

The City Council of the City of Charlotte, North Carolina convened for a Strategy Session on Monday, February 1, 2021 at 5:08 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Matt Newton, Victoria Watlington, and Braxton Winston II.

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**Mayor Lyles** welcomed everyone to the February 1<sup>st</sup> Strategy Session and said this meeting is being held as a virtual meeting in accordance with the electronic meeting standards and all the requirements in those standards have been met. I hope that many of you are tuned in and you are watching either on the Government Chanel, the City's Facebook page, or the YouTube page. Thank you for joining us for our Strategy Session; this is a meeting where the Council has the opportunity to review the work from the Committees and to help each other formulate the policies and recommendations from the various Council Committees.

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## **ITEM NO. I: COUNCIL COMMITTEE REPORT OUTS**

### **Budget and Effectiveness Committee**

**Councilmember Driggs** said I would like to point out the members of the Committee aside from myself as Chair, Councilmember Eiselt as Vice-Chair, and Councilmembers Graham, Ajmera, and Johnson. You have a full written report so I would just like to highlight a few items. I want to refer again to our financial audit, which was squeaky clean, it was an exceptionally complimentary report from our auditors. Congratulations once again to our ( CFO) Chief Financial Officer and her staff for achieving that result during the COVID (mild to severe respiratory infection caused by the coronavirus) virus. One of the items the Committee considered was the Ethics Police. We continue to work on some changes that we had already identified to refine the language this proposed in order to clarify certain things but the essence of the proposed change is that for one, Councilmembers will be under a burden to communicate with the City Attorney if there are any issues about which they have a concern that there could be a perception or an actual ethics violation and they will be bound to take the advice of the City Attorney on what they should do individually about that.

In the case of complaints being filed, the main difference is that the City Attorney, in addition to reviewing the complaint to see if it meets the technical filing requirements to also makes a prima facia determination about the validity of the complaint. Prima facia meaning that this is an initial review that seeks to establish whether or not the complaint as submitted is true etc. has substance. The effect of that is that we are not sending every single thing that comes in, to somebody outside right away. Our goal here is to have the City Attorney make a presentation on the proposed changes at a future Council meeting in the near future so that the full Council considers the recommendations and we can finally adopt a permanent change.

We also considered again the Citizens Advisory Committee on Governance recommendations and I will say we kind of went down the list and we identified which items we felt were actionable. As you know we've already reported that the Committee did not recommend pursuing term limits because of constitutional issues, but we also after conversation felt that because we are not going to have the result of the census until this summer sometime, it appears that the earliest that we should not take up the redistricting question yet. We should do so on the context of knowing the data from that. We felt that we would consider the compensation question during the budget process so that will come up and looking at all the items that were recommended the ones that struck us is requiring immediate Council action if we intend to act was the question of the four-year terms. So, the recommendation of the Committee to the full Council is that we decide quickly whether or not that is something you want to pursue and if so take the necessary steps, which I think you will recall has been explained to us as a fort of the timeline of

things that we would have to do, a question about a referendum, etc. If that is something the Council wants to do then we should get on with it.

The other topic we considered was virtual meeting provisions and the reason this is a topic is that virtual meetings that take place after the pandemic, after the state of emergency is lifted take a current a very different legal environment and have different implications compared to the meetings that we are holding now under the pandemic. The action that we took last October to make unlimited virtual participation and needs possible did not really recognize that distinction and extends past the end of the pandemic. So, after a lot of discussion in Committee, we decided that it wasn't necessary for us to resolve what we would do about the virtual meeting, what would be allowed, what wouldn't be allowed, how it would work, and what the laws are would apply, but we did feel by a three to two majority, a split decision, that we should amend the action that we took in October so that it sunsets at the end of the emergency period and as it stands now that would give us months to have a conversation about how virtual meetings will work after the pandemic period, but this loose end where we currently have a rule that allows for virtual meetings without any reference to the special circumstances that take effect again after the pandemic is something that we ought to clean up.

The last thing that we talked about was the February Budget Workshop agenda and the first meeting is the day after tomorrow and at that meeting basically, we will go over some basics of the current situation in our General Funds to talk about bonds and things like that, some of the debt and basically lay a foundation for our subsequent conversations about the budget. The key thing this year is that we have two bond cycles for which we need to decide on CIP (Community Investment Plan) projects that are currently unprogrammed and in this budget process we will have to decide on projects that will be funded during the next two bond cycles. The Committee gave positive feedback on that and I think everybody will find that it is a constructive meeting.

**Mayor Lyles** said your Committee has been doing a lot of good work and what I heard you say is that the ethics policy will be coming up at a Council meeting in the near future, that the vote on four-year terms needs to come before the Council as well with a schedule for that and that should be on a Council meeting and then I also heard you say that the recommendation on the sunset needs to have a Council vote as well. I guess the real question, I saw on the report says is the Committee report in line with the Councilmembers general thoughts to move forward? Are there any questions for the Committee Chair and the next steps as they have outlined them?

**Councilmember Newton** said thank you for that report, Mr. Driggs. I appreciate all the Committee's hard work. I had a question pertaining to the sunset provision for virtual meetings. I'm just wondering why that is top of the conversation right now; we don't know when any guidelines are going to be lifted. Frankly, it is my understanding that there are new strains of the Coronavirus that are out there that are making that determination even more complicated. I'm wondering since we don't know when that I going to happen, there could be the real likelihood or possibility that we could be placing a restriction on a future Council and why wouldn't we just wait for them to make a decision themselves when the time arose?

Mr. Driggs said the point of the action we took was simply to avoid the situation where we had in place an ordinance or resolution of an intention that extended it to the period after the end of the pandemic and did not take into account the provisions that will become effective again when the pandemic ends. We need to be more thoughtful about that. The only thing this does is it says that we will at a future date as the end of the pandemic becomes more visible, we will take up the subject of virtual meetings, post-pandemic and we will be thoughtful about the rules that would apply to those of some practical considerations that would apply to those and we would adopt a more differentiated policy about them rather what happened, which was that we just looked at the virtually unrestricted virtual meetings that we have during the pandemic and projected that past the end of it. The sunset provision does nothing other than take away the suggestion that we intend to continue to operate as if pandemic conditions exist when they don't exist anymore. It does not in any way limit our ability to study and be thoughtful about how

virtual meetings will work after the pandemic and that was the majority recommendation of the Committee to the full Council that we simply clarify, it is not the intention to continue to operate as if there were emergency pandemic conditions when there aren't anymore.

Mr. Newton said I hear it and what I'm hearing is that we will be taking this up at a later date; that is what you are giving the affirmative intention for right now and it just seems redundant because that is what would happen anyway. That is my two cents on it, it sounds like it is something that will come before the Council for a vote at some point and I'll be looking forward to that discussion and conversation.

### **Great Neighborhoods Committee**

**Councilmember Graham** said the Committee members are Councilmembers Winston, Bokhari, Eiselt, and Watlington. You have the report in front of you so I will not be redundant in terms of reading it all. The Committee met on January 20<sup>th</sup>; all the Committee members were in attendance. We took on three items; one was the Legacy Commission Report. We received and reviewed the staff recommendation and made a motion to move forward with renaming a pilot case where we would rename a street name. One of the things that the Committee wanted to do was to kind of move forward on the recommendations from the Task Force and try to identify a pilot case where we would actually go through and try to rename one of our City's name based on the criteria and recommendation from the Committee itself so that will be coming to the full Council for your consideration as well.

In addition we talked about the source of income discrimination, made a number of recommendations that we will be forwarded to the full Council. The most important thing is that on February 8<sup>th</sup> the staff will be there to make a very detailed presentation that will include all the recommendations that you see in front of you in perspective. Again, that will be a very important meeting for the full Council so that we all can have the same information at the same time and begin to make some decisions along the way. Again, that presentation is on February 8<sup>th</sup>.

