

The City Council of the City of Charlotte, North Carolina convened for a Business Meeting on Monday, January 25, 2021 at 5:02 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 January 25, 2021 Business Meeting and said this meeting is being held as a virtual meeting in accordance with all of the laws that we have to follow, especially around an electronic meeting. The requirements also include notices and access that are being met electronically as well. You can view this on our Government Channel, the City's Facebook Page, or the City's YouTube Page.

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### **INVOCATION AND PLEDGE**

Councilmember Driggs gave the Invocation and the Pledge of Allegiance to the Flag was led by Councilmember Watlington.

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### **ITEM NO. 2: ACTION REVIEW AGENDA OVERVIEW**

**Mayor Lyles** said I'm asking the City Manager to give us a presentation and introduce the agenda for tonight.

**Marcus Jones, City Manager** said tonight what we have for you is a Safe Charlotte update, however, what we will focus on for the most part is Chief Jennings who will come in and talk about 2020 as it relates to not only crime but what the City has been doing in terms of violence and how we've been able to address that. As the Mayor said earlier, there is no closed session, so Mayor, that is the only item that we have on the agenda for tonight.

In the beginning, I was going to go through a Safe Charlotte update, but I decided not to because my strong desire is most of that is ingrained in what we've been doing over the course of the last 18-months. So, what I will say as it relates to Safe Charlotte, it is not just the item that you approved last fall, but it is also what the City is doing in terms of addressing violence as a public health crisis. I would add to that that there has been great work that is happening in the Committees from Great Neighborhood to Workforce and Business Development and Transportation and Planning. A lot of that rolls up into how we can address violence as a public health crisis, but I learned a lot from the Annual Strategy Meeting that this was top of mind for the Council so we decided to come back tonight with Chief Jennings and an update with that I will turn it over to Chief Jennings.

**Chief Johnnie Jennings, Charlotte Mecklenburg Police** said hopefully everybody can see the slide presentation that we are going to go through. Last week I did a year-end crime update to the media and some of this will be redundant to that, but hopefully, you will get an idea of not just what we saw in 2020, but the good work that we've done as well as some of the things we are going to be looking at moving forward.

An overview of some of the things we are going to look at is population and violent crime comparison over the past 30 years, some of the 2020 Crime and Review, Crime Management and Corridor Focus Areas, and then Moving Forward in 2021. We will be hitting some of those topics. First, I want to give an overview of the population and violent crime comparison over the past 30-years. This is something that I normally don't talk about; I really never want to give an excuse of the crime and violent crime, in particular, going up just because of the population, but I do think it is relevant in this situation to give an overview to kind of see what we looked at over the past 30-years and that we can get a visual of what we've seen. This is just a chart of the population growth through CMPD

(Charlotte Mecklenburg Police Department) and what was formerly CPD (Charlotte Police Department) so our jurisdiction, you can see the population growth starting from 1990 which was right around 400,000 which is the jurisdiction that we serve, and up close to 1,000,000 at this point in 2020.

The relevancy here is the violent crime rate which is not talked about that often. The violent crime rate is based on per 100,000 residents in our jurisdiction and if you look at 1990, that actual number is 2,302 violent crimes per 100,000 residents, and if you shift all the way over to 2020, last year we ended at 848 violent crimes per 100,000 residents. I want to kind of throw that out because I do think it is significant when we look at over the past 30-years how the crime rate has steadily been on the decline, based on what we saw back in the '90s.

We will go over some of the crime in review; next is what is going to be what I reported out last week to the media and I will start with the interactions, 514,000 Police interactions with the public in 2020. That is actually down 14%, generally, we average about 600,000. With COVID (mild to severe respiratory infection caused by the coronavirus) and everything last year, I think it did affect that, but some of the significant numbers are the number of arrests, 14,568 arrests that you see on there which is down 17%, however, what our focus has been and tried to be is on violent crime. If you look at the violent crime numbers of 3,050 arrests, that is actually up to three percent. So, the total arrest may be down, but the violent arrest, which is our focus, has been up. Guns off the street, you also look at that, that is a very large number of 2,265 guns that we confiscated off the streets. That is up to nine percent from the previous year which is pretty significant. I'm not going to go through all the numbers down below, but if you look at some of the ones that jump out, in particular, I know everyone is aware of the homicide that it is up 18%, violent crime is up 16%, aggravated assault, which is another concern that we've been dealing with is up 29%.

You can also look at some of those crimes that are down that can be attributed to COVID because it does take away opportunity with more people being home, particularly the burglaries that are down 31% that you see there. Property crimes in general as a whole were down 14% so, those numbers are pretty significant.

All 13 Patrol Divisions have a dedicated Crime Reduction Unit (CRU) and these are specialty units that each division can use to utilize anywhere they want as far as in their Division to deal with certain particular crime trends. In the past, those crime trends could be anywhere from a larceny from autos to housing break-ins to violent crime. What they have focused on for the majority of 2020 is to put that focus more on addressing violent crimes. You will see some of the numbers; I didn't break it down into each Division, but the 13 Divisions collectively, have recovered about 467 illegal guns off the streets that have been taken out of the streets in the community and they've made over 1,600 arrests just through those units from the CRUs within the Division.

I think I would be remiss not to mention the great work and the great response from the community although we were dealing with COVID, we had some historical numbers with Crime Stoppers, 3,220 tips that were received that resulted in 162 arrests and cleared 330 cases. Also recovered 45 guns which I think is significant, but that is a big plus for us within the Department that whenever we can get tips that come in to help us to either verify some of the leads that we have or to even to develop leads themselves and to see that those actually result in the solving of some of our cases is very significant for us and very appreciative of the community for stepping up through Crime stoppers. I will note real quick one thing about Crime Stoppers; although we offer monetary rewards for Crime Stopper tips that lead to arrests, there are often times when people have no interest in the money itself, they just want to make sure they are providing the information. So, we've had tips that have warranted rewards that have never been picked up, so I think that says a lot for our community who steps up to the plate.

Without going through the numbers, you look at the homicide clearance rate at the top, right now we are sitting at 71% for 2020. The national average is a little bit higher than 60%. Our Homicide Detectives have regularly stated well above the national average.

What you see with that number of 71% will actually change as we are able to solve cases from 2020 as we go into 2021 we are still working on several cases in 2020 that will be solved and that number will go up much like you see in the numbers in 2010, 2014 up in the 80% rate of clearances. I wouldn't be surprised if we don't get close to, if not above 80% for 2020 when it is all said and done, but we still have some work to do there.

Homicides by primary circumstances, you can read that below. The one thing that I've been saying regularly is you look at the number of arguments that we've been able to identify that the homicide resulted from an argument, that number is at 21 and I've been saying for a very long time people are too quick to get into what is minor disputes that are arguments that turn into the use of deadly force against each other and that is disturbing. If you look at the number of others, basically other is that they just don't fit into that category. It could be unknown what the reasoning is, it could be certain situations that don't involve drugs or domestic cases or robberies or anything like that. So, we list them as other and we are down, I say down, homicides are up, but however, we had reached the point of 123 homicides, however as those come off as justifiable by the District Attorney's Office, those numbers will go down. I suspect that number of 120 will also go down as the District Attorney is able to review some more of those cases.

If we look at how we break-down our homicides, the one thing that disturbs me on this is the rise that we saw from 2019 to 2020. The victims by age is 14 to 17 and in 2019 we had five; 2020 there were 13 victims between the ages of 14 and 17 and there were three victims under the age of 14. Also going down and looking at victims by race, out of 120 homicides 95 of those victims were black and suspects by race 97 of those were black and you can see if you go down the list Hispanics being 15 for the victims and Hispanic suspects were five so there is certainly some disproportionality there as related to our population as well. Those are some numbers that kind of jump out at you when you look at how we break down the homicides based on victims and suspects.

We will start talking a little bit about crime management. One thing that I'm particularly proud of is our use of the Real-Time Crime Center and the technology that we have within CMPD. We have a great deal of technology, whether it is cameras, tag readers, different things that we use to help solve crimes, and the Real-Time Crime Center is what brings all of that together and to be able to do that in real-time right when the cases are occurring. They assisted in over 2,400 investigations last year; almost 1,500 of those were violent crimes that they were working with and this is right when those crimes are occurring when there is a robbery or shooting or something like that, they are right there on it checking the cameras and all of the systems that we have. Two Hundred and fifty-four of those violent cases were cleared on the initial investigation which means that we were able to catch the suspects right away or identify a suspect right away. 205 of those suspects were arrested from cases that the Real-Time Crime Center was involved in so that is pretty significant work and then there is just a little extra down there about the stolen vehicles, 359 stolen cars that they were able to recover as well as 24 missing person cases that they were assisting with.

The National Integrated Ballistic Information Network which in short is NIBIN because that is a mouthful, so I will refer to that as NIBIN. We have always been part of NIBIN, it is a pretty significant national database that we use for bullets, shell casings to link certain cases based on the firearms that were used in those cases. We had a great deal of those firearms that either needed test firing or the casings needed to be entered into NIBIN that we saw last year that it was taking months to get those cases compared to each other and to be able to have those linked together. We did a really big push to get some additional people to help us catch up with that and also help us to keep caught up. So, what used to be months to be able to help resolve these cases and link these cases is nowadays and with priorities, we can actually even do quicker than that. If you look at the results of that at the bottom, 557 investigative leads were generated through NIBIN last year and 517 of those leads involved casings from shooting into occupied dwellings which the next topic that I will go into.

If you look at the shooting into occupied dwelling cases, these are very disturbing cases because these involve people that are shooting randomly into houses or vehicles with

total disregard of what they are going to hit inside and not knowing who is inside. The Shooting into Occupied Dwelling Task Force was able to complete a full year in 2020 of being in operation. They do some very good work and one of the reasons we did establish that Task Force is you saw last year in 2020, we had a 47% increase in shooting into occupied dwellings, homes, and vehicles. That is 927 incidents and far too many. They were able to take on and obtain 164 arrests and another significant number is the 118 firearms that they seized with 29 of them being stolen.

I will go over this real quick with our Organized Crime Task Force. We are in partnership with the U. S. Secret Service. We have detected that work with them, another angle as this is that those people that are involved in violent crime also are involved in other crimes such as some of these crimes such as identity theft and some investigations by matching drug operations with auto and personal loan fraud, things like that so we had three violent career criminals arrested and indicted for the use of stolen identities last year, but this Organized Crime Task Force resulted in 21 arrests and including 13 federal indictments which is always a plus when we can throw federal indictments in and get some of the dangerous people off the streets as well, using that resource.

Nuisance Abatement – I've talked to many of you on Council in reference to Nuisance Abatement. We do know the process and we've gone through that and what the process takes. Our NEST (Nuisance Enforcement Strategy) Team is going to continue to work hard to leverage those owners. We currently have 30 that are somewhere in the process. We don't have any that have been within the Attorneys as far as the takeovers there, but we do have 30 that we are working on right now that we think are going to hold to some pretty good results down the road.

Safe Streets Task Force is a partnership that we have with the FBI (Federal Bureau of Investigation), Their Safe Street Task Force. CMPD's federal charge is working with the FBI on more than 14 suspects in 2020. Those charges include a lot of drug trafficking and firearm by felony charges, so they have been able to get 19 illegal guns and a flame thrower, of all things, were recovered in 2020 by that Task Force. They also have been able to confiscate over \$300,000 worth of illegal street narcotics in 2020.

CMPD's Human Trafficking Task Force has been doing some great work last year with the charge of 11 suspects and all of those suspects are currently waiting for federal trial right now, but the most important thing is there have been 14 victims of human trafficking that has been diverted and all of those were children. If we just save one child, that is a win for us, but 14 is something that we are very proud of, but we still would like to save more because we know there are more out there and we are going to work hard on that.

Core Stat; we were able to hold our first Core Stat, and I will explain what that is, a couple of weeks ago with a couple of our Divisions already. So, just to give you a little explanation of what that involves is our Division Captains and their Major and Lieutenants, we require them to report basically their State of the Union to us as Command as far as what they are doing, what their Divisions are looking like, crime wise, much like I'm doing with you now, but they are to be specific about their Divisions and what they are doing and how they are addressing those crimes. What we wanted to do was to pull the community into those and let them be able to see the process of how we hold those Divisions accountable and also to let them have input on how they want to police. It all goes part of my Core Forward with community collaboration that the community is going to have some input on how they are to be policed. When we talk about the crime issues and the issues in the Division this allows those community leaders to come in and be able to tell us what they are seeing and what their issues are and also to hold us accountable on whether we are doing what we say we are doing. This is just going to grow; we had to do it virtually because of COVID but down the road, this is going to get much bigger and the community will be able to come in and speak with our Command of those Divisions.

Corridors of Opportunity, we just wanted to list those and kind of go through a few things of what we are looking at in those corridors. We just wanted to take a broad look at what we've done in those corridors in 2020 and if we go back and look at some of the work, not just what our crime reduction units have done, but just holistically throughout our

Department. Their focus in those areas they have been able to make more than 1,700 arrests and the most interesting thing that I want to throw out is Officers conducted more than 2,000 traffic stops and wrote roughly 300 citations, but also issued more than 1,000 verbal warnings which is what I envision as far as when we start making traffic stops it doesn't always have to end in a citation and it doesn't always have to end in an arrest. Verbal warnings can be just effective, if not more at certain times when you are dealing with these fragile areas. We were able to utilize our federal JAG Grant overtime in these areas which allows us to get Officers out there to do more non-traditional patrol such as the walking beats, the bike patrols, and things that we are going to do outside of the regular just riding through in a police car and answering calls for service. So, JAG Grant overtime allows the Officer to make over time in those areas, but it is also beneficial to the community because we are able to put more resources out there on top of what our regular staffing is. Continuing in those corridors to partner with local business leaders, our crime prevention crisis response team and mental health groups were helping using some of that also to help with homelessness and manage some of the mental health challenges that we have as well.

