

STRATEGY SESSION

The City Council of the City of Charlotte, North Carolina convened for a Special Meeting on Tuesday, September 3, 2019 at 5:06 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Tariq Bokhari, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps, and Braxton Winston II

ABSENT UNTIL NOTED: Councilmember Dimple Ajmera and Ed Driggs

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ITEM NO. 1: UNIFIED DEVELOPMENT ORDINANCE UPDATE

Taiwo Jaiyeoba, Assistant City Manager said I am your Assistant City Manager and Planning Director. I will make this presentation just for a couple of minutes, then I will invite Laura Harmon, who is our Assistant Planning Director but also has been the project manager for the unified development ordinance over the last couple of years. As you know, the last several months, we have been focusing on the comprehensive plan, the Charlotte Future 2040. Some of you have heard me repeat this over and over, and that is rightly so, because we definitely need to set the vision for where our city should be over the next 20 years before we focus completely on the regulatory piece. What it has done though is the push our unified development ordinance a little bit out, because we want to make sure that we complete the vision piece before we embark on completing the regulation aspect of that; however, despite all the work that we have been doing, all the great work that we have been doing on the comprehensive plan. The Unified Development Ordinance, certain aspects of the Unified Development Ordinance continue to go on concurrently; one of them of course is the Transit Oriented Development Ordinance, which you passed in April of this year. The next phase of that is making sure that we realign, at least we rezone about 2,000 acres of land that is going to be one of those four districts, but while we have been going on with that, we have also been working on the Sign Ordinance, because our existing Sign Ordinance, as you know is dated, and we have also been working on our Tree Ordinance as well.

Over the last several weeks, especially since you adopted the TOD Ordinance, we have met. We have had multiple community meetings with stakeholders. For the tree and the sign ordinance, we have met with stakeholders as well, and when I say stake holders, I is not just representation so the development community but also representations of our focus groups, such as Sustain Charlotte, neighborhood groups, individuals, but you also will remember that we have an ordinance advisory commission as well that was fund about two years ago, and we have been running a lot of these regulations through them. As Laura will take you through each one of these three aspects of what becomes part of the overall unified development ordinance that July of last year, which I had come forward to present to you that we are doing forward with the comprehensive plan, and that will push back the schedule for the UDO. We also made a commitment to you at that time that we were going to bring back short-term wins that are a part of the UDO. One is the TOD; one is the Sign Ordinance, and one is the Tree Ordinance. We have made significant progress in all of those elements, so Laura will come and kind of walk you through first the Sign Ordinance, then the Tree Ordinance, then the TOD, then we will close with a schedule of when we expect this to be done, then on that schedule side you will see where we are with the Unified Development Ordinance, where we are with the comprehensive plan, how these two tie together, but again in your mind should be the fact that the comprehensive plan represents the vision , and until we have that in place, we cannot or should not have a full UDO; however, we can have certain things working while we are working on our Comprehensive plan.

New Sign Ordinance

Laura Harmon, Assistant Planning Director said I am looking forward to giving you guys an update on the progress that we have made and some things that you are going to see really soon on our UDO update. Just to remind you, when we are talking about the

Unified Development Ordinance, UDO, we are talking about bringing a number of regulations into one document where all of the pieces work together, fit together, we have common definitions, common procedures, and you can see the list of ordinances on the left hand side of the screen that we are looking at bringing together through the UDO. The quick wins, as Taiwo said, are the new sign ordinance, Tree Ordinance update, and this is only limited to urban sites, which will explain what that means in a little bit and the TOD alignment rezoning that will be coming forward in the next few months.

So, starting first with the Sign Ordinance, why are we doing this now? If you look at our sign regs, they are largely in change since the last time that we updated our zoning ordinance in 1992. They are part of the zoning ordinance. There was a recent supreme court ruling that impacts us as far as what we can and cannot regulate with the respect to content, so it has become necessary for us to update this, and we thought we could do this separate from bringing the rest of the zoning forward, and we thought that we also had an opportunity to test some new ideas with signage in advance of the UDO and opportunity to even update if we need to during the UDO.

Our approach with the new sign regs is consistency in the standards; right now, you might have very similar districts, comparable urban districts that may have different standards for signs. We are looking at more consistency across districts, make it easier to understand, a lot more graphics, and to also bring all the sign regs into one location in our zoning ordinance. Right now, you will find them largely in one chapter but then other pieces in certain districts where they have certain standards you will have to look through those districts, so we think we can make this a much clearer way to regulate signs. So, we are looking at size, material, location, lighting, quantity or signs, as we look at this update. One thing that we are doing getting into right now to a large extent is outdoor advertising or billboards. We are not looking at making major changes to that. That is something that I see continues to go on to the state legislature. I am going to wait a little bit more and see where things land so we can make sure that we are consistent with state law.

So, in the sign regs, some of the things that you will see are some new sign types, A-frame or sandwich board signs, roof signs, so A-frames being at the top right, roof signs being at the bottom, and sky line signs, like you might see you have seen in some optional requests particularly in uptown, for signs at the tops of buildings marking the building with one of their primary tenants; more flexibility and increased permissions; and some of the major changes are that we are looking at primarily monument style signs and limiting pole signs to the B-2, I-1, and I-1 districts and also increasing the size of wall signs. We think this really pairs well with the more pedestrian oriented environment that we are going to in much of our community, but we also want to respect some places are still going to be auto oriented, and the pole signs are still appropriate.

So, where are we on this? You can see that we have had a number of meetings; we have also been going through our Ordinance Advisory Committee, but with respect to the community, we had a meeting simply for signed contractors, because they are the most frequent users of the ordinance. Within a couple of days later, we had a larger community meeting. We filed a draft text amendment that we are adjusting right now in July we had another community meeting on August 14. We are teed up to go September 16, 2019 so a little less than two weeks to public hearing on this. This will go to the Planning Committee of the Planning Commission, because it is a major amendment to our zoning ordinance, then anticipating coming back on October 21 for a Council decision.

Councilmember Ajmera arrived at 5:12 p.m.

The second item that we are looking at is the Tree Ordinance text amendment for urban sites. I will explain again what that is in a minute. Why now? This is an area that we have really been challenged with, particularly staff and the request that we are making for trees and how well our current Tree Ordinance fits with urban sites. It was really written at a time when much of our development was much more spread out.

Councilmember Eiselt said just a clarification Laura, it said that the meetings were on both the Sign Ordinance and the Tree Ordinance but is the public hearing just on the Sign Ordinance or also the Tree Ordinance.

Ms. Harmon said we will have separate public hearings. They will both be the same evening.

Councilmember Egleston said it is a little specific, but I will give two quick antidotal examples. I was wondering if there is some way that we can codify in the sign stuff, and I like the direction that we are headed here. I think that some of the stuff that comes across to citizens as silly or government being a little overbearing often pops up when we are talking about signs, whether that is painting over an ice cream cone mural or whatever, but I like the direction that we are headed. I wonder if there is an opportunity to codify something in here that allows additional flexibility for, and I do not know exactly how we would quantify it, historic signs. So, examples would be how the JFG coffee sign that was a billboard at one time later got moved over to the roof of the Music Factory; I am not sure where it is now, but if it were to find a new home, I think that we might offer additional flexibility there or if we were to ever catch the jerk who stole the coffee-cup sign, there has been talk of the coffee cup reopening in a new location. If it was nonconforming that we might find some flexibility given its historic nature. Again, I do not know necessarily how we would draw the line and say if something is or is not historically significant, but I think there are examples where generally we probably all agree it is worth finding a way to make it work.

Councilmember Driggs arrived At 5:19 p.m.

Ms. Harmon said absolutely, and we do have provisions in here, and we have actually had some for historic and landmark signs that allow exactly that kind of flexibility. That is how originally the JFG sign was moved, under those provisions, so it gives a fair amount of flexibility, particularly the Planning Director, with some criteria for how we determine if they are historic or a landmark, then the ability to either keep them onsite or move them offsite. One thing I probably should have mentioned also, because you mentioned one of our favorite signs, the ice cream cone, is we are allowing wall signs without limitation, painted wall signs.

Mr. Egleston said I do not know. I saw it. I am glad.

Ms. Harmon said yeah, we are really looking at trying to add a lot more flexibility but still respecting the community's vision.

Mayor Lyles said when we have the public hearing and it goes to the Planning Committee, they will be making a recommendation, and we make a decision, what is the date of the effective changes? Do you see it two months or the next day?

Ms. Harmon said the way that it is written now it would be the next day.

Councilmember Mayfield said just for clarification, my Volkswagen Beetle on top of Pinkies isn't a sign, but I want to make sure that in the sign ordinance that those types of iconic pieces are protected under what was just mentioned.

Ms. Harmon said absolutely, we would protect those kind of things; the Eskimo with the ice cream cone, all those kind of things we are looking at protecting.

Ms. Mayfield said those are staples at Dairy Queen.

Councilmember Winston said I think the last time that we spoke about this in TAP, I had asked about looking into augmented reality and that. Have we done any research, or is there anything that we need to consider?

Ms. Harmon said we have. We looked at that, and we also looked at projecting signs where you can project onto the side of a building and have added that in here. As we

talked with Camiros, our consultant. They did indicate that the type of signs, what you are talking about, really wouldn't be a sign, so we wouldn't regulate it under signs. It would still be allowed. People would still be able to go on it, but because it is not generally visible to the public, it would not be considered a sign. So, we think that we are good on continuing to allow that to occur.

Tree Ordinance Amendment

Laura Harmon, Planning said we are looking at adjusting standards only for urban sites, and I will show you what those are in just a minute. We also saw this as an opportunity, as we know that we hear a lot about the Tree Ordinance, good and bad, to begin to test some new ideas for trees and advance to the new UDO and looking more broadly at the Tree Ordinance, and we worked with a stakeholder group to develop new concepts for urban sites, then also took this through our Urban Advisory Committee and to the two community meetings, so we had a pretty broad stakeholder group, had residents, had arborists, and half folks in the design community, folks from the business industry so a wide range of folks that helped with this concept.

So, when we are talking about the sites it would apply to, we are looking at it by zoning district, and you can see the list of zoning districts on the right, and on the map on the left, that is the area in green is what is already zoned one of these districts. When we add which we will be talking about in a minute, the TOD alignment rezoning, we are looking at less than four percent of our community, of our land area, including looking across our jurisdiction. So, it is a really small area that we are looking at testing some new ideas, which we think will give us different ways to plan trees in a way that really works in an urban environment as opposed to being somewhat hindered by standards that are really related to suburban environment. A key area where we will be applying this is along our transit lines, where we really are trying to get density, and we have some challenge with fighting for land for trees versus buildings, and we think that we have found a way to accommodate both.

Our approach is to increase flexibility in the Tree Ordinance for development on urban zoning districts, and when we say increase flexibility, we mean different ways of meeting the standards. Better integration of trees into urban sites. A lot of times now in urban sites, we are getting kind of left-over areas for trees. We are not getting them integrated into the site. The next bullet is really important. We are looking at no net loss of code required trees. If a site requires 25 trees under the current standards, it will require 25 trees under the new standards, so we are not looking at reducing the number of trees; we are looking at maintaining the same number of trees, just doing it differently. So, we looked at perimeter tree planting, which are your street trees, internal tree planting, which are plantings on the interior of the site, and our tree save standards. So, the new concepts are defining these urban zones, providing alternative approaches for street trees for constrained conditions. Right now, if there is a driveway and you have a site triangle and a tree is going to keep you from being able to safely pull out into the street, then that tree is not planted. The way that we are looking at this if you cannot meet your standards, you will buy into a fund and those trees will be planted nearby on another site that will work with the General Services Department doing that. Allow internal trees to be planted in alternative locations, again working on the standards of that so that we are not putting them in inferior locations but on rooftops and plazas and areas where we have not allowed trees to be planted before so that they really become a part of the site, not an afterthought on the site. Finally, and maybe the picture on the right best describes this, is allow new amenities tree areas as an alternative to the traditional tree save. So, right now, tree save is either you save a part of your site for trees or you replant trees in an area that is really put away and not really able to be touched by anyone. They will put benches out there, put pathways out there. It is kind of over there. We think that trees should be a part of the site and something that everyone enjoys as part of the site, so we are looking at an alternative to that. Again, with tree save we are typically on urban sites. There is a provision that you do not have to save the trees on the site, so they are typically being removed. You have to at 150% in most districts, most areas come back and plant at a greater amount, and we think that we can do it in areas that become part of an open space for a site, that become part of the site, not at the edge of the site, so we are really

excited about that concept, because we think it is really a new way of looking at incorporating trees into our community.

Dates, again this is coming- We had joint meetings with signs and trees on July 11 and August 14. WE also filed the draft text amendment on the 22nd, public hearing in almost two weeks. This would go to Zoning Committee because it is not a major a text amendment, so that is how our interlocal agreement is set up, then a Council decision is scheduled currently on the 21st of October.

Councilmember Mayfield said help me understand how we are saying that for urban zoning- I need to understand how we broke up the percentage, because if we breakup the percentage by district, not overall area, that looks like a heavy concentration in uptown, where we already have very few trees as it is, even though we have some park space uptown, if you are walking around uptown today or within the last two weeks with the way that the weather has been, it is brutal, so help me understand how we came to this decision and who no one considered this as concentration of tree removal.

