonight, the schedule of the capital projects and the dates. So, we should have that, and I just want to point out that we should have that but given that we don't I'm not sure that we have enough information to reach the conclusion that we need to do this about the \$30 million. I guess I would be interested to hear from the CRVA; I know there was talk about diverting some capital balance funds on hand that would somehow diminish the impact so, it is appropriate to ask for clarification? I don't want to go back over things that were talked about earlier, but I'm just a little leery of making a decision about that land purchase on short notice in the context of something completely different rather than having a good budget conversation and deciding that is something we really have to do.

Mayor Lyles said I think that we really hadn't decided on the priority of the land purchase, it was just an opportunity, the land was going to be for sale. I don't think there was any formal like we are going to buy this land, at least in my recall of the discussion.

Mr. Driggs said I do remember the conversation and the idea was that it was strategic. Is there a particularly time sensitive issue related to that transaction; if we back-peddle now on this funding is the transaction in jeopardy.

Mayor Lyles said the specific question is about whether or not the Duke Energy property is under a time constraint.

Mr. Jones said we haven't had a conversation about this land in potentially a year, and so there is nothing that we were prepared to come back to you in this short period of time to make that acquisition. I just want to make sure we are using the correct terms. There was nothing appropriated. It was a discussion about it and we were supposed to come back to you with more information.

Mr. Driggs said so, to put my question differently; is this thing we are talking about a pretty nominal kind of change in presentation and a deferral of a commitment or are we jeopardizing any possible pending transaction if we are seemed to be stepping back from the allocation of the \$30 million?

Mr. Jones said once again, words mean a lot, there was no commitment that this Council had made as it relates to a potential land acquisition. I follow everything that you are saying. I just want to make sure that we are using terms the correct way. There wasn't a presentation or some type of information from the team that said use this land to build the hotel.

Mr. Driggs said and our interests are not compromised in any way by doing what we are talking about doing to the \$30 million. Is that a fair statement?



Mr. Jones said I'm not sure if our interests are compromised by doing that. What we had talked about earlier at the Action Briefing was a [inaudible] of capacity. I believe what Mr. Mitchell has attempted to do is ensure the body that there is capacity for this additional \$11.9 million and then allow the team to go see what we can do as it relates to Phase II.

Mr. Driggs said am I remembering incorrectly that there was talk about taking a fund balance of some kind at the CRVA and using some of that to help pay for this?

Mr. Jones said yes, there was a question about the fund balance of CRVA, and there has been a little bit of misunderstanding or dispute between what is in it. So, as opposed to going in and having a discussion of what may or may not be there we are trying to resolve for the \$11.9 million.

Mr. Driggs said I apologize for missing the earlier meeting; I'm trying to get up to speed, but I just want to make sure that we can take the \$30 million and call it something different and not compromise anything that the CRVA is trying to do.

Mayor Lyles said I don't know how we would compromise. I think it does not compromise, because we've never approved; we've discussed but never approved and that was just an estimate. I don't think there was an action, there was a discussion, because the land may become available, but there is nothing that was anything more than a discussion, the \$30 million was an estimate and the money is in the fund for use.

What they said today was the Convention Center to maintain its competitive edge and to be able to do the number one priority, what I heard is that we have a Convention Center that we can book events in that we would not miss or lose. So, even if there was some allocation for land, I would assume that the Convention Center stability and ability to earn money for the community and the hotels would be our first priority. I think when you say interest, I think the interest rest in having a Charlotte Convention Center that builds up to the booking that we have and Tom went over that to say he has negotiated with the hotels the time the construction would be taking place and he has also booked major events and small events based on the timing for the construction to happen. I think they have worked really hard to do this project and to get it to this Council, and we have adopted the \$110 million, what we are doing is adding the amount necessary because of a number of issues around construction. That is probably a quick synopsis of it.

**Councilmember Ajmera** said I know at the Retreat we talked about \$30 million, but there was no commitment that Council had made; so, at that time I don't remember if we had checked the schedule, but if we had enough balance in this tourism bucket. Currently, the question is what is the balance in our tourism bucket; is that not something we can find out? Why does it take so long to find out what is the balance in the tourism bucket?

Mr. Jones said I would like to call the CFO up. What we will do is give you what is the fund balance in the fund as of the last audit which I believe was June 30, 2018.

**Kelly Flannery, Chief Finance Officer** said 2019 you are an estimate. I would just like to remind folks that for the Convention Center Fund it is comprised of two taxes, both the occupancy tax and the food and beverage tax and the allowable uses for those is not just the Convention Center, but it is also amateur sports, the professional sports with seating of larger than 60,000 seats. When we talk about fund balance, the expected fund balance is about \$75 million. The number you are asking about is capacity. We need to figure out what the project list is before we can determine the capacity.

Ms. Ajmera said I understand that any future ask that might come in is not factored in. This is just the balance of right now.

Ms. Flannery said right.

Ms. Ajmera said I understand, that is what I was asking. I know in order for us to incorporate all the ask it is going to take some time, but I just wanted to know that there

is a balance if they are going to spend the money. Was this \$30 million factored in that \$75,000?

Ms. Flannery said the \$30 million would be a project that would be contemplated when we are looking at capacity. I'm just going to make a number. Let's say it is \$500 million; we don't need all \$500 million sitting in a fund, because we would borrow and there would be portions due every year, apples and oranges really.

Ms. Ajmera said without even taking that \$30 million out from the land purchase which we never made a commitment to, there is a capacity, so I just don't see a problem with approving this, because CRVA provided this schedule that talks about three important events that will be jeopardized if we don't approve it, so there is an urgency behind this.

We've got Pharmacists Convention coming; we've got other conventions coming and those are all scheduled in October 2021, so I think the information that has been provided is sufficient for me to move forward in terms of approving this. In terms of the capacity, we will know more, but at least we know this needs to be approved with the urgency that is in front of us.

**Councilmember Bokhari** said I don't know where to throw this critique, but since you are the City Manager I will toss it over to you. We've got to come into the meetings on topics like this tighter than this. We are all vaguely recalling and pulling different parts of meetings that have happened over six to eight months, and I think that can be dangerous if nothing else. So, putting that aside, I think Mr. Mitchell's kind of approach was probably the right direction, but maybe I might recommend rather than hamstringing with an added item that says here is one thing we could do. The broader issue is capacity of which we've discussed a bit. That is going to take time, and as you've said it is more than just how much money is in a bucket. It is about a prioritization exercise and much more. We know that the amount of money is there, and I think the question at the table is. Is there enough information for us to move forward and into those next steps knowing what has been put ahead of us today and what we will lose if we don't do it today, and then we will lose more on an [inaudible], or do we want to stay and take some more time and go into it? I think that is the decision. I don't think necessarily trying to solve it from behind the dais in any more detail than that is possible.

**Councilmember Mayfield** said I have a number of concerns transparency and the fact that we are having these conversations as was just mentioned; talking about dollars based off of previous history. So, let's just look at the fact of exactly what is in front of us. The request that is in front of us is asking for us to authorize the City Manager to negotiate and award a guaranteed maximum price of \$114,500,000 and to adopt a budget ordinance appropriating \$11,900,000, not including the amendment to add another \$30 million in here that we think we have, because we talked about the possibility of having \$30 million and what we would do with it without ever seeing that we had \$30,000.

If we go back and we acknowledge that September 25, 2017 Council approved the set-aside of \$110 million of future debt, went through the process. Upon the successful completion of the preconstruction phase Council approved an initial CMAR contract, November 26, 2018, not to exceed \$98 million. After bidding, negotiating with subcontractors and Value Engineering Holder-Edison Foard-Leeper Company has determined the cost of the construction to be \$114,500,000, an amount that exceeds the contract value by \$16,500,000. City and CRVA will use \$4,600,000 of existing funds to pay for construction related items, another \$11,900,000 is needed in order to increase the existing CMAR contract to the \$114,500,000 guaranteed maximum price.

We asked questions at the Dinner Briefing; we get this little cute breakdown of potential upcoming events, of which we have 28 events on here, that is probably going to generate in direct spending \$35,664,118, but if we go back to May 31, 2018 CRVA economic impact of just the CIAA, which was \$28.8 million in direct spending according to their report, and we are now looking at 28 little events that we are running around chasing that will give us a little more than \$6.8 million over the financial impact that we lost for that one event.

I really want you all to look at the numbers and stop playing this, okay, we will just approve it and then figure it out later without having in front of you a clear breakdown of what has been allocated, where are the expenditures, what are the revenues to justify this money that is going back and forth and also to recognize the financial loss that we willingly accepted, because we thought we will be able to make that up. Well, moving one event that had a \$28.8 million financial impact according to their language from their website to now 28 different potential events that would generate only \$6.8 more than what that one event did, I would say that you consider how you are investing and how those investments are really benefiting the City.