Lastly, we had a really good presentation from the staff, Mr. Manager relating to the 2020 year review where we just kind of took some time to reflect upon the work that the Committee has done last year, going all the way back to the housing COVID-19 Task Force and the results that came from that particular workgroup as well as all the other initiatives that the Council as a whole approved relating to housing. We have a great story to tell based on the results. Obviously, there is still more work to do and we acknowledge that as well. We just wanted to make sure that we communicate directly to the public about all we have done and all the public has done with the approval of the \$50 million bonds in November for additional affordable housing, about the success with the Housing Trust Funds in reference to the 10 projects that we passed in April, the money that we put aside for Brookhill, from all the efforts that we made in reference to our CARES ACT (Coronavirus Aid, Relief, and Economic Security) dollars, mortgage relief, rent relief, utilities, etc. We've got a really great story to tell and we also talked about Mr. Manager, about ways that we communicate that out to the public because there is still a notion that we as a City are not doing anything for "housing" and so there has to be a way for us to really communicate outwardly in terms of what we are doing, demonstrating the fact that there is still more work to be done.

Mayor Lyles said again to great efforts, Legacy Commission and the source of income discrimination coming out of the Committee. I believe that the questions are on the report basically. Are there any questions prior to your reading or after reading the report from the Committee, anything that you would like to inquire or point out as a priority for you before these items come before the Council as a whole?

### **Intergovernmental Relations Committee**

**Councilmember Winston** said we had a meeting in January where we were presented to by the staff about the City's participation in the North Carolinas Utilities Commission, a deliberation of Duke Energies Integrated Resource Plan. I will also say where we are in

time, we are finalizing our Legislative Agenda for our federal delegation. Obviously, things have changed since we adopted it, and as we always know this is a fluid process so as we kind of move forward this is something that Mr. Bokhari and I ask you guys to keep an eye on and reach out to us if there is anything you want to talk about in regard to that.

### **Safe Communities Committee**

**Mayor Lyles** said Mr. Egleston, do you mind if I do something in advance of that?

**Councilmember Egleston** said whatever you would like.

Mayor Lyles said this is important because I'm going to give you more work to do. I am giving a referral to the Safe Communities Committee. Basically, the City has received a request for support in the establishment of a Family Justice Center in Mecklenburg County. It follows the National Victim Center at the traumatic informed model in which domestic violence, sexual assault, elder abuse, and human trafficking and child abuse partners co-locate and work in collaboration of its service and so we have a question of how it is partnering in the establishment of the Family Justice Center advances the City's violence prevention efforts and I've referred this to the Safe Communities Committee and I believe you have a meeting tomorrow.

**Councilmember Egleston** said you have just stolen my entire update.

Mayor Lyles said I'm so sorry, I didn't know if Councilmembers read those deferrals when they go out.

Mr. Egleston said hopefully the Chairs of the Committees read the referrals that you send to their Committees. You pretty much encapsulated it; people can join us tomorrow at noon for the Safe Communities Committee meeting and the main topic is going to be the deferral of the Family Justice Center and all of the other things that the Mayor just said. That is literally the report; join us tomorrow.

### **Transportation and Planning and Environment**

**Councilmember Eiselt** said the Committee met twice in January just given the volume of work that we have, and the Committee members are Larken Egleston, Ed Driggs, Matt Newton, Braxton Winston. On January 6<sup>th</sup> we had an update on the Charlotte Moves Task Force work as they submitted their official report in December and then had a public hearing on the report on January 4<sup>th</sup> for the Council. Those who are following the report know that the Task Force recommended investing in mobility to meet the changing needs and set out what that would look like to align the mobility investment with related initiatives and that those being other plans that the Council has captioned in the past and then commit resources to achieve a particular vision for our multi-mobile transit plan. That including the transit plans that have been passed by other towns. The Committee recommendations to the City Manager was four to one with Mr. Driggs being opposed to direct the City Manager to proceed with the strategy for the legislative process to refine a funding strategy and develop a financing plan as defined by the Charlotte Moves Task Force with the participation of Legislator, government entities and other potential stakeholders.

We met again on January 25<sup>th</sup> and in that meeting, we had a presentation from CAT (Charlotte Area Transit System) on CATS TRAX and what that is a system to review and capture performance data and measures that look at the operational performance of CATS with regards to customer service, financial stewardship, and employee engagement with the community. They reported very good outcomes for the most part on those data measurer.

We had an update on the Silver Line and the Silver Line is at the beginning of the pre-project development and that is important because that is the phase before entering the formal federal pipeline which is basically where we get in line hopefully for federal funding. That happens once we finish the alignment and stations and identify where they are going

to go. That is what is going on right now, really is there has been a lot of public engagement to talk to the four focus areas that are within the Silver Line that are within the City Limits. There are dates set out to be able to talk to residents in Charlotte and then another couple of dates for the two segments outside of Charlotte so that people can give input on the system alignment and where the proposed alignment is going to be. Those I believe are all on the CATS website; they are all coming up in February with one in March on the six different focus areas and those will be at 5:30 p.m. on the Government Channel. The next step would be to publicly review the recommendations of the alignment of the Silver Line. That will take place January through March and that will happen through community meetings as well.

We received an update on the Comprehensive Vision Plan. The Committee received the overview of the public engagement that is taking place. I have to give them all a lot of credit because between Charlotte Moves, between the Silver Line, between Comprehensive Vision Plan, Transit and Planning have been doing a lot of work to engage the public on that. We appreciate that and there is still an opportunity for them to continue public engagement and you can either go to the [cltfuture2040plan.com](http://cltfuture2040plan.com) or you can e-mail comments to [cltfuture2040@charlotte.nc.gov](mailto:cltfuture2040@charlotte.nc.gov) to continue to give comments on the plan.

The staff is currently working on a dashboard for all of those comments to provide feedback and anyone can see a review of what people have had to say about that. In March we will make a recommendation to request approval based on the recommended changes to the document and in April we will request action for approval of the document and Council adoption of the Comprehensive Plan. That is coming up soon and I really encourage everybody to go onto the website and take a look at where we are and perhaps join some of those meetings in February so that you can not only come up to speed on where the plan is but also get feedback from the community because we know that is kind of difficult to do right now. That is kind of it in a nutshell. Everybody had the outline in more detail and what those initiatives are and where we are with that.

Mayor Lyle said I have to say this is a lot of good work and when I look at this is the work that is going to serve 10, 15, 20-years out so I know that sometimes we have things that we can do immediately, but this work is the kind of work that is future-forward and I really appreciate what is being done. Are there policy questions, issues or is there something missing, something that you want to add to Transportation, Planning, and Environment?

### **Workforce and Business Development Committee**

**Councilmember Bokhari** said the Workforce and Business Development Committee is comprised of Malcolm Graham, Renee Johnson, and Dimple Ajmera and I shall not read the update, we can all read our own. I will just mention more at a strategic level; the staff is really doing a lot of work right now on these fronts and while there are a lot of little things that are being worked on, I really view our work in 2021 in two major buckets. One of which is kind of continued post-COVID economic recovery for our community and the other is this glue that is going to hopefully be the force that binds a lot of our other work together across all of Council Topics and that is the Strategic Employment Plan. As you think about various topics every one of you colleagues across the community as you hear small businesses and workforce issues and opportunities please bring those to our Committee and to the staff because this going to be a very significant undertaking as we look at the kind of triaging and stopping the bleeding in 2020 into re-jumpstarting the economic engine of Charlotte. It is going to be a ton of work and this isn't going to be a Committee's work or even a staff's work, it is going to be our entire body working together as a team. So, as you have ideas or see issues or opportunities, we can move upon please do bring that to the entire Committee and to the staff so that we can piece that together. I do believe that is directly related to that second item, the strategic employment plan. You've heard Ms. Dodson talk about it several times, the staff is really putting all of their efforts into that and the punch line there is whether it is deciding where we are going to focus on affordable housing or transportation solutions or anything else you can imagine, understanding the make-up, the limitations, and the opportunities and where we are heading around employment, around jobs in those areas it really has the potential to

be revolutionary for us as a community. I think this is probably the most strategic work that this group, which has a lot of big wins under their belt has undertaken to date and I think it is going to be really an important year. As you are working again across the community and in your various verticals in your Committees, whether it is housing or transportation, or budget, be thinking about angles where the connections points can be identified and implemented with the strategic employment plan.