Ms. Harmon said first I would say a little bit about uptown and particularly the UMUD zoning, and I will get to your answer. We have more relaxed provisions in the current ordinance today, that as we look broadly at the tree ordinance through the UDO, we will go back and relook at, we were looking at just making some tweaks right now. So, yes, that is a concentration, but that is a situation that exists now, not one that is being created by this text amendment and something that we need to go back and we think as we are looking at new ways for people to incorporate trees on their sites, we may have more willingness to add back some requirements that we do not have in the current ordinance. So, again, UMUD right now in particular and some other areas typically buying out of tree save, UMUD not requiring tree save at all. Under our current regulations, what we are doing is allowing people to maybe consider putting some of those trees on their site that they are not putting on now or that they are buying out of in transit station areas.

Ms. Mayfield said so, before we move from this slide, I am going to just mentally jump to the end. These conversations should be broken up in the community, not the tree conversation at the same time as the other conversation, because we have all received several emails regarding the tree ordinance as itself. I support the idea of actually identifying specific language, not look at how to make it more relaxed, when we clearly have an environmental impact regarding the trees, and we had a goal of 50%. We have allowed clear cutting. We have allowed a number of things. What I was hoping, since unfortunately we did not receive this presentation until right before this meeting started so we had time to review this over the weekend. I did not. I do not know if my colleagues did. I was hoping to hear some much stronger language regarding what our expectation is, not another way to make it easier for trees not to be incorporated.

Taiwo Jaiyeoba, Assistant City Manager said I will say that is the same presentation that we made to Transportation and Planning several weeks ago, but one of the things that we want to continue to clarify is the fact that we are allowing flexibility does not mean that we are compromising on the percentage of our tree canopy goal. It is really more of what else can be done to establish a green Charlotte. That is not just about a tree canopy, but where else can you actually meet those goals, and where else can you also make sure that some of the goals in our strategic action plan related to reducing emissions, we can still accommodate those, whether they be on rooftops or on play grounds or they be on raised plazas, I think that is really what we mean by flexibility, not necessarily compromising the percentage of tree canopy that we are talking about today.

Ms. Mayfield said here is the request that I have, because I have a couple of more, and my colleagues also have questions. So, a request that would be helpful- I do not know if it would be helpful for my colleagues, but it would be helpful for me to have an additional map that shows currently under the title of urban zoning what it currently looks like as far as the Tree Ordinance versus what it could look like, because there is a possibility if I am hearing you correctly in this picture that looks like concentration that is a combination of what we currently have and potential. I think it may be helpful to break it up, to see what currently are the tree save we have in the area versus how we are attempting to identify

urban zoning, because visually just looking at it, that is concerning that you have this concentration in the area that honestly is producing a good bit of pollution and/or concern, because a number of vehicles, buildings, restaurants, and everything else to say that there is an opportunity to relax tree save, and it may not be that, but visually that is the first thing that jumps out, so it may be helpful for me to have two maps, the current and potential. So, that is the request. When we look at the text ordinance, when we go to the next slide and we are saying promote better integration of trees into urban sites, again and it was very well in detail at the committee. I have not been to the Committee meeting, so I am not even going to claim that. I am just saying looking at it right here and having this presentation when the dates have already been set of when it is coming back for us, we have received quite a few emails from individuals regarding our language around tree save and the opportunity to buy into another way. So, okay, write us this check and you can avoid this. A little strength around that language old help, because when we say no net loss of cold required trees, that is a bare minimum. What I am hoping and what I would like to here is that we are doing above a bare minimum, because it was difficult to explain to community that we are saying that we are going to have no net loss, but when you break it down specifically by district, the areas very well may be seeing loss, but if you are looking at the entirety, then you get to say no net loss, but if you actually look at each district and the break down, there very well could be loss, so I want to make sure we are having very transparent language when we make a statement such as this that there is no net loss.

Ms. Harmon said if I could clarify, we are looking site by site, district by district no net loss, but I think you bring up some good points on how we can make that clearer, what is required today, and what would be required tomorrow, but this is not an average of no net loss, this is no net loss on any individual site. So, any site that requires 25 today will require 25 tomorrow or after this if this is approved, but we do have some districts that have lesser requirements than others, and I think that is where we can- That is currently. UMUD currently has much less and our current Tree Ordinance, which has been in place for a number of years.

Ms. Mayfield said I agree that we need to strengthen the language. It would just be helpful for more clarity on how the language is being strengthened versus how is it being more relaxed. So, an example for me would be looking at the breakdown of districts, what is their current tree canopy percentage wise versus again if we are going to say no net loss, we know that certain areas have more canopy than other areas. I wanted to try to ensure that what we communicate to the community is a fair comparison, because if the area already has a low tree canopy, there is not a comparison to uptown and Providence area where you have these amazing, mature trees. It is not a comparison in parts of southwest Charlotte where you have mature trees and others where you do not, so for the comparison to be one that is reflective of what we are attempting to do and so we can be held accountable, it would be helpful to know what that breakdown is.

Mayor Lyles said so on the MUD, Mixed Use Development District, it is mostly in our center city, and what you are saying is that the tree requirements are not as strong as perhaps in the other urban zones that are listed here. Did I understand that correctly?

Ms. Harmon said I think that is a fair assessment, and I will look to [inaudible] who has also been working on this very closely we have been working together. You have an opportunity to buy out in certain areas of your tree save requirements currently, so that does end up with fewer trees on site if people choose to buy out.

Mayor Lyles said I just wanted to make sure that we were all clear on that, because I do think that there is a statement about how do we feel about trees, and this is a process, and I want to ask the second part. I think Ms. Mayfield asked, and I want to make sure what staff is suggesting is that when we do the UDO that there could be additional changes that would increase the tree planning versus what we were doing tonight. Is that right? I that what you are suggesting?

Ms. Harmon said that is definitely a possibility. We have really been looking at a very narrow piece of this. We want to look more broadly, and one of the things that we want to

do is test some of the new ideas that would make it more palatable to put more tree requirements on certain urban sites.

Mayor Lyles said so this is like innovate, test, come back in the UDO? Is that the way to put it?

Ms. Mayfield said then after this give us an update.

Mayor Lyles said that is why I wanted to ask the question, because Ms. Mayfield felt like it was saying, okay, we are going to implement this and this is what we get. So, I am asking, are you doing innovation tests and willingness to change in the UDO? I think that would help a lot.

Mr. Jaiyeoba said so, this is again like we said a quick win to achieve some things in the short term, but as part of our UDO, we are still going to get to see a Tree Ordinance in full. As we have been going through the comprehensive plan process and hearing communities, it is amazing some of the things that we are hearing. We are not just hearing [inaudible] 50% of tree canopy. We are hearing things about where else can we achieve sustainability goals for the City, and for us, that is really what is driving it, making the City sustainable and green is not just about trees, but what are the other things that we can implement with buildings, with the play spaces, with plazas that can really achieve that green vision for the City. We are hearing that a lot as part of the comprehensive plan, so it is important that when we transition from this short-term entity for the full UDO, the full UDO will be able to cut some of those things that we are hearing as the comprehensive plan right now, but we do not also want to lose ground right now, so the same way that we brought the TOD ordinance to you because so many things were poking up around transit stations, we want to also bring the tree ordinance to you today so we do not lose ground.

Mayor Lyles said I understand that. You have to remember Ms. Mayfield heard you are going to implement, and I thought I heard you say you were going to innovate. They are two different words and very distinct differences, so I am asking you what the commitment is, innovation or implement.

Ms. Harmon said in this case, we would be innovating some new ideas, implementing them, testing them to see how they work, then when we have the ability to come back and relook. If we are bringing it back with a decision, then we are in trouble I think with innovation. Implementing and innovation project and letting us know that it is helping us or not helping us is what is required, so I want to make sure that we are not saying, well we are going to try innovation; we are going to implement it, and that is as far as it goes. That is what I think we are trying to figure out here, and that is a commitment that I think all of us see in this idea of how do we deal with the Tree Ordinance as a hole, so thank about that, and let's make sure that if this goes back to committee, I am glad that Ms. Mayfield owns she wasn't there, but maybe if it gets back there, there will be a chance to come back.

Councilmember Ajmera said earlier, you mentioned that it is a small area. What percentage of the existing canopy does it exist of?

Ms. Harmon said for the entirety of the community?

Ms. Ajmera said yes.

Ms. Harmon said I think that we are at 46/47.

Ms. Ajmera said but what does this area cover?

Ms. Harmon said we would have to go back and look at that, and we would be glad to do that, but it is going to be lower, because as you look at much of this, these are areas, especially as you look at the transit line where you have old shopping centers that didn't

have tree requirements, so it is a lot of commercial, concrete area in these areas in advance of the zonings not caused by anything the tree ordinance has done.

Ms. Ajmera said I would be interested in seeing what the current tree canopy is, and once we do the innovation and test, I would like to see what did it change. Did it move the needle in the right direction or did it not? The other question that I have is I attended the tree ordinance meeting on July 11, 2019, and there were certain concerns that were raised by those who had attended this meeting and had sent me an email. This email came from Ms. Sarah Hart, and she asked me a question saying that by adding the green space, which includes pathways and sitting, less trees, does that mean less trees? What happens to the trees that are in the pathways?

Ms. Harmon said no ma'am. We do not see that as being less trees. You would work the pathways around the trees. You would work putting benches in and so forth around the trees. You would not be cutting down trees to put in pathways, so there might be mulch pathways; they are not going to be concrete.

Ms. Ajmera said will that be part of the language?

Ms. Harmon said yes, and it is. We talk about it being in a matter that does not impact the trees.

Ms. Ajmera said I know that you had mentioned that there is no net loss in terms of quantity. How about the quality? Are we looking at 10 versus 10 trees, but in terms of the canopies that still remains the same?

Ms. Harmon said I think that we think that it will. You are getting the right trees in the right place. You are not saving old scraggly trees that really are not adding to the canopy, so with the standards that will come with this that will go into Charlotte's land development standard's manual, they will be designed so that the trees can flourish. Urban sites are challenging already for trees. They will continue; we are balancing things, so we are balancing a lot of different objectives, but we will work to get the best standards and the best tree planting approach that we can in those areas. We are not always getting great trees now with our current standards.

Ms. Ajmera said I understand. Any changes in allowing developers to make payment in lieu. Are we making any changes to that, or is that still the same?

Ms. Harmon said the only thing that we are adding is that if we have trees along the perimeter, your street trees that cannot be planted, and they cannot be planted now, can be planted in the future. Right now, we say that you are off the hook; you do not have to do anything. In the future, for every tree that could not be planted, we would be getting a payment for that tree, and General Services would be planting that in another location. So, we are actually getting in that case a net gain of trees from what we are getting now.

Ms. Ajmera said so, when you said in the future, after this is implemented?

Ms. Harmon said if this were approved, right now say, you can't fit a tree in because you cannot see around it coming out of a driveway, you do not require that tree. In the future, we will say we are not going to have you plant that tree, but we are going to ask you to put money into a fund that would go towards other tree planting in the near future.

Ms. Ajmera said in terms of the strengthening our tree ordinance, I know that there is several suggestions that we received, and I know Taiwo I had sent you an email from some of the residents who had sent us an email with some of the suggestions. In terms of strengthening our tree ordinance to meet our goals. From those suggestions, any changes that you think we should consider in this apposed test amendment?

Mr. Jaiyeoba said I saw those emails; I think we responded with all of them. A matter of fact, I think we responded to all of them. As a matter of fact, I think that we met with of them earlier today as well. The goal, the key to the response is pretty much that the tree

ordinance will not only strengthen what we have today, but it also provides opportunity for us to explore other means by which we can achieve a sustainable sustainability objective in the City. So, there was a person who actually had specific questions [inaudible] urban forestry, so I was able to address all of those to their satisfaction today. We try as much as possible to meet with all of the individuals who actually sent the emails today as well, but the response to them pretty much said that this ordinance will strengthen what we have today, but it will also provide opportunities to achieve beyond our goals for other areas.

Mayor Lyles said I think what I'm hearing here is that there is discussion of the tree ordinance over all, then there is the text amendment, ideas of what kind of trees, whether the trees are maintained appropriately; that is a universal question that would be coming to the Council later. So, if we could focus now on this urban zone, we might be able to get through the rest of the agenda.

Mr. Jaiyeoba said I think that a lot of the comments that we received actually dealt with issues as well.

Mayor Lyles said I think that most of us understand; we have heard Ms. Mayfield and Ms. Ajmera, the kind of trees, overall goal. All of those things are for I think the overall ordinance. We will continue and look at those questions.

Councilmember Egleston said the alternative locations, I had asked before, and I like that we are looking at being innovative with rooftops and things. So, two questions on that, one, there are some buildings in uptown that have in the lobbies and atriums or whatever, have live trees. Has there been a decision on whether or not those will be allowed to count or not or would have to be outdoors?

Ms. Harmon said it would have to be outdoors.

Mr. Egleston said that was my assumption, but I just wanted to clarify. With the rooftops, rooftop trees or would we potentially look to include other types of green, living-roof treatments?

Ms. Harmon said with this proposal, at this point in time, we are looking at trees on rooftops so that we can maintain the number of trees.

Councilmember Eiselt said I see the urban zoning as a way to increase trees in places that we would not have them, so I appreciate the innovation component of it. The question that I have is with regards to the canopy in places that trees are coming out, are we at all measuring the size of the canopy with what that determines needs to be replaced or just for one tree?