**Councilmember Winston** said I agree that we don't need to be chasing these little events, and we need to figure out ways to get some of those big industrial conventions, and I think that was the intent of having that Duke property, because we all know that we go to NLC, and those are the types of conventions that connect hotels to convention centers to hold that level. We are not able to do that, but hopefully that is where we will get to with these next phases. I agree with Ms. Mayfield. I agree with Mr. Bokhari that when we come into these conversations we have to have a clear pathway forward to how we are going to get there, and we are going to have to make a lot more investments in this property than these kind of breakout rooms expenses. As we deal with this, we need to be able to have a public conversation about the whole picture and give clear guidance and clear paths forward. I do think we need to get there; this is the first one of the steps to do that, and I hope we can get there.

Mayor Lyles said I think everyone has had something to say about this, and I'm going to say this; the Manager would not come to use with a recommendation to fund something if the money wasn't in the bank to do so, and I think we are having a conversation around a lot of different topics that are very appropriate, but I think at the same time the Convention Center, we all agree was a top priority when we did the Bojangles and Ovens, this was the next one to move us towards those big conventions that we are going after. This is step one and without step one, step two isn't going to happen.

Mr. Driggs said I think we have to do this, and I accept that there is a necessity to do this, and I think that the value is probably okay if we had the opportunity to examine it. I really just don't like the way this was brought to us and how it all happened. If I remember right in fact, the discrepancy was more like \$20 something million, and we got it down to this number by removing content as well. I'm not sure what that was. I may have missed it earlier, so I would just like to register a protest in terms of the way this thing popped up. We through we had protection. I asked the question about whether it was \$110 million and we could rely on that when the thing was first proposed, and we were assured that we could. So, I don't know whether to believe the \$114 million. I'm unhappy about that, I'm not unhappy about committing the funds, so I will vote for it.

Mayor Lyles said Mr. Driggs, we went over the actual increases and where they were in the construction industry as a result of the time between the \$110 million and the new amount.

Mr. Driggs said the CMAR contract, what does it mean? It was supposed to provide us some protection. Anyway, I accept that Mayor. I wasn't here earlier, sorry.

Mayor Lyles said I think if we could get the team to come back and go over that with you that would be helpful.

Mr. Driggs said and C?

Mayor Lyles said C is kind of a technical kind of thing. It is just outlining it in a way that says we are making sure that \$30 million is in the fund, but it is already in the fund. The cement is that we are making sure the top priority is getting done which is the Convention Center, and that calls in the question as the priority for land acquisition. I don't want to make that another discussion, because I've heard both sides of it. I'm just saying if we adopt A and B that will do what we need to do tonight. The Manager is going to come

back with the analysis of capacity and the priority of programs that lead us to future larger and better conventions being able to come to Charlotte.

The vote was taken on the motion approving parts A and B and was recorded as follows:

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

NAYS: Councilmember Mayfield.

Mayor Lyles said Mr. Jones you heard a lot of this and I think this is a lot about validity; it is just like if you had the fund balance, and you knew what you wanted to maintain it, and in this case, we need a capital funding section and we all need to go back and pull out our five-year CIP and see what it says. Perhaps that is some of us getting on top of what we need to understand and pull that out and see what is on the list and what is not on the list and have that discussion as soon as possible before we come back with anything else that impacts the Convention Center or the Arena and things like that.

Mr. Phipps said the \$30 million that we had a separate dinner meeting or whatever that made a convincing case that would fit some particular strategy that we wanted to employ, are we saying that is helping?

Mayor Lyles said I don't think we had an agreement that it was a convincing case for anyone. The discussion that will be on the list of projects that the Manager will bring back with priority, and I'm sure what is on CRVA and the Board. They should have the ability to give us everything that they are thinking about to be a premier convention location city.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 395.

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#### **ITEM NO. 15: LAND SALE TO NORFOLK SOUTHERN RAILROAD COMPANY**

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton, and carried unanimously to adopt a resolution to authorize the same of the Intermodal Rail Facility property located at Charlotte Douglas International Airport to Norfolk Southern Railway Company.

The resolution is recorded in full in Resolution Book 50, at Page(s) 63-157M.

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#### **ITEM NO. 16: NORFOLK SOUTHERN UPTOWN PROPERTY ACQUISITION**

Motion was made by Councilmember Ajmera, seconded by Councilmember Newton, and carried unanimously to recuse Councilmember Mitchell from Item No. 16.

Motion was made by Councilmember Newton, seconded by Councilmember Mayfield, and carried unanimously to (A) Authorize the City Manager to negotiate and execute a purchase sale agreement and any ancillary agreements with Norfolk Southern Railway for \$9,000,000 to acquire 2.8 acres of land, and (B) Adopt a Budget Ordinance No. 9644-X appropriating \$9,000,000 from the CATS Revenue Reserve Fund to the CATS Capital Projects Fund.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 396.

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**ITEM NO. 17: CONSTRUCT POINDEXTER DRIVE STORM DRAINAGE IMPROVEMENT PROJECT**

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously to (A) Approve a contract in the amount of \$880,785.00 to the lowest responsive bidder United Construction Company, Inc. for the 215 Poindexter Drive Storm Drainage Improvement project, and (B) Adopt a Budget Ordinance No. 9645-X appropriating a reimbursement of \$102,337.20 from Marsh Realty Co. to the city for storm drainage improvements.

**Summary of Bids**

United Construction Company, Inc.	\$ 880,785.00
Onsite Development, LLC	\$ 976,452.35
United of Carolinas, Inc.	\$1,215,648.44

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 397.

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**ITEM NO. 18: APPROPRIATE PRIVATE DEVELOPER FUNDS**

Motion was made by Councilmember Newton, seconded by Councilmember Mayfield, and carried unanimously to (A) Approve developer agreements with Lemmond Farm, LLC and Northlake West Real Estate Investors, LLC for traffic signal installations and improvements, and (B) Adopt Budget Ordinance No. 9646-X appropriating \$20,000 in private developer funds for traffic signal installations and improvements.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 398.

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**ITEM NO. 19: AUTHORIZATION OF GENERAL OBLIGATION BOND ANTICIPATION NOTES**

Motion was made by Councilmember Mitchell, seconded by Councilmember Driggs, and carried unanimously to (A) Adopt a resolution to authorize a bond anticipation notes program for up to \$150,000,000 to be used for projects approved in the 2014 and 2016 referenda, and B. Authorize City Officials to take the necessary actions to complete the financing, including making the application to the Local Government Commission.

The resolution is recorded in full in Resolution Book 49, at Page(s) 158-175.

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**NOMINATIONS TO BOARDS AND COMMISSIONS**

**ITEM NO. 20: NOMINATIONS TO THE BUSINESS ADVISORY COMMITTEE**

One appointment for a partial term recommended by the Charlotte Regional Business Alliance beginning upon appointment and ending April 28, 2020.

No recommendations were submitted. This appointment will be re-advertised.

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**ITEM NO. 21: NOMINATIONS TO THE CHARLOTTE BUSINESS INCLUSION ADVISORY COMMITTEE**

The following nominations were made for one appointment for a partial term for an At-Large member representing a prime construction company beginning upon appointment and ending February 28, 2020.

- Kimberly Gardner, nominated by Councilmember Harlow.
- Stephanie Kegley-Adler, nominated by Councilmembers Ajmera, Driggs, Egleston, Eiselt, Mayfield, Mitchell, Newton, Phipps, and Winston.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously to appoint Stephanie Kegley-Adler.

Ms. Kegley-Adler was appointed.

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**ITEM NO. 22: NOMINATIONS TO THE CHARLOTTE MECKLENBURG PUBLIC ACCESS CORPORATION**

The following nominations were made for three appointments for partial terms beginning upon appointment and ending June 30, 2020 and three appointments for partial terms beginning upon appointment and ending June 30, 2022.

- Mairaj Elahi, nominated by Councilmembers Ajmera, Bokhari, Egleston, Eiselt, Mayfield, Mitchell, Newton, Phipps and Winston
- Jakob Gattinger, nominated by Councilmembers Ajmera, Bokhari, Egleston, Eiselt, Mayfield, Mitchell, Newton and Phipps
- Theresa Halsey, nominated by Councilmembers Ajmera, Bokhari, Egleston, Eiselt, Harlow, Mayfield, Mitchell, Newton, Phipps and Winston
- Jamal Harvey, nominated by Councilmembers Ajmera, Bokhari, Egleston, Eiselt, Harlow, Mayfield, Mitchell, Newton, Phipps and Winston
- Lawrence Hillebrand, nominated by Councilmember Mayfield.
- Pamela McCarter, nominated by Councilmembers Ajmera, Bokhari, Egleston, Harlow, Mitchell, Newton, Phipps and Winston
- John Tartt, nominated by Councilmembers Ajmera, Bokhari, Egleston, Eiselt, Mitchell, Newton, Phipps, and Winston
- Linda Wright, nominated by Councilmember Mayfield

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously, to appoint Mairaj Elahi, Jakob Gattinger, Pamela McCarter, John Tartt and reappoint Theresa Halsey and Jamal Harvey.