Moving forward in 2021, we have outlined, and everyone has heard my Core 4 Strategic Priorities, community collaboration, crime management, professional accountability, and employee wellness. Part of what we did as a team is looked at our Mission and Vision Statement and surprisingly it was last updated in 1994. I don't think anyone would disagree that policing has changed a great deal since 1994. We thought that our Mission and Vision Statement was well over-due, so we were able to change that and hopefully have that more reflective on what we are trying to achieve in 2020 and 2021. So, that has been changed.

Moving forward we have the teams currently in place that I wanted to put together a comprehensive robust violent crime reduction strategy. They have already started that work and one of the three focused areas that they want to focus on that we are going to be putting forward is Priority Locations, Priority Offenders, and Priority Partnerships. The work that they are doing they feel that if they can focus on those three areas then we can be successful in our mission to reduce violent crime for 2021.

Lastly, this will be continuing, we are going to continue to use data and technology to improve what we do, realign some of our specialty units. We are currently still looking at different areas within our agency that we can change up that we can put more focus on violent crime where we can take from some areas and move to others and focus more on violent crime. Reorganization of the department, as you know we are looking at civilianization of several roles in our Department which will allow us to reallocate some of those resources as well. Also finding more opportunities to collaborate with partners within the criminal justice system. I think we have a very good relationship with our state and federal partners as well as with our District Attorney and some of the work that we've done with our Magistrates. One of the things also is the Offender Accountability Form which we've talked about before, which allows us just in brief we can tell the Magistrate and the DA and on up basically what we know about this offender. If it is an offender that we know has a pretty significant history or has been preying on our citizens in a certain community, that information is included in the Offender Accountability Form, so the DA is able to have access to that as well as the Magistrate.

I think that is it and I do have Deputy Chief Stella Patterson as well as Deputy Chief Coerte Voorhees with me if there are any questions that I may not be able to answer for you, but I will be glad to entertain those at this time.

**Councilmember Watlington** said, first of all, thank you for the update, Chief Jennings. I think you are quite settling; you've been in your role quite sometime now and there has been quite a bit happening since then so I'm sure running off cylinders. Thank you for the work that you are doing. Quite a bit of question as I said, and I'll just start from the beginning. I've got some straight from this presentation, and I've got a couple from our review of the homicide and violent crime matrix that you sent last week. If we can go back to the beginning of the slides, you talked about the crime rate declining, I just wanted to make sure I understood the graphics. You had your trend line.

Chief Jennings said yes, this is the one you are referring to.

Ms. Watlington said okay, and this is specifically to violent crime and I wanted to make sure this is not an overall crime, but the actual violent crime rate is reducing.

Chief Jennings said that is correct, specific to violent crime yes.

Ms. Watlington said on slide #7, total arrests. How does one interpret that number? The total arrest is 14,000 but how do we interpret that in terms of how often people were arrested once a crime was committed? Is that five percent of all crime results of an arrest or is that 95% of all crime results of an arrest?

Chief Jennings said that is difficult to measure because some of those arrests could be something as simple as a driving offense. If someone's license were revoked or there is a DWI (Driving While Impaired) or something. I can tell you how many burglary arrests we've had or how many robbery arrests we've had, but I can't relate that to how that relates to crime in general because some of those are not necessarily criminal offenses per se as far as part one offenses are concerned. Does that make sense?

Ms. Watlington said in general we don't know, but you said something I want to make sure I understand. Are people getting arrested for things that are not criminal offenses?

Chief Jennings said if someone is arrested for driving while impaired that would be included in that number. I think what you are asking was how many of those arrests can be attributed to the actual part one offenses which I wouldn't be able to do that, but I can tell you I would be able to get you numbers specifically if you wanted to know how many arrests related to homicides or how many arrests related to a robbery in reference to part one offenses in general, I would have that number, yes.

Ms. Watlington said okay if you could provide that later on, certainly don't need it right this moment, but that would give me an understanding. Also, on this page violent crime, where you've got these violent crime arrests here, you've got everything really [inaudible] in terms of violent crime had gone up. Is the crime rate that has gone up or just the number of instances has gone up?

Chief Jennings said you are looking at the number of incidents so when you look at property crime for example in whole is down 14% in 2020. Homicides were up 18% in 2020 so those are incidents themselves.

Ms. Watlington said okay, so when you look at it versus population the rate itself may actually still be going down.

Chief Jennings said that is correct. We tend to always talk about the numbers specifically, but you never hear about the crime rate. I've purposely done that because I've always said that just because our population grows doesn't mean our crime needs to grow. But I did want to provide that slide just to give a perspective to the Council and the public to kind of see that our crime rate over the past 30-years has continued to decline.

Ms. Watlington said on slide #8, you talk a little bit about your crime reduction unit and later on, you talked about your strategic plan to be focused partly on strategic partnerships so I wanted to know about these CRUs (Crime Reduction Unit) can you name who the current partners are? Really specifically, what I want to know is if our CJAG (Criminal justice Advisory Group) partners are here and are our ABC law enforcement officers are part of this partnership as well.

Chief Jennings said absolutely, and our crime reduction units are Division specific. We are, and matter of fact, as far as CJAG is concerned I took that role over personally just to be able to get more involved in CJAG, but when I talk about partnerships I mean with our federal partners, with the District Attorney's Office, and with the Sheriff's Office. All of that is moving along really well. I think our working relationship and the constant contact that we have with each other is going to benefit the entire county where we start talking

about how do we work together to make sure that we are targeting the right locations and people that is going to be most effective and being able to handle some of the caseloads, particularly like what we are dealing with, with the District Attorney's Office. All of that partnership is going to help us work together and know where our mission and our roles need to be within the communities.

Ms. Watlington said as you all do that work is there anything that you know you need right now to strengthen and impact the CJAG?

Chief Jennings said I've had the conversation with the City Manager as well as some of you all. As I get into this more and become better acquainted with the members of CJAG I'm sure I will be coming forth with many recommendations or things that we can do better, but especially with COVID, we've only had a couple of meetings since I've been participating in that. We will continue to move forward and grow there.

Ms. Watlington said on slide #10 you had highlighted the various circumstances of homicides; I just want to understand a couple of things here. The first one is where I see the numbers for domestic violence for 2020, you've got 16 homicides attributed to domestic violence. I noticed the information we got last week it had five. Can you talk a little bit about what is included in this number versus last week's number? If you can't talk specifically about last week's number, can you just tell me what is included here?

Chief Jennings said I didn't see the five, however, I can tell you it could be a difference in when you talk about intimate partner relationships, that is a different part of domestic violence. So, domestic violence could be brother on a brother or a son on a father or something to that effect. An intimate partner is when someone is in a specific relationship. I don't have that number, but I can almost guess that it would be the difference in a domestic partner when you are talking about an intimate relationship as opposed to brother or sister or siblings and things like that.

Ms. Watlington said as a follow-up to that, this question is not for the Chief, it may be for Council, but I would like to understand going forward, I know we've been having a conversation regarding this Family Justice Center and I know that you guys are focused on a pilot right now and I'm interested to see how that turns out. Is this Family Justice Center focused on all domestic violence or particularly intimate partner violence? I'm not sure if anybody has got that answer right now, I know it is in the very early stages, but I'm interested to know.

Mayor Lyles said why don't we get the Manager to respond to that because I think he is planning a presentation. It is coming up and maybe what would be a time to discuss the answer to that when the discussion is going on about the Justice Center. Instead of asking him, I think his plan is for February 1<sup>st</sup>.

Ms. Watlington said I can wait for that. The next one on this slide is when we see gang involvement and we see drugs can you tell me a little bit about what, I would expect that more of the drugs would be intertwined with the gang involvement. Can you help me interpret those two numbers?

Chief Jennings said they are not necessarily intertwined. So, gang involvement is interesting because when we determine that the cause of homicide was because of gang involvement, that is where we list it as two. That doesn't necessarily mean that you don't have a gang member who might have been involved in a homicide, but that was more particularly because of their lifestyle, not necessarily because of two gangs that are feuding with each other. Then drug involvement basically we determine it is a drug dealer and we see a lot of them dealing with marijuana sales that someone has set up to do a drug deal then they get into some sort of dispute over that drug deal and that ends up being a homicide. When we are able to determine that the homicide is based on drugs that is when we list it in that category.

Ms. Watlington said that being said, as I think about our Cure Violence investment, can someone help me understand what time we expect Cure Violence to be able to mitigate?

My understanding was retaliatory gang violence, but I see that this number is relatively low, but I don't want to assume that means that we are over-invested in this space.

Mr. Jones said again we start to think about Safe Charlotte and what we are doing in terms of violence as a public health crisis. Cure Violence is just one tiny piece of it and that one tiny piece addresses homicides and shootings so that is the core of Cure Violence, but again, one small piece of a bigger plan. The measures would reductions in homicides and reductions in shootings.

Ms. Watlington said as we dig into that I understand that the measurer is homicides but I don't expect that Cure Violence is addressing all of these primary circumstances so I just want to make sure that as we are following those numbers we understand what impact we should actually expect from Cure Violence if they are focused on retaliatory gang violence. The next one on slide #11; I know we've got youth programs and we covered them early on in our reimagining policing work, but I noticed that from a suspect standpoint that by age we've got much larger numbers in the 18 to 34 range. What are we doing from a CMPD perspective to address these particular age ranges?

Chief Jennings said I will tell you what we are looking at particular is an adult diversion program, but not necessarily homicides would not fit into that so we would hope that we are able, just like our youth diversion programs that we can get someone back on the right track so it doesn't get to this point. As a matter of fact, we are making really good progress on that. There is actually some private funding that is going to help us move forward with that and to have an adult diversion, however, I think even more important, and I know that talking with our Sheriff, there is some work that is being done when an offender gets released from jail, what is their next steps because a lot of time when we deal with homicide suspects that is obviously, not the first time that they've been involved in the Criminal Justice System. It is important to look at what resources are provided once they get out of jail. I don't think that particularly lands with CMPD, but I do know that the Sheriff; I've had some discussions with him with programs that might be able to assist in that.

Ms. Watlington said in addition to that, taking that a step further, I would love to understand in one of the upcoming economic development discussions how we are marrying this up with our workforce development piece. Mr. Manager, I don't know if you have anything on that right now, but I would love to see that. On slide 13, do we have any more detailed information regarding circumstances of violent crime that is not homicides? When we think about, for instance, rape, do we not have an understanding that of those numbers is that statutory rape? Is it date rape? Are those abductions? As we think about how to go about mitigating those kinds of circumstances, where do we really understand with regularity what those issues are?

Chief Jennings said we do have a breakdown in victim ages when you talk about statutory rape, suspect ages, and things like that. Those are not included in the overall numbers that we look at when we report for UCR numbers, however, that is something I'm pretty sure we can get for you rather quickly when you start breaking it down by victim ages and suspect ages and things like that.

Ms. Watlington said I'm not sure what slide it was on, but you talked about nuisance abatement and the work with Meth and there are 30 cases open. I would like to see an update from the City Attorney's Office of where we are in regards to each of those cases. In general, I would like to see more of a Housing and Neighborhood Services connection. I sat on a call last week with some of my neighbors out in McDowell Farms and they are actually experiencing gunshots that they are hearing that are actually coming from across the greenway in the Springfield community and I know that we have been working with Code Enforcement and Housing and Neighborhood Services to try to strengthen their neighborhood organization. I would love to delve deeper into what we are doing from a Housing and Neighborhood Services standpoint that also drives crime reduction. I see the City Manager nodding so I know he has got that one for me. Also when we are looking at the crime reduction unit, I would love to see the strategy and the plans that are coming out of the CRU specifically from the Metro, Westover, Steele Creek, Freedom, and North



Tryon Divisions as I think about the ones that are really focused on our Corridors of Opportunity. I would like to have more detail in regards to their work. One of the things I wanted to bring up that I heard from one of our Community Officers in a recent neighborhood meeting is that this COVID assistance, 10:00 p.m. closures of alcohol outlets; they've seen a drastic reduction in violent crime in their neighborhood, particularly in the Parkview Neighborhood at 2700 Tuckaseegee Road as we know we've had a recent homicide last year. I would like to understand what are we doing to reassign any learnings that we are getting from this COVID season where we see some component of violent crime come down because we know, and I've shared previously, [inaudible] has done data analysis to understand what are some of the factors that correlate very highly with violent crime in our City and I would like to see how the CRU is using that information to be very targeted mitigation plans with our alcohol outlet business owners as well.

Finally, as we think about how we manage this going forward, I know it sounds like you all were looking at this on a weekly level. I would love to see an update of our metrics and how we are trending in each community if that would be possible.

**Councilmember Eiselt** said I'm going to pass and yield time to other people, I think we need to move on. I just want to say Chief, thank you for all this detailed information. I really appreciate it and I will just e-mail you separately if I have some questions about it.

**Councilmember Ajmera** said Chief, great job on this presentation. I know in our Safety Committee we have talked about the crime intervention model and I know that is something we are looking at. How do you see that working with the existing tools that you have to fight violent crime? I know other cities have had success with the crime intervention model and I'm hoping it will have similar results here in our Queen City, but I'm interested in hearing your thoughts.