Ms. Harmon said I will have Pete correct me, depending on where you are, it is either one for one. Sometimes you can buy out, so the trees are going else where in the community, and sometimes it is one and a half trees for everyone that is removed.

Ms. Eiselt said so, you do take a look at what is coming down from the one tree.

Ms. Harmon said if there are trees to be saved. We get some of these sites, maybe an old shopping center that is going to an urban district, and there were no trees on the site.

Ms. Eiselt said with regards to the Tree Ordinance and the Sign Ordinance and the UDO, if people can go back and watch the former committee meetings and what is coming up, it would be really important, because this kind of work we are going to get really into the weeds, no pun intended, as we approach this work on the Comprehensive Vision Plan, it is going to be so important that Councilmembers are informed. We love it when people come to the committee meetings. Some committees get everybody, and some don't. So, if you cannot come, please watch it on Facebook to see the discussion, because it informs us a lot better by the time that we get to this point, and it is going to be really important with what you are going to be talking about with the TOD overlay.

Councilmember Winston said the two questions that I have are going to have to be later on. They have to do with the questions that I asked about are we going to incentivize any native species of trees, and are we looking to include other types of greening for coverage like bird gardens and stuff like that?

Councilmember Bokhari said is there anything in this that is addressing some of the contradictions that exist between tree and sidewalk ordinances and how we handle that today?

Ms. Harmon said explicitly no and I think that it would help us to hear a little bit more, and maybe offline, about what you are thinking, because they do have flexibility, the folks that work on trees to allow trees or sidewalks to go around trees and to not remove trees, and I think that as we talk through this we showed an example, because we have worked with a number of groups a number of times, where they do have the flexibility to do that. I think that maybe sometimes it is just the process to get people more quickly to Pete and his staff who can address that.

Mr. Bokhari said we will meet offline on this one, but the punch line is I have heard over the last two years several different instances where the way we have constructed both of those ordinances, they contradict each other, and I believe that if I recall correctly, the way that we have kind of tried to solve or band aid it was we have a person inside staff somewhere that adjudicates these when they come up, and I think one of the big things that we could be doing right now with a topic like this is sitting down and saying look, we care deeply about both of these things, but to make a defined approach of here is how we prioritize these things when they come up so that the private sector understands so that someone is not making ad hoc decisions based on a case by case basis that maybe do not reflect the will of the Council in that way, so I would be glad to talk with someone offline.

Councilmember Driggs said I think that there is some relevance to the general Tree Ordinance and this in the sense that we started adopting these rules then the next thing that you know that when we go wider those are some how presumed to carry over, so I am watching this pretty carefully in terms of just the precedent. I have had emails as well, and I need to get smarted about the whole subject frankly. Just on a superficial level and having been to the meeting where we saw more detail, a lot of people are asking questions that I do not feel I am in a position to answer yet, so I see a 40 acre site in my district get clear cut, and they are mature trees, and people say okay, what are we doing to replace those? Where are the replacement trees going to be? Will they be trees of the same quality as that? One particular instance I mentioned was actually Mr. Bokhari's district, which was a six-foot diameter, 100-year old tree with a 100-foot canopy. Now, if that would have been cut down, what would have been the requirement to replace it under the tree ordinance? So, I just want to make sure that we recognize a lot of the specific points that are being made to us from the public and reach clarity about how this works.

When I saw for example some of the area renderings and the color charts and stuff, it looked like there was the possibility of an effective delusion of the quality of our tree canopy while nominally maintaining the same percentage number, and I just do not think that we are there yet I guess is all I can say. I will spend some time to get smarter about it myself, but I really encourage you to look at the suggestions like the developers could be required to work around a percentage of mature trees in areas that they are developing and not clear cut. It has happened to one site in my district. They clear cut a five-acre stand of trees, then as promised, they planted trees around the building that they put there, and that stand of trees started to look pretty sickly pretty soon, then the question was okay, what continuing obligation do they have to maintain those trees, and what actions can citizens take if they do not keep their end of the bargain?

So, we will talk some more about it, but I'd just like us on a very intuitive level to have answers to simple questions about we take all of these trees out and what happens instead?

Councilmember Phipps said I have a car dealership along the Blue Line that complained to me about the need to plant some trees in his inventory parking lot. Are you saying that if we approve this, this person would have the flexibility not to plant a tree, that would limit his parking, that he could have this tree planted somewhere else in the community? Would he have that kind of flexibility?

Pete Grisewood, Planning said it would really depend on the exact situation, probably not. With these changes that we are looking at, it provides flexibility with how you implement and how you put the trees in, but it would not necessarily allow someone to not plant. Does that make sense?

Mr. Phipps said well, I do not know if it really makes sense. If the situation were such that to plant that tree would limit the operation of his business, why wouldn't he be able to have some flexibility in planting that tree somewhere else, even if it is on his property. So, I thought the kind of flexibility that you were talking about would allow for certain things like that, but I guess it is on a case-by-case basis, huh?

Mr. Grisewood said specifically what you are talking about sounds more like a case-by-case basis, and we can certainly take a look at that if you have something in mind.

Mayor Lyles said I think you guys have some work to do. In going to the schedule for the tree-save requirement, I just wonder if this is something that is ready. I just want to make sure we get back in the time frame of a month and before the zoning committee meeting the responses to the request that Council has made. We want to do it right. That is what we want to do.

Transit Oriented Development Alignment Rezoning

Laura Harmon, Planning said we have the districts; people have been using them. You have been seeing rezoning into the new districts. What we are looking at now is aligning zoning across the board along the Blue Line to where we have transit-oriented development in an adopted area plan that was adopted by Council to then bring this TOD zoning to those properties, so we are looking at the length of the Blue Line both in the south and the northeast to align our policy and regulations. So, we see this as implementing the community vision. Lots of work has been spent in the past on developing these plans and creating a vision for what should be happening along the Blue Line in particular, and we will be looking, at some point in the future, at some point in the future at other lines, but the lines in place, so how do we get the type of development that is going to reinforce the Blue Line, complement the Blue Line in the station areas? So, that vision was developed with the community. It includes many properties within a half mile, though it does not include all of them, because we did cut out neighborhoods for example, established neighborhoods along the line.

So, what could this mean for these corridors if we are really looking for development as we can see here that is a greater density particularly near the stations, a mix of uses, better urban design that the new districts really have some much improved design standards, streetscapes improved, more open space than what our older TOD had, housing choices, affordability incentives, easier to reuse buildings as we have gone to these urban districts and reduced parking, or in this case, eliminated parking standards by and large and creation of neighborhood identity.

So, this is really reflecting the vision that you all have put in place over the years along the Blue Line, and the zoning is going to help implement that. We are looking at a bit over 2,000 parcels of individual parcels. As we adjust this, we are about 1,900 acres, a little bit less at this point, and you can see going to a range of the four districts. As we looked at this and tried to determine where to place the different zoning districts, we did identify moderate intensity, station areas, areas where right now that is the market demand, and we have more flexible districts. [inaudible] the TOD-CC and the TOD-TR transitional that we would be using in those areas, and in the areas that really have a strong market for TOD we would be using the urban center and neighborhood center. Again, this was done

through a market analysis by Noel and Associates that we have used, and it is also sinking with the context that we are using in the comprehensive plan.

One of the questions that we get a lot is how will the new TOD districts affect existing buildings? I have a business. I have a building. Am I going to have to move? What can I do? So, anything that is currently out there will be considered legally non-conforming. It is grandfathered. They can continue to operate in perpetuity as they are now without having to make any changes after the new zoning is approved. So, we would not be pushing businesses out, but we would be allowing them to remain, and we actually have some provisions for expansion of businesses, existing businesses that are frankly more leniently than we have in most of the zoning ordinance.

Normal repair and maintenance is not impacted by this ordinance. Renovations and again some allowances for additions. As we are working through this, we are also talking to different users about the impacts, and we will have more time to go into details on somethings that we have taken out because of potential impacts. So, where we are is we had a property owner open house. We will actually have four of them in May and June. We have moderate attendance at those. We notified all of the property owners that those. We also had a larger open house in July for all interested parties. We filed the rezoning application. We have an open house next Tuesday; We would be glad to send you guys information on that. It is going to be during the day and into the evening. We tried to make this as successful as possible. We know that Tuesday will probably be a busy day for most. We want you to be aware that this is going on, and we have sent to all property owners our courtesy notice that goes out for all rezonings to really try to get folks to understand and based on the phone calls that we are starting to get, we think that people are starting to even better understand what we are doing. We would be glad to sit down with any individual property owners that may contact you all and talk through what this means for them. So, we would be looking at going to public hearing at our zoning meeting starting early at the public hearing meeting on October 21, 2019, going to the Zoning Committee of the Planning Commission on November 5, 2019, and coming back to you guys on November 18, 2019 for a decision.

Councilmember Phipps said what time is that open house on September 10, 2019?

Adam Goodwin, Planning said there are two sessions, one from 11:00 a.m. to 1:00 p.m. and another from 4:00 p.m. to 7:00 p.m.

Councilmember Mayfield said so, statement and questions, statement: the original Blue Line that started along South Boulevard and has now created South End that goes all the way down to Westinghouse, our language has created clear displacement of long-term renters. So, I understand that there is a lot of outreach for the homeowners, but was the outreach to the communities that is going to be impacted? Because what we are seeing overwhelmingly is very heavy solicitation, specifically of seniors and elders in the community regarding the homes that they may own and or have been long-term renters in and major displacement. I will say that I have a challenge with the photos that we have on here to show we have done outreach. These are cute photos of the new Charlotte, but it doesn't reflect the impact of today's Charlotte, as we are going out into what is now NoDa that was North Davidson, in which was overwhelmingly a working-class, lower-income, mainly minority community that has already been displaced just with the talks of light rail. I was just out yesterday afternoon. Unfortunately, it is now a game of trying to play eye spy to find anyone who once lived in the community because of the amount of displacement that is happening. What I didn't hear in this presentation is how are we outreaching to the community that is going to be impacted, not just the land owners.

Ms. Harmon said that is a really good question; we have been notifying neighborhood leaders, anyone who we have on the neighborhood leaders list, about this with this courtesy notice we are notifying anyone within 300 feet, which is our standard for rezoning. That does not sound like a lot, but we have sent notices to close to 8,000 property owners.

Ms. Mayfield said two separate conversations: property owners – those impacted.

Ms. Harmon said that includes both. We are getting, as you look at that, away from the station areas 300 feet, so well s neighborhood leaders were being contacted by neighborhood leaders. We were talking through issues with them, and we would be glad if there are any you would like to send our way of folks that you know.

Ms. Mayfield said what would be helpful, because this is a challenge, because we are receiving this information of, again this is what we have done, oppose to and maybe my colleagues on Council received the notification ahead of time for them to contact the neighborhood leaders that they know to say hey, this meeting is coming up. We have a number of community groups that are doing amazing work, but they are not around these tables. The challenge is staff presents information. Staff then goes and implements whatever it is. Staff then implements community conversations then comes back to Council months later to say here is the timeline of what we have done, and we are going to be looking to you for a decision in the next two to three weeks. The fact that no one thought it may be of importance not to have this meeting on September 10, 2019 of all days, when there are so many other days in a 265-day year. The fact that did not register on anyone's radar, the fact that we are having this conversation saying that we have had these open houses, but we have not taken into consideration the negative impact of the current light rail and what it has done, and I do not hear how we are going to do this differently to protect community that we did not protect over here, because I feel like we were the testing ground, and now we are to try to get it right, but we are still not addressing those who will be directly impacted negatively, because they may not be that land owner or because of the potential new cost of living around this transportation system that people sometimes use, because most of them have a vehicle. We are not addressing that. So, help me understand in here where I missed the sentence where we addressed this.

Taiwo Jaiyeoba, Assistant City Manager said I will just reiterate what Laura said. We spent three or four meetings just to specifically with those [inaudible] properties right next to the stations that are going to be impacted by the changes, then the broader outlet was to the community, including people who are not directly impacted, 10,000 I believe, and just like any rezoning process, you have to [inaudible]. There are going to be some days before the hearing and all of that. That is what we are doing, hence the reason for it is September 10, 2019 and the [inaudible] is available to actually be used for this pop-up. So, that is the reason for it. We actually discussed rigorously whether that today we should be having it, but when you look at the hearing schedule and you also look at places that are available, that was really the only option just to make sure that we get to do this before an October 21 hearing. I think I believe that I sent emails out. I usually will send emails out to Mayor, Council, and also Commissioners whenever we have these things going on [inaudible] and really request if you are able to attend but at least just so you know so that you can share that with your network. I think that we also sent out fliers like we said to not only the community leaders but also our Ordinance Advisory Commission, who also have the [inaudible] with again the very mind that this Ordinance Advisory Commission is not just professionals but neighborhood leaders, community activists, advocacy groups, so we gave them this information as well to share with the next work. So, in many ways, we have been able to address who should be in front of this then the [inaudible] becomes the opportunity for them to be able to come forward to Council if not before, to really express the opinions with regards to this. Everything that we have done here is what, which you have asked today, is what someone who is planning to come to you with the rezoning hearing will do as well, whether that be dates or opportunities to [inaudible]. I think also we have gone really beyond and above in terms of what we are required to do to make sure that people are aware of the upcoming meetings so that they can attend if they have the ability to.