**Mayor Lyles** said I just want to recognize that you said Mr. Bokhari, focus on what you can imagine, but Mr. Winston and I are not imaging this; this is a very real idea that we begin to look at Charlotte in the light of being able to be a production City for creative arts, for television, for all of those things that we perhaps think that well, we missed the chance once the film credits begin to move. I think that Mr. Winston has been doing a yeomen's job trying to get a really good understanding of that and I would hope that would be when we talk about all programs from transit to housing, that we look at culture as well. I just wanted to add that to the list.

Mr. Bokhari said I might add, it is a beautiful example, not only of a critical element of the arts conversation that we are undertaking right now, but also just a great example of the power of the strategic employment plan that the staff is working on where it is not just about going and trying to revitalize that industry that was booming at one point in time in our region and has been lost and now is poised for a comeback, but it is about identifying parts of town and knowing when we are making transit decisions or when we are making housing decisions how it correlates to that particular workforce and employment on focus. So, I think that is a great example.

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## **ITEM NO. 2: CONSIDERATION OF CITY COUNCIL VACANCY**

**Mayor Lyles** said today the Council will nominate and vote to fill the current At-large City Council vacancy that was once held by Former Democratic Councilmember James Mitchell. Last Friday, we held a very successful public forum and heard from some outstanding candidates; 68 people spoke with us and participated in that forum while it was optional, we got lots of e-mails, lots of videos send and it was really amazing to have people come in and I think that the past Presidential election made people very much aware of their ability to influence and impact what government does and this is I believe a part of the result that we are seeing here in our own community.

I just wanted to do a reminder for the public that eligible candidates had to meet the following criteria. You had to be registered as a Democrat, you had to be registered as a voter; you have to be 21-years of age or older, a resident of the City of Charlotte, and be qualified to vote in a City Council election. I'm going to ask the City Attorney to provide us an overview of the procedural and legal implications of our discussion.

**Patrick Baker, City Attorney** said in looking at how you, the past City Councils have handled the process of filling vacancies we have tried to stay in line with that as we present this to you. Essentially, there is a nomination period, and this is what I recommended in the memo that I provided to you on January 15<sup>th</sup> where you will nominate a candidate and after the Mayor opens the nomination process you will make nominations, at some points on that the nomination process will be closed and you will vote on those nominees. The purpose of that vote is either to get to six votes; if there are six votes then that individual will be appointed to the vacancy that you have here. Assuming that there aren't six votes what has been done is to identify the top two vote-getters and with your Boards and Commissions, you essentially take out the nominees who don't get at least two votes or less are removed from that grouping. The purpose of that is to get you to a list of two finalists if no-one gets six votes. Then you will again vote on those finalists and if someone gets six votes at that stage then that person will fill the vacancy, otherwise, you can make motions on the two top vote-getters as well to fill that vacancy going forward. This is done by the ten of you, if there is a tie vote the Mayor is authorized to break the tie vote and that is consistent with your Charter Rule of Procedure

and State Law as well. This is a process that you all need to agree to and discuss. I will stop there and take any questions you may have.

**Councilmember Watlington** said I don't have a question; I just want to go on record to let folks know that I am not comfortable at all with how we've gotten to this place as we talk about the process. We talked about how to work through the applications, but we have not, until today, about 3:30 really spoke about the process with which we were going to follow tonight that would be any different or any addition to what was sent via e-mail. So, for me, I'm very uncomfortable with the way this came together and I would be inclined to defer this until we align, as I've mentioned to several people over the last several days, but I would just like to be clear that I don't expect that we continue to operate in this way, people getting calls within the hour of a meeting about how a process would be delivered so it could be voted on. I believe that we give each other the courtesy of not adding things to the agenda that will need to be voted on without having a lot of heads up. So, for those of us that are working late into the afternoon to then be sent a process to review and affirm at the last minute, I think we could do better.

Mayor Lyles said I apologize; I thought the memo that the City Attorney sent prior to this meeting indicated a process by which we would follow and the nominations process. What I was saying is I thought that there was an earlier memo and that we had had this discussion, however, I do say that when we are having the agenda review every Monday before, we actually go through this in detail so that I am certain to follow the legal and procedural requirements upon the advice of the City Attorney and so this afternoon what you received was something that I requested and he sends to you just so that you know the procedures in more detail following my meeting with him. Now we meet every Monday for every meeting, it is on my calendar; anyone is invited to attend but it is really just basically around the idea that I make sure that you are aware of what the procedures and how I speak to them and that they are consistent with the City Attorney ruling, especially in this case. I apologize if that was not very clear. Sometimes I may assume that people are aware of these meetings, but I would hope that you understood that this is an attempt to have the ability for everyone to participate in this process.

Ms. Watlington said Madam Mayor; with all due respect, I've never been invited to that meeting, so if it is a public meeting that we were all invited to, that is new information. Secondly, if this is decision is to make again, I would appreciate a heads up and time to actually review a process before I'm asked to vote on it, legal or otherwise.

Mayor Lyle said I believe that the process that we are looking at is the process that we have used in the past for the vacancy as well as the process we use for Boards and Commission nominees.

Ms. Watlington said I would like to respond. I spoke with the City Attorney just briefly earlier and he indicated that people were not wanting to do what was previously done in 2017. I disagree that that is the same process, it is also not the same process we used for Boards and vacancies. I just wanted to be on the record, thank you.

**Councilmember Newton** said I would agree with Ms. Watlington; I think this procedure was hastily thrown together without the input of all of the Council. I have two questions; my first question revolves around the process of nominations. It is common knowledge that I applied for John Autry's vacancy years ago. I believe that is the probably 2017 vacancy that was referenced earlier and in so doing I know that there was a process whereby there were a nomination and an immediate second to have the nominated candidate proceed to a vote. It is my understanding that that is customary, something that certainly leads to an expedited process and fewer rounds of voting. I just wanted to ask the initial question pertaining to that, why has that arbitrarily changed here and then secondly, also ask a more specific question pertaining to the tie break. I know that this is something that we as a Council have discussed amongst ourselves, but I would just like to have a little bit more clarification pertaining to whether the tie break is mandatory or within the discretion of the Mayor? Those are both questions for the City Attorney.

Mr. Baker said I spend myself along with Deputy City Attorney Lina James, spent a good bit of time with both former City Attorneys Mac McCarley and Bob Hagemann over the weekend and have asked them a number of questions over the course of the last couple of weeks so that I had a clear understanding, given the fact that the process is not baked into your Charter, or any other document to try to find out exactly how things have been done. I have not heard about the nominations being seconded piece. What I have been explained to was exactly what I put in my memo which is Council goes through a round of nominations and then ultimately votes on those nominees to get to a top two and then revote on those nominees to try to get to six votes with the Mayor in the place of being able to break the tie if there is a tie among those two votes. The historic advice from this office has been that the Mayor has a vote but is not required to vote. I've had conversations with both Attorneys about the source of that advice and I've recommended it, and I've not changed the fact that the Mayor has the option to vote. I do have my thoughts about what the Charter says versus what the state law says, but the way that you read Chapter 160A and the state law basically says that the City can opt to go with the general statute or the Charter in those areas where they talk about the same issues. Although it would be my recommendation that the Mayor vote I'm not prepared to say that it is mandatory given the fact that it is not absolutely clear in the Charter as to the issue of voting, but I did want to make the Council aware that it has been the historic advice from this office that the Mayor can break a tie, but it is not required to.

Mr. Newton said I would assume that is why you used the language "the Mayor is authorized" before because it is optional and within the Mayor's discretion, not something that is mandated or subject to the language of "shall". I would just like to renew my objection to moving forward in a process that seems so much longer and protractive than it needs to be where we don't have the second to nominations. I believe that is what we have traditionally done, and it just seems somewhat unorthodox in my opinion for us not to do that. I just wanted to get that on the record.

**Councilmember Ajmera** said I wanted to address Ms. Watlington's question; Ms. Watlington what concerns do you have with the process, what changes do you have?

Ms. Watlington said that is my concern Ms. Ajmera; that there was not enough time to review it or even suggest changes. My concern is not being specific enough to the process, my concern is that I have not had an opportunity to review it.

Ms. Ajmera said are you referring to the memo that was sent this afternoon?

Ms. Watlington said I didn't receive a memo this afternoon until I already in this WebEx. I was referring to the voice mail text message that I received about 3:30.