Chief Jennings said I think it is something that we have to look at more than just after a crime happens and what do we do about it after it occurs. When we start looking at basically the roots of why these are occurring and we start hitting the bottom line when you start referring to what is causing the crime in the first place, then if we can intervene in an earlier stage so that we never get to that point I think that is the most effective way to do it. I also have a strong belief that it can't always lie on the Police to be able to have to be the ones to do it. We've seen a lot, particularly when we worked with the Safe Communities Committee and some of the work we've done last year that we tend to get stretched too thin and so when we start to really branch out and trying to do things then we start losing resources to focus on some of the things we need to be focusing on. When we start talking about intervention, the intervention needs to be really early in the process. I'm really excited to see what we are talking about in the Corridors of Opportunity and the Violence Interrupter Programs that we've been discussing since last year.

**Councilmember Winston** said how many guns have we put back on the street, and just for clarification to the public, state law makes it so that the City or CMPD cannot destroy firearms that we take off the street, we have to actually put them back in the market eventually. This is not a CMPD decision, but I think it is a relevant fact that we should know.

Chief Jennings said the short answer is zero. We have guns stored, but we have not sold any back to the vendors.

Mr. Winston said how long can we keep that up and still be compliant with the law?

Chief Jennings said I would have to get more information, but the law doesn't particularly say when you have to do that, but I can't destroy them based on what the law says. So, rather than putting them back on the streets, we have been able to store them. We had to be creative on how we store them, but we are storing them in our facility here. I would like to see some work on some legislation to change that and I've talked to many of my partners across the state, Chiefs that are willing to get into that with me and that is an effort that I think is going to be worthy of doing rather than selling guns to vendors to put back on the street.

Mr. Winston said I think that is definitely somewhere you and I can find some common ground. I would love to explore that Intergovernmental Committee to see if there is a legislative solution that this Council can get behind moving forward. My last question is what would you say is the largest source of violence in our community, looking back to 2020 as well as looking forward to 2021?

Chief Jennings said that is difficult to say. You say the largest source, you are talking about in drug-related or arguments, things like that? Is that what you mean?

Mr. Winston said I think our job on Council is to try to find policy solutions to have the largest impact and I believe whether it is Economic Development, Community Safety, or Stormwater mitigation, the best and highest use of our tax dollars from a City perspective is attacking the source, so it would help us I think to understand what the greatest source of violence is.

Chief Jennings said I do appreciate that question because the bottom line is there are bad people out there. We have violent people that are continuously preying on our public, our citizens, so I think our focus and one of the things I've spoken with the District Attorney about is we have to be intentional about who we focus on that are the right people that are getting prosecuted and put in jail, and we have to be intentional about that. You've heard the saying that 10% of the people make up the majority of the issues when it comes to criminal activity. So, how do we identify those people and how do we make sure that they are prosecuted fully? That is one of the things that I and the Sheriff's Office and the District Attorney's Office and Magistrate's Office that hopefully, we work together to be able to put a dent in that.

**Councilmember Driggs** said I had a number of questions I will send you in writing because we are basically out of time, but I did want to raise the subject of the courts. We've had a long history of talking about the bottlenecks that are created by the courts and the impact that has on law enforcement. There was one topic, in particular, having to do with releasing violent criminals with ankle bracelets. COVID, I think has made the situation worse, can you talk generally about how the capacity of the courts is affecting your ability to do your job?

Chief Jennings said that is very difficult because I know that the District Attorney and my conversations with him, he is in a very peculiar situation, a very tough spot, however, when we created the electronic monitoring program I think we've kind of gone beyond the scope of what it was intentionally intended for and so we do have the right I think to refuse someone to be on electronic monitoring. So, that is always in there, we do have a capacity number that we cannot exceed because we just don't have the funding to do it and we don't have the manpower to help manage that many people on electronic monitoring. What I will tell you is we are close to that number and once we start getting there we have to be strategic on who comes off and who goes on, so we want to make sure we are getting the right people on electronic monitoring just as much as we are when we talk about getting the right people to stay in jail.

Mr. Driggs said okay, thank you.

Mayor Lyles said Chief Jennings, I want to say thank you on behalf of what your entire Department is doing and working towards restructuring the strategic efforts. I am very, very interested in how we allow this idea of Cure Violence where they have metrics and then you have a matrix, but I wonder where the place is and the neighborhood improvement, how do we get that so that is included as well? I think having that presence, they have been clear to say that they want to see the reduction in gun use and homicides. Then how do we look at that from the neighborhood that they are assigned to work with, which is Beatties Ford Road and LaSalle Street for right now as we start out on this pilot? I'm looking forward to that connection with that Crime Reduction Unit in that corridor and a model perhaps of what works and what doesn't work for the remaining corridors as we begin to approach those areas as well.

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

**Mayor Lyles** said we have a speaker on Item No. 24. We have some staff deferrals that I have from the Clerk's office, all of these are being deferred until February 22<sup>nd</sup>. Item No. 45, 49, 52, and 62.

**Marie Harris, Strategy and Budget** said Mr. Winston has asked for Item Nos. 21, 22, 23, 24, 26 to be pulled for a separate vote.

**Stephanie Kelly, City Clerk** said Item No. 62 has been settled and is not deferred; I got the clarification this afternoon.

**Councilmember Watlington** said Item No. 40, I read it as Aviation Property Transaction so I'm assuming it came from the Airport, I just want to understand what the intention was with this.

Mayor Lyles said Ms. Harris, can you get that response? It looks like the project is called North End Around Taxiway, but I don't know specifically what that means in terms if it is right-of-way for it or it is going to be paved over for the taxiway, but the project is North End Around Taxiway. We will have to get more detail.

**Councilmember Johnson** said can I get some information regarding Item No. 53?

Mayor Lyles said that is McCullough Drive Streetscape project. Ms. Watlington and Ms. Johnson, Ms. Harris can get back to you later.

Motion was made by Councilmember Driggs, seconded by Councilmember Eiselt, and carried unanimously to approve the Consent Agenda as presented, with the exception of Items Nos. 45, 49, 52 which have been deferred. Item No. 62 has been settled and Item Nos. 21, 22, 23, 24, and 26 are pulled for a separate vote.

The following items were approved:

**Item No. 25: Charlotte Mecklenburg Government Center Generators Replacement**  
Approve a contract in the amount of \$906,000 to the lowest responsive bidder Miles-McClellan Construction Company, Inc. for the Charlotte Mecklenburg Government Center Generators Replacement project.

**Summary of Bids**

Miles-McClennan Construction	\$906,000.00
Banks Electrical Contractors, Inc.	\$928,950.00

**Item No. 27: Construct Storm Water Repair and Improvement Projects**

(A) Approve a contract in the amount of \$3,838,807 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repair and Improvement FY2021-A project, and (B) Approve a contract in the amount of \$3,315,801.25 to the lowest responsive bidder, Onsite Development, LLC for the Stormwater Repair and Improvement FY2021-C project.

**Summary of Bids**

**Storm Water Repair and Improvement FY2021-A**

OnSite Development, LLC	\$3,838,807.00
Carolina Wetland services Inc.	\$3,860,269.44
United of Carolinas Inc.	\$4,073,644.14
United Construction Company, Inc.	\$4,181,476.25
Blythe Development Company	\$4,628,267.50

**Storm Water Repair and Improvement FY2021-C**

OnSite Development, LLC	\$3,315,801.25
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United of Carolinas	\$3,648,858.52
United Construction Company Inc.	\$4,181,476.25
Blythe Development Company	\$4,263,518.71

**Item No. 28: Acquire Land for Charlotte Water Elevated Water Storage Tank**

(A) Approve the purchase of 3.059 acres, a portion of 29.415 acres of privately-owned property, located at 3629 Matthews Mint-Hill Road (Parcel Identification Number 135-331-05) in the amount of \$220,000, and (B) Authorize the City Manager to execute all necessary documents to complete the transaction.

**Item No. 29: Corrosion Protection Services**

(A) Approve a unit price contract with Rummel, Klepper, and Kahl, LLP dba RK&K for corrosion protection services for an initial term of two years, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

**Item No. 30: Franklin Water Treatment Plant and Catawba Raw Water Pump Station Roof Replacement**

Approve a contract in the amount of \$829,879.91 to the lowest responsive bidder Interstate Roofing Company, Inc. for the Franklin Water Treatment Plant and Catawba Raw Water Pump Station Roof Replacement project.

**Summary of Bids**

Interstate Roofing Company	\$ 829,879.91
DA Nolt Inc.	\$ 996,076.00
Tecta America Carolinas, LLC	\$1,162,408.00

**Item No. 31: Stowe Regional Water Resource Recovery Facility Design**

Approve a contract amendment in the amount of \$24,504,784 with Crowder/Garney JV for Design-Build design services for the Stowe Regional Water Resource Recovery Facility project.

**Item No. 32: Water Transmission Main Assessment and Repairs**

Approve a guaranteed maximum price of \$1,307,345 to State Utility Contractors Inc. for Design-Build construction services for the Water Transmission Main Improvements and Repairs project.

**Item No. 33: Aviation Transfer of Wright Brothers Flyer Replica Model to Cabarrus County Schools**

Approve the transfer of Wright Brothers Flyer replica model without monetary consideration to Cabarrus County Schools as authorized under North Carolina General Statute 160A-274.

**Item No. 34: Emergency Medical Services Contract for Airport'**

Approve a 17-month contract with Mecklenburg Emergency Medical Services Agency – MEDIC for emergency medical service at Charlotte Douglas International Airport.

**Item No. 35: Resolution of Intent to Abandon a Portion of an Alley off Greenway Avenue and Caswell Road**

(A) Adopt a Resolution of Intent to abandon a portion of an alley off Greenway Avenue and Caswell Road, and (B) Set a Public Hearing for February 22, 2021.

The resolution is recorded in full in Resolution Book 51, at Page(s) 191.

**Item No. 36: Refund of Property Taxes**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$26,868.10.

The resolution is recorded in full in Resolution Book 51, at Page(s) 192-194.

**Item No. 37: Meeting Minutes**

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of December 14, 2020, Business Meeting and December 21, 2020 Zoning Meeting.

**PROPERTY TRANSACTIONS**

**Item No. 38: Aviation Property Transactions - 8208 Robbie Circle**

Acquisition of 0.9160 acres at 8208 Robbie Circle from Jerrie Wingate Fritts for \$190,000 for EIS Mitigation Land South.

**Item No. 39: Aviation Property Transactions – 8210 Robbie Circle**

Acquisition of 0.6840 acres at 8210 Robbie Circle from Jerrie Charlene Wingate Hilton for \$200,000 for EIS Mitigation Land South.

**Item No. 40: Aviation Property Transactions – 6325 Wilkinson Boulevard**

Acquisition of 17,162 square feet by fee, 36,379 square feet outparcel to be acquired by fee plus PUE 24,858 square feet, SDE 4,593 square feet, and TCE 87,054 square feet at 6325 Wilkinson Boulevard from Duke Energy for \$728,000 for North End Around Taxiway (NEAT).

**Item No. 41: Charlotte Water Property Transactions – Upper McAlpine Creek Sewer Interceptor, Parcel #37**

Resolution of Condemnation of 5,178 Square feet (0.12 acres) in Temporary Construction Easement and 9,415 square feet (0.22 acres) in Sanitary Sewer Easement at 10010 Albemarle Road from Dixie Ruth C. Mitchell and Starr Carriker Estes for \$27,950 for Upper McAlpine Creek Sewer Interceptor, Parcel #37.

The resolution is recorded in full in Resolution Book 51, at Page(s) 195.

**Item No. 42: Property Transactions – Cashion Road 5428 WL, Parcel #1**

Acquisition of 6,481 square feet (0.149 acres) Permanent Easement at 5609 Cashion Road from Howard William Moore and Clarine Hager Moore for \$10,428 for Cashion Road 5428 WL, Parcel #1.

**Item No. 43: Property Transactions – City View – Buick Drive Connector Parcel #4**

Resolution of Condemnation of 594 square feet (0.014 acres) Right-of-Way Easement at 5709 Electra Lane from Sterling Properties Investment Group, LLC for \$4,625 for City View – Buick Drive connector, Parcel #4.

The resolution is recorded in full in Resolution Book 51, at Page(s) 196.

**Item No. 44: Property Transaction – Dixie River Road Water Main Extension, Parcel #6**

Acquisition of 6,787 square feet (0.156 acres) Waterline Easement at 6800 Dixie River Road from The Trustees of Ramoth A.M.E. Zion Church for \$19,575 for Dixie River Road Water Main Extension, Parcel #6.

**Item No. 46: Property Transactions – Idlewild and Monroe Intersection – Phase 1, Parcel #15, 19, 35, and 37.**

Resolution of Condemnation of 12,330 square feet (0.283 acres) Fee Simple, 13,830 square feet (0.33 acres) Temporary Construction Easement, 348 square feet (0.007 acres) Retaining Wall Easement, 3,849 square feet (0.088 acres) Utility Easement, 192 square feet (0.004 acres) Storm Drainage Easement, 168 square feet (0.004 acres) Bus Stoop Improvement Easement, 6,143 square feet (0.141 acres) Waterline Easement, 10,374 square feet (0.238 acres) Sidewalk Utility Easement, 7,276 square feet (0.167 acres) Post Construction Controls Easement at 2301, 2315 and 2325 Rama Road and 6000 Monroe Road from Hendrick Automotive Group for \$451,275 for Idlewild and Monroe Intersection – Phase 1, Parcel #15, 19, 35 and 37.

The resolution is recorded in full in Resolution Book 51, at Page(s) 197.