Mr. Elahi, Mr. Gattinger, Ms. McCarter, Mr. Tartt were appointed. Ms. Halsey and Mr. Harvey were reappointed.

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**ITEM NO. 23: NOMINATIONS TO THE CHARLOTTE REGIONAL VISITORS AUTHORITY**

The following nominations were made for one appointment for a partial term for an At-Large member beginning upon appointment and ending June 30, 2021.

- Johnelle Causwell, nominated by Councilmembers Eiselt, Harlow, Newton and Phipps
- Susan Flowers, nominated by Councilmember Mayfield
- Vinay Patel, nominated by Councilmember Ajmera, Bokhari, Driggs, Egleston, Mitchell and Winston

Motion was made by Councilmember Mitchell, seconded by Councilmember Ajmera, and carried unanimously to appoint Vinay Patel.

Mr. Patel was appointed.

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**ITEM NO. 24: NOMINATIONS TO THE CHARLOTTE TREE ADVISORY COMMISSION**

The following nominations were made for one appointment for a three-year term beginning September 17, 2019 and ending December 13, 2022.

- Mary Jo Shepherd, nominated by Councilmembers Ajmera, Bokhari, Egleston, Eiselt, Harlow, Mayfield, Mitchell, Newton, Phipps and Winston.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston, and carried unanimously to reappoint Mary Jo Shepherd.

Ms. Shepherd was reappointed.

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**ITEM NO. 25: NOMINATIONS TO THE NEIGHBORHOOD MATCHING GRANTS FUND**

The following nominations were made for one appointment for a partial term for a Business Representative beginning upon appointment and ending April 15, 2020.

- Freda Lester, nominated by Councilmember Ajmera, Bokhari, Egleston, Eiselt, Harlow, Mayfield, Mitchell, Newton, Phipps and Winston.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to appoint Freda Lester.

Ms. Lester was appointed.

The following nominations were made for one appointment for a partial term for a Neighborhood Representative beginning upon appointment and ending April 15, 2020.

- Rosalyn Allison-Jacobs, nominated by Councilmembers Ajmera, Bokhari, Egleston, Eiselt, Harlow and Mitchell
- Andwele Beatty, nominated by Councilmember Newton
- Rhonda Dean, nominated by Councilmember Phipps and Winston
- Shannon McKnight, nominated by Councilmember Mayfield

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to appoint Rosalyn Allison-Jacobs.

Ms. Allison-Jacobs was appointed.

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**ITEM NO. 26: NOMINATIONS TO THE TRANSIT SERVICES ADVISORY COMMITTEE**

One appointment for a partial term in the Vanpool Rider category beginning upon appointment and ending January 31, 2022.

No applications were submitted and no nominations were made for this appointment. This appointment will be re-advertised.

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**ITEM NO. 27: MAYOR AND CITY COUNCIL TOPICS**

There were no Mayor or City Council topics discussed or presented.

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**ZONING HEARINGS**

**ITEM NO. 107: PETITION NO. 2019-036 BY BSL GALBREATH, INC.**

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton, and carried unanimously to continue the public hearing on Petition No. 2019-036 to October 21, 2019.

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**ITEM NO. 108: HEARING ON PETITION NO. 2019-056 BY WHITE POINT PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.95 ACRES LOCATED ON THE SOUTH SIDE OF WEST MOREHEAD STREET, WEST OF JULIAN PRICE PLACE FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said this five-acres on West Morehead Street at Julian Price Place; the site is directly next to WBT-TV as a part of the Bryant Park area. The existing zoning is I-2 and they are asking for MUDD-O and the adopted future land use is from the Bryant Park Land Use and Streetscape Plan which was a 2007 plan and is recommended for a mix of uses. The proposal calls for the existing buildings to be reused; these are industrial buildings. This whole area has evolved over time so renovation of existing offices for 125,000 square feet of commercial uses. It will also cut through, you can see on this site plan sort of a carved through there for a new circulation through there. It does leave the possibility that some of these buildings may be torn down now or in the future and if so they will be limited in height to 85-feet. There are optional provisions in here because this is an industrial building because there is parking in front of it along Morehead Street to allow for that parking to remain in place as long as the existing buildings are in use. It also does require a little bit of change to the streetscape along the front in order to get some turning movements into the property. There are architectural design standards in place as well. Staff does recommend approval of this petition upon resolution of just a few issues. There are some sidewalk and curb line issues that need to be resolved. The rationale for that includes that the uses are very much appropriate for the evolving nature of this into a mixed-use area. It will reuse an existing building. The petition will contribute to pedestrian and vehicular movements and the infill development will allow for reinvestment in the area.

**Collin Brown, 1420 East 7th Street** said I am here on behalf of White Point Partners; one of the preeminent adaptive reuse developers in the City. They have made a name taking old structures and making them new again. That is the plan for this site. I have a presentation but you have a long agenda and Kent has done a good job on the overview. We have a couple issues we need to work out with C-DOT because Morehead Street is NC-DOT; C-DOT has a request and we are trying to keep on old building so we've got a couple of those to work through but other than that I'm happy to answer questions or if you would like a full presentation I can do that.

**Councilmember Mayfield** said Mr. Brown, we note in here that we are going to lose part of the bike lane for the realignment. What is the recommendation for the bike lane realignment since it has only been a year and a half/two years ago that those bike lanes were installed along Morehead Street?



Mr. Brown said the challenge for us is that the City has done a pretty extensive streetscape project on Morehead Street which looks good and we think it is very functional; however, that belongs to NC-DOT and NC-DOT insist on us adding left-turn lanes into the site. So, unfortunately, we can't please both masters. This is not one of the brand-new developments where you are starting from scratch, so we have an existing building there, we are trying to work around that. The bike lanes will remain, the proposal now is that they remain but they are no longer buffered as we used that area to pick up the left-turn lane.

Mayor Lyles said I'm assuming that means we would actually paint the stripe in the left-turn lane for the bikes to either turn or go forward so it would be in the road bike lane.

Mr. Main said that is right.

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

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**ITEM NO. 109: HEARING ON PETITION NO. 2019-061 BY DAVIS DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.55 ACRES LOCATED ON THE EAST SIDE OF NORTHLAKE CENTRE PARKWAY, NORTH OF CALHOUN STREET, SOUTH OF I-485 FROM BP (BUSINESS PARK) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said this property is right where I-485 and I-77 come together; Northlake Mall is on this side. There are a number of residential developments along the west side of the property and it is a fairly substantial size property that is now just a greenfield kind of development. This is an aerial view that shows the Mall, the two freeways and it is the center part of this large portion of land. This would be, I guess you could call Phase I of a larger development. The existing zoning is BP, Business Park and there is the site within this larger parcel of land as well. The adopted future land use of the plan does call for residential, office and retail uses and it does also recommend residential as a free-standing use up to 22 units per acre. It is generally consistent with that. The plan for this particular site calls for 300 multifamily units in a number of buildings around the property and here is Northlake Centre Parkway coming along here and it does have an entry into what would become a larger piece of roadway extending through the rest of the site at some future date. It also includes property along this parameter that is also intended for a future roadway but not now. The entry they are proposing at this point lines up and creates a four-legged intersection off Northlake Centre Parkway, enters the site and then has the multifamily residential within that.

There are transportation improvements included as part of that including this intersection and such as that. There will be planting strips and sidewalks along the roadway as well, it does provide an open space amenity and does have architectural standards for the building. Staff recommends approval upon resolution of a few outstanding issues, largely having to do with transportation. Some of the specifics in terms of setback dimensions and commitment to street conveyances and schedules of operations which is something that they are watching very closely now. It is consistent with the Northlake District Plan; the rational has to do with the density meets the requirements, the height is well under what is called for in the plan as well, and it does commit to these pedestrian amenities.

**Keith MacVean, 100 North Tryon Street** said I am with Moore & Van Allen; Jeff Brown of our firm and I are assisting Davis Development with this petition. Kent has done a great job describing the location and the proposed uses. Davis Development is a family owned business, opened in 1995, fully integrated, well experienced, multifamily developer doing development throughout the southeast and portion of the western United States,

has several communities in the Raleigh and Charlotte area already in existence. This would add a community to the Northlake Area. With me tonight representing Davis Development is Lance [inaudible] and he will be available to answer any questions. These are some examples of other developments that Davis Development has done throughout the southeast.