Ms. Mayfield said Mr. Manager, what would be helpful is from your office down, an understanding of looking at what is the current socioeconomic, as well as ethnic makeup, of the areas that we are going into, in order to overlay that with who is in attendance, because there is a disconnect regarding who shows up at these meetings, who is aware of these meetings, and who is actually going to be impacted by these decisions in these meetings.

Marcus Jones, City Manager said I do not know if we have taken down those demographics.

Ms. Mayfield said I am quite sure that we haven't, which is why I am asking you, as the Manager, because everything comes from the top. If we are really attempting to make a positive impact and not just continue to trigger displacement, then at some point, the minimum and required, again the minimum that we do is not enough. If we really care about aging in place and creating truly diverse communities, then someone and what I am hoping is that it will come from the top, is recognize that you need to do maybe one to three more additional steps instead of I will do what is required. Those additional steps is looking at who is looking at who is in the community today to insure that we have done our part to outreach to them before they are no longer there.

Mr. Jones said I totally agree. We have to make sure that we are intentional about who gets the information and who attends.

Councilmember Driggs said I just want to be clear. I understand that you have 2,290 parcels that are in our TD districts, and effectively, we are now transitioning the zoning designation for each of those parcels to one of the TD zoning designations?

Ms. Harmon said that is correct.

Mr. Driggs said and we are doing that in such a way that nobody has to do anything immediately, because everything that is there right now is grandfathered, so the goal is that as change occurs, we migrate towards the intent of the TD. Is that a fair description?

Ms. Harmon said that is correct.

Mr. Driggs said are any new requirements being introduced as a result of this or is this really just an operation of how we get from what is there now to what we intend to have there under the new ordinance?

Ms. Harmon said as you say the new requirements, the existing property owners?

Mr. Driggs said any kind of changes to what we have already discussed and approved as to what can happen at those locations, so nothing is required immediately, and what you have to do later is simply that, which we already approved.

Ms. Harmon said that is correct.

Mr. Driggs said this just has the affect of putting that new zoning on that property so that any buyer or anybody who poses to do anything there knows they have to play by the new rules if they remove what is there right now.

Ms. Harmon said that is correct.

Mr. Driggs said alright, I just wanted to be fair.

Councilmember Harlow said kind of along the same lines when you talk about legally non-conforming of these grandfathered in properties, everything that is there is all good, but at what point, what specifically if you can give some examples would a property owner be needing to do to have to be in alignment with the new requirements of TOD?

Ms. Harmon said if they continue the business or whatever and continue to operate as it is, they wouldn't have to do anything. So, the point at which they would have to do something is a major expansion. The expansion would have to comply with the new regulations. If they wanted to change uses, you could not do anything more intense than what is allowed, but there are other uses that you could have out there, but the big thing that really tends to trigger this is when someone who is going to tear down what is there and rebuild or maybe not sell. Maybe they do it themselves but at the point of tearing

down the site, tearing it down and developing again is where you really full have to comply with the regulations.

Mr. Harlow said you have the Taco Bell in the image there, so like the same owner wanted to make it just a straight up bar instead of sell tacos and franchise Taco Bell anymore, it is still a business establishment, more of an entertainment establishment at that point. At what measurement of development do we say, hey here is now something really different?

Ms. Harmon said so, for the uses that are there, you could do any of the uses that are allowed. I think what you had talked about would actually be allowed in the new TOD and probably with more flexible standards than they have now in existing. Where you might see a difference is say an industrial use. Maybe they are a light industrial and they are doing warehouse and distribution. You wouldn't be able to go to a heavier industrial use but something with a lesser impact is moving you towards the TOD type uses that you would be allowed to have. So, there is flexibility. You just cannot move effectible farther away from the uses in TOD.

Councilmember Egleston said I just wanted to look at the map. We will all be long dead before anything happens here, but at some point 100 years from now if they want to do something creative there, it seems that could be [inaudible].

Ms. Harmon said our basis for selecting parcels to be included was if Council had adopted a plan for transit-oriented development on those parcels, so that would have been outside of that area. Certainly, at the comprehensive plan, looking at the areas, that is a possibility to go back and look at that and adjust any of them.

Councilmember Winston said once we get through this realignment, is there anything that triggers further realignments? i know that there is a lot of discussion and working being done around the Blue Line Extension to Ballantyne perhaps and the Silver Line of course. What would be the process for those TOD rezonings once those pathways are set in stone?

Ms. Harmon said I think that once we have Council adopted updated plans for those areas that reflect the current station areas, we would be looking at probably doing the same thing along this alignment, so that is probably going to come out of the comprehensive plan where we might actually be looking even somewhat more broadly at aligning zoning with our new comprehensive plan policy.

Mr. Jaiyeoba said [inaudible] to that is the Silver Line, the Gold Line, or any other corridor where we may have some type of bus-rapid transit or whatever we call it in the future, once it is in an adopted plan then we would be doing the same thing. I would like to quickly say that this is really on a micro scale what the overall unified development ordinance would do to out city in terms of the number of parcels and the acreage we would have to align once the council adopts it. The reason why it is the Blue Line sign now is because that is where we currently have Council adopted policies.

Councilmember Newton said the pictures here, the conceptualized pictures that we have, really cool concepts to operate on our TOD corridors. I am just wondering. I know that we invested a lot into the crazy Charlotte trail. We were told that is a transit corridor. I think that we are looking at, at least from a pedestrian oriented transit and bike-oriented transit that his kind of our goal there. What would prevent us from considering those for potential TOD districts in the future?

Mr. Jaiyeoba said I think that the T in that TOD would be more transportation than transit. That is how we will look at it, because it is a transformation means, not necessarily public transit. If the Atlanta Belt Line was an example, what if [inaudible] was to package three things in one: the transit corridor, trail corridor and then parks and open spaces. The differentiation is always between trails and transit, because they are requirements and the funding requirements for both of those are totally different. So, I would not want to mix them together. I will say that those are more transportation or mobility corridor than just

public transit, but I understand there should be some type of development. Trails-oriented development [inaudible] some of those corridors.

Mr. Newton said it sounds like a bit of an overlay here. I am hoping maybe this is some space for conversation pertaining to that in the future. Maybe it is something [inaudible] upon Council's take on it that could be warranted upon conversation.

Mayor Lyles said I think that the overlay of race and ethnicity, a lot of that could come from our neighborhood quality of life surveys that we do and mapping. I do think that we need to also see- I do not know if this is possible but property owner verses tenant or residents. I do not know if there is a way to do that, If the wonder is the same person. That may be a lot to do, but even if it is a lot, could we sample a certain number of people just to kind or get and estimate of what we do, if we could just do quick phone survey or something like that. The other thing that I would want to say, all of the pictures and everything, I really hope that we are remembering the idea and the concept of eight to 80, that these sights really should be accessible, and I loved all of the concept pictures, but I did not see one with a lot of benches, and you know that people may need to sit before they can walk a mile or a half mile even, and again, knowing that our population block is going to be, I won't say elderly but aging, and our millennial block and there are the people who are coming along, like Cheyenne and Brooklyn and all of them, so we have to figure this out. I think that we just really, I do not know how to make it a principle or a tenant of this, but for me, every time that we are doing this, I am thinking eight to 80, and we have seen so many great cities that have been able to do this well. I just cannot imagine what we are in a position to accomplish that same task with the kind of commitment that we have for this effort.

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ITEM NO. 2: IN REM REMEDY UPDATE

Sabrina Joy-Hogg, Deputy City Manager said this is Jane Taillon; she recently became our Code Enforcement Manager back in June and she will be giving the In-Rem Remedy presentation.

Jane Taillon, Code Enforcement Division Manager said I'm here to talk to you tonight about the In-Rem Remedy process. We are going to do a brief overview of our housing code process, options available to the owners and to the City. We will also review the In-Rem Remedy process and talk about legal considerations and will end the presentation with any questions that you have. Throughout the presentation you are going to see photos with captions under them; these are mostly In Rems that have been previously approved by Council and we will have one you will that was deferred from our June meeting.

At the June 10th Action Review Meeting, Council requested more information on the In-Rem Remedy process; the City uses In Rem Remedy to alleviate substandard housing to improve neighborhood safety, to remove blight and to correct housing code issues when the property owner has failed to bring a property into compliance. Before the City can take any In Rem action, we must follow the procedure set forth by state law in our local ordinance. It is important to note that by the time an In Rem comes to Council staff has been working on it for several months, so this means that the community where the property is located has been impacted by the blight much longer than we have been working on it. When we talk about our Housing Code process the Housing Code applies to single family and multi-family dwellings, applies to abandoned structures, lodging establishments that have not been permitted by Mecklenburg County and rooming houses. A housing case is initiated through a tenant complaint, a petition signed by five members of the community, a field observation or a public agency referral.

The Housing Code process starts with the receipt of a complaint, a petition or a public agency referral; the City conducts an inspection and identifies any code violations of the property. We send out a notification to the property owner called a Complaint Notice of Hearing. We conduct the hearing approximately 30-days after that notice is sent, and it's the property owner's opportunity to respond to the complaint, to provide any information

they have in regards to the repairs that may have already been made to the property and to understand the process. That is the biggest thing we want to do at the hearing is to be able to explain the process to the property owner, so they can understand how to move forward. Once the hearing is conducted we prepare what is called a Finding of Fact and Order to Either Repair or Demolish. That order is determined by the percentage of the repairs to the structure. For example, if the cost estimate says that 60% of the structure value is the cost estimate then we issue a repair order. If it is 65% or more it would be a demolition order. Once we have that Finding of Fact and Order the property owners gets about 30-days to bring the property into compliance and when the Finding of Fact expires then either we will close the case in compliance because they have remediated all of the code violations, or we will move to our next step in the process.

One of the options that the owner has is they can appeal. Once the City issues a Finding of Fact and Order to Repair or Demolish they have 10-days to appeal to the Housing Appeals Board. Once they appeal to the Housing Appeals Board and that hearing is held if they are dissatisfied with the decision then they can appeal to Superior Court. What is really important to note about the appeals process is that once the property owner appeals the Finding of Fact all Code Enforcement action ceases, and what I mean by that is that we cannot issue them a Notice of Civil Penalty; we cannot cite them to Environmental Court. The only action we can take is to conduct a reinspection at their requests. We could potentially close the case in compliance if they bring it into compliance, but we can't take any other action against the property owner. One of the other options they have is when we issue a demolition order the property owner always has the option to repair the property; so, they would have to provide in writing to the City their notice of intent to repair the property and then we would continue to work with them as they make progress to bring that property into compliance.

Options Available to the City – once an owner becomes non-compliant with the Finding of Fact the first thing we can do is issue a Notice of Civil Penalty. This is standard process once the Finding of Fact expires we are going to send the property owner a Notice of Civil Penalty to basically put them on notice that says you have not brought your property into compliance; you are now incurring Civil Penalties and currently those penalties are \$100 for the first day and \$10 for each additional day until the property is brought into compliance.

The other option we have is we can cite an owner to Environmental Court. This works really well for property owners that are local, not so well for property owners that are not within the City Limits. So, when possible, if we have a property that has not been brought into compliance we will do everything we can to cite the property owner to Environmental Court. Once that happens then the court system takes over the case. So, we are just kind of taking a back seat at that point as it moves through the court system. The other option we have is if the repair cost exceeds 65% of the structure value, that is when we have the opportunity to prepare the case and bring it before Council, offer In Rem action. That requires City Council approval and that represents less than three percent of all the cases that we get involved in.

Demolition Criteria – 65% is the current tax value they have to have in order for us to bring to Council for approval. I will tell you that standardly, when inspectors bring cases to us we are looking to see if it is 70%. We don't want to bring something to you that is right on that 65% level. We try to be as conservative as possible before we bring something to you and the state statute allows 50% so we are much higher than what our state statute typically will allow. We use the current tax value, because the value has been determined by a recognized governmental agency and the property owner has the opportunity to go to Mecklenburg County and appeal their decision if they feel the value of the structure is too high or even too low.

Our Demolition Process – On every structure that we receive an ordinance on asbestos testing occurs. We make sure that it is remediated properly when it is present. All demolitions are sent out to our vendors; our vendors were selected through an RFP process and each vendor that was previously selected gets an opportunity to bid on the project and then it is awarded to the lowest responsible bidder. Once they receive the

contract, they go to Mecklenburg County, apply for their permit. There are certain things that have to happen with that permit, for example, an inspection is done to make sure that there aren't any rats on the property before the demolition can take place. Once the demolition is complete we go out, reinspect the property, there are certain things they are required to do, raid the site and those types of things. We just don't leave behind a big dirt lot. The vendor has 30-days to complete the demolition and we confirm that they do it in a proper timeframe. Once the demolition is complete the City will put a lien on the property; the lien is the cost of the demolition, it attaches to the property and expires after ten-years. Collecting efforts are done through our City's Finance Department, we invoice the property owner; it could be referred to a collection agency if the property owner does not pay that invoice and then typically the lien is satisfied either by the owner paying the invoice or when the property sells. A lot of times we will get contracted from a closing attorney wanting to know what outstanding liens are on the property and a lot of times that is how we collect the cost of the demolition.