**Item No. 47: Property Transactions – Idlewild and Monroe Intersection – Phase II, Parcel #22**

Acquisition of 2,197 square feet (0.050 acres) Fee Simple, 1,009 square feet (0.023 acres) Utility Easement, 2,003 square feet (0.046 acres) Sidewalk Utility Easement, 499 square feet (0.011 acres) Temporary Construction Easement at 6200 Bainbridge Road from Munawar Butt and Saba Bashir for \$50,000 for Idlewild and Monroe Intersection, Phase II, Parcel #22.

**Item No. 48: Property Transactions – Idlewild and Monroe Intersection – Phase II, Parcel #29**

Acquisition of 1,000 square feet (0.023 acres) Fee Simple, 972 square feet (0.022 acres) Utility Easement, 914 square feet (0.021 acres) Retaining Wall Easement, 1,603 square feet (0.037 acres) Sidewalk Utility Easement, 424 square feet (0.01 acres) Temporary Construction Easement at 2449 Knickerbocker Drive from Walid Asmar and Abdeljabbar Asmar for \$45,425 for Idlewild and Monroe Intersection – Parcel #29.

**Item No. 50: Property Transactions – Kilborne Drive Streetscape, Parcel #18**

Resolution of Condemnation of 234 square feet (0.005 acres) Sidewalk Utility Easement, 1,630 square feet (0.037 acres) Temporary Construction Easement at 2400 Kilborne Drive from Xien V. Nguyen and Thanh Do for \$3,825 for Kilborne Drive Streetscape Parcel #18.

The resolution is recorded in full in Resolution Book 51, at Page(s) 198.

**Item No. 51: Property Transactions – Kilborne Drive Streetscape Parcel #25**

Resolution of Condemnation of 136 square feet (0.003 acres) Sidewalk Utility Easement, 589 square feet (0.014 acres) Temporary Construction Easement at 2327 Kilborne Drive from Ricardo Cordova for \$1,775 for Kilborne Drive Streetscape, Parcel #25.

The resolution is recorded in full in Resolution Book 51, at Page(s) 199.

**Item No. 53: Property Transactions – McCullough Drive Streetscape, Parcel #20**

Acquisition of 590 square feet (0.014 acres) Sidewalk Utility Easement, 2,062 square feet (0.05 acres) Temporary Construction Easement, 1,047 square feet (0.02 acres) Utility Easement at 110 East McCullough Drive from Tryon LLC for \$19,725 for McCullough Drive Streetscape, Parcel #20.

**Item No. 54: Property Transactions – McCullough Drive Streetscape, Parcel #24**

Resolution of Condemnation of 1,063 square feet (0.024 acres) Utility easement, 3,889 square feet (0.089 acres) Sidewalk Utility Easement, 2,365 square feet (0.054 acres) Temporary Construction Easement at 123 East McCullough Drive from BRE/ESA P Portfolio TXNC Properties LP for \$147,075 for McCullough Drive Streetscape, Parcel #24.

The resolution is recorded in full in Resolution Book 51, at Page(s) 200.

**Item No. 55: Property Transactions – McCullough Drive Streetscape, Parcel #30**

Resolution of Condemnation of 14,564 square feet (0.33 acres) Fee Simple, 5,071 square feet (0.116 acres) Storm Drainage Easement, 12,295 square feet (0.282 acres) Sidewalk Utility Easement, 21,691 square feet (0.498 acres) Temporary Construction Easement at 8340 North Tryon Street from Apple Nine North Carolina LP for \$330,475 for McCullough Drive Streetscape, Parcel #30.

The resolution is recorded in full in Resolution Book 51, at Page(s) 201.

**Item No. 56: Property Transactions – Oakhurst Amity Gardens, Parcel #7**

Acquisition of 1,611 square feet (0.037 acres) Fee Simple, 167 square feet (0.004 acres) Temporary Construction Easement at 700 Pierson Drive from Jung Properties, LLC for \$20,545 for Oakhurst Amity Gardens, Parcel #7.

**Item No. 57: Property Transactions – Parkwood Avenue Streetscape, Parcel #15**

Acquisition of 1,612 square feet (0.037 acres) Fee Simple, 2,078 square feet (0.05 acres) Temporary Construction Easement at 1607 Julia Maulden Place from John W. McBride and Debbie W. McBride (AKA: Debbie S. McBride) for \$10,706 for Parkwood Avenue Streetscape, Parcel #15.

**Item No. 58: Property Transactions – Poplar Tent System Gap, Parcel #1**

Acquisition of 4,034 square feet (0.09 acres) at 15300 Davidson-Concord Road from L T. Looper, Jr. for \$11,000 for Poplar Tent System Gap, Parcel #1.

**Item No. 59: Property Transactions – Providence Road Sidewalk Improvement (Greentree Drive – Knob Oak Lane), Parcel #2**

Acquisition of 1,921 square feet (0.044 acres) Sidewalk Utility Easement, 1,063 square feet (0.024 acres) Temporary Construction Easement at 3051 and 3039 Providence Road from Providence Children's Academy LLC for \$20,000 for Providence Road Sidewalk Improvement (Greentree Drive – Knob Oak Lane), Parcel #2.

**Item No. 60: Property Transactions – Providence Road Sidewalk Improvement (Greentree Drive – Knob Oak Lane), Parcel #4**

Acquisition of 1,639 square (0.038 acres) Sidewalk Utility Easement, 1,925 square feet (0.044 acres) Temporary Construction Easement at 3124 Providence Road from Betty S. Gamble for \$35,150 for Providence Road Sidewalk Improvement (Greentree Drive – Knob Oak Lane) Parcel #4.

**Item No. 61: Property Transactions – Tryon Street – 36<sup>th</sup> Street Streetscape, Parcel #10**

Acquisition of 770 square feet (0.017 acres) Fee Simple, 50 square feet (0.001 acres) Utility Easement, 2381 square feet (0.055 acres) Sidewalk Utility Easement, 1,339 square feet (0.031 acres) Temporary Construction Easement at 110 East 36<sup>th</sup> Street and 3222 North Tryon Street from Carolina National Investment LLC for \$150,000 for Tryon Street – 36<sup>th</sup> Street Streetscape, Parcel #10.

**Item No. 63: Property Transactions – XCLT Davidson to Matheson, Parcel #3**

Resolution of Condemnation 215 square feet (0.005 acres) Greenway Easement, 3,002 square feet (0.069 acres) Temporary Construction Easement at 511 East 25<sup>th</sup> Street from Fountains Noda Holdings LLC for \$19,950 for XCLT Davidson to Matheson, Parcel #3.

The resolution is recorded in full in Resolution Book 51, at Page(s) 202.

**Item No. 64: Property Transactions – XCLT Davidson to Matheson, Parcel #4**

Resolution of Condemnation 1,367 square feet (0.031 acres) Greenway Easement, 1,158 square feet (0.027 acres) Temporary Construction Easement at 2201 North Davidson Street from Airgas USA LLC for \$43,575 for XCLT Davidson to Matheson, Parcel #4.

The resolution is recorded in full in Resolution Book 51, at Page(s) 203.

**Item No. 65: Property Transactions – XCLT Davidson to Matheson, Parcel #7 and 8.**

Resolution of Condemnation 2,364 square feet (0.063 acres) Greenway Easement, 4,316 square feet (0.01 acres) Temporary Construction Easement at 421 East 26<sup>th</sup> Street and 2315 North Davidson Street from Mill District Partners LLC for \$68,575 for XCLT Davidson to Matheson, Parcel #7 and 8.

The resolution is recorded in full in Resolution Book 51, at Page(s) 204.

**Item No. 66: Property Transactions – XCLT Davidson to Matheson, Parcel #9 and 10.**

Resolution of Condemnation of 1,180 square feet (0.027 acres) Greenway Easement, 2,183 square feet (0.050 acres) Temporary Construction Easement at 0 North Davidson Street and 2321 North Davidson Street from Textile Rubber and Chemical Company, Inc. for \$35,275 for XCLT Davidson to Matheson, Parcel #9 and 10.

The resolution is recorded in full in Resolution Book 51, at Page(s) 205.

**Item No. 67: Property Transactions – XCLT Davidson to Matheson, Parcel #11**

Resolution of Condemnation 951 square feet (0.022 acres) Storm Drainage Easement at East 27<sup>th</sup> Street from Gambills II, LLC for \$3,025 for XCLT Davidson to Matheson, Parcel #11.

The resolution is recorded in full in Resolution Book 51, at Page(s) 206.

**Item No. 68: Property Transactions – XCLT Davidson To Matheson, Parcel #12**

Resolution of Condemnation of 1,829 square feet (0.042 acres) Greenway Easement, 1,655 square feet (0.038 acres) Storm Drainage Easement, 202 square feet, (0.005 acres) Temporary Construction Easement at 2414 North Brevard Street from Gambills II, LLC for \$11,200 for XCLT Davidson To Matheson, Parcel #12.

The resolution is recorded in full in Resolution Book 51, at Page(s) 207.

**Item No. 69: Property Transactions – XCLT Davidson to Matheson, Parcel #13**

Resolution of Condemnation of 603 square feet (0.014 acres) Storm Drainage Easement, 989 square feet (0.023 acres) Temporary Construction Easement at 2414 North Brevard Street from Gambills II, LLC for \$25,375 for XCLT Davidson to Matheson, Parcel #13.

The resolution is recorded in full in Resolution Book 51, at Page(s) 208.

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**ITEM NO. 21: GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT FOR TRAFFIC SAFETY – DRIVING WHILE IMPAIRED TAS FORCE**

Motion was made by Councilmember Eiselt, seconded by Councilmember Egleston, to adopt a resolution authorizing the City to accept a grant award in the amount of \$200,701 from the Governor's Highway Safety Program for the Driving While Impaired Task Force.

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

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

NAYS: Councilmember Winston.

The resolution is recorded in full in Resolution Book 51, at Page(s) 187-188.

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**ITEM NO. 22: GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT FOR TRAFFIC SAFETY – LAW ENFORCEMENT LIAISON**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, to adopt a resolution authorizing the city to accept a grant award of \$25,000 from the Governor's Highway Safety Program.

**Councilmember Watlington** said I would like to hear what Councilmember Winston's perspective was on this [inaudible]

**Councilmember Winston** said again as we try to transition away from law enforcement perspective for solutions of creating community safety, we actually have to do that at some point in time. I do not believe more Police funding and more equipment is going to be a solution to finding more effective ways of mitigating aspects of community safety.



Year after year we spend more and more money on things like this, but we still get the same results so in my opinion a definition of insanity is doing the same thing over and over again and expecting different results. So, I will not support that. There are different things that we can do and I know it is politically inconvenient sometimes to deny money and to kind of facilitate community conversations around what the changing of the status quo could and should look like, but I feel if we don't do that with the power of our vote then we will never get there.

Ms. Watlington said I do have a follow-up question Madam Mayor; just so I'm clear, these transactions are already included in the existing budget, correct.

**Mayor Lyles** said these transactions are an application that is made to a program at the state level that we must apply for. They are competitive grants; this one, for example, allows for \$25,000 for getting radar units that Police use in traffic stops for speeding and it also includes training and travel and meeting expenses for regional liaison around traffic control and management. So, these are from the Governor's Highway Safety Program. Items No. 21, 22, and 23 are grant applications that deal with how do we deal with various issues. I'm sorry, not Item 23, but deal with grants that are provided to the City, so they have competed for grants, they are budgeted as they are awarded, but these are routine grant annual applications.

Ms. Watlington said that is what I wanted to know; I think you answered my question.

Mayor Lyles said to achieve Mr. Winston's you would have to change the Governor's Highway Safety Grant Program, but I understand his point. His point is philosophical, you've got to start somewhere, but the question is for starting somewhere, we would not have the authority to do anything except not apply for the grants.

**Councilmember Eiselt** said I would do anything to get some help with reducing anything that has to do with accidents for traffic violations and for speeding.

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

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

NAYS: Councilmember Winston.

The resolution is recorded in full in Resolution Book 51, at Page(s) 189-190.

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#### **ITEM NO. 23: POLICE VEHICLES**

**Mayor Lyles** said is actually the money that we use to purchase Police vehicles; this contract is for the purchase this year and the next four as negotiated.

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, to (A) Approve a unit price contract with Four Seasons Ford for the purchase of Police pursuit-rated vehicles for an initial term of one year, and (B) Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to and the contract consistent with the purpose for which the contract was approved.

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

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

NAYS: Councilmember Winston.

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#### **ITEM NO. 26: ON-CALL FENCING INSTALLATION AND REPAIR SERVICES**

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, to (A) Approve unit price contracts with the following companies for on-call fencing installation and repair services for an initial term of three years; Hartsell Brothers Fence Company, Inc., Maybury Fencing Inc., (WBE, SBE) and (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustment and to amend the contracts consistent with the purpose for which the contracts were approved.

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

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

NAYS: Councilmember Winston.

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#### **AWARDS AND RECOGNITIONS**

#### **ITEM NO. 7: NATIONAL MENTORING MONTH PROCLAMATION**

**Mayor Lyles** said we have one very important recognition to do today; it comes out of our community and the work that the community is doing. Annually, there is a Mayor's Mentoring Alliance Awards Recognition Program and it is filled with wonderful people, great speakers, lots of music, but more importantly it is filled with caring adults for young people in this community who have mentored various programs and activities. I would like to recognize January 2021 as National Mentoring Month, but first I would like to recognize the members of the Mayor's Mentoring Alliance Board and to thank them for all of the organizing and planning and recruitment, and celebrations that they make possible. The Chair of our Mentoring Alliance Board is Deon Wimbush, the Vice-Chair is Kevin Campbell. The Education Committee Chair is Lotticia Shefferson, The Knight Committee Chair is Iris Caldwell. The Connect Committee Chair is Tracie Campbell and the following members are At-Large: Alexander Arrington, George Buggs, III Kenyatta Wheeler, Rachelle Joyce, Ross Danis, Clarissa Finley, Ebony Morman, Sabrina Clark, Takeem Dean, Tiyana Glenn, and the staff liaison from the staff is our own team is Tiffany Johnson. I can tell you guys, there is nothing like being around this energy and I miss it greatly.