Ms. Ajmera said the timing is an issue here, not necessarily the process. I guess the communication was too close to our meeting. Am I hearing that right Ms. Watlington?

Ms. Watlington said what I'm saying is that I can't tell you if there is a process problem because I did not have time.

Ms. Ajmera said to review it; I understand. I think Ms. Watlington brings a valid concern about not having an opportunity to review the process or not even having enough time before the meeting. I think that is something we can easily address.

**Councilmember Driggs** said I just wanted to say I think the process the City Attorney has outlined can lead us in a fairly expedited fashion to a good result that reflects the majority view on Council and the issue of whether or not the Mayor may or must vote really only arises if you are view is that she must vote and she chooses not to. Only under those circumstances would we have to address that question now and otherwise I really recommend to everybody that we not overwork this thing and get down to the business of talking about the candidates. I think we will find that each individual Councilmember's view can be aired and will be apparent and that we should be able to reach a conclusion. I just hope we can proceed.



Mayor Lyles said my understanding is that this is an agenda item that is on the agenda. We have the ability to look at what is in the legal and procedural overview if there are modifications to it or I believe it says several times voting may be conducted using the same process. It says if a nominee receives two votes is there a change in the process so, this is now, I would say up to the Council. Do I have a motion to change any of these items that have been provided by the Attorney that is procedural and not legal?

Motion was made by Councilmember Newton, seconded by Councilmember Johnson to amend these procedures to require a second to a nomination once nominations have opened.

**Councilmember Winston** said I would like an explanation of Mr. Newton's motion because naturally, every motion needs a second to proceed.

Mayor Lyles said yes, and Ms. Johnson made the second, and we haven't had a discussion on the motion yet.

Mr. Winston said I would like to say one thing about the process which I do think is missing. We did have a great conversation; we heard from the candidates on Friday, about 68 of them, and here we are at the point where we are about to consider nominees but we have not had the ability to have a conversation amongst ourselves about potential candidates. We have not had any type of forum, there is no arena or process for the City Council to actually come together and discuss what we heard as a community on Friday and the vase amounts of reading from those folks out there. We received this binder with information about each candidate and their very careful responses and we haven't had venue to caucus around this process. If there was one change in this, I believe we are missing a caucus step where we are able to have conversations potentially have straw vote sort of like how we do with the budget process that we are about to go into. I think the community, as well as this Council and our government and democracy, could be well served if we did have a caucus step in this process. I would make a motion; I don't know exactly what that means, I'm not an expert at procedure so, while I would like to make a motion if we are considering a caucus step, I would need some help from the experts that we have perhaps on staff to explain what that step would actually look like so it makes sense to everybody.

Mr. Baker said I don't know if that question is directed to me or not and I don't know if a motion has actually been made.

Motion was made by Councilmember Winston, that they have a caucus step in this process. There was no second to the motion.

Mr. Winston said if you are the expert that could provide some advice on that step, yes, it is directed to you.

Mr. Baker said I'm not sure that I'm the expert on what you mean by a caucus. I'm assuming that is a conversation that you want your colleagues to have about some discussion of the applicants.

Mr. Winston said we have this step in the budget process where all make recommendations and we come together for a straw vote and we bounce ideas off each other. It is not an official vote, so we have this step within our normal practices and processes, so it is not anything that we as an institutional organization aren't aware of, but it just has not been inserted into this appointment process. I would like to add that step to the appointment process if we are considering changing processes at this point in time, but I would need help from you guys to properly verbalize it.

Mayor Lyles said Mr. Winston, could I just add something to your comment, and I think Mr. Baker will have to address it. I think when we are doing the budget what we are doing is giving direction to the Manager to prepare the budget. In this case, I'm not sure how

you give direction to each other and so I think the question would be as a caucus how do we do that and I don't know how we do that because generally, that straw vote we have during the budget is because the budget has to be put together in a huge document that is statutorily required for an ordinance. In this case, we are actually voting among ourselves for something. I will turn it over to Mr. Baker or any other commends from the Councilmembers about caucusing.

Mr. Baker said just to make sure that you all understood, we provided you a timeline back on January 15<sup>th</sup> and everything has occurred pursuant to that timeline which I believe was adopted on January 15<sup>th</sup> so from my perspective what is on the table today is we are at the February 1 date where you were to vote on the vacancy and this is the process of determining the process by which you are going to vote is happening here. I don't know that I have anything to say about the caucusing aspect of it since it wasn't included in the timeline that has been adopted by the City Council.

Mayor Lyles said do you work on your thoughts about a motion, Mr. Winston? I think we have one motion on the table to require a nomination to have a second.

**Councilmember Eiselt** said I completely agree with Mr. Winston that it would really be beneficial for the Council to talk to each other, but we didn't. I sent a text message to everybody Saturday morning and they didn't even look at it saying you guys have got to come up with a process. This is a Council process and it was noted the Attorney gave us a process, but we have to come up with a process. I had one person respond to say call me after 5:00 p.m. and I have been on the phone consistently since Saturday morning. One Councilmember said we need a process, if not we need to defer and posted their choice. I said to a couple of Councilmembers, absolutely if you guys want to defer because you can't get there yet, this is really hard. Nobody anticipated we would have 100 plus choices to choose from or really good choices. That hasn't happened before, and I asked you guys that if you wanted to defer let's do that on Sunday so we wouldn't get to Monday night and have everybody hanging like this and nobody said alright let's go ahead and defer. You guys, we've got to be willing to talk to each other and not disparage each other. We have to act as a Council.

We've got a process, it is a process that we did talk about at 3:00 in the Agenda Meeting which is an Agenda Meeting that happens every Monday before a Council meeting with the Manager, the Mayor, the City Attorney, the Clerk, and myself and other Councilmembers if they are in the building the drop in. It is just something that has always been standard. That is when we solidified this process. I sent you all out the process, some people didn't agree with it, but I don't know that delaying it in a pandemic is going to get us a different result. We've got to all be willing to do more work together and make more of an effort in a pandemic. I don't know what caucusing means. I asked the City Attorney if we could get together in groups of three or four and he wasn't sure that that was something we should do and so I didn't propose that. We had to talk to each other on the phone and I called everybody at least once, so we are where we are with this process. I don't know what it is going to get us if we wait any longer. I think it is unfair to all these people who have applied who are probably watching us now. If you know how you are going to vote, everybody has their own reasons for voting the way they are going to vote, and I think we should all respect that. This is hard; this is my third time going through it and it doesn't get any easier and that is all I have to say about this.

Mr. Newton said I will respond to Mr. Winston's question; the process is a traditional process something that in every other instance where I've been involved in filling a vacancy or frankly making decisions in the past we have a motion or in this case a nomination that gets seconded it is clear what the Council has done before. The whole idea is to go ahead and narrow down the field preliminarily to expedite the process that you are eventually going to arrive at anyway. I think also it makes this entire process less evil frankly for everyone too. That is why I would recommend that we stick with tradition that hasn't done us wrong in the past here and have nominations with seconds so that we can go ahead, narrow down the field, look at the candidates that really have that initial support, and move them directly to vote and frankly, I think maybe get through this in one round rather than two or three.

**Councilmember Graham** said I think we know where we are and I'm not sure from the discussion over the last 30-minutes will change where we are going. Obviously, the process and I didn't receive the memo, but I trust the people in the room that laid out the process and I'm okay with it. There is trust there that we are all trying to do the right thing. I think we know the candidates are whittled down, we know who they are and I think we are doing the community such a disservice by not just getting on with it and doing what we have to do and let the votes fall where they may. I make a motion to nominate Joe Smith; I hope I get a second, that is pretty basic without having to take a vote on it. Basically, we whittle the candidates down; everyone knows who they want to support or not support, and I just think we ought to just get on with it.

Ms. Watlington said I was just going to say I can appreciate the sentiment of Mr. Graham, and I was actually thinking that is exactly how we were going to go through it given this has been done before and so to bring up changes at the again, what I believe is [inaudible] is the last minute I think is unnecessary. I think Mr. Winston has a great point. I think that highlights that whatever we discussed before was about the applicant process. This is very different from what we are talking about today. It is clear from this conversation some people didn't even get information. It is clear from this conversation that we are not in a position to pivot from whatever we normally do. There is a motion on the floor so, I call the question.