This slide is just a simple history of our demolitions from FY16 to FY18. As you can we've seen a steady decrease in the amount of cases that are getting demolition orders as well as the cases that we are actually bringing before you for demolition. On this slide we have a map of where our demolitions have taken place. The red dots are FY16, the blue squares are FY17, and the FY18 is the green triangles.

We have a couple examples of demolitions that we have done through the In Rem Program; 209 Pawley Drive you have an interior and exterior photo. On the right we've got 5626 Murrayhill Road; on the left we've got 11026 Beau Riley Road. This one was really important; this was right across the street from a high school. Kids were getting into it on a regular basis, doing things they probably should not have been doing. So, we helped the community to get rid of that one; 4236 Freedom Drive, you can see that was a pretty significant fire. On the right we've got 10620 Independence Hill Road, this is located just outside of the City limits; this was right by where I-485 went through up off of Eastfield Road, and on the left we have 1106 Pondella Drive. This is one that we have deferred from June. This will be really an important property to take care of just from a safety perspective. It has been a problem property since I was an inspector in Hidden Valley in 2008.

Our Legal Considerations – I know there are a lot of questions around these, and I will defer any to Patrick after I read the slide. The City has statutory authority to institute foreclosure proceedings on in rem liens. There is no guarantee that the City would be the prevailing bidder if another party were to outbid the City and the City would be required to increase its bid as would any other active bidder for the property.

Mayor Lyles said when you look at the tax value do you look at the structure value or the structure and the land?

Ms. Taillon said just the structure.

Mayor Lyles said so the land value is not a consideration in tearing down the house and then that leaves the land value to the owner?

Ms. Taillon said that is correct.

Mayor Lyles said we get the lien on that land, but I think one of the other questions that I have is that if they decided to develop it we would still have the lien on the property, and it is only that when they sell that we would collect, or 10-years go by.

Councilmember Mayfield said I will start with the legal consideration; if you can clarify for me; the City has statutory authority to institute foreclosure proceedings on its In-Rem liens. Mr. Attorney, what does that mean in laymen's terms?

Patrick Baker, City Attorney said I'm going to let Ms. Schleunes take that first step. She is the Attorney that is assigned to this Department and then I'll talk about it.

Anna Schleunes, Senior Assistant City Attorney said that is probably by fault for using a fancy legal term for something that is really simple. It just means that the City has the ability to collect the lien if it is not paid through a billing process. The City could be the foreclosure just like a bank can foreclose on a mortgage that is behind, we can foreclose on a lien that hasn't been paid.

Ms. Mayfield said after we've issued a lien for demolition then we may have the ability to start foreclosure process, not in lieu of a lien.

Ms. Schleunes said you need to have the lien to undertake the foreclosure.

Ms. Mayfield said we've had this conversation over the years, because I still have a disconnect with our current process. When we put a lien on the property, that owner isn't who necessarily pays for that cost if it is sold and if we are saying 10-years then one, it is going to go to additional questions for Ms. Taillon, but for the legal aspect, right now unless we identify a legislative avenue with the General Assembly, we do not have the legal ability other than placing a lien on the property because of In Rem for us to receive payment back for a demolition.

Ms. Schleunes said we can bill the owner for the amount of the lien, and I would defer to Jane whether or not those get paid very frequently, and my guess is that don't.

Mr. Taillon said we don't write off many liens every year and collection efforts have gotten better, so we've seen a steady decline in what we actually have to write off that has expired after 10-years.

Ms. Schleunes said the lien is the mechanism for being able to collect the cost of the demolition if the City has paid for the demolition, so a foreclosure is sort of the strongest tool or the most aggressive tool that we have.

Mayor Lyles said I think I heard Ms. Mayfield ask the question if the property is changing hands the idea of who pays for the lien before the 10-years, is that a negotiable between the property owner and the buyer or is it automatically required once they go to file the deed of record that the amount is deducted in some way?

Ms. Taillon said that is a good question; what this doesn't say is that these liens have statutory priority over all other liens except for tax liens, so even if a bank or another lender has a mortgage on the property if the property changes hands and money is exchanged our lien gets paid first.

Ms. Mayfield said with the map that we have Ms. Taillon, thank you for providing this snapshot for 2016, 2017 and 2018. Do you know if you or anyone on your staff has by any chance taken the additional step to look at where we have paid for the demolition of homes and where new development has happened between 2017 and 2019? It appears, driving around, a number of homes that we demolish and basically clear the land for development are homes where new development is coming out of. Do you know if anyone has even looked at that overlay of a map of this map that you provided for us and gives us a snapshot of 2016, 2017 and 2018 In Rem demolition, has anyone looked at where new development has happened to see if there is any correlation between our demolition, basically clearing of the land and new development, that has come out of the ground?

Ms. Taillon said we have not but there have been so few that we've done in these past three years that that would be easy information to find for you.

Ms. Mayfield said I think that would be helpful because what it can do is address the conversation of are we helping or hurting impact and intent. If our language has helped to trigger new development but that new development has also caused displacement, then that is a consideration. Yes, these homes are in major disrepair; and Mr. Baker I believe I shot you an e-mail to try to figure out if we can get stronger language to add to the Legislative Committee; if that owner who has let that property become in total

disrepair, they are not the ones who are necessarily writing that check for the demolition. We go in and use tax dollars, demolish it and then when and if it sells within the 10-year period so, we had a financial decline, if the property sold this year that is just shy of 10-years for some for the properties. That means we don't even recoup what we've spent but they then now have whatever amount was paid for that home, they now get to receive that in that purchase because they are still holding on to the property. If we say it is up to 10-years and it drops off at the end of the 10-years, mainly we have recouped a lot of it, but the challenge I have is me homeowner, I let this home go into disrepair whether it was a rental or whatever happened. I let it become a blight in community. It is now a negative in the community. I refuse to get the repairs done. You come along; you demolish it. You say okay here is the bill; that bill sits there when and if I sell the property. So, I'm still not out of pocket. I sell the property for more than what I purchased it for which is what most people do, but once you take away the cost of the demolition that tax payers paid for, I'm still good, because I already made a profit off of it anyway. I'm trying to figure out a way in language that is actually going to hold that homeowner accountable on the front end, versus going through the process of we then identify our partners, have to go through a bid process, have to go through the lowest responsible bidder to demolish the home which is something if the language was changed at this has to be demolished, then you need to pay for that demolition.

Mayor Lyles said if you see the value in keeping the land for 10-years and if the County revalues every four-years, that land is going up and you are paying taxes on an increase. The land is often, as the Tax Assessor told us, he can make adjustments for houses; the land is what is most valuable. So, you are still paying increased taxes to the City and the County as a result of that land being there. I think the question is after 10-years and remember this is only \$100 and \$10 a day, so it is not like a significant amount, and I don't know how much a demolition costs but it is \$10,000 you would be \$10,100 or \$11,000 you would still be kind of paying a lot of money for that amount because your land value is going so much for you to hold it that long. I don't know if that makes any difference; it may have nothing to do with anything, but I do think you would have to give us some real examples to see where that merit happens.

Ms. Mayfield said in comparison to time, one of them we are talking about; we are in 2019, and we've been having this conversation since 2008. So, when we also look at the time that blight has sat in the community for this long period of time but at the same time we are seeing transition happening so the question and the core that I'm attempting to get to is the overlay if the homes that we have brought in for demolition and new development today is it on that land where we went in and cleared. Also, what would it look like if we did have stronger language that held that owner accountable on the front end versus on the back end.

Councilmember Eiselt said I thought we were actually going to talk about In Rem; we brought it up that night after Lake Arbor. To me this is kind of two different kind of stations when most of the In Rem that we see are houses that end up getting demolished, but what about the multifamily units that we really don't want to have demolished. What In Rem options do we have and one of them that I had asked about and I don't know if it really differs from what we have now, but an attorney reached out to me with a couple questions; one being could we not have an In Rem Repair ordinance which would force the owner to make repairs more rapidly, in other words strengthen the ordinances that we have right now and if they don't the City could pursue an injunction through the court and ask for a court order to make repairs more quickly and if not then it makes it more likely that the owner is going to sell it possibly to the City. I guess my concern is what In Rem options do we have or could we have that we could impose these penalties while people are still there, because if we had done that and it is in the court system my understanding is that is when the retaliatory eviction laws would kick in the state level and would give people more time to stay in their units while we are trying to force the hand of the landlord to make these repairs.

Ms. Taillon said let me see if I can take a stab at this one; our ordinance does allow for In Rem Repair Remedy. So, we already have it as a provision in our ordinance so, let's take the Lake Arbor situation and Attorney, if I misspeak please let me know. Even if we had

an In-Rem Repair option for Lake Arbor, they appealed it. They appealed to the Housing Appeals Board and they appealed to Superior Court.

Ms. Eiselt said just so I understand, at that point it is taken out of our hands, is that correct?

Mr. Taillon said we can't do anything until the court system has made their rulings but to just kind of bag it up even as step further, the In-Rem Repair process follows the In-Rem Demolition process. I think if we talk about trying to have a quick fix, I don't think our current ordinance would allow us to do that, because we would still have to come before you to get authority to do an In-Rem Repair.

Ms. Eiselt said why would it come after the In-Rem Demolition process?

Ms. Taillon said they are parallel; if we issued a repair order, then we should be able to get on with the In-Rem Repair Remedy corridor for lack of a better term, but, we still have to come through Council, so we still have to issue the complaint notice, we still have to issue the Findings of Fact, the property owner still has the opportunity to appeal and so let's take it down to Lake Arbor corridor which they did; so, we are in the appeals process right now and we are at a standstill even if we wanted to do some type of In Rem Remedy there I don't believe we can do anything until the appeals process is exhausted.

Ms. Eiselt said we did In Rem Repair and that got appealed and so now we don't have any control over that –

Ms. Taillon said not In Rem Repair, we issued a repair order for the units at Lake Arbor; they were all repair orders. The property owner appealed the Finding of Fact and Orders to Repair for all of the units we had under code action. They appealed that to the Housing Appeals Board.

Ms. Schleunes said the case gets initiated; we get a tenant complaint. We get a petition; we get something.

Mayor Lyles said and this is for multifamily.

Ms. Schleunes said it is for either.

Ms. Eiselt said for multifamily where we don't want to demolish it.

Ms. Schleunes said let's walk through it with this process. So, we get a tenant complaint in a multi-family building, an inspector goes out, does an inspection and issues a complaint and notice of hearing if the inspector finds violations in the minimum Housing Code Ordinance. Once the complaint and notice of hearing has been served on the owner, the owner has an opportunity to attend an informal hearing with the inspector. State law requires that hearing to be held no less than 10-days and no more than 30-days after the issuance of the complaint and notice of hearing. Some owners show up for those, others don't. If an owner has a plan to make the repairs that would be an opportunity for that owner to share with the inspector. Hey, thank you for the complaint. I realize that I do have these violations, and I've got a contractor coming out next week. They should be done within the next two weeks; come schedule a reinspection then. Generally, that is not what happens, but following that informal hearing the inspectors issues the Findings of Fact and Order; that order is either to repair if the cost of repairs is less than 65% of the value of the tax structure. If would cost more than 65% of the tax value to repair the structure, then the inspector issues an order to demolish. That order is then served on the owner and the owner has either 10-days to appeal the order to the Housing Appeals Board which is what Lake Arbor did, or they can say I intend to repair, I just need more time and then there is some flexibility within the code enforcement process to allow for that to happen.

Ms. Eiselt said that is the point right there that I wonder if we have more that we could be doing because that sounds like and probably is a stall tactic, especially with a landlord that it happens over and over again. How do we prevent that stall tactic and make sure

that our interests are protected at the court level, so that ideally the landlord choice to say to the City, here you take it? We should fix it and then we hold those liens over them. Avoid having this demolished.

Ms. Schleunes said the 10-day appeal process is a statutory process; that is the due process that the statute has built in for the owner, so there is no flexibility in our ordinance for that 10-day window from the time the order is served to the time than an owner can make the appeal to the Housing Appeals Board. Any change to that would be a legislative one.

Ms. Eiselt said but at that point, do we have any that triggers Chapter 42 that gives the tenant protection that had we taken a more aggressive stance on that then they would have had 12-months under the landlord/tenant statute to avoid eviction?

Ms. Schleunes said that is a separate process; we are only given the authority to do what the minimum housing statute enables us to do; Chapter 42 is the landlord/tenant.

Mayor Lyles said unless everybody understands what Chapter 42 is, I don't understand it.

Ms. Eiselt said in a nutshell, if we have gone on record as taking aggressive enforcement methods whether it be In Rem Remedy or an injunction to Superior Court, if we are on record with that than my understanding is that kicks in Chapter 42, which is the retaliatory eviction.

Ms. Schleunes said that is a private process so the landlord/tenant laws, which is what Chapter 42 is, those are private between the landlord and the tenant. The City has no jurisdiction in a landlord/tenant dispute.

Ms. Eiselt said we could be doing it on behalf of the tenants so that they are not out on the streets in 30-days which in a situation like this most of them aren't 30-day leases. So, even though we know that is between the landlord and the tenant it is in our best interest to help make sure that the tenants are getting the protection under that statute to give them 12-months or whatever it is, but we are building our own case with liens on that property so that the landlord eventually has to make a decision. I just don't think it is right that they should be able to tear it down and put up a new product and make more money on it. Somehow the liens have to be punitive enough that the landlord is saying I've either got to turn this thing over to the City and in the meantime while the tenants are still able to be there.