This is just over 14-acres zoned BP going to UR-2(CD) to allow 300 residential units. It is consistent with the Northeast District Plan and does begin the implementation of the road network area for this portion of property just north of the Mall. In terms of multifamily it is beginning the road access points from Northlake Centre Parkway, this will be a full movement access and a future signalized intersection. We are working with C-DOT to resolve the remaining issues. We do have a revised plan we will be submitting later this week that we believe does address all those outstanding issues.

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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**ITEM NO. 110: HEARING ON PETITION NO. 2019-062 BY SUNCREST REAL ESTATE & LAND FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.01 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF ROCKY RIVER ROAD AND OLD CONCORD ROAD FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) AND O-1(CD) (OFFICE, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is approximately 13 acres located on Rocky River Road and Old Concord Road. The current zoning is O-1(CD) proposed zoning is UR-2, urban residential, conditional and there is also some B-1(CD) out on the site as well. The Newell Small Area Plan from 2002 does recommend O-1 office uses for this site. Obviously, this is a multifamily use, not an office use so we do have to talk a little bit about the proposed land use and the some of the proposed improvements. We do have construction on the plan, multifamily development for us to 126 duplex units, it has proposed driveway connections onto Rocky River Road and a new public street designated as University East Collector Road. That is part of a larger regional transportation initiative from CRTPO that will help to continue the further that road and the development of that road to run parallel to Old Concord Road. We do limit maximum height of building units to one and a-half stories, have an eight-foot wide planting strip, a six-foot sidewalk along Rocky River Road, a 37.5-foot buffer along the backside of the property to the single family and also have some SWIM buffer that will be dedicated to Mecklenburg County for future greenway purposes.

This is some renderings of the proposed duplex units. This will be a little bit of a different type of product, probably more geared towards the student housing population up in the University area. We do recommend approval of this petition upon resolution of outstanding issues related to transportation and some requested elements of site design and environmental technical revisions. It is consistent with the adopted policy as we said from the Newell Small Area Plan. Rezoning Petition 2012-84 revised that to a mix of office and retail however, staff feels the site is adjacent to high speed rail corridor on Old Concord Road so that makes it less likely for commercial development to occur on the subject property. We do have a commitment to build that University East Collector Road which has additional connectivity between Newell Hickory Grove Road and University East Drive which will better accommodate this type of product and development. It does commit to public recreation and mobility options through the SWIM buffer dedication. It was originally rezoned from a residential district to an office district back in 1995 so obviously overtime those uses never came to fruition so again we are going back a little bit to that original residential rezoning and intended uses. It is directly across from Rocky River Road and is not developed according to some of those zoning and recommended

land uses so, staff does feel it is appropriate for the area. Just to note, it will revise that Newell Small Area Plan from office use to residential use up to 12 dwelling units per acre on most of the site and from office and retail to up to 12 dwelling units for some of the other parcels involved.

**John Carmichael, 101 North Tryon Street** said I am here tonight on behalf of Suncrest Real Estate & Land. Suncrest is the petitioner and with me tonight are Casey Horner of Suncrest and Sean Penn of Cole Jenest & Stone, the project engineer. It is 13-acres on the south side of Rocky River Road, just east of Old Concord Road. This is an aerial of the site and a close-up version. There used to be a farmer's market up here on the front portion of the site. It is currently zoned a combination of B-1(CD) and O-1(CD). This is the 1995 approved plan and this is the 2012 Plan. The net results of those two rezoning petitions is that currently you can build up to 95,000 square feet of uses allowed in the O-1 zoning district, so office uses and it would also include multifamily and up to 8,500 square feet of uses allowed in B-1 except for gasoline service stations with convenience facilities, restaurants and drive-thru lanes and windows as an accessory use.

The request is to rezone the property to UR-2(CD) to accommodate the development of a residential community that would contain a maximum of 126 dwelling units. They would be duplex dwelling units; the maximum height would be one and a-half stories which is fairly typical of a multifamily product. This is the site plan, this is Rocky River Road, this is the new collector street and you've got additional access points from Rocky River Road here, here and here. That would be a private street; the community would actually be gated except of course for the new public street that is required to bi-sect the site. It is extension of a collector road that has been established further to the north. A greenway would be dedicated here along the eastern boundary line and there are buffers next to the industrial zoned property to the south.

Elevations have been submitted to the Planning Department; they are craftsman style, no vinyl or hardy plank, brick/stone and that sort of exterior product. These are additional elevations you can see the half-story here is in the roof. Each unit would face a courtyard and there would be some sort of gathering space in the middle of the courtyard and then there would be an amenity feature as well with a pool, a clubhouse and things for the residents of that community.

From a traffic standpoint and a district standpoint, this is really a down zoning so to speak. Under the current zoning if it were developed under the current zoning, and I'm not sure that it would be but if it were it would generate about 1,800 trips on a daily basis. The proposed zoning would generate about 910 trips. Planning does recommend approval and we are going to work out the remaining outstanding issues certainly in advance of the filing of the revised plan on Wednesday.

Ms. Eiselt said I'm trying to understand; so adjacent to a highspeed railroad corridor but where is the railroad track or is that just land that –

Mr. Carmichael said there is a railroad track to the west.

Ms. Eiselt said is that part of a future plan or is that something that at some point is going to be an active railroad?

Mr. Carmichael said it is active as we speak.

Ms. Eiselt said I just wonder if that is an issue that close to residential.

Mr. Carmichael said that is something that has been discussed and Mr. Warner said they would design those units in a fashion to try to mitigate that noise. These would be rental units.

Ms. Eiselt said was there any reason that the original area plan called for that to be office because of the railroad corridor is there no bearing on that.

Mr. Carmichael said it may have recognized the zoning that was put in place in 1995; this is Nancy Newton's property and I think the Newell Area Plan is after 1995. Without knowing factually, my educated guess would be that it recognized the zoning in place at that time. I think that Nancy asked for that rezoning in part for the farmer's market and I guess the office development as well, but nothing ever came of that.

**Councilmember Phipps** said I guess back in 1995 that rail crossing at Rocky River Road was open at that time. Since then Norfolk-Southern has closed almost all of the at grade rail crossing along that Norfolk-Southern stretch. That is a dead-end; there is no access to Old Concord Road from Rocky River Road at that point. I have a question about the multifamily units; I think it represents some good housing options there inasmuch as they don't have any duplexes there, but are all those duplexes for rent or for sale?

Mr. Carmichael said they are for rent and the intent would not be to market those to students is what Mr. Warner tells me. It is basically a one-story product, so it would be an alternative to the traditional garden style multifamily and we think this would be a unique product here, and if things go well they would like to duplicate it in other portions of the City as well.

Mr. Phipps said I know that stretch of Norfolk-Southern has two quiet zone rail crossings at McLean, which is the next at grade crossing after this Rocky River crossing that is closed and in Back Creek so those are two, and I think the only quiet zone rail facilities in Charlotte. They only blow their horns if there are deer or people on the track.

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing.
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**ITEM NO. 111: HEARING ON PETITION NO 2019-070 BY RENC CH, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 42.41 ACRES LOCATED ON WALLACE ROAD BETWEEN WOODBERRY ROAD AND EAST INDEPENDENCE BOULEVARD FROM B-2 (GENERAL BUSINESS) AND B-2(CD) GENERAL BUSINESS, CONDITIONAL) TO B-2 (GENERAL BUSINESS) AND B-2(CD) SPA (GENERAL BUSINESS, CONDITIONAL SITE PLAN AMENDMENT.**

**Mayor Pro Tem Eiselt** declared the hearing open.

**Kent Main, Planning** said this is 42-acres at Wallace Road near Independence Boulevard and you can see Independence Boulevard there and here is the site in question. It was rezoned once before, Case 116-141 so this represents for most of the site a minor tweaking of that particular site. This is the property that is located behind the Porch, Aqua, Jaguar, Land Rover and BMW automobile dealers along Independence Boulevard. It also includes one other small parcel up along Wallace Road, actually where Wallace Road comes in and makes an awkward intersection with Independence Boulevard and this will be a part of a realignment of that property. The existing zoning is B-2(CD) of various sorts and the adopted future land use for this because of that other rezoning called for retail uses which is what this is and one portion right at the corner which called for office and retail uses from the Independence Boulevard Plan from 2011. It is essentially used for new cars and other parking facilities related to the automobile dealer. This will allow for continued uses of those properties; it is slightly being realigned. There were some provisions for some buildings and there will be a little bit more involved in buildings this time and some specific parcel locations for those buildings as well.

As to the Wallace Road frontage this involves a relocation to sort of fit in with NC-DOT's realignment of that street to achieve a little bit better intersection and also make a little bit use of that property that would be taken in from there. I think it is Papa John's Pizza or in that general vicinity is what is proposed for that. It modifies that site plan a little bit and it does involve future buildings. There is also an alignment of the Silver Line where it makes a transition from Independence Boulevard to Monroe Road that goes along the

back side of that property and that was preserved under the prior and it will still be preserved for a future corridor that would take that line from Independence Boulevard over to Monroe Road; however, there will not be a stop in the general vicinity of this, it would simply be the line going through at that point.