A motion was made by Councilmember Winston, to put on the agenda a caucus meeting. There was no second to the motion.

Mr. Winston said I will give you the definition of a caucus; a caucus is a very basic political process. It is a meeting at which local members of a political party register their preference among candidates running for office or select delegates to attend a convention. That is the type of meeting that we have not had together. We are at the point where we are at a meeting to select the next person, but we have not had a meeting where we can discuss the candidates and talk to each other about the priorities that we have as individuals and as a Council and why each of the considered candidate.

Mayor Lyles said we a motion that has been called by Mr. Newton first and then Mr. Winston we come back to yours so if someone is thinking about seconding Mr. Winston's after we deal with Mr. Newton's procedural motion. Mr. Winston has suggested a second one and they are the same motion, or it is not a substitute for what Mr. Newton said. Mr. Newton's was about seconds for nominations; Mr. Winston's is to have a separate meeting of everyone to discuss. I think those are two separate motions, they are not tied together. Am I correct in that?

Mr. Winston said I made a substitute motion for that just to supersede Mr. Newton's motion if it gets a second.

Mayor Lyles said I need some help, Mr. Baker. Does Mr. Winston's motion align with Mr. Newton's?

Mr. Baker said I think those are separate motions that one doesn't negate the other. Mr. Newton has made a motion to add to the process that the nominations require a second and I would say that Mr. Winston's motion is separate from Mr. Newton's so I don't see it as a substitute and the question here is what to add to the process that you are putting together right now. I consider Mr. Winston's motion to be separate and not a substitute for Mr. Newton's motion.

The vote was taken on Mr. Newton's motion and was recorded as follows:

YEAS: Councilmembers Ajmera, Graham, Johnson, Newton, Watlington, and Winston

NAYS: Councilmember Bokhari, Driggs, Egleston, and Eiselt

Mayor Lyles said that motion passes so we will add that to the procedures tonight. The second motion that was made by Mr. Winston was that we add to the schedule, which would mean that we would not be doing this tonight, a caucus meeting by the Council to discuss. Mr. Baker, what are the requirements of the Council to have a meeting of notification to the public and to the media?

Mr. Baker said based on what I'm understanding is the question that it would be an open meeting, which would require a notice to the public.

Mayor Lyle asked if there was a second to Mr. Winston's motion. Hearing no second the motion will not be brought forward for a vote by the Council. Now we are back at the procedures; we've amended the procedures that have been sent to you by legal and procedure. I have put together for my note the next step in this process so I'm going to proceed with that as Mayor opening the floor for nominations to fill an At-large vacancy. I will recognize Councilmembers for nominations and the Councilmember's nomination must have a second. I'm going to ask our City Attorney and Deputy City Attorney to keep track of that so that we can be in order. The Clerk has enough to do by tracking it, but we are able to historically keep the record. I will now recognize Councilmembers for nominations.

Ms. Watlington said first, I want to take this time to sincerely thank everybody that put in an application [inaudible]. This is important work, I love the momentum and the excitement and frankly, the candidates that we saw; there are so many people that we had an opportunity to get to know a little bit better that we may have never been able to even see so I just want to thank you for that. I just want to highlight a few of the names that came out, there was a lot of up and coming talent that I saw and a few that I really, really were impressed by, and some I've even had an opportunity to make some connections with some community organizations because I think there is a role for everybody to play and I sincerely am committed to helping folks get connected where they can get more experience; Ryan McGill, Dante Anderson, Rebekah Whilden, Maritza Ortiz, Dr. Anthony Andrews. All were phenomenal, among others and so I'm very hopeful that we have a bright future in our hands. If people are given the opportunity, I think we can take Charlotte far. I'm going to start the process and I hope my colleagues support me in allowing one of those new talents on this Council by nominating Jessica Davis.

Motion was made by Councilmember Watlington, seconded by Councilmember Newton, to nominate Jessica Davis.

Mr. Graham said I would also like to take the opportunity to thank all the applicants who submitted their applications for public service. I think the volume of applications really demonstrates the commitment that people have for public service in our community and it also gives us a road map for over 140 citizens for appointments to Boards and Commissions where in my opinion some of the real work really gets done in terms of how we move our City forward. I think we know that we have a number of great applicants, but we also have a number of opportunities for them to participate in public service, so I want to thank them for that. This is a trying time for our community and as you can see by this passion tonight this seat that we fill is really important. It is important to build Council cohesiveness in a number of efforts on a number of fronts. I believe that based on that and that we really need to identify someone who can really hit the ground running I put forth the nomination of Gregory Phipps to fill the At-large Council seat.

Motion was made by Councilmember Graham, seconded by Councilmember Eggleston, to nominate Gregory Phipps.

Mr. Winston said again, I would like to point out to the public that this City Council has not discussed the merits of the applicants that came before us on Friday. A couple of years ago there was I thought a very important process this community went on and the Chetty Study [inaudible] leading on Opportunity Task Force report and one of the main take away of that report that many organizations, entities, and governments signed onto was that

we are an equitable City of 50 out of 50 because of traditions of institutions and systems that we are an inequitable City because of this consolidation of social capital amongst the haves and the have nots and we know that this is not just the consolidation of social capital. It does not just happen in white Charlotte, it also happens in black Charlotte, it also happens in the crescent and it happens in the wedge and what we are experiencing is the perpetuation of that consolidation of social capital tonight by the Charlotte City Council. I think what the community is feeling out there is true that these two candidates that are the only two candidates that are going to be nominated tonight for the most part have been pre-condition.

I am applying, I went into Friday very objective and I applied two principles and I had a conversation with all of my colleagues individually this week and basically told just about all of the same thing. I will not support anybody who did not come before the people and plead their case on Friday. While the 10 of us have the awesome responsibility of being able to choose the next representative for maybe a million people it should not be about our prerogative. The person that should fill that seat should come before the people that they represent and plead their case; Greg Phipps did not on Friday. The other principle that I have is my love for democracy and when you insert yourself as we all have, the 10 of us in this room, to the democratic process you put yourself up and so I will not select anybody who failed to make it through a Democratic primary. That means I will not support Ms. Davis as she ran a very well-organized campaign that was highly supported and was very well done, but in the end, the people did not select her. She has consolidated some pretty strong political and social capital and that is where this nomination has come from.

I believe as I apply those principles; there were four people that I would love to have a conversation with namely Dante Anderson, Terry Lansdell, Maritza Ortiz, and Rebecca Whilden. I am saddened that we will not be able to have, and our constituent will not be able to hear us have a really true conversation based on merit, based on facts, and based on the agenda that we have set forth. More importantly, I'm saddened that we will once again miss an opportunity of changing the status quo and being the example for all our community partners that we go to time and time again and ask them to change their operations to make this more equitable community. I will not be participating in this process, so I wish my nine other colleagues, good luck tonight in explaining this to our constituents.

Mayor Lyles said are there other nominations?

Mr. Bokhari said the point of order question since we've changed the procedure a little bit on the fly. If Mr. Winston wanted to nominate another person just so we could have more of that discussion that he wants to have, I told him last night that I would be prepared to at least second Rebeca Whilden to get into that conversation. I just am unsure if that means I'm locking in a vote there or Mr. Baker does that mean it would be something that would at least now add another name into the conversation because certainly while that process should have happened over the weekend or offline amongst the members I'm more than willing to help that along if it doesn't hurt anything right now.

Mr. Baker said if a motion comes and you second it that is not tying you to a vote, it is simply truly just seconding the motion for that person to be in consideration as a nominee.

Mr. Bokhari said Mr. Winston; I will stand by that offer that I made you last night on one of the four that you identified.

Mayor Lyles said Mr. Winston do you have a response?

Mr. Winston said no ma'am.

Mayor Lyles said after we have the nominations, we will close the nominations and have further discussion of the nominees so there will be an opportunity to talk about those that have been nominated as well.

Motion was made by Councilmember Eiselt, seconded by Councilmember Driggs, to close the nominations.