Ms. Schleunes said just to clarify, the lien amount is only the cost to the City for the demolition or the lien amount is not the civil penalties, it is simply the cost to the City if it undertakes the demolition or if we were to pursue an In-Rem Repair. I just want to be clear on that.

Ms. Eiselt said we will talk more off line.

Ms. Schleunes said if you want to send me that e-mail I will be happy to take a look at it if you want to forward it to me.

Councilmember Harlow said I think you kind of answered it Jane; what is our collection rate, are we seeing most of these things going past the 10-years and expiring, and also when it is within that 10-years and collectible of the lien is there interest there or is it just the value of whatever the bid was to demolish?

Ms. Taillon said I don't know the specific interest rate but there is a significant amount of interest that accrues on the demolition cost if it is not paid. I can't give you an exact percentage of what our collection rate is; we can find that out for you but what I can tell you is since 2012 I've been getting e-mails from Finance about what we are writing off at the end of 10-years and that number has steadily declined. We are seeing whether it be market forces or something else in the communities, more and more of our liens are

getting paid. One of the other things that we do is we work with some of non-profits, so I can speak specifically to Habitat. There are times when property owners don't want the property, they have a lien on the property, they are not really sure what to do with it, maybe they have inherited it and then they will work with Habitat and Habitat will come to us and say we are interested in getting this property. It has been offered as a donation, but all of these liens are on it and in those cases, we forgive any liens on the property so that Habitat can redevelop the lot.

Mr. Harlow said that is good that they are a good partner. When we initiate; how often are we initiating foreclosures when we have liens? I know you said it was pretty aggressive.

Ms. Taillon said we don't.

Mr. Harlow said we have the authority to do it but we don't do it at all?

Ms. Taillon said I'm not aware of any that –

Ms. Schleunes said we have done it a hand full of times.

Mr. Harlow said why not?

Ms. Taillon said the short answer, probably the unpopular answer is that code enforcement specifically is not in the business of buying land.

Mr. Harlow said I understand that. I wasn't expecting that answer; okay so Mr. Manager, I would like to see some type of process for which we start using our own authority to institute foreclosures and initiate foreclosures for In Rem and with that for us to be at the bidding line for those foreclosures.

Marcus Jones, City Manager said we will put together a white paper on that for you.

Councilmember Egleston said I had a similar question about the amount that are seeing that 10-year horizon; it sounds like it is very, very low.

Ms. Taillon said I will go back to Finance and get our collection rate, and we will make sure we get that out to you guys, so you can see what those percentages have been over the years.

Mr. Egleston said I wonder what your belief is and why the percentages have gone down steadily in the last three years.

Ms. Taillon said market forces. People are redeveloping the land long before code needs to get involved.

Mr. Egleston said okay, so it is not any change that has been made in our policy, it is the change in other forces.

Ms. Taillon said that would be my assertion.

Mr. Egleston said you said the one that we deferred had been an issue for over a decade now.

Ms. Taillon said Pondella, yes.

Mr. Egleston said what was the impetus for us to defer that again if it has been a decade long issue?

Ms. Taillon said we brought it before Council in June, and Council asked that it be deferred.

Mr. Jones said that is something; if we would go back to slide #3, I believe that is why we are here tonight. There were a couple of instances where residents came to Council and suggested that we were being too aggressive; so, we did a pause in order to collect the data to come back to you to explain the process as well as the number of cases that we've gone through. That is where I thought we hit pause in order to come back to you and provide you with data.

Mayor Lyles said I remember that case and we did say we would wait until we had more information about the process. We have been deferring a number of these, because the owner comes in and says I promise you I can do this, but I've just been busy, and the world is around me and all of that, so I need to get more time.

Mr. Eggleston said if somebody said that night that this has been a decade plus problem, and I'm not sure any of us would have had the appetite for deferral.

Councilmember Phipps said it was deferred over my objection.

Councilmember Newton said ultimately, I think our goal here is to make sure that all properties within the City are up to code, right? We are talking a lot about demolitions here, but we have healthier circumstances, it saves us a lot of money and trouble if land owners actually, when there is a process initiated, code violations are found, they actually bring their properties up to code, and we know under the circumstances of Lake Arbor that we are looking at demolition at this point that the land owner opted to engage in. How often do we see that where a land owner kind of usurps the purpose of what we are trying to accomplish through our ordinance by just saying I'm just going to demolish this property, and I don't care how much you end up fining me or the process I have to go through to get there?

Ms. Taillon said I would say it is very infrequent. Typically, you would see us issue a demolition order and somebody fight to repair the property. We don't typically issue a repair order and have somebody voluntarily want to demolish something.

Mr. Newton said in that particular circumstance maybe we need to be talking more about additional allowances potentially on the front end, then again too, I guess on the back end and I do agree that we have to be tough at some point so I agree with Justin inasmuch as saying maybe we need to look at this foreclosure process and kind of internally strengthen that on that back end. What about Chapter 42, I know we don't represent the tenants in these situations or the land owners, we can't and that is not our job. Having said that can we partner with the organizations, particularly in a multifamily situation, like Legal Aid in helping with that? Is that something that could be potentially on the table?

Mayor Lyles said Legal Aid already does that; the County actually increased their amount of funding for eviction cases and protection in that area this year.

Mr. Newton said my question is can we do that? The County does that, I don't see what would prevent us from being able to do that too.

Councilmember Winston said we prevent ourselves from doing that.

Mayor Lyles said I don't think that is a fair assessment that we prevent ourselves from doing it. They have partnered with the private sector, every large institution in this community or corporations, they volunteer pro bono hours to this. I think it would be a duplication of effort and would require more coordination and instead of us doing it I think the County has chosen a good lane because they are closer to that client base. Those are Social Service issues if that happens, and in fact, we see it every day so, I don't see us as a need to prevent anything. I think if we want to grow it we should help the County grow it.

Mr. Newton said I guess what I'm saying, and what I'm hearing is nothing would stop us, we just want to make sure that we are in our own lane so maybe some collaboration with the County would be in order in that regard. Also, with civil penalties and fines that is

exclusive of what we are concluding in these liens, why is that? Why can't we include some of civil penalties and fines and what prevents us from making those stricter or having more extensive fines and civil penalties?

Ms. Taillon said we are in the middle of our minimum housing rewrite, and so the civil penalties are going to be discussed at the next Neighborhood Development Committee meeting. That Committee will be making a recommendation before it goes to full Council as to what we potentially we want our new fine structure to be. I think that answers that question. I will let Anna weigh in about why we can't lien the properties for the fine.

Mr. Newton said include that into the lien amounts in addition to the property demolition costs.

Ms. Schleunes said statutorily, we are only allowed to have a first priority lien for the cost of the demolition and the civil penalties are not considered cost of the demolition. The civil penalties could in theory be a lien on the property as the last priority money judgement, so you would have to go to court, get a court order and then put the money judgement on as a lien on the property.

Mr. Newton said we are doing that anyway for the first priority liens.

Ms. Schleunes said the few times we do undertake a demolition over the course of a year that is immediately placed as a lien on the property, so there is no delay in that. I'm getting out of my jurisdiction, so I defer to Jane on the process for trying to get payment.

Ms. Taillon said you can't put a lien on the property for the civil penalties unless you go to court and get a judgement. Most of our civil penalties are a couple hundred dollars in the grand scheme, so I don't know that it would be worth resources to try to put a judgement on a property that we may not collect. You said something at the beginning that I just want to address, and I think this is really important. When we talk about taking our demolition and trying to foreclose on them, I think it is very important to consider the perception of the community. Being in charge of code enforcement now, the last thing I want is for our citizens to think that we are intentionally coming after their properties so that we can tear them down or put a lien on them, foreclose and take their land. I think we already have that perception in the community, and we don't want to do anything to increase that perception.

Mr. Newton said the goal here is to make sure that residents are able to bring their properties up to code and to not unduly burden them in the process or in their attempt to do that. Having said that, it sounds like there is a lot of space to talk to them about these civil fines and penalties, but on the front end to my last question is this and I've had a number of residents reach out to me over the past year and say that they didn't feel they were given notice before an inspection occurred. I don't know how much you've heard about that or if you have heard anyone say that. So, case initiated and three to five-days later there is an inspection. I've had two residents tell me that the inspection occurred without them at home, without notice, someone coming in, even going as far to go inside the house to do the inspection. I'm just wondering, what is the process if and when we are unable to make that contract with the land owner and is there a process that allows for this type of outside of just kind of around the house to actually allow for entry of the house in a circumstance where a landowner doesn't know that case has even been initiated?

Ms. Taillon said when we receive a tenant complaint, our jurisdiction to walk into that property lies with the tenant, so we are going to contact the tenant either call them and try to schedule an inspection. If we can't get them by phone we will go out, knock on the door, leave a door hanger but somebody has to physically let us in that property. Only in rare circumstances would we get a warrant to access a property. For example, if we come across an open and vacant structure. Yes, we would send an access letter to the property owner, we would wait 10-days, if nobody contacted us then we would proceed with getting a warrant, because number one, we've got to make sure that we get that structure closed so that the public can't access it and make sure it is safe for the community. If we receive

a tenant complaint, we are not going to go in that structure without the tenant letting us in and if the tenant is nonresponsive we would just simply close our case. We've made these many attempts to contact somebody, nobody has contacted us back and we would close our case.

Mr. Newton said does that include land owners or a homeowner if it is not a tenant?

Ms. Taillon said typically homeowners don't complain on themselves.

Mr. Newton said someone calls and complains the case is initiated to a homeowner and if you have any difficulty reaching that person what is that process?

Ms. Taillon said if we receive a petition; five residents submit a petition to us, we go out do a cursory glance, the petition appears to be valid, we are going to start going out and leaving door hangers, we are going to try to find somebody that we can talk to and let them know that the City has received a valid petition and this is the process. Ultimately, we would love for you to voluntarily allow us to complete our inspection, but at some point, we would have to get a warrant if we could not get any type of voluntary response.

Mr. Winston said are we able to make two different In Rem processes for a single family versus multi-family properties?

Ms. Taillon said the ordinance is the same whether it is single family or multifamily so currently no.

Mr. Winston said current no, but do we have the ability to make different In Rem process for single family versus multifamily?

Ms. Schleunes said could you describe in a little more detail what you are thinking of?

Mr. Winston said for one thing \$100 the first day and \$10 a day additional is one thing for a grandmother on a fixed income versus a hedge fund owned property, a multifamily property on the west side.

Ms. Schleunes said we don't issue civil penalties against owner occupants, for example if we were to get a petition for an owner-occupied house and the owner was unable to comply with the order, we are not issuing civil penalties on that. The amount of the civil penalties currently that we are allowed to assess is capped by state law.

Mr. Winston said okay, outside of the penalties, if we wanted a different process, for instance a faster process that didn't take 65-days, but we needed to do in 30-days for a multi-family home versus single-family homes, could we create a different process?

Ms. Schleunes said that would require a legislative change.

Mr. Winston said can we create a different In Rem process for owner occupied homes versus landlord/tenant single family homes?

Ms. Schleunes said again, if we are talking about timing that would require a legislative change.

Mr. Winston said the exact days that we here are legislated.

Ms. Schleunes said there are windows, but there are minimums and maximums so again I'll let Jane from her experience she can perhaps describe in a little more detail but there is a certain minimum amount of time that has to be built into the process for due process concerns for the owners and that is in the state statute, our ordinance mirrors the state statute.

Mr. Winston said I'm going to go back to my first question then; within the legislation that we do have can we create two different timelines if they are within those windows?

Mr. Baker said with the distinction being multifamily versus single family?

Mr. Winston said and owner occupied versus landlord/tenant.

Councilmember Bokhari said the window needs the statute.

Mr. Winston said correct but what I'm saying our process we have a window, we have these days and what they are right now, if the legislation actually says the second step has to happen between day two and day seven, right now we have day three and day five.

Mayor Lyles said I understand what you are saying; you are saying prioritize the work for the staff to say that by day four multifamily will be done. That would be an internal process that you would do.

Mr. Winston said correct.

Mayor Lyles said I think that is the idea or the concept of it.

Ms. Schleunes said I think in theory there might be some room; one of the things you would have to take into consideration though, sometimes we have to get an Administrative Inspection Warrant, it is usually with owners that won't let us in, but sometimes there are circumstances where the access letter we have to allow enough time for that to be received, to Mr. Newton's point, that somebody said they didn't feel like they had been notified. There is a time window there, then if we don't receive a response there is a time window for obtaining the Administrative search warrant. Some of the window is simply practical considerations for how long it takes to comply with statutory notice requirements.

Mr. Winston said but probably not a wide range but potentially there could be ways to make this process more aggressive.

Ms. Taillon said so there are some things that we need to take into consideration when we are talking about our process. There are times when we have to advertise and to advertise in the paper there are certain timelines that we have to abide by so the owner has proper notice. There might be some wiggle room; I think it could be administratively challenging to try to build different timelines and try to make sure that we stay on them. I think from a consistency standpoint, if we talk about how we are responding to our citizens requests and making sure that things don't fall through the cracks or we miss a timeline, because we maybe changed this process a little bit, our current process is consistent, it is easy to explain to the citizens.

Mr. Winston said we do have a new code enforcement division that deals exclusively with multifamily properties, correct?