Mayor Lyles read the following Proclamation:

**WHEREAS**, each January, National Mentoring Month honors impactful contributions by mentors and urges more residents to serve as mentors to youth, further aiding them in building healthy relationships and making positive decisions; and

**WHEREAS**, there is a great community need for mentoring, which is proven to impact youth through pairing them with genuine, responsible people who can provide guidance and motivation, and strengthen their confidence; and

**WHEREAS**, mentorship enhances the social capital of youth through exposure to a variety of experiences and opportunities that lead to increased economic mobility; and

**WHEREAS**, our community advocates mentoring through the Mayor's Mentoring Alliance, which educates mentoring organizations on best practices and standards, ignites impactful and enduring mentor-mentee relationships, and connects Charlotte's mentoring community; and

**WHEREAS**, the Mayor's Mentoring Alliance will honor those who are involved in mentoring virtually, during their Annual Awards Ceremony on January 21, 2021:

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

**“NATIONAL MENTORING MONTH”**

in the City of Charlotte and commend its observance to all citizens.

\* \* \* \* \*

**ITEM NO. 24: CATS MOBILE TICKETING APPLICATION**

**Krissy Oechslin, 1609 Pecan Avenue** said I am Chair of the CATs (Charlotte Area Transit System) Transit Services Advisory Committee; we represent and provide a voice in transit riders in regard to CATS day-to-day service operations. From where I sit this is a situation with CATS' apps, there are two apps, CATS' apt for ticketing and ride CATS for "real-time bus and train information". The ticketing app is good, and CATS is seeking Council's permission to make it great when moving to a new vendor. I don't oppose that request, but the real-time app is, to put it bluntly, not good. It has never had real-time information since it launched in 2016. A press release at that time promise, "that the app provides customer's real-time arrival information through GPS technology located on all buses and trains". To my knowledge the app has never provided real-time GPS information, it simply shows when the static schedule says the next bus or train will arrive, which often has no relation to reality. My concern is that the discussion here before Council adopting a new ticking app obscures the dismal state of the CATS real-time app and that the decisions around the ticking app may have further delayed the repair of the real-time app. My understanding is that CATS is working with its real-time vendor right now to actually implement real-time information which would later be integrated into a new ticking app.

I'm glad the real-time app is finally being addressed, but Council needs to ask who and what is to account for the real-time app never doing what it was supposed to do. My questions for CATS are did CATS put a hold on implementing real-time information while it sought a ticking app that could be incorporated? The existing ticketing app has been in use for several years. During that time CATS could and should have been fixing its real-time app and now it seems we still won't have real-time information until at least the launch of a new ticking app, if not longer. Finally, when CATS contracted with the vendor to [inaudible] the real-time app in 2016, can you tell me why we were promised something that still doesn't exist? I certainly don't oppose CATS wanting to improve the ticketing app for its riders, especially if one app can provide ticketing as well as real-time route planning, but what has been overlooked in this discussion is that we have a non-functioning real-time app. CATS needs to prioritize, provide real-time information for its riders, especially in this COVID time when some routes have seen to reduce service. Knowing when the next bus or train is coming is critical to transit riders.

**Mayor Lyles** said thank you, we appreciate your comments and your questions.

Motion was made by Councilmember Egleston, seconded by Councilmember Watlington to (A) Authorize the City Manager to negotiate contracts with Dallas Area Rapid Transit and Unwire for the provisions, implementation, and maintenance of a CATS Mobile Ticketing Application for an initial term of three year, (B) Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved, and (C) Authorize the City Manager to purchase such additional software license, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system. There was no second

Motion was made by Councilmember Driggs, seconded by Councilmember Watlington, to defer action on this item until we have an opportunity to delve into some of what we've just been told in greater detail.

This motion was withdrawn by Councilmember Driggs.

**Councilmember Driggs** said I don't know that we are going to resolve it quickly in the context of a Consent Item vote.

**Councilmember Bokhari** said I don't know what the correct motion is, but part of me would tend to agree with Mr. Driggs that we need to get to the bottom of a lot of things, but the other part of me [inaudible] that is exactly what we did last time that this came on and we deferred it. I think what we need to is to Mr. Eggleston's point, hear directly from Mr. Lewis as it relates to why what we just heard there with a few other questions I think a couple of us have, aren't things that should concern us enough to not vote for this.

Mayor Lyles said Mr. Bokhari has suggested that we hear from Mr. Lewis before the vote for a deferral or any other action is taken. Mr. Lewis, you heard from a citizen on your Advisory Committee as well as the questions from the Council.

**John Lewis, Chief Executive Officer of Charlotte Areal Transit System** said I think we have to unpack what is before Council tonight. The issues that were brought up by Ms. Oechslein of our Transit Service Advisory Committee is not in regard to the Mobile Ticketing app. It is in regard to our Real-time App that was acted on by Council last fall and is set to go live in June. I'm concerned that we are talking about one issue under the guise of another and we need to clarify that. What the Council has before them is our Mobile Ticketing app which Ms. Oechslein said in her remarks said operated very well and we are excited to move forward with this. We have to remember that the current pilot that we have will expire in April and if we do not move forward, if we delay this even further we will end up without a Mobile Ticketing app, a mobile payment app that is utilized to a very high percentage by our customers today and I don't believe we should have a gap in that very important service.

In regard to the Real-time app that is in production, she is right; the original CATS app did not utilize GPS technology in order to provide Real-time information. What it was doing is utilizing the schedule to then make predictions of where the vehicle would be. That is why we ended that contract and moved forward with a new vendor who is in the last stages of providing an actual Real-time app that is connected to GPS technology that will provide our customers with information on exactly where the vehicle will be and that should go live in June. The broader issue that was brought up at the last Council meeting, why are we having separate apps, one for payment and one for Real-Time, this DART system, this is an issue that historically throughout the transit industry has been a challenge for our transit providers. The Dallas Area Rapid Transit System, (DART) after going through multiple vendors over a period of over 10-years decided to move forward with their own app that met all of the needs that they needed as a transit entity, and then because theirs worked so well they are now providing it as a service as a contractor to other agencies. Our goal is to move forward with the Mobile Ticketing app offered by Dallas Area Rapid Transit System that will also have the ability to merge the Real-time information under one umbrella.

**Councilmember Ajmera** said Mr. Lewis, the reason we have deferred this item a couple of weeks ago was to figure out a long-term vision for our CATS application and that is to integrate where you could get Real-time data, including the payment processing within one app. Some questions that were asked at that meeting was did you go back to the vendors that you have had a contract with within the past for the Real-time app to see if they can do payment processing? That was number one, another question that had come up was were you able to look at other vendors who could do both in one app? I understand that we have already made an investment in a real-time app, but if it has been delayed, we need to question the direction we are moving forward. I'm trying to understand all the questions that were asked, we have not gotten an answer on this. I was under two

different applications; the project has not been successful, and I don't know how successful we will be with this new project. I would like to get an answer to all the questions that were asked at the last meeting.

**Marie Harris, Budget and Strategy** said Council if you will refer to it, it just came to you the Q and A from the last meeting when it was deferred. It should be in your inbox from me Friday around 7:00 p.m. so if you will look in outlook or I can text you again, but there was a two or three-page response.

Ms. Ajmera said I have not seen that, but Mr. Lewis, if you could just go over the questions that were asked, I would appreciate it.

Mr. Lewis said your question about is there one provider that can do both; there is not a current provider that can provide both applications. That is why Dallas Area Rapid Transit (DART) developed their own and is now offering that as a service. That is why we are going with DART in this action tonight. Your question as to the Real-time app, remember Council took action on that in the fall. That app is moving forward and will be going live in the next couple of months, by June at the latest. The long-term strategy that you are referring to is the Real-time app goes live in June; the Dallas Area Rapid Transit System Mobile ticketing will go live if Council take action tonight around the same time and then the two will be integrated so that customers will have one app underneath CATS that will do both, Real-time and Mobile Payment. That is what was in the fact sheet that was sent earlier.

Ms. Ajmera said just to clarify, users can log into one interface and ability to do both functions within one app?

Mr. Lewis said that is correct.

Ms. Ajmera said that answered my question and I'm ready to move forward.

Mr. Driggs said my understanding is that what Mr. Lewis is saying is that the vote that we are being asked to take tonight essentially has no bearing on the issue of a Real-time Scheduling app which is a separate subject. I would just like to ask the speaker if she has any response to that or concedes that that is true?

Ms. Oechslin said what I would say to that is yes, I do think that you should approve this, my personal opinion, but I think that this raises questions about the Real-time app and I'm curious if that has been delayed while waiting to approve this new payment app to incorporate the Real-time data. It brings really both issues into question with this one vote.

Mr. Driggs said Mayor; based on what I'm hearing now I will withdraw my motion and suggest that we do proceed to approve this. I think there are questions we still need to answer, but it doesn't sound to me like it is worth delaying the progress of the ticketing app, so I'm withdrawing my motion.

**Councilmember Watlington** said I would like to second Mr. Egleston's motion.

**Councilmember Eiselt** said thank you Mr. Lewis for that information. I plan on supporting this, but I did want to hear the response to the speaker's question. I can separate the two; I was the one that asked about the integration in the last meeting and so in the meantime (A) I appreciate the information you sent on Friday John, but I did look into some different agencies around the country and in other countries and I didn't find an app that had both integrated right now. I spoke with somebody out of Vancouver who said the key is really that we can have an app that will eventually be able to interface. So, what you are saying to us is that you feel comfortable that the two different platforms will be able to interface under one app by late summer or fall.

Mr. Lewis said if we are able to move forward with the Dallas Area Rapid Transit System, we will have the mobile payment and the Real-time by early summer. The integration will

happen after that because Dallas Area has done the integration that we are talking about, and they've done that successfully.

Mr. Eiselt said that is what I'm hearing; I am separating the two and I'm going to hold you to that, but that was what I needed to hear and I will be supporting this motion because we also have to remember and I've done this before, I think it was in the pilot phase is that you are coming up to the light rail and the train is coming or your bus is coming and the app isn't working. Now you are getting on and there are people who are going to get on that bus, and we missed that fare revenue because you couldn't get an app that worked. I think it is critically important that we have the functionality as soon as possible to have a form of mobile payment. I will be supporting this, but I'm also very anxious to see us be able to integrate the two functions under one app sometime this summer as you mentioned.

**Councilmember Egleston** said I won't repeat any of the points that have been made. I do think we should approve this while there is new progress sooner rather than later on it, but I also don't think if at all unrelated that there are concerns about the other app when we are talking about this one and frankly, if there could ever be an advocate as we look at a multimodal comprehensive transportation plan that I think most of us, if not all of us are behind moving forward on if we don't have one of the leaders of the Citizens Advisory group around transit confident in something as simple as an app that we have I think we are really setting ourselves up for failure. Krissy ought to be one of our biggest champions for this transit plan and if someone comes and ask her as a transit user and as a leader on this Board what do you think about investing all of this money in our transportation network and she says well, they can't even get an app right. That kind of stuff is not acceptable when we are trying to be very aggressive in expanding the amount of money that we are spending on transit. It is disappointing that it is still, and all of us as Councilmembers have gotten complaints from people over the year that this app has never worked correctly. So, the fact that it has taken as long as it has to fix I think it is disappointing and I think it is these kinds of things that will erode the support we have on the bigger things we are trying to do around transit. I hope your early summer timeline is accurate and I hope that when it comes online in early summer that it works the way that we think it is going to work because some of these things continue to be frustrating.

**Councilmember Newton** said does Dallas contract out their Real-time app with a vendor other than DART or does Dallas' DART supply both Dallas a mobile ticketing app and also a Real-time app?

Mr. Lewis said DART is Dallas so it is the transit agency when going through the same conversations that we are going through was able to develop their app utilizing an external IT firm, which is now offering their app that they have developed to other transit agencies. So, DART and Dallas are one and the same.

Mayor Lyles said I don't think that was Mr. Newton's question. Mr. Newton was that your question?

Mr. Newton said no, I understand that Dallas and DART are one and the same, that Dallas and DART also provide a mobile ticketing app, which is what we will be voting on. The app also happens to have an integration function but I'm wondering if Dallas and DART also provide a Real-time app with mobile ticketing integration.

Mr. Lewis said understood. Under their system, they are following the same path that we have. They take a Real-time feed from another provider and integrate it into their app, so we are following the exact same path that they have.

Mr. Newton said thank you, that answers my question and I'm in support of this as well.