The vote was recorded as follows:

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

NAYS: Councilmember Winston

Mayor Lyles said is there any further discussion of the nominees:

Mr. Egleston said I wanted to echo much of Ms. Watlington said about the appreciation for the folks who put themselves forward, and I do hope that if this wasn't already part of the plan that we will get out to all of those applicants from the Clerk's office information on our advisory boards and committees. I think we've got an enormous pool of talent there that we can get more plugged in with the work of the City. I do think there were a lot of people who would make excellent Councilmembers now and, in the future, and I hope that they will continue to pursue that. For me with all the things we've got on our plate this year the ability to literally hit the ground running on day one, I think one out for me is not an indictment of anyone else's qualification because many of the people that have already been mentioned and others are incredibly highly qualified and incredibly good people understand the work that we do, but there is no substitute for having done the work. We all I think came in with a certain level of preparation to be on Council and regardless of how prepared you are, there is a learning curve. In a different year, I think that learning curve might be less of a burden, but in a year where we've got some of the things that are in front of the year 2021, I think that extra time that someone will have by already knowing and already having the job is just critical. That is how I felt on that, but I do greatly appreciate the people who put themselves forward. I was blown away by how many impressive folks spoke to us on Friday and I hope that we will continue to find ways to engage them in the work of this City Government.

Mr. Graham said I just want to speak to the nomination of Greg Phipps as well. The first thing for Mr. Phipps is that he has made a commitment, while it is not a requirement, not to run for the seat this fall. I think that is really important for the 142 applicants, for those who really want to run for the Charlotte City Council and get the vote of the people versus 10 Councilmembers there will be an open seat and I think that is really a critical point to make. What we saw earlier today on this same discussion for 30-minutes is why I think we need someone who can bring some cohesiveness to this Council, who understands the world of a City Council member which is to operate at 30,000 feet, not get caught in the weeds, someone who knows our rules and our procedure of operating, and someone who has been accustomed to being on Council to move us forward. We've got to be a lot more effective and efficient so if we are going to add someone to the mix we need to add someone who has some experience, some know-how, who understands our rules and procedures, who can make sure that our meetings are effective and efficient on day one. Out of all the applicants, I believe Mr. Phipps can do that.

He served us four-years a member of the Planning Commission so there will be no learning curve in terms of planning and zoning; he can come in on day one and be an effective member relating to all the zonings that we are doing every month, he can speak to that right-a-way. He served for six-year as Chairman of our Budget Committee and as our Budget Chairman said that process really begins for us on Wednesday of this week. Mr. Phipps can come in and know the budget, know the line items, understand how it works, how we can move the City forward, and really talk on day one intelligently about the budget because again for six-year he served as Chairman of the Budget Committee. Lastly, he also Chaired the Transportation Committee and as you know there is a major Transportation initiative that the Council will be debating and going through all year long. He also represented the Council as a member of the CRTPO Committee, Regional Representative and if we are going to get this referendum on the agenda for a referendum in November, regional corporations will be extremely important. He has social

relationships with the Towns to talk about our goals and objectives as a community relating to transportation, he can do that on day one. And let me repeat the first thing I said, he won't run for the seat this fall, so there will be an open seat. Individuals who are interested in serving on City Council will have the opportunity without someone who we anoint that will have the power of incumbency. That will not be there, he made that word to me, I trust Mr. Phipps on his word so that the seat will be open. Again, our goal, our objective is just not to fill the seat, but it is to provide an individual who can help us with Council being a lot more effective, efficient, bring us together on decision making who understands our rules of procedures so we can move on in doing the business of the City with experiencing turbulence every Council meeting.

Ms. Eiselt said I just want to say I would be absolutely honored to work with both of these candidates. With either of them or with a number of the other people that did apply, as I said I spent the entire weekend working on this, and at some point, I pivoted and I started calling community members and said don't tell me what candidate you are supporting, tell me what we need. Because there is a reason that we appoint a vacant seat versus going through a whole election again. It is very different to go through an election versus appointing somebody; this is my third time doing this. So, when I called Councilmembers a lot of them reflected on how difficult this has been to manage through a pandemic and they reflected on what we've got coming up ahead of us; that being a vote in the next 10-months on the Unified Development Ordinance, a Comprehensive Vision Plan, the funding for the Strategic Mobility Plan in the form of a possible referendum for a mobility tax. We also have, which I can't believe hasn't hit the radar more for people, a possible referendum on four-year terms for Council.

In the meantime, we have little things like trying to continue to work on creating affordable housing in our community and trying to get our homicide rate down. All of those issues are issues that did not come up in the past couple of months. We've been working really hard with it. I know that for myself in my fifth year on Council I feel like I'm better understanding these things and it is very difficult to jump in mid-stream, especially two weeks before we are starting our budget process. I think the volume of candidates that applied and their talent brought out two things for me, is one we've got to figure out why more of these people don't run for Council, What is it that prevents some of these people with this incredible talent and skillsets from running for a City Council seat? I offer myself to anyone who wants to try to find out how to run for City Council and would like some advice. I've had those on Council before I did that for me and I absolutely offer that because we need good people to sit on City Council. With that, I am leaning towards voting on somebody that can come into this job and get up to speed quickly, take the reins and keep running because we also know that in a couple of months as soon as we are done with our budget process, the Council is all going to be running for election and the staff can tell you it is a whole different ball game and people kind disappear. So, we've got a lot of important work ahead of us and I am really very grateful to the people who put themselves out there to run for this process.

Mr. Newton said I would like to preliminarily echo the comments of Ms. Watlington and Mr. Egleston to thank all of the candidates. This was a tremendously difficult decision to make because we did have so many qualified excellent candidates that would have the opportunity and ability to jump on the ground floor running here as soon as appointed. In making my decision on who to support I wanted to close attention to those individuals who took the process seriously in bringing effort and time. Those are the folks that exhibited that they truly care and as a preliminary matter to explain that effort was important to me. I felt like it takes that effort to put into workday in and day out to successfully contribute to this Council and most of the applicants and candidates did just that, but not everyone. I also felt like it was important to look towards the future. We need fresh ideas and approaches on our City Council. We know that the policies in the past aren't working for everyone, that the status quo isn't working for everyone and it is time to move forward. There were many energetic and intelligent candidates that certainly fit that bill of bringing a real depth of knowledge along with them.

And finally, I thought it was important to respect the voice of the outgoing elected Councilmember, and no, I don't just mean that from the standpoint of the recommendation

because although I did appreciate Councilmember Mitchell's recommendation, due to the fact that I have a tremendous amount of respect for him. Many of my Council accomplishments would not have been possible but for his guidance contribution and support and I know I'm not the only one who said that. I also mean the recommendation of the voice and the standpoint of the people that that Councilmember, Councilmember Mitchell represented himself. The voice that provided for those folks. Everyone who had voted for him numerous times over the years and not just an At-large member, but also as a District Representative, that community. The most important thing that we do as Councilmembers is provided a voice for the people. For anyone who doesn't know Councilmember Mitchell grew up right here in Charlotte, attending West Charlotte High School, and has been a steadfast voice for the marginalized and underserved community, the residents of West Charlotte.

All of that ultimately drew me to one candidate and that is Jessica Davis. Ms. Davis is a resident of the westside, has a long history of assisting her neighbors with housing and disability matters at the County Court House. She serves on the Juvenile Crime Prevention Council and has a professional background in Strategic Planning And Budgetary process. As to those last two points, that background would prove very helpful as we enter into the budget season. She also brings fresh ideas to this table, not the least of which are fresh ideas pertaining to the COVID-19 response. Finally, Ms. Davis took this process seriously. Among other things she submitted a thorough application and found the time to speak on Friday. I wanted to finish by saying that it frankly doesn't bother me that Ms. Davis has unsuccessful run for office before. If anything, I view that as a plus. I wouldn't penalize anyone for exhibiting the willingness to serve and I would in turn hate to discourage anyone from attempting to run for office in the future. We need more people willing to put themselves out there and give it a go. So, having said that, thank you again for all of the applicants, all the candidates here. Please don't let this be the end of the road for you if you are not selected. Continue to put yourselves out there give it a go and in the meantime, I will be supporting Ms. Davis tonight.