Ms. Taillon said we do not. We are proposing a multi-inspection program as a part of the housing rewrite, but that has not been implemented and that is something we would have to do within our current staffing.

Mr. Winston said I thought we were doing something different with code enforcement around multifamily with this year's fiscal budget.

Mr. Jones said I just spoke to the Attorney; I think what you are asking is within the confines of the law, is there something that we could do that is faster in one area than in another and can we explore that for you very quickly and come back with an analysis?

Mr. Winston said yes. Is there a way through the In-Rem process to actually outside of just putting the In-Rem Repair for us to prioritize repair over demolition to say we don't want this to be demolished, repair this by any means necessary?

Ms. Taillon said it really is on a case by case basis. It depends on what the repairs are, what the structure integrity is. Our mission is to preserve not to demolish, and we look at every one of those. By the time an In Rem comes to Council for approval it has been through the inspector, the supervisor; I have a coordinator that reviews every In Rem and then it must get by me, because I'm not going to come to you and ask for something that I don't believe is the right path to go down. All our cases that receive repair orders, if they do not have somebody actively engaged in the repair process, we look at those to see if they are an option for In Rem Repair. We are looking at these things to see if there are other avenues to bring them into compliance.

Mr. Winston said who issues demolition permits?

Ms. Taillon said Mecklenburg County.

Mr. Winston said so this Council has made a priority with our housing framework around the preservation of naturally occurring affordable housing. I don't want to speak for anybody else in the room, but I think part of this discussion and the expiration of the In-Rem process really circulates around that, and I think we all have questions; do we have a policy that might be impeding on another priority? Is there a way that we use our In-Rem process to further advance our priorities of retaining naturally occurring affordable housing through this In Rem process?

Mr. Jones can we use that when we come back to you to try address that specific question of how this could be used to help support that priority?

Mr. Winston said yes sir.

Councilmember Ajmera said I know the state statute has 50%, and ours is at 65%; how about the other cities in comparison? How do we compare. Are we being too lenient; are we being too burdensome to those who have to make repairs? I just want to know where we stand.

Ms. Taillon said we are one of the most conservative municipalities; there are others that have 65%, and there are others that are 50%. We've done that research before; that should be pretty easy to find, and I can share that with Council, but nobody is higher than 65%.

Mayor Lyles said is that conservative or more lenient?

Ms. Taillon said I think it depends on your perspective.

Ms. Ajmera said what I see is that we are seeing a lot of extension in making repairs, what is the most often reasoning you see? Is it they don't have capital to make repairs, or is it just too economical to pay fees or penalties? What is preventing folks to actually make repairs?

Ms. Taillon said I think there is probably a couple of reasons why it is challenging. First and foremost, getting access to the structure. Property owners have to be able to get access to the structure to make the repairs and sometimes that can be challenging for them. Money is a factor. I haven't had anybody ever come to us and said I will just pay the civil penalty. Typically, if someone is issued a civil penalty they come after it has been issued and say I shouldn't have been issued this and they will give a lot of reasons why they shouldn't have been. I would say those are the two main reasons why repairs don't get done the first go around, why they are asking for extensions.

Ms. Ajmera said I guess I'm trying to understand in terms of the timing which I have seen where In Rem comes in for an approval in our agenda package and once we approve demolition they can still work with the owner when it comes to repairs even after the approval if the landlord decides to continue to work with the inspector on making the repairs.

Ms. Taillon said that is right; we will enter into a consent agreement, have the owner post a bond, and we will enter into a consent agreement for them to repair the property.

Ms. Ajmera said that is where the gray area is. Where do we say we gave you too much time; where do we say we didn't give you enough time and now let's go ahead and demolish that property? Our objective is to preserve some of those existing affordable housing units, if they are affordable, so I just want to know where do we draw the line where it is not too much, but it is not too little either.

Ms. Taillon said I can give you two examples and they both came before Council in March of 2017, and I happen to cover that Council evening. You had two speakers come before you; 2810 North Davidson Street came before you and said they would repair the property. We still have an open case. They have not completed it yet. The second was I believe 5510 Mount Holly-Huntersville Road, and the owner actually opted to demolish the property on his own. I don't know where that line is; I can only tell you that I believe that if I would have come back and said we demolished 2810 North Davidson Street after they had done some work that Council would have been very displeased with me. I can't tell you where that line is. I don't know.

Ms. Ajmera said I think that is where we need more data to understand what is the actual timing, and we are not being too aggressive, but at the same time we have to address some of the neighbor's concerns around having that structure in their neighborhood, but we are also giving sufficient time to those who are actually trying to make repairs, trying to get capital, etc. I think if we were to do foreclosure option from the get go what I'm concerned about is that we are going to see more demolition versus actual repairs and that is what we want.

Councilmember Phipps said on some of these In Rems have the properties been condemned otherwise deemed uninhabitable, unsafe, or whatever? Do they ever get to that stage?

Ms. Taillon said if we've issued a demolition order then code enforcement has deemed the property unsafe.

Mr. Phipps said uninhabitable and all of that?

Ms. Taillon said correct.

Mr. Phipps said I'm trying to understand then what are we trying to do? What is our whole purpose with this discussion with some of these In Rems; are we trying to preserve something that is unperceivable? What are we trying to do? I don't understand that we give chances, and I'm struggling with it. I know we are trying to be good stewards and want to have some social impact on things, but if a property is such that it gets to this point it is not a matter of displacement; the person is not living there they are already displaced, right?

Ms. Taillon said that is correct. We've had a handful of cases where we've had to some ejection, and it is not necessarily because somebody has been living in the property, but it is because all of their belongings are in the property, and we need them to facilitate getting those belongings out.

Mr. Bokhari said I will follow-up to that; I've had a couple experiences in this over the last two years and one in particular makes me look at this process very differently probably than the multi-family way. It is primarily, as far as I understand, used more in the single-family way. I had an elderly gentlemen in the house with his wife and years they were working directly with our staff, and it was clear they were kicking the can down the road, and staff is so much dedicated towards the front of not demolishing houses if at all possible that they let this continue and continue and finally after drilling in for months and months we realized these folks were actually living in the house. It was a dangerous situation, and they had no money even though it was a pretty affluent neighborhood, no money to be able to do this. When I think about this process I think a lot about that and

a couple other cases I saw where literally they just don't want to be bothered. They are in these houses, and they don't have any cash to actually fix them up, and it is really kind of one of the deals where over time, once they pass away, the house will be sold, and the lien will be paid. It is sad, but that to me strikes me as a lot of the types of cases I've seen here and less of one of the other routes we've been looking at and how do we figure out the multifamily problem.

Councilmember Driggs said I think the gist of what we've been talking about is there is a variety of situations all of which is governed by one basic kind of rulemaking environment. So, we go all the way from the poor person who lives in a house, can't afford to fix it. We want to be indulgent in that case and we want to give them time and then you get the slumlord on the other hand who is deriving revenue from the place and is simply ignoring us. So, you want to be able to come down hard on the slumlord and you want to have the altitude to be lenient. One of the problems about this that the only really objective standard we have is 65%, just a number. So, anything above that, boom, you are dead, and I do have a question in that regard. The way it is written right now are we obligated to pursue demolition if we find that the repair costs is over 65%, and we may not if it is under? Is that for us an inflexible situation?

Ms. Taillon said typically, if it exceeds 65% we are going to go the demolition path; if is less than 65% then we go the repair path. Those are the orders based on our current ordinance. I think a lot of depends on if there is somebody engaged with the property. We would still issue the demolition order, we would ask them to put in writing their intent to repair, but I think it all comes down to the engagement and if that property owner is making an effort to bring the property into compliance. I think the In Rems that we bring to you we don't have anybody that is dedicated to getting the property repaired and it is just to a point where it is not safe for the community.

Mr. Driggs said from the pictures there are some totally derelict eyesore sort of properties and you would want to be able to pursue in that case for the benefit of the neighbors and you could do something useful there. I just think that in a way what guides us in terms of saying this is one of those, and this is one of those, and this is one of those, is not clearly spelled out. So, we walk into these things and we are frustrated that we can't do more about Lake Arbor and then we are kind of thinking, oh give the guy a break over here and maybe if you just look past the 65% and think of criteria that we might use and courses of action that we could predefine where we say okay, under these circumstances we would grant 90-days and make the choices we have a little more objective.

Mayor Lyles said I think Mr. Driggs makes a good point about the 65%; we could go to 70% and that would be fine. One of the things I think on the single-family side that we often forget and this is a shame, but I actually worked on the case that Mr. Bokhari talked about. We called the family members, made phone calls to every cousin, child and it was the same situation. It was actually more of what I would call a Social Services issue than a demolition issue, but when we are talking about this; these things don't come forward without real complains. CMPD is one of the largest complainers about this or was at one time, but now neighbors don't want to see rats and their values are impacted by the way they see their neighborhood and community; so, it is a very tough situation, but I would say to Mr. Driggs' point about a standard, we get those photos every time. They do interior, every room. They go through a whole thing of how they estimate the repair value. I don't know that the staff can do anymore; it may just be are we willing to do something differently.

So, the question is does the Council have something that they would grab onto within the existing structure or are you going to fight for new structures? Are we going to try to do something with the state, and how do we prepare for that if you make that choice? I often think about the people, because my father-in-law lives next to a house that has a tree growing out of it, literally a tree growing out of the roof. That house, they have tried very hard, but the neighbors finally said enough is enough and at some point; they live in a neighborhood that they want it not to gentrify, they want to own and maintain their properties, and it is not going to happen if one house begins with that kind of incident and the next one that this person passes away and the family lives elsewhere. It is often that

kind of situation, so I just don't know what we are asking, and I join Mr. Phipps in what is the question that we want to address? Is it about our single family, or is it about the multifamily? Is it about the time, or is it about the process? I know that the ordinance in terms of what we are trying to do on our housing code is in Committee, and I heard Mr. Harlow say that would be out in September. I wonder if that is where we ought to be having this conversation, because that is what leads us to that end result.

I don't think we will need a Committee Update tonight do we? We heard from TAP and we are hearing from –

Ms. Mayfield said I was going to ask if I could make a recommendation since Mr. Harlow is Chair, if I can just add my statement so he can close it out.

Mayor Lyles said that is fine with me if Mr. Harlow is okay with that.

Mr. Harlow said I'm good with that.

Ms. Mayfield said combination for Manager, Attorney and Ms. Taillon; what I think I hear is the fact that this is not an either/or, it is an 'and', and it is three conversations. What are the rules for owner occupied; what are the rules for rental single family, and what are the rules for multifamily? And getting a clear understanding of how In Rem and/or demolition when it is triggered, is there a time where it may have been brought to staff's attention or through code out doing their daily drive-thru through the community before it was tagged as 65% where there may have been an opportunity on the front end where we were able to get in.

For owner occupied, do we have language and steps in place where before it gets to the point of hoarding and having a lot of other issues do we have the steps in place to connect you to the resources to help. We have Realtor's Care Day, we have Rebuilding Together, we have a number of partners out there that have youth as well as community individuals that would come and do repairs on homes. Is there a mechanism in place to do that initial connection opposed to after multiple complaints at the very beginning? Now, it is your decision to pull that trigger, but do we have it written anywhere where these are the steps because the challenge with the multifamily, that is now Lake Arbor, which that is not the most egregious unfortunately, and we have seen it play out again and again. There were several interactions that escalated before it even came to Council, but there was a step that was missing there where at the beginning we don't have the paper trail to say we immediately connected you to resources.

That is three parallel conversations, not an either/or because everything cannot fit in a one size fits all. We need to have the language in place that will help to guide the conversation for owner occupied, rental, and multifamily, because they are very different situations and the impact can be very different, because if there is a way for us to connect people with resources then we should at least offer that on the front end. If you have individuals that aren't interested because they may own the property, but they don't live here, or they are disinterested in the property for whatever reason, there should be a step in the process for that. Whether it is a duplex or 500 units there should be language on our end of how we connect you to the resources that are available before it escalates to a certain area. I think that is something that overall would be helpful moving forward so that the community has the understanding and future Councils will have an understanding of okay. This is the trigger; we actually have language that goes into one of these three buckets.

Mr. Harlow said I think some of what we were talking about, this was a little bit of a committee discussion and some of what we are looking to closeout in Committee in two weeks and eventually bring to Council around minimum housing standards we have discussed. I will get to that in a second to give that summary. I remember my last question now; is the County reassessing the property once the structure is gone or does the tax value of that land just stay the same based on whatever the last assessment was?

Ms. Taillon said I don't know the answer to that question. I will have to find an answer for you on that one.

Mayor Lyles said it has to go through a transaction to get a reassessment.

Mr. Harlow said okay, it has to go through a transaction to get a reassessment, and that makes sense. I think to Mr. Phipps' point when he said what is our point here, what are we trying to accomplish? I think we understand we are trying to rid our neighborhoods of blight but what we are trying to find is a way to make sure that bad landowners don't profit off of us or our processes because we are doing our job of riding the neighborhood of blight, that there is a way around that. That is how I see what our goal is here. Lastly, from a repeat offender standpoint, are we tracking that at all to try to mitigate future violations, so it doesn't get to the In-Rem point?

Ms. Taillon said repeat offenders are an interesting place to be, because a lot of our bad actors just change their LLC, so they are impossible to track. I will give you a great example; these aren't necessarily bad actors, but here is a great example. Tricon American Homes, they are probably one of the largest investment homes in the country. You have TAH 2016, TAH 2017, TAH 2018, so there would not be a mechanism for us to be able to track repeat offenders in that fashion.