Mr. Bokhari said I'm highly frustrated and highly disappointed that we've gotten to this point on this. We pulled this from the last Business Meeting we had purposely because we had concerns and I for one feel like aside from a very positioned memo defending exactly what it was that we are already doing know absolutely nothing more about what is under the curtains of this one. Normally we need to be able to trust staff to operate and

do things and not get at that level of detail, but we have many red flags going off that are indications of a problem and that problem is we don't necessarily know exactly what we are doing right now. So, at this point, there is no point in delaying it any further because we just delayed it and I know nothing more. Again, there are red flags like when we look at something on the nature of we are going to take down something that you said in your memo to us in the mobile ticketing functionality, we've already piloted and we have in place that is very much beloved by the ridership. It is just a matter of where you are heading from there. We are taking that down from a partner who said they work with us, I know that much, in the hopes of a net new thing that doesn't exist in the market now to replace it at least in its current form. Just as a technologist I find that highly confusing and risky when we have something that works that we wouldn't at least have a risk-sensitive plan that said okay we are going to strike up an interim deal, even if we want to move away from those folks in our own back yard that built it here that we would have some kind of interim plan that kept the capability going for those who really use it and like it and need it. The questions that our Advisory Committee speaker just spoke on why did the Real-time app never do what it said it was going to do for a long time? These are all just red flags that make me concerned about it, but at this point, I don't know that delay is worthwhile, that we are going to learn anything new that we haven't already. I do share what Mr. Egleston said does concern deeply and I'll just leave it by saying I've experienced, maybe not in transportation, but in much other industry points the challenges of implementing new technology, but also the challenges of not and not doing it correctly. It is very possible that we could be kicking a can down the road on this that prohibits our ability to have functionality our riders need in a top-20 size city and not just prohibiting it, but maybe a more costly and more difficult to do so in the future. I'm disappointed.

Mayor Lyles said to Mr. Lewis; I think you've heard the Council. My suggestion would be that if the Council passes this tonight that you take perhaps a view before you do this that really looks at all of the things that have been acknowledged and make sure that the critical path makes it possible to resolve those. You hear very clearly that this is something that would be required and I think the Council should approve this tonight, but I also think that you have the opportunity to review it and look at it and go through a critical analysis professionally and with your IT folks, the Manager and resolve this. It is going to be coming back and I think we need more information for each step along the critical path of implementation.

**Councilmember Johnson** said I just wanted to piggyback off of Mr. Bokhari. When we deferred this vote, it was a red flag for me because he is the IT professional or the technologist as he stated. So, when we asked for more information I'm of the same feeling, we got a memo on Friday evening, but last week we had at least two briefings from Transportation regarding the Silver Line and the mobility plan which was in-depth and those are plans that are 10-years out. I would have thought we would have gotten that type of update regarding this when we had questions so that we didn't spend half an hour on it in a Council meeting. It is okay to ask questions, but there is still a lot of confusion. I would also ask as far as an interim plan; I've only lived in Charlotte for five years and some of the high level or big projects there have been delays on such as the Hawthorne Bridge and I-77 Tolls and the Cross Trail, so I would ask before we get into this project where we know there are red flags, is there any contingency or any plan for the vendor that if they are not able to integrate any dual systems by June that there is a penalty, that we have an interim plan to go to the system that we know works or something. I am really big on accountability and if we are hearing from the public and we as Council still don't really understand it, and that is okay because we rely on the City staff, but if there are red flags, I would say that we just need to be really careful about the contract and how we are doing. I say that to say that if we ask questions we are in the same position that we were in a few weeks ago when we deferred this, minus a memo so, this would be the type of information that we would like to have briefings on when we ask for that.

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

YEAS: Councilmember Ajmera, Driggs, Egleston, Eiselt, Graham, Newton, and Watlington.

NAYS: Councilmember Bokhari, Johnson, and Winston.

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## **PUBLIC FORUM**

### **New Church Ministry**

**Perry Smith, 338 Pine Log Road, Beech Island, SC** said I've been sitting here since 5:00 and I've really enjoyed just getting to look at Charlotte and the City. I am the Senior Pastor of Unified Church of North Carolina. We actually established a ministry here on Park Road and our mission is the Unification, Education, and Empowerment of individuals to a life with Jesus at the center of it all. We seek to serve families, communities, and the nation through discipleship and with the love of Christ. We seek to build individuals to the acknowledgment of their gifts and purpose through the word of God. I said all of that to say we are here and we want you all to know that we want the City of Charlotte to know that we are here and we are just thankful that the Lord has sent us to come to Charlotte and minister to the individuals in Charlotte and you will hear more. So, it is really an introduction that I seek to introduce this ministry to the City of Charlotte to know that Unified Church of North Carolina is in the Park Road area and we are here just to help and provide anything that you all would need and we are excited to be here.

**Mayor Lyles** said thank you very much. We appreciate these introductions and this community has a strong faith-based network with opportunities. Crisis Assistance Ministry started with a faith-based connection all the way to moving day and all of those things. So, welcome and please connect with our Clergy Association, they help us tremendously and we look forward to meeting you in person when it is possible and welcoming you to our community.

### **Non-Discrimination Ordinance**

**Cameron Pruette, 215 Mossburn Road** said thank you for the opportunity to speak and I use key him pronoun. I currently have the privilege of servicing as President of the RPPTQ Democrats of Mecklenburg County. The people who live and work in Charlotte are asking for equal opportunities and equal access to have a chance to build a life for themselves and their loved ones. Our RPPTQ people face higher rates of violence, housing and security, and unemployment. As President Biden's recent executive order notes transgender black Americans face unconscionably high levels of workplace discrimination, homelessness, and violence including fatal violence. The LPPQT plus Democrats have been advocating for protection as part of the [inaudible] coalition led by Equality North Carolina and the campaign for southern equality for months now. We want Charlotte to develop an expansive inclusive ordinance that protects people on the basis of natural or religious hairstyles, gender identity or expression, sexual orientation, and also strengthen protections based on marital or familial status, pregnancy, sex, race, national origin, and immigration status. Charlotte has the power to do this today but has chosen to defer and delay these life-saving actions. I'm appreciative that several members have voiced their support in private but with the County Commission and several towns in Mecklenburg publicly considering action it is frustrating and perplexing for those of us who haven't been heard and have heard mostly silence on this issue from our elected leaders in this City. Do the members of the City Council support and enforce the NBO that ensures equal opportunities of employment, public accommodations, and services? The people of Charlotte are not asking for something that hasn't already been done, it has been done successfully in Greensboro, Durham, and multiple other localities in North Carolina, not to mention all the other cities of our size such as Atlanta and in the south in places as far as Columbia and Charleston. A non-discrimination ordinance is pro-human, pro-equality, and pro-business. It will save lives. I ask the City Council to please take these lifesaving actions that I know they are capable of.



Mayor Lyles said thank you very much Mr. Pruette; I want you to know that there are conversations with NC Quality going on and I believe that while we have listened and heard the ordinances that have been approved are not all the same ordinances. We are collecting the material and information from where other communities have taken this to make sure that we are doing this. I have spoken with the County; I think they are doing a resolution which is a little bit different than an ordinance. An ordinance requires a little more work and we are working on what we might do and I really appreciate you coming in and speaking because I do believe that this community of Charlotte really did go out and say this is what we will do and we've taken that step and now we want to do it in a way that works with the actions that provide for our City to realize its values of equity and inclusion and diversity.

### **Bus Lane Pilot Project**

**Michelle Aldridge, 2806 Eastway Drive** said WCCB News reported and I quote "people of Plaza/Midwood are expressing mounting frustration with the controversial bus lane [inaudible]" I live in District 5, one city block north of Central Avenue, representing my neighborhood Merry Oaks where the bus lane pilot program begins. I have lived here 15-years. Since you all on Council that voted to begin this program on the worse City road imaginable during a pandemic to bias the day that your favor and directed CDOT (Charlotte Department of Transportation) and CATS to implement your Transportation Plan I am present to share many reasons why this bus lane program does not create a safe environment for people contrary to what was published on the charlottetransportationpage.gov. One, car collisions with personal injury have increased exponentially within the program stretch of Central Avenue. Two, buses are allowed to travel the car lanes which only have two total lanes, one eastbound, and one westbound while cars are restricted from bus lanes. Three, a left turn onto or from Central Avenue east and westbound is barely possible while creating one of the most dangerous unpredictable, and scary driving scenarios you can imagine. It is kin to you being the frog in the real-life game of Frogger, deadly. Four, jaywalking has increased. I see more bus riders using the bus lane as a waiting area to dart across the street and abandoning safe crosswalks and breaking the law. Five, bus lanes are forcing drivers to search for alternative less congested ways to travel and avoid this dangerous stretch of Central Avenue including cutting through family-friendly neighborhoods, taking roads normally not traveled which makes those roads more busy and dangerous such as Sharon Amity, Albemarle Road and Eastway Drive.

The Charlotte City Transportation website states the City's vision includes creating a connected safe community yet, I just looked at several facts to argue and disproves this idea. This dedicated bus lane situation which has been unfairly imposed upon those of us who live near Central Avenue has become an exhaustive and almost unbearable place to live and shop. The small businesses are suffering as well as most eastside residents. Living here now is harder than ever and since 2021 is an election year, you all who willed the Council vote had best listen to your constituents and vote no to continue the Central Avenue bus lane. I read charlotteagenda.com today, the city wants the taxpayers to pay billions of more dollars, using proposed sales and potential property tax hick so leaders on Council believe a costly transportation plan could help desegregate. One thing I do know, you will lose votes and potentially your city positions and careers. Please vote no bus lanes.

Mayor Lyles said thank you Ms. Aldridge; this as a pilot project and we will be reviewing, and we have heard lots and lots of comments. Everything that you have mentioned will be considered as we assess this project.

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## ZONING

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### PUBLIC HEARING

#### ITEM NO. 8: PUBLIC HEARING FOR INTERCONTINENTAL CAPITAL GROUP BUSINESS INVESTMENT GRANT

Mayor Lyles declared the hearing open.

There being no speakers either for or against a motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to close the public hearing regarding approval of a City of Charlotte Business Investment Grant to InterContinental capital Group.

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#### ITEM NO. 9: PUBLIC HEARING ON OAK HILLS PROPERTY AREA VOLUNTARY ANNEXATION

Mayor Lyles declared the hearing open.

There being no speakers with for or against, a motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing on the Oak Hills Property Area voluntary annexation petition.

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#### ITEM NO. 10: PUBLIC HEARING ON WATERMARK AT MALLARD CREEK AREA VOLUNTARY ANNEXATION

Mayor Lyles declared the hearing open.

There being no speakers either for or against a motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing on the Watermark at Mallard Creek Area voluntary annexation petition.

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## POLICY

#### ITEM NO. 11: ALIGN CITY ADMINISTRATIVE GUIDANCE WITH THE CITY CHARTER FOR CIVIL SERVICE BOARD

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, to adopt a resolution to repeal Rule IX to align city administrative guidance regarding promotional processes with the City Charter provisions for the Civil Service Board and to clarify that adopted human resources policies, standards, and guidelines supersede any prior administrative versions.

Councilmember Ajmera said I have a couple of questions on this; Mr. Attorney, how many active lawsuits and grievances are there involving Rule IX?

Patrick Baker, City Attorney said you've asked a really good question because I know there are some personnel litigation coming out of the Fire Department in particular. I don't

know that all of them relate to Rule IX issues, but I think Rule IX has come up in some of those issues. I can get a final number and I don't know if Mr. Brown; Matt Brown is an Assistant Attorney with me, and I don't know if he has that information or not, but we can certainly give that to you. I would have to dig into those particular lawsuits to determine whether or not Rule IX has come up in those discussions.

Ms. Ajmera said Mr. Brown; do you have any additional information on this?

**Matt Brown, Assistant City Attorney** said as I understand the question is how many lawsuits are currently based on Rule IX at this time, is that correct?

Ms. Ajmera said yes sir.

Mr. Brown said there is a cause of action based directly on Rule IX, but I would like to have a chance to go back and review that tonight and follow-up with you tomorrow if that is okay.

Ms. Ajmera said sure. Are there any outstanding grievances that involved Rule IX?

Mr. Baker said the grievances generally speaking are going to be personnel grievances based on some level of discrimination or failure to follow policy. Again, Rule IX may be coming up in some of those grievances, but you've asked the question about whether or not the complaint has been based on Rule IX. I think that is the issue we are having because for the most part these grievances are based on a number of other allegations that are personnel-related. We can go through to find if specifically, Rule IX has come up in them, but Rule IX is something that we've had numerous conversations about in terms of the promotional policy and typically coming out of the Fire Department and what processes and procedure they are supposed to adhere to.

Ms. Ajmera said let me clarify my question here Mr. Baker. What I'm trying to understand is will Rule IX be involved in any litigation?

Mr. Baker said again there is probably a specific cause of action on Rule IX that I understand but Rule IX comes up in the litigation so it is kind of a hybrid answer, but I am not aware, and Mr. Brown correct me if I am wrong, but I'm not aware that there is a specific cause of action that is grounded solely in failure to adhere to Rule IX, but there have been occasions where Rule IX, and this gets into the conflict that Rule IX has with other provisions of our Charter. There have been disagreements which was the basis for the report that I asked Parker Poe to provide to me and the City in terms of providing guidance for how to resolve some of these conflicts that are going on in the Department.

Ms. Ajmera said I look forward to having the report that answers my question that I had asked as to if there are any active lawsuits that refer to Rule IX or any grievances. I have a second question here; so, without this Rule IX what will the oversight look like for the Fire Chief?

Mr. Baker said the oversight will essentially be precisely what the Charter provides and the Charter Section that I'm referring to is Section 4.61(u) which states specifically that the Chief of Police and the Chief of the Fire Department shall have authority to make all promotions of Officers of their respective Department subject to majority approval of the Civil Service Board, which is essentially what you have now. Where Rule IX comes in is that Rule IX essentially provides specific responsibility and authority to the Personnel Director as it relates to the promotional process and again, as I mentioned to you back in October, Rule IX was implemented by the City Council and it effectively at minimum amends, but is certainly in conflict with a provision of the Charter and the legal issue that we have is that the City Council does not have the legal authority to amend the Charter through a resolution, which is what happens here with Rule IX.

Ms. Ajmera said what I struggle with is that we know that there has been conflicts with the Charter, but it has taken decades to determine that Rule IX is not valid, and that is

what I struggle with. Have you asked North Carolina Attorney Josh Stein for his legal opinion on this?