We do recommend approval of this petition; it is consistent with the Independence Boulevard Plan for the retail uses and for the area that is for retail and/or office uses. It makes minor revisions, it makes some changes and fixes sort of a bad intersection where Wallace Road intersects. It will continue to provide for that right-of-way for the future light rail line.

**Greg Hartley, 301 McCullough Drive** said we are basically adding one acre at the corner of Independence Boulevard and Wallace Road to this previous rezoning. James Woodruff, Jr. is the Design Manager with Hendrick Automotive Group is here as well if you have any questions. Basically, we have reserved for dedication about seven acres for light rail and Wallace Road relocation in the future. We've also been working for almost a year with NC-DOT, C-DOT and CATS on the alignment of Wallace Road, Sharon Forest Road and the future Independence Boulevard widening as well as the Silver Line through that area.

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

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**ITEM NO. 112: PETITION NO. 2019-071 BY FH 1524 SUNSET ROAD, LLC**

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton, and carried unanimously to continue Petition No. 2019-036 and Petition No. 2019-071 to October 21, 2019.

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**ITEM NO. 113: HEARING ON PETITION NO. 2019-074 BY JOSH JOLLEY FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.96 ACRES LOCATED ON THE WEST SIDE OF WALLACE ROAD, NORTH OF WOODBERRY ROAD, WEST OF EAST INDEPENDENCE BOULEVARD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said this site is very, very close to the one we just dealt with. There is where we were just talking about up Wallace Road about two blocks is this other site which is also on Wallace Road. The site fronts on Wallace Road and there are commercial properties that include an Eye Doctor, a Dentist Office an auto broker and a furniture store along the frontage of Independence Boulevard which are also access directly across from this particular parcel as well. The existing zoning is R-3; they are proposing UR-2(CD) on this particular property. It is now occupied by a couple of small houses. The Independence Boulevard Plan for this area calls for residential development up to 12 units per acre; this will exceed that a little bit. You can see also there is a sizable parcel just above there that is zoned O-2 but is actually in use as multifamily just north of this particular site. The proposal is for 88 multifamily units; that comes to 22 units per acre in five buildings fronting on Wallace Road. It also connects to Pineburr Road at the other side of the property and there will be a street connection that will come off of there and extend into the adjoining property so that we will still have some opportunities for connectivity. This property will be served by a driveway that will connect those two roads. The maximum building height is three-stories; I should also mention that just to the south is Mason Wallace Park which intersects this site right at that corner so there will be connections to that. There are buffers provided along these edges of residential as well.

There are architectural standards for the buildings, sidewalks along the streets connecting to the park and going through the site as well. Sidewalks and planting strips and such as that. Staff recommends approval of this upon resolution of some outstanding issues specifically we've got some mismatches between notes and the site plan and we need to look at some cross sections a little bit closer just to make sure that everything is working properly there. It is inconsistent with the Independence Boulevard Plan which recommends residential up to 12 units per acre and if it is approved it will revise the plan from 12 units per acres to 22 units per acre. The rationale for that has to do with we are within a half-mile of a transit alignment, the density is appropriate as a transition between those retail and office uses along Independence Boulevard and it is also consistent with the residential directly north of there along Wallace Road as well and it does connect into the park.

**Paul Pennell, 2219 Wittstock Drive** said we would like to answer any potential questions and have a discussion regarding this petition for which we are requesting a boutique multifamily project along Wallace Road in the City of Charlotte. It is about a half mile from East Mecklenburg High School, about a half mile from Monroe Road. The site is entirely within a development corridor and also touches Mason Wallace Park as well.

Prior to submittal we had done quite an extensive amount of coordination with the City of Charlotte Department of Transportation and Planning regarding Pineburr Road. We wanted to extend it directly to Wallace Road; unfortunately design criteria with C-DOT would not allow that so we arrived at a public access easement running through the site to provide that connectivity. Those are reflected within the zoning documents that you see here. The site plan basically entails five residential multifamily buildings smaller in scale, approximately 100-feet long by 62-feet wide. The public connection you see running from Pineburr Road to Wallace Road is shown with on-street parking along with public connection to the Mason Wallace Park. One item in which we wanted to touch on tonight which was a concern from Planning was the relationship of the proposed buildings adjacent the existing single family homes that are on the site. I would like to bring you attention to cross section A which is along Pineburr Road and also cross section B which is directly adjacent Wallace Road. The cross-section elevation A, the single family homes are approximately 75-linear feet from the proposed building to existing single family home and also along elevation B we are about 137-linear feet from the existing home to the first proposed building.

We have examples of the architecture here; we can speak about that if you have any questions. Also on site there is quite an extensive amount of bamboo which would need to be removed from the site. We can discuss that if you have any questions. Also, some additional considerations, the site is adjacent a future Silver Line, public connection proposed over to Mason Wallace Park. There are five affordable units that have been committed to an 80% AMI for 15-years and also there is existing 184 homes along Monroe Road which only have access to Monroe Road; the public connection access would provide those home owners additional means or reaching Wallace Road and Independence Boulevard without further congesting Monroe Road.

Mayor Lyles said who planted a bamboo grove?

Mr. Pennell said someone a long time ago because bamboo is very large.

**Councilmember Newton** said this is an old plan and we are talking about 2011 and we are talking about this particular development being inconsistent with that plan. My first questions are pertaining to density, so significantly inconsistent. The neighborhood next door is R-3, we are looking at this being R-22. For some reason we have residential up in an office zoned area, I'm not quite sure how that happened but what is the specific residential density there?

Mr. Pennell said with this particular location within the three lots that are on site, there are currently four residential homes; two of them are for rent, two of them are not rentable. That is the current density; there are four homes within four acres.

Mr. Newton said I wanted to thank Mr. Pennell for his outreach the community and working with the community as much as you have. Having said that from the standpoint when I'm looking at the materials we have and it is not up here but it is in my materials, we are seeing an area that is zoned O-2 north so that in conjunction with the proposed Silver Line is what staff has used to justify an R-3 up to R-22 and just wanted to ask in that area, which once again it is zoned office but we have multifamily development there. Do we know the exact density of what that is?

Mr. Main said it is zoned office and you will find that in a number of places around; multifamily is an allowable use in an office district and there are many places all over town where you will find that in places where we've got straight up zoning that has been built overtime. That is not uncommon the density there and you can see it right here.

Mr. Newton said it is what staff seems to be pointing to as partial justification for the inconsistency with the 2011 land use plan that we see in front of us right now calls for R-12 but do we know what it currently is? It is currently office, but from the standpoint of the multifamily that currently exist there in that office zoning, do we know the density of that?

Mr. Main said the density of the existing multifamily; I don't know off the top of my head, it would appear to be in the 17 to 22 zoning categories just based on eyeballing it.

Mr. Newton said we are seeing R-17 on the other side of Independence Boulevard but I was just asking because it seems to be a justification to not follow or be inconsistent with the land use plan and I'm wondering is it really R-22 up there.

Mr. Main said the zoning there is O-2 which allows a density of up to 22 units per acre. I do not know what was built there but that is what they could have built in the office district at that location.

Mr. Newton said there is a note in the materials that say an approval of this would be something that would change the land use plan. I think that makes a whole lot of sense but these one-offs including O-2 designation might actually completely change the character of the area. I think that is something to take into account; at the same time, I have questions pertaining to the Silver Line so it looks like we are looking at quadrupling of traffic on the entitlement coming from something like 110 up to 480. I'm assuming there is going to be a lot of foot traffic too because, so the justification to be inconsistent with the plan is the light rail line which the station is going to be about a quarter of a mile away. Inasmuch as folks not using their cars it seems like there is going to be a lot of car use upfront until light rail, but inasmuch as people are not using their cars there should be a significant amount of foot traffic, right in the immediately vicinity. Do we have sidewalks on Wallace Road and Pineburr Road?

Mr. Main said I'm not quite sure about Pineburr Road but we will be getting sidewalks as a part of this project. That is an incremental thing that is always an evolving issue as we develop new properties.

Mr. Newton said the frontage of this particular lot but my question pertains to Wallace Road; I'm assuming that folks are going to have to use Wallace Road and/or Pineburr Road from I understand so the alignment is going to come down Monroe Road. I don't know if that is specifically where the station is going to be but to access that folks walking would have to go Wallace Road or Pineburr Road, right.

Mr. Main said that is sidewalks along Independence Boulevard and there are service uses along there so we do have some expectation that this would be the start of more of that to come. The property that you see here is very lightly developed, I presume that other properties along here might also be filling in overtime as well so it does start to create that kind of thing in the vicinity of this rail line.