Mr. Harlow said they probably changed their registered agents too.

Ms. Taillon said we have one young lady in our City that as soon as code opens the case she goes down to the Courthouse and changes the LLC.

Mr. Harlow said I do appreciate the staff; I know the staff works to try to not bring In Rems to us as much as they can, and I think we are not just trying to take people's houses and knock things down nor are we trying to foreclose. My point earlier was about if we get to that year number nine, and we have not been able to collect anything let's not just let time expire on us if we have an extra step that we could take. I wasn't trying to say in year one let's just go after somebody's property, so I wanted to clarify that.

ITEM NO. 3: COMMITTEE UPDATES

Neighborhood Development

Councilmember Harlow said I know there has been some conversation and this will be my Committee summary as well so for Vice-Chair Winston, Mr. Driggs, Mr. Egleston and Mr. Newton we've been about four or five months in now on minimum housing code and a lot of this kind of took form before some of the Lake Arbor stuff happened and now with Lake Arbor and the displacement of those residents it has become more of an urgent and more of a prevalent conversation. A lot of provisions are going to come before this Council around new provisions, around plumbing and structural standards, around foundations and ceilings, interior walls, a lot of things that just weren't there before. Our current ordinance lacks some clarity and some language, so we are tightening up on that. Many conversations between housing staff and REBIC and the Apartment Association as well as the Housing Justice Coalition and other housing advocates in the City have been had really all summer. We did meet in July or August mainly because both sides are asking us, let us really dig into this on both sides with the staff so on September 18th we are looking to come back with what I'm hoping to be a final draft and eventually what we will bring to the Council at a future Action Review to really dive into that.

Another big thing we were looking to add in provisions that will allow for a certain threshold, if a certain number of units in multi-family developments are being inspected because a certain amount of code complaints have come in, then we can then have blanket authority to do a broad inspection of the whole complex. That will help prevent some of these things. Right now, we don't have that; it is pretty discretionary. So, where we can come in and say we've got a heat map that shows all these code complaints are coming in, and we need to just go in full force and look at the whole complex to try to preempt a Lake Arbor or something like that. Just know that is coming.

The previous meetings talked a little bit about mold; we had the County Health Department Director come in. We don't have much control over that, but we are trying to provide some language in the new ordinance provisions to kind of tackle some of the preventative things that help create mold though mold is not actually regulated at all right now, even from the state level. We don't have much leeway when it comes to absentee landlords. I think the staff does the best they can, but we are trying to continue to enforce some of that, but I think doing some proactive things from an internal level will help us and Lake Arbor is a good case study for that going forward.

I think we've learned a lot through this process, and I think what we bring to you, if I'm not mistaken, if we move it through committee we can put it on an agenda in late September or early October; the 23rd great. So, hopefully within the month we will be having more of this type of discussion. I will say personally, I don't believe we should have separate processes. I think that confuses the community and industry groups as well. I think if we want to prescribe one process, single family and multifamily the fines will increase here, hitting folks in the pocket and wallet is going to happen; \$10 a day additional day we've learned is nothing to landlords. Ms. Schleunes has said we don't really attach civil penalties to owner occupied houses so know that this is just for those hedge funds and LLC, but we are looking to increase some fines, and we've had some conversation to try to find some mutual ground with the Apartment Association and their constituents with also a lot of tenant rights group. Just know that some of that stuff is coming; I appreciate the Council's interest in it and thanks for having our Committee meeting in here for us.

Mayor Lyles said is there any other Committee Update that is going to come before us by the next Business Meeting or not?

Economic Development

Councilmember Mitchell said thank you so much those who attended the Opportunity Zone discussion. Todd thank you for sharing your expertise with us. If there is one thing that came from that meeting, I think the first one there is a Think Tank Committee has already been formed, and I think for most of us around this dais we were unaware and gave very little input, so I think if we can have some discussion about who should be on that Committee it can be helpful. Opportunity Zone is very important for all of us. I think we ask some hard questions for those folks in the White House; they are willing to come back and continue to work with us, but my fear is that I don't want to slow down the Think Tank discussion but Council needs to weigh in and make sure that those members on the Committee we have the right representation besides Business Zones and business investors. I think we need some neighborhood leaders on there as well.

Mayor Lyles said who appointed the Think Tank?

Mr. Mitchell said I think staff did. Here are the members if we could pass those around.

Mayor Lyles said is this an internal organizational committee for looking at Opportunity Zones? In addition to the meeting last week, I just wanted to let you know I sent everyone a copy of the New York Times article that was in the paper yesterday and it was an interesting article from my view; we've been talking about neighborhoods and what they have been talking about is equity partners and it is a very different conversation that is going on across the country and even with the investors I think there is a real difference there. It seems to me that there were people that already had wealth but there are also people that are going out and marketing themselves as having the ability to take wealth and use it in communities that they have an association with. So, you can read the article, but that is my summary from looking at it from a governance perspective. When I look at this; I actually talked to Walter Davis after the meeting as well and I thought this Committee was one that he had. I'm not sure how it came about, but I thought one that he had formed in a way around this. I think this Opportunity Zone thing for us is very different then what I heard the White House staff say about Birmingham. Birmingham has nothing going on; those opportunity zones brought them things that were not being brought. We've got a lot going on and the question is if people have a choice of whether

or not to take a 10-year deferred tax on capital gains and do something in an Opportunity Zone that and they were already planning on doing in the center city anyway, they are going to try to do that. That is not a net gain for us and from the first time I heard about Opportunity Zones, it was from Senator Scott, and he talked about it as a way that I saw is like Hope 6 projects, revitalizing a community but not just with housing but with jobs, businesses, and new opportunities. I haven't seen the evidence of that; so, I don't know who the Think Tank is or how it works, but we probably need some work around this.

Todd DeLong, Economic Development said the Think Tank right now is about 10 members, and it is not to be exhaustive. We expect to grow over time. This mix of people who are experts in the Opportunity Zone Program with respect to what their industry is; we have an attorney, foundations, non-profits who also manages the fund. We have a couple different fund managers, a couple of different developers and a CPA, so what we are trying to do right now is use that group as a guidance or a sounding board to our strategy as we move forward. Something that you heard a lot of if you attended the summit was strategy. That term was tossed around non-stop and was used more frequently than the term opportunity, which is kind of unheard of when discussions around Opportunity Zones. That is something that at the City we are trying to figure out what is our role specifically; how do we evolve that role over time, and how do we evolve that strategy over time? As the Mayor mentioned, we have a different set of needs than what Birmingham, Erie, Pennsylvania or some of these other cities who are setting forth these very robust efforts with respect to what they are doing at the city level as well as what they are doing in partnership with Chambers of Commerce, local institutions, etc.

We are trying to figure out what our specific needs are. These folks can bring expertise to the table that we may not have with respect to what is going on around the country, best practices of different cities that are like ours, what they are seeing that the cities are doing and what the cities are taking on initiatives in doing. Those are helping us guide what our strategy is going to be going forward. Again, one of the first items we will be discussing in the first meeting is going to be what are the gaps we have in this group and that is something we also want to bring up to the Economic Development Committee as we talk about Opportunity Zones and our strategy more frequently is what are the gaps we have in this group, what are the recommendations of additional industries or representations that we might need for this group going forward.

Mayor Lyles said I don't think many of us knew about this, but what I would like to do is actually say to the Manager, how are we going to do this, and is the right structure, who do we need to be involved? I think you need to come back and tell us how this works. I don't know, it is just not there.

Marcus Jones, City Manager said we will do that.

Mayor Lyles said I do think we need people that are invested in our community and a lot of these folks are, so I like that idea but we need to have a Charter and I've been really pretty standard on this, if we are going to have a group they need to have a Charter, they need to have the ability to know what they are doing and when the timeframe of doing it so that we are not all kind of guessing at what they do or what they are about. Mr. Jones; I think this is in your lap.

Councilmember Newton said I do specifically recall asking about this Committee the other day during the event around Opportunity Zones and being told that this Committee is going to meet in private as well, at least up front. Right Todd? I think I can foresee a scenario; three of the Opportunity Zone census tracts are right around Eastland. I can see a scenario where community members are going to say where is our opportunity here for feedback or input, particularly if we have a group meeting in private. I just want to piggyback on the Chair's comments there and that need I would agree wholeheartedly we have to have community members involved.

Mayor Lyles said I think Mr. Jones hears you.

Mr. Jones said absolutely.

Councilmember Driggs said I also want to caution against this endless process, okay. I look at this, and I say who are the actual principles to a transaction or where is the deal and it feels me like we could study this thing and maybe a report comes out. I don't know what the path is from this group to actual economic activity.

Mayor Lyles said I've already heard of a developer that told me that they are about to invest in an Opportunity Zone project in the next couple of weeks. So, when we are talking about that kind of stuff, as I said you hear us, this is not dissertation.

Mr. Mitchell said there is time sensitivity, and I just want to make sure we are all clear, there is a meeting scheduled already for this group, so we need to be very clear when we leave here, what is the message we are sending, because some are under the impression they got a meeting next week Todd.

Mr. DeLong said actually Friday morning.

Mayor Lyles said they will have a charge by Friday morning I'm sure that would be shared with the full Council.

Mr. Jones said just so we are all on the same page. I do not believe that this is a Committee; I do not believe it is anything with a Charter. I believe this was development trying to get some people to talk with them, much like a Think Tank to just express ideas and things in nature, but I hear you and we will come back and make sure that whatever group official is out there that it is Council input in that group.

Mr. Mitchell said Todd, while you are up there, I don't want to throw any bullets at Todd because everyone there knowing Todd was our hero, he was our expert, but I do think, and Ms. Eiselt brought it up, even the structure of Opportunity Zone- We have one person, and we heard about best practices, some cities have three and four people, and so Ms. Eiselt talked about the creativity. Do we use it as a way to get interns from Davidson, UNC-C, Johnson C. Smith? We've got to get at the transaction level, and here we are September; December 31st is three and a half months from now, and we are talking about a Think Tank when to me we should be having action toward getting the deal done.

Councilmember Bokhari said Mr. Manager, in my opinion, one I agree with what has been said. We need to move quickly on whatever we are going to do, because we've been in this churn for a while now. I think there are only two opportunities or two options to look at and decide what we are going to do and if we are going to do something. The fact is Opportunity Zones exist, people are using them, they are going to continue on no matter what we do or say isn't going to prevent that. So, there are two things that right now we are not doing.

One is at a state and a municipal level we have not kept up with other parts of the country for leading this and adding other things to it. I don't know that that is necessarily what we want to do, but if we are going to do it we need to do it quickly and we are leaving money on the table while we are not doing that for this program which others are taking.

Number two, do we want to get involved in the way the Mayor kind of framed it before and steering certain things to our City and again if we don't it will continue on its own without our input just fine, but there may be an angle by which we say certain parts of town, certain industries, certain topics, whatever it might be are the things we want to go and pull the right people to the table. I think that is probably where a Think Tank comes in the most. So, are we going to participate and push forward at a state and local level to enhance what we do, and are we going to play in bringing things in certain areas to the table?

Councilmember Mayfield said it is actually a reaffirming with Mr. Mitchell; what we heard in the room, so thank you again Mr. Mitchell and Mr. DeLong for coordinating it. What we heard overwhelmingly is that it is through those partnerships that have City and County and those who potentially maybe leading coming together, not a one off. So, I think some

of us were a little caught off guard when we learned that there was a Committee that was created that we didn't know about. The question was raised more than once; have we started any conversations with the County since the cities that are doing it well it is very collaborative how they are moving forward?

We have an opportunity; the challenge that I see is that a conversation has started and this little train is going along, and we are watching the train and somebody throws a hand out along the way, and we are going to figure out we are either going to grab hold of that hand and keep going with the train, or we are going to try to wait for the next one. It is happening, it is moving forward. I shared concerns when we first started the conversation a year ago when I was like okay Opportunity Zones are great but opportunity for who and how do Opportunity Zones really play out with who has access and when you see it play out, even in the article that you listed, and the local paper also did the article on Opportunity Zones, so they just reprinted it. The article was shared but the challenge is where do we fit in? Where does city? Where does county? Where do we fit into this conversation, and are you telling us we come in after the fact, or are we are the beginning of this conversation so that we can share what our values are as these opportunities are being realized?

Mayor Lyles said tomorrow the County will be discussing the quarter cent sales tax for art, parks, and education. I've been working with the County Manager and the County Commission Chair to say that we have a great deal of interest and how the arts are decided and how that will work, and we also have a great deal of interest in the parks and how that will work especially since most of that sales tax will be generated.

Taiwo has done a memo and provided information on parks that I will be sending to the County Manager tomorrow just for information. If you have a chance to look at what they are talking about at their meeting it might be helpful, because this is something that will either be inclusive. I don't know what direction they are going to go in for governance of the arts money, but on the parks, we've got to influence that park plan so that the urban area is not left out.

ITEM NO. 4: CLOSED SESSION

There was no closed session.

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ADJOURNMENT

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

The meeting was adjourned at 8:05 p.m.



Emily A. Kunze, Deputy City Clerk, NCCMC

Length of Meeting: 2 Hours, 59 Minutes
Minutes Completed: September 13, 2019