Mr. Baker said I have not; I don't think it is necessary to do that. Basically, the superiority of the Charter versus a local ask is pretty much uniform and [inaudible] so I don't think that reaching out to the Attorney General to tell me what I think I already know makes a lot of sense in this case. It is clear that a Charter will always supersede a local decision by the Council on the same subject matter.

Ms. Ajmera said I would still be interested in hearing his legal opinion on this as we have heard from many of our Fire Fighters who have written e-mails to us with many concerns about the oversight. I do feel that Rule IX needs more study and the feeling is it will take away the assurances of an equitable hiring and promotion process.

**Councilmember Winston** said I just wanted to give my understanding of where we are; as Mr. Baker said and I think it is written in the same English is that this Rule IX was created by City Council back in 1973 and what is actually an illegal act and perhaps an unconstitutional act under North Carolina Law. Things get done over time in government that isn't right and as we, I think are very well aware of right now, those wrong things won't be propitiated until somebody challenges them or folks in power actually correct it. This is what I see us doing. I think there is wisdom in the way our government is set up, specifically around the Council/Manager form of government. I would just ask my colleagues to just think about the limitations that we've had as it relates and to think about the context of the way some of the conversations have been made and the way the government was structured.

Up until very recently, and has been the job that Mr. Jones has come in here to do in particular, it was run underrun your own business model where each department was siloed and especially when it came to Human Resources practices and departments in that and so we have really been looking at over the past, I guess since Mr. Jones has been here, of eliminating that and creating the horizontal alignment that is necessary. I think this brings us more in alignment to the Charter law and the Constitution, but I think it also brings some of the issues that we face closer to Council and I will remind us that we are in a Council/Manager form of government and we can look at things that are happening within our departments through our interactions with our City Manager. From what I can tell, while these are all personnel decisions obviously Fire and Police are special circumstances that being that this lives within the Human Resources Department it separates us from being able to have effective conversations with our staff. I think this is righting the ship and allowing us to have a more critical conversation from an effective policy and governance perspective that we are able to have right now. I don't know if that actually clarifies anything because it was a confusing bit of nuisance and interest [inaudible] there, but I hope that we will support this and then do the hard work of addressing the source of the issues and coming to a better conclusion as we move forward.

**Councilmember Newton** said I think I might have gotten a bit ahead of myself. I've got my items mixed up. I was not interested in seconding this motion, I do have serious concerns about the retraction or the elimination of Rule IX so I would ask that I be allowed to retract my second on this particular item. Then of course leave the floor open for whomever else to second this if they so desire, which may be Mr. Winston would be interested in doing.

**Councilmember Johnson** said I know I've asked for this before when this issue came up. Is there anyone from the Firefighters Union available to answer any questions? If not, we know that Councilmembers get numerous e-mails from the Firefighters Union and we've not had the opportunity to speak with them directly other than meeting that we might schedule with them directly as I have. So, the fact that we get so much push back from the Union I just want the opportunity for them to be able to address their thoughts on the repeal of this item. We've gotten e-mails up to last week so I'm not comfortable in repealing this without having more information from them. I would love if we could take this to the Governance Committee to really do a deeper dive and be able to hear from the

Union and understand the effect this will have on the operations and moving forward. If that is not an option to move this to Committee then I won't be supporting, it tonight.

**Mayor Lyles** said Ms. Johnson, I think we all struggle. You've raised a really good point about how do we get input from the people that work with us, but we don't officially under our rules, we are not allowed to have a Union. I know that this is very difficult; you lived in a place where unions were making changes and improving lives and doing a number of things, but in North Carolina, we are not able to say invite a union to the negotiation of some sort or answer any questions. I think your attempt is to say the Firefighters that would like to speak to this issue should have the ability to speak to it.

Ms. Johnson said they are a group and I am from an area where they work with management collaboratively, but the group is representing some of the members the Firefighters, we hear from them, they are vocal. I would ask that we be able to hear from them before making this decision.

Mr. Baker said if I could just have a brief moment to tell you what has happened since our meeting with you in October of last year, the Fire Department drafted a promotional process which is I think GO206.01 which we have provided to the Union Rep, so we've provided that to them on November 14<sup>th</sup>. I gave them the opportunity to provide input which they did on November 25<sup>th</sup> and we responded to some of the questions that they had in writing on December 11<sup>th</sup> of 2020 and we also made a presentation just for complete transparency. I made a presentation with the outside Council to the Civil Service Board; they had some questions about what this process looked like and how it would change their understanding of the process. We made that presentation to the Board on January 5<sup>th</sup> specifically to make sure that they understood that their Charter role in this process would not change at all as a result of the requests that we are making. The promotional process from the Chief of the Fire Department and the Police Department would be made subject to the Civil Service Board's approval, but that has changed.

The only issue here, as we mentioned in October, is this issue of the privacy between a Charter provision that we have with the City and a process or a resolution that the Council enacted that effectively changes the Charter. The bottom line is that you cannot by a local decision change what is effective state law. You don't have the authority to do that and that has been explained to the folks in the Union. That has been explained to the Attorney; Ms. Melonie sent a letter to the Board today; I received it at 3:00, I don't know when you all may have received it, where she raises some questions and some concerns but does not address the fundamental issue which is in 1973 the Council did not have the authority to effectively change your Charter. In the process of getting these various rules and procedures together and aligned and not in conflict with one another, which I think is a source of significant consternation for all members of the Fire Department, whether they are of the management level of they are on the other side, are these multiple policies and procedures that don't seem to work with one another. There seem to be some traditional practices that have occurred, some of which aren't exactly codified the way that I think an organization of this size and comments should have a very clear delineation and understanding of what these processes are.

This is the first of a series of processes that will occur, but the one that will require City Council action; I don't know what would happen given the fact that I have given you an opinion that you have a process or a procedure that does not appear that you have the authority, you being the City Council of 1973, to enact. We have an issue and we would like to get that issue resolved as quickly as possible because since 1973 there has been some case law that effectively says if you've got procedures and you are not acting in accordance with those procedures that in and of itself could create a potential basis for a legal challenge. That is the case that came down about three or four years ago that keeps a lot of City Attorneys up at night trying to make sure that there aren't any defacto policies out there or procedures out that we are not actually adhering to and that is the reason for this particular issue here. We don't have an issue with the sphere of Rule IX or what it was attempting to do, it is who enacted Rule IX, that is the problem that we have here, and again, we have tried to get back to the actual Charter direction of how promotional processes are supposed to proceed in the Police Department and the Fire Department,

which is under the authority of the individual Chiefs as opposed to splitting up the authority to include the HR Director. But again, Human Resources, City Attorney's Office, we will all be a part of the process in [inaudible] and counseling the Fire Department and the Police Department going forward on all their personnel matters.

Mayor Lyles said Mr. Newton, I believe you said you wanted to withdraw your second to the motion.

Mr. Bokhari said I will second it.

Mayor Lyles said I just wanted to make sure that we had that.

**Councilmember Watlington** said I just wanted to say going forward, as we think about the conversation we had regarding the ticketing item when we come back to these for a decision it will be very helpful if you just started from the beginning and give a foundation and understanding of what the issue is at hand, what are the challenges to the position and what beyond the legal recommendation how we intend to address what those challenges were. I heard Mr. Baker say that we had looked at how to preserve the spirit of them all, but I have not heard yet how we continue that. For me, as Mr. Winston said, the bottom line is that this is unconstitutional. We've got to follow the letter of the law but that does not mean that we can't figure out other ways to preserve the spirit of the law. I would appreciate it if we could get that information on the front end when we are ready to make these kinds of decisions.

Mayor Lyles said I guess that is the point I wanted to ask and make sure; if we didn't know something was unconstitutional or illegal or not consistent unconstitutionally or now that we do know it I think the danger of knowing makes us more open to liability. I think Mr. Baker, I heard you say that it was something that had worked, but it is now challenged and there is case law about it and that we have these discussions, it is important for us to recognize that right now we are in a very difficult position if challenged this way. I also think that what Ms. Watlington and Mr. Winston have said is that this also gives us an opportunity to write a policy that is under our Human Resources rule that actually gets to some of these issues. It is interesting to me the difference between this rule applies equally to Police and Fire, but we obviously hear more from our Firefighters, so I think Ms. Johnson has a good point that there needs to be some review of the spirit of this, but not just the spirit of this, what is our HR policy and procedure to do it. This is always a difficult time when we know that we've got to do something that makes it right, but we don't have the answer to assure what we want to do, but I think that we have time to get to that place and how we do that I believe would be a question for our City Attorney and our two Chiefs to come back and say here is how we are doing this and this is what we do.

Ms. Johnson said a couple of things; the City Attorney used the term "union" as the City Attorney and when I used it, I was called a Yankee.

Mayor Lyles said I did not intend to do that; it was just a statement that we need to understand and just be careful as we use the proper language for what we have in this state.

Ms. Johnson said that is what I would like him to clarify because it was confusing what just transpired so I would like him to clarify what authority the group, the Tom Brewer heads in our City, what authority they have. Secondly, before I get cut off, I wanted to ask Mr. Baker, a couple of things you said if the City Manager, the City Attorney, and the two Chiefs can sit down to talk about what policy could be written. Am I to understand we've been under a policy for the last 47 or 48 years and now we are saying it is unconstitutional or not proper? Is that what I'm hearing?

Mr. Baker said what I'm saying is that my review and part of that was conducted by Parker Poe and Attorney Mac McCarley and Anthony Foxx, but my concern all along has been this rule and I asked shortly after I got here, and hearing some of the issues coming out of the Fire Department and this reliance to Rule IX, the first thing that I asked was what is the source of authority of Rule IX, tell me about Rule IX. I found out that it was a

resolution that Council had passed and then I'm looking at your Charter provision that is an exclusive authority and the Fire Chief and the Police Chief can manage the promotion process and then look at Rule IX which has a series of direction and authority and responsibility provided to the HR Director that seems to supersede what is in the Charter. Again, it is sort of black letter municipal law that local ordinances won't supersede a State Charter provided by the General Assembly. So, I initially saw a conflict here and as I hear more about Rule IX I asked Mr. Foxx and Mr. McCarley to look at all the procedures that we have and their experience with the City to give me a clear understanding as to what some of the issues are because I think in terms of trying to address some of the issues that are outstanding the inability to identify or at least agree on a common set of fact and procedures or rules to process so to speak have been a challenge, and therefore has something to do here in this particular matter.

Ms. Johnson said we can understand if the Fire Department has been operating under a policy for the last 48-years, for decades or generations how it would be prudent or fair to bring them to the table in negotiating how this policy should be written instead of saying we can't do this anymore because it is unconstitutional when they have been indoctrinated with this policy. Again, I think we should listen to those employees who are opposing it, to the employees that represent a certain constituency of the Fire Department. And again, if we can defer this and take it to the Governance Committee or defer it and let you all work through it with the Union at the table and maybe come to a compromise or something. I don't think it is fair to say Rule IX is wrong and we shouldn't have done this if they feel like we are saying just deal with it. Can you also explain the Firefighter's Union, please?

Mr. Baker said this dovetail nicely into the issue as you mentioned something about negotiating. In North Carolina that Unions do not have collective bargaining power with local governments and that is the issue. There may actually be a "union" it is not like the traditional Unions in terms of their ability to collectively bargain with the local government. That is an issue here and I want to be clear that we have made the policy, specifically the promotional policy, that the Fire Department has put together, we have made that available to the Union Reps for them to take a look at it and give us their input. But it is not a situation of collective bargaining type of input, it is simply here is what we are proposing, let us know if you have questions. They gave us questions and then we responded to them. I don't want it to seem that just out of the blue the new City Attorney came in and started changing everything up. There has been dialogue, and that is my understanding that they like the certainty that they think they have in Rule IX, but from my perspective and the perspective of our outside Counsel that is not the basis for the legal issue we have here which is that you have a rule that clearly impacts and effectively is in conflict with a Charter provision and that is really the issue that we are talking about here. There will be more discussion going forward about the various policies and procedures and we want to be open and transparent with our workforce as we go and we will continue that, but when you start off with this rule that is sitting out here, it is just hard to do the rest of it while we've got a rule that is clearly in conflict with our Charter sitting out there as an obstacle to addressing some of these other issues.

Mayor Lyles said I think the City Manager also wanted to address the question of how employees are represented and involved and engaged.

**Marcus Jones, City Manager** said I'm going to ask our HR Director, Sheila Simpson to come up and talk a little bit about what has transpired over the course of this past year. I will say this, the question about Rule IX existed before Patrick got to Charlotte, and one of the things that Patrick did do with all the memo circulating, he pulled in outside Counsel to review it. We can go back a little bit in time and there was the review of a bunch of policies that relate to the Fire Department and much of that was handled by management partners who has conducted several reviews of the Fire Department over the course of the years, many going back as far as 2015. One of the outstanding issues was Rule IX which was given again to the City Attorney's Office and you will recall that there was a briefing, there were some instructions that occurred after that which included making sure there were conversations with [inaudible]. While Patrick did outline what occurred in those discussions, but I think it is important for Sheila to talk a little bit about what is lost and not

lost with Rule IX being repealed and replaced and I believe we can get a little bit better level of comfort in that there were discussions without me at the table, but the HR Director, the Police Chief, the Fire Chief and members of the Fire Union. Sheila, could you just give us a little bit more in-depth of those levels of discussion as well as what if anything are employees losing, gaining with this repeal of Rule IX if it's fair?