Mr. Newton said I get what you are saying but one of my challenges as the representative in the area is trying to create some connectivity at Independence Boulevard because

we've had some people be struck and killed walking across, but my concern here, particularly when we are seeing an increase in traffic and knowing that people are probably going to be doing a lot of walking here is the Wallace Road and Pineburr Road, more specifically the Wallace Road area, whether there are sidewalks there, I don't know if they are plans and that would be something I would be very interested in knowing.

Mr. Main said there are no plans for a sidewalk project per se in the area, again we are getting this piece of sidewalk and we would expect to get others as properties north and south of there develop as well and that is our usual arrangement.

Mr. Newton said I kind of look at the public safety risk there being directly correlated with the density so it is something to take into account. I look at the site plan and I know that we want connectivity; that is something we promote in our ordinances, but I'm wondering; this looks like a parking lot so the connectivity is going through kind of a parking lot. Is that the kind of connectivity we are talking about we want so folks connecting through to what extent does that create hazards of anyone kind of pulling out or pulling in?

Mr. Main said it is a parking lot but it is making the connections through and that is a public easement that would be provided, again as opposed to a street that would connect straight through which did not meet standards in some other ways.

Mr. Newton is the stance of City staff that a parking lot is a type of connector for our ordinance and that applies?

Mr. Main said it is on the proposal and we are essentially happy with that.

Mr. Pennell said Mr. Newton, I would like to mention that the access road connecting Pineburr Road over to Wallace Road was actually designed to public standards with the exception of the horizontal alignment. You can see there is a little bit of a jog on the midpoint there so, the cross section there would actually follow a typical residential wide with angled on street parking based on the urban street design guidelines with the exception of that little jog in there.

Mr. Main said again, we are making a connection here on to the next site as well.

Mr. Newton said with Pineburr Road coming across is the connector through the development even necessary? Are we really stretching here talking about a connector going through what is the equivalent of a parking lot? I guess the possibility exist rather than kind of rational thought where maybe someday that property to the north is probably going to be developed and there is probably going to be the need for a connector there.

Mr. Main said that is the purpose of this connector going on through.

Mr. Newton said to the extent that we have it going through a parking lot, is that kind of us going one step too far?

Mayor Lyles said I think this is a discussion we had last week about connecting roads and we build them through the rezoning process, the subdivision process and this is a way to have a connector across that and even though it is passing a parking lot eventually with the redevelopment of the other land that is how it will work and be extended. It is either preserving it for building out as best we can a system that allows options for cars and for trains and walkers. I think that is our current polity right now.

Mr. Newton said through the developments we are creating that connector there but inasmuch as creating it through the parking lot of the complex I'm wondering if that might be of a stretch is all I'm saying. There has been a lot of talk about traffic calming right there.

Mr. Pennell said what we've done here is we've made commitments to provide a vehicle table at that jog so one, that kind of tight jog that you see through the site, (a) would slow cars down and in conjunction with that we are proposing a vehicle table there as well



which is actually a glamorized way of saying a giant speed hump to slow cars down so the safety of the pedestrians within the community are very important and we believe those two items will help make sure that cars go slow through this site.

Mr. Newton said I've definitely got my concerns about whether or not we are fulfilling the intention of what we should be doing with this connection, the connectivity in our ordinance. At the same time there have been questions pertaining to tree save, do we have a tree save here or it is going to be in lieu?

Mr. Parnell said the site is entitled within a development corridor so the option for payment in lieu and mitigation is in place however, there are some areas where we would like to provide some on-site tree save. In addition to that when you look at the aerial on the site we have mentioned the bamboo previously; a little over one acre of the site is actually a bamboo grove so when you look at the site and you look at the green that is out there a large majority of it would actually have to come out anyway. Urban forestry policy is to remove all of that during the land development review.

Mr. Newton said from the standpoint of tree canopy are we talking about leaving any tree canopy on site?

Mr. Parnell said there are some opportunities I think; the upper half of the site close to Wallace Road is relatively flat so a lot of the buffer areas I think are adjacent the property lines. There are some trees along those property lines that we are pretty confident that we should be able to keep.

Mr. Newton said down on the southern portion what does the buffer look like down there because I think there is a house that is abutting up against that? I just wanted to ask about that from the standpoint of privacy for the adjoining land owner.

Mr. Parnell said we actually have a cross section; the buffer on the low side of the site in the specific location that you are referring to I believe is 24-feet wide and we are doing plantings and evergreen screening. Quite possibly a fence as well within that location to provide that separation. There is also approximately 75-feet between the single family home and the proposed building within that area so there is quite a lot of linear distance between those two uses.

Mr. Newton said I have a lot of concerns so, I'm glad to hear you are talking about a fence there, concerns pertaining to density of course and this connectivity and I look forward to continuing to work with you in relationship and working in conjunction with the community to make sure that we get this right before it comes back.

**Councilmember Winston** said Mr. Jaiyeoba, please let's refrain from including bamboo in our tree save ordinance. What I would actually like to know do you have any plans for that bamboo?

Mr. Parnell said scaffolding maybe; I'm sure it is great for fish poles.

Mr. Winston said I know a lot of people are looking for that; artists and such types and you could probably make pretty good friends within the community if you had some type of community [inaudible].

Motion was made by Councilmember Winston, seconded by Councilmember Harlow, and carried unanimously to close the public hearing.
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**ITEM NO.114: HEARING ON PETITION NO. 2019-076 BY HOOPER COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.39 ACRES LOCATED ON THE SOUTH SIDE OF ROZZELLES FERRY ROAD, WEST OF SOUTH TURNER AVENUE, EAST OF SOUTH GARDNER AVENUE FROM R-8 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is approximately 2.3 acres located on the south side or Rozzelles Ferry Road, west of South Turner Avenue; this is just up from a recent rezoning we had for Savona Mill here, just to give you some context. The existing zoning is R-8 and we are looking at UR-2(CD) being requested. The Central District Plan recommends up to eight dwelling units per acre, the GDP allows over 17 dwelling units per acre so we do have a development that is looking for construction of 47 townhomes on 2.3 acres. We have some road connections off of Rozzelles Ferry Road and South Turner Avenue, a new waiting pad for the existing bus stop located on the frontage of Rozzelles Ferry Road and also some right-of-way for some improvements on South Turner Avenue. It limits the height of the building to 48-feet, requires architectural design standards and an eight-foot planting strip and an eight-foot sidewalk along each frontage on Rozzelles Ferry Road and South Turner Street. Staff does recommend approval upon resolution of some outstanding issues related to transportation, some technical revisions on the plan for site design. It is inconsistent with the Central District Plan for up to eight dwelling units per acre however, it is consistent with the GDP to allow over those eight units per acres, actually going over 17 so again, while it is inconsistent with the plan overall it is consistent with the GDP, it is located within a half mile of a transit stop for the Gold Line Streetcar, it is also located within the Rozzelles Ferry/West Trade C-NIP area where infrastructure and neighboring enhancement projects are underway that would accommodate a little bit more dense development. Just to note, approval of this petition will revise that plan from 1993 from eight units per acre for up to 22 units per acre.

**John Carmichael, 101 North Tryon Street** said I'm here on behalf of Hopper Communities. Matt Langston and Clay McCullough are here if you have any questions. This is about 2.4 acres just north of Savona Mill, currently zoned R-8, the request is to go to UR-2(CD) to allow up to 47 townhome units. This site is directly across the street from Dr. Harlow's home and it is 47 units and a couple things to note; the units along the public streets would front the public streets. We limited these buildings to three units to kind of mimic the rhyme across Rozzelles Ferry Road, often you will see four and five units in a building, these are three-unit buildings. Obviously, this building does not face Rozzelles Ferry Road but there are some architectural treatments that will be required on this end unit. You have tree save back here and we did have a community meeting that was well attended. We have architectural guidelines and we are happy to answer any questions that you may have.

**Councilmember Harlow** said it was great working with them and it is going to be great to look at this from my front porch. The community is very supportive of this. I will just let you know there was some conversation very recently on neighborhood meeting about possibly asking or requesting of the developer to do something with the bus stop that is right there. Right now, it is just open with no coverage or anything like that. We will talk about that off-line as literally brand-new from like a day or two ago. Besides, very supportive of the project, it is going to help support some of the density for Savona Mill that we just rezoned. I look forward to approving next month.