Ms. Watlington said a couple of things, first I would like to echo what Mr. Newton said. All of the things that he mentioned I take into consideration in regards to my decision. I also went painstaking through the applications, I also reached out to several of the applicants that made my shortlist, so please understand that I did not reach the conclusion because of social capital. I would argue that the reason that Ms. Davis has such community support is because she is authentic, and she's earned it. I would say that we don't know our own procedures. When we look at the first 30-minutes of this meeting whether you've been here six years, you've worked at the City for decades, clearly, none of us can say we are experts on the procedures so I'm not sure that I would expect anybody coming in to be an actual expert either. We are not hiring a City Manager. While I absolutely appreciate Mr. Phipps' experience, many other things that were listed there are things that really fall within the responsibility of the staff. When we think about our great staff, I feel like regardless they've got the expertise that they need. What they are looking for from Council is the will of the people. Our role is to be able to articulate the values of the people and I believe that we've already seen with great input and volume that Jessica Davis is the will of the people, not only today but in the previous campaign. We all know which is part of the reason why some of us did not want to support somebody who is intending to run, we know there is value in incumbency and with all due respect to Councilmember Graham, he had 20-years already. So, I would also encourage us not to count somebody out because they put themselves out there and could not get the social capital as quickly as someone who had been more experienced and had name recognition. That I think speaks exactly to what the problem is. When we think about what our community has told us, I also had several conversations with members of the community and I will tell you with all due respect, not a single member of the community I spoke asked to bring Greg Phipps back. I'm not saying that he didn't do wonderful work, but the consistency that I was hearing is that they appreciated him for his service, they supported him in not running again and they believe we've already got what we need in terms of experience on this Council.

What we've done in the past has not been working. I won't say it hasn't been working. What I mean is that I believe we can do more and I think over the last year, particularly,



with some of the newer Councilmembers we've been able to really push a policy that has been progressive, but also pragmatic, and I think that if we would work together, the more experienced folks and the new folks, or even the people who have a different ideology that we would get an even better policy. The problem is the lack of cohesiveness as Mr. Graham said. That doesn't come from somebody coming back to Council that has got experience, that comes from a willingness to not be condescending, that comes from a willingness to share information, that comes from a willingness to think about things differently, and also do not have your own way. All of those things I think are very, very important in how we operate as Council and I think that regardless of whoever wins the nomination tonight we've got to do things differently because it is clear that our issues do steam from a lack of cohesion.

The only other thing that I wanted to mention is that I posed the question as to why people don't run for office; this is exactly why because you can offer yourself, you can give the best effort, you can have community support, you can speak to the issues and the needs of the community and still not be considered because you are not a part of the good ole boys club. This is about comfort, it is not about being efficient for the sake of being efficient, it is about understanding the needs of the community. With that I will close and as I have already stated I will be supporting Jessica Davis.

**Councilmember Johnson** said my colleagues have pretty much said everything, but I want to say, for the unique position as Greg Phipps' successor I do support and appreciate the work that he has done in District 4. Mr. Phipps guided me, he supported my campaign, he contributed, and I appreciate all of that and I think he did a stellar job. However, tonight I will be supporting Jessica Davis because I do think that we need to move forward instead of regressing.

Another thing I want to speak up for the 142 other candidates that we say that we appreciate their time. A vote for Mr. Phipps in my opinion says the exact opposite and all the qualifications about being a Democrat, 21 and over, qualified, none of it says that you have to be a former Councilmember. So, he set the standard that none of those could have ever met and I don't think if we were looking for that qualification of former Councilmembers then that is who we should have opened it up to former Councilmembers and not had those other individuals give their absolute best to apply for this position. They might have taken time off work, we know they rehearsed, they were excellent so to vote for Mr. Phipps I think is an insult to those who applied and I told another Councilmember you never apply for promotion and giving our absolute all to prepare only to be denied due to politics then you were probably a benefactor of those politics. I think we really need to consider what we ask the public to do before we make the decision to appoint a former Councilmember, although that former Councilmember is excellent, and I do support him in almost everything except for this tonight.

**Councilmember Bokhari** said I just wanted to say that between the two that we've narrowed the field down on; I don't need to repeat everything that you guys have said, they are both incredibly impressive folks. I sat next to Mr. Phipps for an entire two-years, right next to him, he is a known quantity. He is a great leader, he will hit the ground running and he is sneaky funny, which is always a good thing to break the ice. But, Jessica Davis, I would also have to say I don't really know personally, but when people like Angela Ambrose and others personally reach out to you and take their time out of their day to vouch for someone, I don't take that lightly either. Rather than talk about those two, I like some of my other colleagues just want to take a second to focus and say thank you to the over 100 other folks. You guys were incredibly impressive, and I usually find that moments like that are ultimately the beginning of the political adventure, not the end. So, whether it is Rebekah Whilden, and we saw her kind of come out and it was just incredibly impressive, or Ryan McGill, someone who has been a bit of a known quantity on the campaign trail and we've always wanted to see services, or for me personally Bruce Clark and the work that he has done on the digital divide and things like that. I'll just say hopefully, I hope this makes you feel a little better because I feel terrible, as a Republican that there is this incredible Democrat bench in our City and in our community and I feel a bit of the pang of jealousy in wishing that we had that kind of bench. So, I say that to you in all honesty that you should feel really good about yourselves all of having gone through

that process and probably many of you kicking off your formal political careers from this point forward, so keep up the good work and don't be dissuaded there.

Finally, I just say to my colleagues we've had a really tough year and I think that is probably the understatement of the year and funny enough, one of my favorite things through this painful process as many of them are, has been reconnecting with several of you and talking on the phone and just chatting. I will tell you that with all the disfunction and things that we've had going on, it is probably because, I will just use that as a microsome, that I wasn't feeling that with you. I'm sure there are many more instances across this body so, I hope that for us is the kick-off of something new because I truly enjoyed talking to you guys and having those conversations. I will leave it at that, and I hope that is a receipt that really makes 2021 a really positive year where we focus on the work and focus on trust amongst each other and teamwork, and a shared goal.

Ms. Ajmera said I have a tremendous amount of respect for all the candidates who reached out and who have applied. It takes a lot of courage to put your name out there and having gone through this process in 2017, I call it a bit easy being on this site. Let me tell you it has been very challenging; it has been a very difficult process to choose one candidate out of 100 plus well-qualified and passionate candidates. I talked to almost every candidate who has reached out because that is what my predecessors had done with me. They gave me 15 to 20 minutes of their time. I talked to over 28 candidates; all the meetings are on my calendar and I was very impressed with a lot of candidates. Terry Lansdell, Marcia, Noelle, Bruce Clark, Rebekah, Kelly, Dante, Deborah, Ryan McGill and I could continue to on. I have worked with many of these folks. I have seen the impact of their work in the community and have been friends with many of them. This decision has been very difficult because it is hard to say no to a friend. But this work is about making tough decisions; this work is about making difficult decisions. I've had the honor to work with Mr. Phipps when I was appointed to District Five before serving as an At-large Councilmember. He was my go-to person for rezoning questions, process concerns, for budget questions. Personally, I have seen him and his wife work at the grassroots level in their neighborhood. I have attended their townhall and in fact, they were my guests at our wedding, so it is very difficult for me to say no to him. But I had to follow my conscious and I will be voting for Jessica Davis as an appointee and Mr. Phipps, if you are listening, I hope our friendship will continue to flourish regardless.

Mr. Driggs said I think like everybody else on Council I was quite staggered by the level of interest in this appointment and it was overwhelming and frankly for somebody sitting on Council it was quite humbling to see all the capable people, the qualified people who are interested in doing this work. Obviously, the number of applicants presented a challenge for us. I can tell you this is the book and I spent a lot of time over the weekend going through the applications and I identified a few people that stood out in my mind as being very qualified that might have been my nominee. In conversations with other Councilmembers, it became apparent that some of the people that I identified were not also people that had been identified by others. So, the process through which we got to the finalist was not really completely random. I think what we all did was we thought about who we thought the potential people were and we had conversations and gradually it became apparent that some candidates had the support of numerous Councilmembers and then there were many candidates who had the support of one or two Councilmembers. We had to go through a process in a very short period of time of arriving at the finalist that we did, and I want to emphasize the fact that Mr. Phipps, whom I intend to support emerged was not the result of some political feel or anything like that. It may seem unfair, but the simple truth is that by virtue of his past service and hard work he identifies himself as somebody exceptionally qualified to play this role over this period of time. There is no monkey business about it, and if he has an advantage it was hard-won.