**Sheila Simpson, Director of Human Resources** said I will reiterate something the Manager just said and something Attorney Baker said, that this has been a very long and complex process because the issues are crossing several different administrative subjects. The subject tonight is the legal subject. Tonight is about the authority of the Rule and that is the focus of the conversation tonight. I think the relevant factors that some of the Councilmembers have posed questions about is the administration of the Rule. Just in context Rule IX is a Rule that was primarily written to ensure that when we have applicants for employment and candidates for a promotion that the processes that we utilize in both of those systems are based on merit and are not based on anything other than a person's merit and it is not discriminatory. So, Rule IX is an antidiscrimination foundation and so today what we are really trying to do is to make sure that the authority of the Rule is in alignment with the Charter. That is the focus of today, however, to the questions that have hit this room, the procedures that we have utilized over many years with promotions in both the Fire Department and the Police Department have been compliant with standard operating practices of most organizations in any hiring or promotional process and is not very different than what you will find in any department in the City of Charlotte. What you will find in the actual promotion policy itself is specifically referring to the Fire Department policy is that for the rank of Firefighter II and higher, those positions most them have an evaluation process called assessments and at a minimum, the assessment is some type of oral interview and then most often what you will find for Captain and Battalion Chief and Division Chief, you are going to have an interview and some type of assessment. For a Captain or Battalion Chief, it is going to be an interview panel, there will be a situation panel where you analyze a situation, and then also, there is a written test. Those three components are very consistent in both the Police Department and the Fire Department in terms of hiring

I think some of the confusion is that some of the conversations appear to say that the Fire Chief or the Police Chief unilaterally is going around deciding who is going to take what job. By authority, both Chiefs have the authority to make the final decision, that is true, that is written in the Charter just as Attorney Baker has stated, however, by the process we utilize panels, we utilize external panels, we utilize vendors to help with the assessment centers. We have vendors that score the written exams, we have those exam scores sent into the organization. The City of Charlotte has Human Resources staff that is both centralized and decentralized that have been engaged in these processes. From a centralized perspective people who sit in the office where my office is over the past two-year, I've had at least six to seven different people participate at some level in promotional processes in the Fire Department. In addition to that, we have a staff that is sitting inside the Fire Department and we have about two or three people sitting there that participate in the process as well.

To answer Mr. Jones' question, what is not missing when you appeal tonight, what is going to be retained is a process. The process that we have instilled over the past few years will be retained and that process is a very open, very well communicated process and does have a lot of objective procedures built inside of it. Quite frankly, over the past couple of years when the Fire Department has made changes to the process before the change was implemented the Fire Chief would meet with me and my staff and other folks on my staff to review those changes to see if I had any questions or recommendations. We would discuss those, and those recommendations have been taken. So, I think we have to separate out what the question is tonight. The question tonight is the legal question and the administrative procedures are something that I can attest that we do, and HR is involved in and for my assessment is a very legal process and it is free of discrimination.

Ms. Johnson said I think the concern with the employee group is that there won't be any oversight of the promotional process and I understand that the Chief has the final



decision, but we received correspondence from the Firefighters routinely, often. You don't get that from CMPD so, I'm just asking what is the problem and how do we address it? This Rule IX has been an item or an issue of contention so the fact that there is no-one from the Firefighters group that can answer the question and they have not been able to speak with us and maybe because they can't speak to the City government, I guess that is what you are saying then that is why I'm asking these questions. There is an issue and we all know there is an issue and we keep hearing it, so that is all I'm trying to determine, is the bottom line.

**Councilmember Eiselt** said I think just looking at this thing literally in terms of what we are being asked to do tonight; I hear what Ms. Johnson is saying and I hear what Ms. Simpson is saying, but what we are being asked to do tonight is make a technical correction to our ordinances, no matter when it was written, if we have our own City Attorney and outside Counsel telling us that they don't comply with state law then I think let's clean up our books. Let's get that figured out and then have the conversation about the process because I think that is fair. I'm not going to get caught up on Unions and I'm a proud Yankee, but I come from a Union state, so I know the difference, but the bottom line is we have employees who want to be heard. I would rather hear from the employees, with all due respect, not their hired representative. If there is a format that we could hear from them and discuss it in the Governance Committee or whatever, I'm open to that. I want to say where there is smoke there is fire, but this is a bad example of that one, but if there is a process that needs to be protected for the employees or that has been a long-standing tradition that they feel works then I'm all about talking about that and finding a process that works. This action right here I just don't see where we are helping ourselves when we have a number of legal opinions telling us that we have an ordinance on our books that does not comply with state law.

Mr. Winston said I just want to level set us again just a little bit for colleagues and the public. I am as big of a Union advocate as I think you are going to find on this Council, but we have to recognize that we live in a right-to-work state, and it is illegal for us as a municipality to enter into a collective bargain agreement. It ties our mass center from having certain types of conversations that are allowed to be heard. It doesn't mean that Unions cannot talk to us, they can talk to us in every public forum that we have, but they factually and legally cannot be at the table for negotiations of contracts, whether that be about the purchase of goods, promotions or hiring so, as one example that I have tried to set over this past couple of year that I've been on Council is the recognition that us as representatives given our structure of government locally and in the state we have a responsibility to facilitate these policy discussions on behalf of those that belong to collectively bargaining organizations. It is our job to facilitate conversations amongst each other if we so desire to turn those desires of our constituents, just as we would do with any other group that have a case for their folks and it is our job to turn those into policy if we so choose. I think this is exactly the situation that we are in right now.

I would like to take a quick moment to also again to level set what we are hearing from these Firefighters. I will say I am a little closer to this, I grew up in a firehouse, I grew up with a black Firefighter's father who is the Captain now, who has been fighting some of these same issues. We are talking about systemic fairness issues in Civil Service. I was also party to a class-action lawsuit against the Fire Department of New York City where we won, but to show that there are ingrained discriminatory practices in fire fighting in New York City, but also just nationally. I often get brought into the conversation when we are talking about Police and a lot of times that is an easy one to pick on to be completely honest because we see it all the time. But when we are talking about national standards and best practices of fire fighting anywhere you will see that it is ingrained in fact in these areas of testing to get on the job and promotion. I guarantee you that those things exist. Just look at when Rule IX was put in, so I do believe that we have a problem that needs to be addressed from our employees. I would suggest that this is long ingrained and we are going to go way beyond national best practice standards and we are really going to have to approach this again, I hate to be the broken record, of removing policies and practices that were formed through the lens of white supremacy of the past. Institutional white supremacy. I think when we start to deconstruct this we will see that is where we are and the only way that we are going to be able to do this is if, as Ms. Eiselt said, clean

up our books and then commit to a process that effectively gets to the necessary changes that are needed and I suggest that we just do step one and commit ourselves to however many steps are needed to get this right in the future.

Ms. Ajmera said my question is for Mr. Baker. Mr. Baker; if the Charter was changed to take ultimate authority from the Fire Chief on promotions, would that fix the conflict?

Mr. Baker said that is all really dependent on the language that you actually use. Right now I'm sort of playing the hand that I've been dealt, but if you go back to 1973 I would say that if the Council wanted to make changes to the process of promotions it should have amended the Charter at that time and I would say that is where you need to go to avoid the legal issue that I presented to you which is this issue of authority.

Ms. Ajmera said but that could potentially fix it?

Mr. Baker said it could.

Motion was made by Councilmember Graham, seconded by Councilmember Watlington, to call the question.
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**Councilmember Graham** said I want to take this opportunity Madam Mayor; our Attorney has given us a recommendation, the outside Counsel has given a recommendation, the HR Director has also stated what we are doing tonight. It seems like we have one agenda item, but three conversations so I think it is time for us to vote and move on.

Mr. Newton said it is my understanding that Rule IX is not an ordinance. I think you had said this Patrick that it was actually a resolution.

Mr. Baker said that is my understanding yes.

Mr. Newton said so it has no real legal binding authority, if anything it just serves as guidance. Now mind you, it is something that we have put in policy for quite some time. I think what Ms. Ajmera said actually I think is really significant here because Charters are ordinances and ordinances are in the purview of the City Council that in themselves can be changed. So, if there is a conflict here, maybe what we are doing is that we are looking at the wrong place to fix this problem. So, instead of looking at that policy, we do need to be looking at our Charter and that is what raises the question for me. Why we aren't looking at that, yes, we can go ahead and we can eliminate the policy, but yet that fix that so many employees rely on to be treated equitably goes away and we will be waiting hereafter for a procedure that we really have no plans to achieve. That is what bothers me here. It would be one thing if we were talking about maybe amending the Charter and in so doing, this is our plan, this is the procedure we are going to implement to uphold, to not say we are going to try to uphold the spirit of Rule IX, but to actually uphold the spirit of Rule IX and vote on that. That is why I think right now for me this all seems just a bit abstract in nature and I feel like what we are doing is we are pulling the rug out from underneath employees that rely on Rule IX without a real clear plan to move forward to support them. The way we do that if you look at the Charter and say how do we go about fixing our Charter, not just eliminating Rule IX and have a plan to do that that we vote on. That is where I'm at on this and I just wanted to make those points.

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

Mr. Winston said Mayor; before I say my vote, are you able to upon adoption of this resolution able to send this issue to the Budget and Effectiveness Committee?

Mayor Lyles said I have the ability to do, but I would not make that contingent upon this vote. I don't want to make that contingent, so I just want to make sure that is another issue, but yes, I do have the ability to do that.

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

YEAS: Councilmember Bokhari, Driggs, Egleston, Eiselt, Graham, Watlington, and Winston

NAYS: Councilmember Ajmera, Johnson, and Newton.

The resolution is recorded in full in Resolution Book 51, at Page(s) 169-170.

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## **BUSINESS**

### **ITEM NO. 13: CLT HOST 2020 ECONOMIC CHALLENGE GRANTS**

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, and carried unanimously to (A) Accept a grant in the amount of \$1,000,000 from CLT Host 2020, LLC, to assist with the development and execution of a comprehensive branding strategy utilizing the #Meet Charlotte brand and materials, (B) Accept a grant in the amount of \$300,000 from CLT Host 2020, LLC, to reboot and grow the city's small business ecosystem, and (C) Adopt Budget Ordinance No. 9986-X appropriating \$1,300,000 from CLT Host 2020, LLC to the Neighborhood Development Grants Fund.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 528.

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### **ITEM NO. 14: APPROPRIATE PRIVATE DEVELOPER FUNDS**

Motion was made by Councilmember Driggs, seconded by Councilmember Watlington, and carried unanimously to (A) Approve developer agreements with Parkside at Hickory Grover, LP; Karma Real Estate, LLC; Ashley Flats, LP; and Toll Brothers Inc. for traffic signal modifications, (B) Adopt Budget Ordinance No. 9987-X appropriating \$128,550 in private developer funds for traffic signal installations and improvement to the General capital Projects Fund, and (C) Adopt Budget Ordinance No. 9988-X appropriating \$21,496.61 in supplemental developer funds for traffic signal installations and improvements on projects currently under construction in the General Capital Projects Fund.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 529-530.

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### **ITEM NO. 15: TANFIELD DRIVE SANITARY SEWER EXTENSION**

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, and carried unanimously to (A) Approve a non-reimbursable developer agreement with Kinger Homes, LLC for construction of the Tanfield Drive Sanitary Sewer Extension project, and (B) Adopt Budget Ordinance No. 9989-X appropriating \$55,000 in private developer funds for construction of the Tanfield Drive Sanitary Sewer Extension project to the Charlotte Water Capital Projects fund.

The ordinance is recorded in Ordinance Book 63, at Page(s) 531.

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**ITEM NO. 16: LEASE OF CITY-OWNED PROPERTY AT THE CHARLOTTE TRANSIT CENTER TO LEE WESLEY GROUP, LLC**

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to (A) Adopt a resolution approving a five-year lease agreement between the City of Charlotte and Lee Wesley Group, LLC, operating as Burger King, for a retail space located at 310 East Trade Street (tax parcel number 125-011-14), and (B) Authorize the City Manager to negotiate and execute all documents necessary to complete the transactions with Lee Wesley Group, LLC operating as Burger King, at the Charlotte Transit Center.

The resolution is recorded in full in Resolution Book 51, at Page(s) 171.

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**ITEM NO. 17: RESOLUTION TO CLOSE AN ALLEYWAY BETWEEN EAST 22<sup>ND</sup> STREET AND EAST 23<sup>RD</sup> STREET**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to Adopt a resolution and close an Alleyway between East 22<sup>nd</sup> Street and east 23<sup>rd</sup> Street.

The resolution is recorded in full in Resolution Book 51, at Page(s) 172-177.

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**ITEM NO. 18: RESOLUTION TO CLOSE AN ALLEYWAY BETWEEN LOLA AVENUE AND BARRY STREET**

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to adopt a resolution to close an alleyway between Lola Avenue and Barry Street.

The resolution is recorded in full in Resolution Book 51, at Page(s) 178-180.

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**ITEM NO. 19: RESOLUTION TO CLOSE MACIE STREET**

Motion was made by Councilmember Driggs, seconded by Councilmember Eiselt, and carried unanimously to adopt a resolution to close Macie Street.

The resolution is recorded in full in Resolution Book 51, at Page(s) 181-183.

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**ITEM NO. 20: RESOLUTION TO CLOSE THE WESTERN RIGHT-OF-WAY BETWEEN BULLARD STREET AND UNOPENED JOY STREET**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to adopt a resolution and close the western right-of-way between Bullard Street and unopened Joy Street.

The resolution is recorded in full in Resolution Book 51, at Page(s) 184-186.

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## ADJOURNMENT

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

The meeting was adjourned at 8:11 p.m.



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Stephanie C. Kelly, City Clerk

Length of Meeting: 3 Hour, 09 Minutes  
Minutes Completed: February 12, 2021