Motion was made by Councilmember Harlow, seconded by Councilmember Mitchell, and carried unanimously to close the public hearing.
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**ITEM NO. 115: HEARING ON PETITION NO. 2019-079 BY SANKOFA DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.25 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD, SOUTH OF RILEY AVENUE, NORTH OF DISTRIBUTION CENTER DRIVE FROM R-4 (SINGLE FAMILY RESIDENTIAL) AND B-2 (GENERAL BUSINESS) TO NS (NEIGHBORHOOD SERVICES).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 1.24 acres on Statesville Road and Auten Avenue; as was mentioned we've got split zoning on the property, the front along Statesville Avenue is B-2, the rear portion of the property is zoned R-4 and we are looking for a neighborhood service district through this rezoning petition. The adopted future land use from 1996 and the Northeast District Plan recommends this for industrial uses for the site and this proposal would actually allow for the construction of up to 4,000 square feet of an eating, drinking and entertainment establish use, also provide some sidewalk connections to the existing sidewalk in adjacent neighborhoods, provide an eight-foot planting strip and five-foot sidewalk along Auten Avenue as well as some architectural standards relating to the building placement and materials, articulation and some screening of mechanical equipment and also commits to a landscape buffer to the adjacent residential property. Staff does recommend approval of this petition upon resolution of outstanding issues. As we mentioned it is inconsistent with the Northeast District Plan recommendation for industrial although we do have limitation of this use for a restaurant and entertainment use up to 4,000 square feet. It is allowed currently within the B-2 zoning on the frontage of the site on Statesville Avenue, it does commit to enhancing some of those pedestrian environments through some different design elements including a sidewalk connection to the adjacent neighborhood. The area between Riley Avenue and Auten Avenue is not developed according to those industrial land uses and due to the single family uses next to the site it is unlikely that it would develop into some industrial uses and really the intent of this neighborhood service district is to provide for uses that actually serve the neighborhoods in which they are located. Obviously, they are located next to an adjacent residential community so this district would be appropriate for the types of uses that could help provide some services that would serve that neighborhood. Approval of this petition will adopt that land use plan from industrial to retail uses for the site.

**Gardine Wilson, 2348 Castlecomer Drive** said we have had an incredible working relationship with the Planning Department, with the Zoning Department, the community meeting and also our meeting with Mr. Harlow went very well. The only sticking point that we have is that we've been asked to put a bus stop on Statesville Avenue but there is actually a bus stop on the next block and so that was one of the sticking issues that we have. What we are planning on putting there is the Coffee Cup Restaurant. The Coffee Cup Restaurant's history in Charlotte back in 1947. I am one of the gentlemen that got burned by a lot of hot grease and fried chicken was in black skillet with the macaroni and cheese. We presented to the City Council when we were threatened for demolition when our business was next to the Stadium back in 2007. We had a unanimous vote for a historical designation and fortunately we were only protected for one year. We are excited to actually bring a piece of Charlotte's history back to this location in addition to the southern hospitality that so many people are used to receiving here in Charlotte and the authentic southern cuisine.

Mayor Liles said my father-in-law had Risotto's on Statesville Avenue and they had the freedom riders as they would come through and it was only upscale, not now but at the time, for African Americans on Statesville so you are bringing history back and that is really a good thing.

Mr. Wilson said it has been a journey but God has been with us all the way and our team is excited, 28 positions paying a living wage back to the community, and the neighborhood being mixed and some of the industrial actually reminds us of where we were on Morehead Street.

**Councilmember Mitchell** said Mr. Wilson; are you going to provide meal cards; after we eat eight times we get the ninth meal free?

Mr. Wilson said we do have a VIP.

**Councilmember Egleston** said I would fill that card up just as quickly as Mr. Mitchell. I ate there, I lived in walking distance from there and ate there three or four times a week until 2007. I just use the opportunity to put a call to action; I've done this I think on our

podcast and some other forms but now is the perfect time for anybody that happens to know whatever jerk stole the sign to come forward and right a wrong in this community because that historic sign sure would look good hanging out in front of the new Old Coffee Cup Restaurant. I hope one day we will locate that thing.

Mr. Wilson said absolutely; we are still looking.

Mr. Egleston said I will even throw in \$500 for information leading to the return of the Coffee Cup Sign.

**Councilmember Winston** said there was one concern about a bus stop.

Mr. Pettine said we will have to follow-up with CATS and talk through that item with them. We don't have any representation from that group here this evening, so we will be happy to follow-up with that discussion and facilitate some solutions to what that issue may be.

Mr. Winston said would it be an additional stop or would it be to move the existing stop to that location?

Mr. Pettine said the request was to move the stop; am I correct?

Mr. Wilson said no, there is a stop that is one block away which is in front of the Family Dollar and we are the next block over and the request was for us to put a bus stop in the next block is something that –

Mayor Lyles said you will have to work it through with CATS.

Mr. Pettine said we will work through and facilitate some of that discussion and follow-up with CATS.

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

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**ITEM ON. 116: HEARING ON PETITION NO. 2019-081 BY TYVOLA STATION PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.5 ACRES LOCATED ON THE NORTH SIDE OF TYVOLA ROAD, WEST OF OLD PINEVILLE ROAD FROM I-2 (GENERAL BUSINESS) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER) AND TOD-TR (TRANSIT ORIENTED DEVELOPMENT – TRANSITION)**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 10.5 acres on Tyvola Road west of Old Pineville Road, a very large tract here, it was part of our TOD alignment that we've got. It is currently zoned is industrial, the proposed zoning is for TOD-CC and TOD-TR on the site. As you can see it is recommended for TOD employment uses on the property per the Tyvola and Archdale Station Area Plan in 2008. It is consistent with the plan, it is within a quarter mile of the LYNX Blue Line, well established additional transit oriented development within that station area so, the CC district applies to some of the commitments that create the desired form and intensity of some of those transit supportive uses, however, we do have some concerns about the TOD-TR not being appropriate at the intersection where it is being proposed. The alignment that staff is carrying forward into next month for the public hearing recommended the entire site be developed with CC. We do have some concerns about that TR district being located at the intersection. That is really intended to be a transitional district from higher intensity TOD better adjacent to neighborhoods to allow for rehab of buildings and preserve some existing character. I think the TR section does not really meet the intent of the transit station area plan so we do have some general concerns about that portion going to TOD-TR. The TOD-CC portion, no concerns about it, it is just that small portion along that

frontage where we really have some concerns about whether or not we are fulfilling those goals of that transit-oriented development around that Tyvola Station.

**Keith MacVean, 100 North Tryon Street** said I am assisting Tyvola Station Partners, LLC. With me tonight representing the petitioner is Todd Jocovich with Tyvola Station Partners. David has summarized the petition well; it is actually 12.1 acres, we did amend the application to add a little bit of property, so it is actually 12.1 acres zoned I-2. It was a Dick Keffer Car Dealership at one point in time, no longer used for that purpose. The area, if you are familiar with the intersection of Tyvola Road and Old Pineville Road, is predominantly used with commercial uses. There is a carwash across the street, there is self-storage here, there are other commercial uses to the north of the site. The majority of the site would be developed zoned to TOD-CC, approximately the 10.5 acres with only 1.6 acres being zoned to the TOD-TR, transit supported uses. The intent of the petition is to redevelop the site with transit supportive uses, the difference in the two districts allows us to move the area into a transit supportive uses quicker by allowing a little more flexibility on this portion of the site with what type of transit supportive uses develop. There is a very small difference between CC and TR but that difference does allow the new owner, Tyvola Station Partners and the developer of the site to transition a little more appropriately to the transit supportive uses. There has been one rezoning since the Tyvola/Archdale Station Area Plan, in the last 10-years to the TOD districts at this station area. Obviously, the alignment rezoning will correct that and add a lot more transit supportive uses or zoning at least, but again, in terms of the surrounding land uses there are really not transit supportive today. We are trying to move in that direction; part of the purpose statement of the TOD-TR zoning also talks about using the district in areas and station areas where the market isn't ready. This is a location where the market is starting to get there as evidenced by the fact that Tyvola Station Partners wants to rezone it, want to develop the transit supportive uses. We are not asking you to leave the corner I-2, we are saying let's zone it to transit supportive, we want to develop in a transit supportive form, we just want a little more flexibility on how we do that. We think we are meeting the intent of the district as it a station area where the uses haven't yet transitioned, the market hasn't totally caught up with the area, it is not South End, it is not Scaleybark, we are further down the line but it is getting there. We are thinking that by allowing us to rezone the majority to CC, a smaller portion of TR actually helps the area transition quicker.

Mayor Lyles said what is allowed in TR, what is the difference in that and Community Center? You didn't way what you were going to do with so I don't know what is allowed in the zoning you are requesting.

Mr. Pettine said it is still a bit auto oriented, gas stations, drive throughs so we are looking at some things that are still a little bit automobile oriented than more transit oriented where we have less parking, less auto dependency on those uses so that is where some of that concern comes in as that we still would see some auto dependent, auto oriented uses on that corner. Again, that TR district is more for those areas that have that transition a little bit from some residential uses more so than we would like to see on a site this large where everything really should be a little bit more transit oriented and not as much auto dependent. That is where the concern comes in; we can still continue to dialogue with the petitioner and see what some of those things we can do to maybe work through where that outstanding issue is between staff and the petitioner.