The other thing I will say is I support Mr. Phipps for all the reasons that Mr. Graham stated better than I could so I'm not going to repeat it all, his qualifications, his service as Chair of the Budget Committee and of the Transportation Committee, but I will note whoever is appointed is going to go in their first full day on the job, to a Budget Workshop and colleagues, if you remember your first budget process I think you will agree that it is very hard to take it all in. It is in fact quite difficult; you've got your enterprise funds, you've got

your PAYGO (Pay-As-You-Go), you've got this, you've got that and this year our budget process is particularly critical because we have to populate two bond cycles with CIP projects. That is something I think for which a knowledge of how these projects are identified, how we prioritize them, what the available resources are is going to be particularly important.

Then of course in the course of the year, we are dealing with some momentous initiatives that will affect the future of the City for decades and I think that somebody that can kind of join that conversation and contribute right-a-way is important. I would also note that in general for a newcomer to Council, this would be extremely difficult. I recognize that having a fresh perspective has value, but really where we are right now, we are better off kind of furthering the work that we've been doing than trying to accommodate perhaps a new initiative or new perspective to somebody who joins. I think a newcomer that came to Council at this point would find that by the time they really felt secure enough to make a difference on Council, their appointment at least was up. I have great respect for Ms. Davis, we haven't met, but I fully expect her to be an important figure in public life in Charlotte going forward. I really don't think a [inaudible] for her at all by any means and I do want to express my appreciation for others with whom I spoke or took the trouble to apply, and again I think if they persevere they will find that there are important roles for them here in Charlotte. But, just as a practical matter in order to maximize the effectiveness of Council this year I'm going to support Greg Phipps.

Motion was made by Councilmember Newton, seconded by Councilmember Johnson, to appoint Jessica Davis to fill the At-large vacancy seat.
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The vote was recorded as follows:

YEAS: Councilmembers Ajmera, Johnson, Newton, and Watlington

NAYS: Councilmembers Bokhari, Driggs, Egleston, Eiselt, Graham, and Winston

Mr. Newton said the point of order, it was my understanding that the way it would work is you have nominations and a second and as those nominations come forward for a vote on either and not a separate vote on either, but a vote for the people in favor of one and the folks in favor of the other. Does that make sense?

Mayor Lyles said I'm going to let Mr. Baker address that question. I was just following the rules that I was given.

Mr. Baker said and that was the assumption that you needed to have a vote to get to the top two and since only nominations have made it, we've just gone straight with the top two. So, we've basically saved a vote that wasn't necessary since these were the top two vote-getters.

Ms. Watlington said who decided that? I don't actually remember us ever approving a process, but no worries.

Mr. Baker said that was what we did at the beginning when Mr. Newton submitted his request to add to the process the need for a nominee and a second when we put the nominees together.

Ms. Watlington said right, we never said anything eliminating around, but it is okay, just again, for the record.

Mr. Newton said I guess the point I'm making here is there appears to be a redundancy in this vote because now we are all voting on candidates separately entirely rather than just voting for the candidate that has been left over after the nomination that we select and would choose. Does that make sense? I guess really the question then in fact if there were ever a tie what is the point in having a tie break because if you are voting separately like we are in this fashion that would never occur, right? So, to the extent that we are

voting here, I think it makes a lot more sense than we would be voting in the affirmative for who we support of the two candidates rather than going through a full vote on each one.

Mayor Lyles said Mr. Newton; I just want to be clear in this process that what you are recommending;

Mr. Bokhari asked if he could ask Mr. Baker a question.

Mayor Lyles said can I ask James first a question?

Mr. Bokhari said sure.

Mayor Lyles said we just took a vote and we had a roll call vote and I think Mr. Newton is raising the question of whether or not that motion should have been yes for the person that you choose to vote for. That is what I think that I heard and I'm not sure how to rule that so Mr. Baker, you've got to help me out here. I'm trying to see what do we consider from Mr. Newton?

Mr. Baker said what I thought was once you got down to nominees then you just move forward, but if you want to go backward you can basically vote for your nominee so what you would do Madam Mayor if to put the name of Jessica Davis and ask for positive votes for Ms. Davis. Then put Mr. Phipps out for the positive votes for Mr. Phipps. Those are your nominees going forward and then you would proceed to vote to get to those six votes. That is precisely what is on your sheet that I think I went with moving directly to that particular vote, I think that you just assume that those are your two top vote-getters. If you take one step back and ask for all in favor of Ms. Davis those will be positive votes and then all in favor of Mr. Phipps, those will be positive votes and then we move forward to where we are right now.

Mayor Lyles said you've heard the ruling of the Attorney is that we can do it as a favorable vote.

Mr. Bokhari said Mr. Baker; could you simply state to us your exact recommendation and if it is the exact same thing you just said that is great as the thing you want us to do and the thing you will defend us in court with afterward should this become a problem so we can move on?

Mr. Baker said defend anything; I can defend both of the things that you said Mr. Bokhari is what I'm trying to say when I said anything. But what you have here, if there had been three people you would have had this particular yes vote going forward, so I recommend that you do what I just said which is all in favor of Ms. Davis, all in favor of Mr. Phipps, and then proceed to vote on the nomination.

Mr. Bokhari said to call the question.

Ms. Watlington said all I will say is this and I will keep harping this; I appreciate our City Attorney for his recommendation but, I think we need to be careful about asking for rules from him if these are our rules of the procedure then these are our decisions.

Mayor Lyles said I think the question is Mr. Newton are you asking for a favorable vote? I think that is what I heard you saying.

Mr. Newton said I just wanted to draw the clarification; I understand the complications that are presented with the process like that or like where we are going through virtually, but if we were at the dais, how it would work is we would ask who are the affirmative votes for, we would raise our hand to the affirmative, count those for the first nominated person and then do the same for the second nominated person. I'm just asking that we stay consistent with that because that is really what makes the most sense here, particularly if there is this opportunity or this process whereby a tie break would occur if that were to

present itself. That is all I'm saying, stay consistent with how we would do it if we were at the dais.

Mayor Lyles said Mr. Baker is that appropriate?

Mr. Baker said what you need to do right now Madam Mayor; is basically you are looking for votes, all in favor of Ms. Davis and then for Mr. Phipps so that you've got Council on record as voting for these nominations. This is similar to how you would handle your Boards and Commissions.

The votes were recorded as follows in favor of Jessica Davis.

Councilmembers Ajmera, Johnson, Newton, and Watlington

The votes were recorded as follows in favor of Greg Phipps

Councilmembers Bokhari, Driggs, Egleston, Eiselt, Graham

Mayor Lyles said Mr. Winston did not vote and because we are doing it in the affirmative, he would be not counted; Mr. Baker how do I deal with that?

Mr. Baker said he is not counted for this purpose.

Mayor said that takes us back to the regular roll call vote that we have to have; we have five in favor of Mr. Phipps and four in four in favor of Ms. Davis. We will go back to the roll call vote by affirmative yes or no for Mr. Phipps.

Mr. Baker said Madam Mayor; you are at the stage now where we just were [inaudible] motion would be in order to appoint one of the candidates and then you do the vote, which is what we were just doing before we came back.

Motion was made by Councilmember Bokhari, seconded by Councilmember Graham, to appoint Greg Phipps to fill the At-large vacancy seat.
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The vote was recorded as follows:

YEAS: Councilmembers Bokhari, Driggs, Egleston, Eiselt, Graham, and Lyles

NAYS: Councilmembers Ajmera, Johnson, Newton, Watlington, and Winston

Mayor Lyles said we have five votes for Ms. Davis and five votes for Mr. Phipps, that makes me break the tie I vote for Mr. Phipps and that carries six to five. We will have the swearing-in for Mr. Phipps tomorrow and then he would join the Budget Workshop on Wednesday.

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**ITEM NO. 3: CLOSED SESSION**

There is no closed session.

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## ADJOURNMENT

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

The meeting was adjourned at 7:11 p.m.



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Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 2 Hours, 11 Minutes  
Minutes Completed: March 22, 2021