Mayor Lyles said I just want to make sure I know what we are talking about; so, this is where the train track from the railroad is there and you to pull on side of the track and then the food service company, is that included in this petition? Dick Keffer, which is a little bit further down across from the carwash there.

Mr. MacVean said this is the carwash, we are here, it does not include this use, but actually the site goes all the way to Minuet Lane which is behind the rear of the site. You are correct, the station area in this location is elevated because it goes over Tyvola Road. Across the street from us on Old Pineville Road is basically a large wall, there are no uses on the other side of Old Pineville Road from the site. In terms of the uses, there are only five additional uses that the TOD-TR district allows that the CC district does not. We are still subject to predominantly the same transit supportive design standards as the other

zoning district, it does add some uses but it does require those uses to be built in a transit supportive form. We feel that is appropriate at this location.

Mayor Lyles said I don't know what they are. You said there are five; I really don't know what we are trying to accomplish here.

Mr. MacVean said I'm happy to list them if you like.

**Taiwo Jaiyeoba, Assistant City Manager** said just a reminder that they are four TOD districts, the most intense being the Urban Center, the UC and then you go to the CC and then the neighborhood and then the TR. As you gradually go down it is less intensive therefore, generates less ridership and generates less in terms of the economic investment. But, as you move closer to CC it is really what you want because if this petitioner comes to you two or three months from now and you have adopted the alignment it will be entirely CC so what we are saying is this whole parcel should be community center rather than be piecemealed into community center and a little portion of it be TR because that is really what gives the transit station the best bang for the buck. That is essential what we are saying. TR will have less intensive uses therefore, less transit supportive uses compared to CC and that is why staff is saying we don't recommend approval in its current form unless the petitioner is willing to take the entire thing to CC.

Mayor Lyles said would that include a drive-thru?

Mr. Jaiyeoba said it will.

Mayor Lyles said I don't understand that. I wouldn't want a drive-thru in that area.

Mr. Jaiyeoba said I take this train to work regularly and as you go up Tyvola Station if this whole place was to be transitioned to CC it would actually be more in alignment with the type of station development you want around it rather than CC and TR. Obviously CC and TR is better than what you have there today but it is just that you have it as a CC which is more intensive.

**Councilmember Winston** said this is the first I'm hearing anything about this project so I can't speak too much to the project but this seems like the whole intent of this TOD Ordinance in this realignment is to prevent situations like this to have parcels cut up to optimally use the land around our stations in particular so I find it hard at this point in time to understand where I would support something during the time period when we are actually realigning this to correct something that should have been done decades ago. Perhaps we could sit down and talk to you and you could convince me, but this not seem to be why it is timing because if you didn't want to use one of those five uses you wouldn't want the TR and that is not what we want there. The intent of the TOD realignment is to prevent these types of deal making to take over land use decisions. This seems contradictory to where we are saying we want to go right now.

Mr. MacVean said we are trying to use the transit supportive districts; I realize it is a different district than is recommended, but we are trying to move in the direction that is recommended and be glad to meet to discuss it further.

**Councilmember Driggs** said I would find it easier if you had the specific proposal for what you want to do that requires the TR that you could show us rather than just asking for that additional latitude because it sounds like this isn't a TR so, we would need to make an exception and I would like to know why we are making the exception. I guess the notion that it is unspecified makes it a little harder to judge. I was trying to be clear about you just said Taiwo; you said this ought to be a CC, what is the basis for the staff not recommending it? Those five uses are considered inappropriate at that location.

Mr. Jaiyeoba said yes, it will be less intensive than what you want to see there. The CC will be more intensive.

Mr. Driggs said it seems to be that there is probably some concept of what is supposed to go there or you wouldn't be asking for this, is would just be interesting to know more about it.

Mr. MacVean said again because we have the flexibility to do additional uses doesn't mean that it has to be those uses; it does allow all the other uses allowed in the CC district. It just provides an opportunity to look at some options that may provide a better transition. I know I'm belaboring the point.

Mr. Pettine said if you like I could give you the uses that are different and we can either provide that now or provide it in the follow-up. I'll let you all determine if you want to know what those district uses are.

Mayor Lyles said the five uses, yes, we would like to know what they are.

Mr. Pettine said we've got a gas station is one; that is only allowed in TR, self-storage facility that is enclosed, a vehicle dealership that is enclosed and a vehicle repair facility categorized as a minor vehicle repair facility. Those are the uses that are only allowed in TR and not found in any of the other TOD districts and a parking lot as a principle use is the other. So, gas station, self-storage, vehicle repair, vehicle sales, parking lot and drive-thru facilities.

**Councilmember Mayfield** said thinking about what was just shared as far as what could go there we think about the Carvana that is down on South Boulevard which is across from a light rail station as a potential. I hope the petitioner as well as the client hear the concerns with attempting to use the TR versus the CC for TOD for this particular location.

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

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**ITEM NO. 117: HEARING ON PETITION NO. 2019-082 BY PACIFIC NATIONAL GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.32 ACRES LOCATED ON THE EAST SIDE OF SOUTH BOULEVARD, SOUTH OF EAST WORTHINGTON AVENUE FROM B-1 (NEIGHBORHOOD BUSINESS) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT – URBAN CENTER).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this is a little over a quarter of an acre out on South Boulevard; it is consistent with the recommended plan for the South End Station in 2008 and the South End Vision Plan in 2018, both recommend transit oriented mixed-use development. The petitioner is looking for a B-1 to TOD-UC which is conventional. We do recommend approval because it is consistent; it is within a quarter mile walk of the East/West Station of the LYNX Blue Line and it is consistent with those transit-oriented uses that are recommended in the plan.

**Keith MacVean, 100 North Tryon Street** said I'll be glad to answer any questions and hope for your support.

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

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**ITEM NO. 118: HEARING ON PETITION NO. 2019-083 BY JAMES M. HOWELL FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.56 ACRES LOCATED ON THE WEST SIDE OF CHINA GROVE CHURCH ROAD, SOUTH OF AILEEN CIRCLE, NORTH OF ERVIN LANE FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO R-8 (SINGLE FAMILY RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over a half acre on China Grove Church Road; we are looking at conventional zoning petition looking for R-4 to R-8 as mentioned. It is consistent with the Sharon and I-485 Station Area Plan from 2009 but does recommend residential land uses at eight dwelling units per acres. We do recommend approval; it is consistent with the plan and again adjacent parcels are currently zoned R-8 or R-8(CD). It will help maintain some of that low to moderate density residential in that neighborhood and it is also within a quarter mile walk of the I-485/South Boulevard transit station.

**Hunter Hanning, 1010 Aileen Circle, Pineville** said I am just a resident in the Sterling Community; I moved from Maine about two years ago and I brought my wife and my two little girls down and we went around the area and looked at different places. What made me want to move into that community was seeing the work done there every day. A new house, a house being moved, a roof, a new driveway; you see improvements every day in that community. You see these new things going on and you feel save, a good place to raise your family; everything that the man that owns the property does, he does it for a reason and to make the property better.

**Councilmember Mayfield** said I'm trying to think about the access because there is not accessibility to safely get from the neighborhood to the light rail station so what is the anticipation for the accessibility if we are using this as a factor to come into this community to go from an R-4 to an R-8?

Mr. Pettine said that was one of the factors that was in there. I think it was the last one that we listed, now how they propose to make any connections that is not something that we have in front of us because it is a conventional petition. It was just a note from our end that it is within that quarter mile walk, whether folks choose to walk through that quarter mile. That is something that like I said we don't have immediate improvement plans per this petition because it is conventional, but really the main thing that we focused on was it is consistent with the overall plan recommendation for eight dwelling units per acre and it is consistent with a lot of the currently zoned parcel that are out there that are zoning R-8. The site being within a quarter mile walk was a factor, but I would say it was probably one of the more minimal factors, just wanted to make note of as we formulate our rational.

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

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**ITEM NO. 119: HEARING ON PETITION NO. 2019-118 BY BEACON DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 90.47 ACRES LOCATED ON THE WEST SIDE OF BEAM ROAD, NORTH OF CROSS BEAM DRIVE FROM BD(CD) AIR (DISTRIBUTIVE BUSINESS, CONDITIONAL, AIRPORT NOISE OVERLAY) TO I-1 AIR (LIGHT INDUSTRIAL, AIRPORT NOISE OVERLAY).**

**Mayor Lyles** declared the hearing open.

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

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**ADJOURNMENT**

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

The Meeting was adjourned at 10:11 p.m.

A handwritten signature in black ink that reads "Stephanie C. Kelly". The signature is written in a cursive, flowing style.

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Stephanie C. Kelly, City Clerk, MMC, NCCMC

Minute Length: 6 Hours  
Minutes Completed: October 4, 2019