

The City Council of the City of Charlotte, North Carolina convened for a Business Meeting on Monday, July 27, 2020 at 5:06 p.m. in Room CH-14 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, James Mitchell, Matt Newton, Victoria Watlington, and Braxton Winston II.

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Mayor Lyles called the meeting to order and said tonight's meeting is being held as a virtual meeting in accordance with the electric meetings law and the requirements of notice, access, and minutes are being met through those means. The public and the media are invited to watch us streaming on Facebook live, the City's YouTube page, or the City's Governmental Channel page.

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INVOCATION AND PLEDGE

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

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Mayor Lyles said before we begin our Public Forum, I want to take a moment to read something that I received in the mail over the weekend from the Carolina Asian American Chamber of Commerce. We all work really hard and sometimes I think we forget what it means because we've moved on to the next thing, so I'm going to read this letter signed by John Chen who is the Chair and [inaudible] who is on the Board of Directors.

"Dear Mayor Lyles: We take this opportunity to congratulate the City's progress today to facilitate the disbursement of the SBA CARES Act loan. Many small business owners in our community of diverse ethnicity are benefiting from the financial relief received during this challenging time. For many reasons not every owner in the Asian Community is equipped or has access to resources to navigate the application process. Unfortunately, this is more pervasive among the underserved segment of our community, the refugee families for instance. We are saddened and alarmed by the number of these families who have since moved out of the area to a state where they are getting help. When we first began our volunteer efforts to serve the community, we were so galvanized by the mission scope and participants determination and groundbreaking cross-work Charlotte initiative and the progress made towards an equitable excessive and the inclusive City of Charlotte. The successful cooperation and collaboration among government, business, and civic organizations are no doubt a major attribute that has elevated our City, in particular to the top tier of domestic and international business direct destination. Even with the City's growing reputation, we must work hard to ensure that the underserved have an opportunity to grow and thrive in a City they have been assigned to as their new home when they first arrived. We do feel that we need to pay a fraction of this goodwill back."

There are comments in there that I think are gems that we all need to recognize we do great work there is more work to be done, but it is appreciated by our community. I just wanted to thank them for that letter and what they sent to us.

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PUBLIC FORUM

CMPD's Budget

Katherine Sexton, 2617 Youngblood Street said thank you for your service, I'm a developer in Charlotte. I just wanted to speak today about the Safe Community of Council and how I hope it continues and brings about actual changes in Charlotte. I know a lot of news media and timelines have moved on, but I do believe focusing on crime as a public

health crisis and lack of resources issue instead of policing issues is the way forward. It is hoped that the Safe Communities Council will also view the [inaudible] people's budget that can give an initial outline to divest in policing and invest in community housing and resources in a process for 2022 fiscal year and that Council has a large say in crafting that year's budget. As Durham's Mayor Pro Tem pointed, the safest communities don't have the most cops, they have the most resources.

Police Reform

Glenice Rhedrick, 1100 Berry Tree Court said thank you so much for honoring our presence this afternoon. I'm here on behalf of the clergy with our call to respond to Police Reimaging. We are looking at four different things; representation, the absence of public involvement in the selection of a Police Chief, we feel that it should have community input, reversal the growing of military tactic equipment, and training to handle law enforcement. We would like to see that changed and to review an immediate review of qualified immunity for Officers involved shootings. We would like to be able to state to the body tonight that we are standing firm on the 16 demands that we presented to the City Council to Reimagine our City, a City one of a beloved community.

A New City Resolution

Tina Katsanos, 13524 Carleen Way Drive read the following Proclamation:

Charlotte-Mecklenburg County North Carolina

Proclamation declaring current governing, policing, and corporate systems a public health crisis

WHEREAS, Mecklenburg County climate activists have identified the ineffectuality of our current systems (government, police, and corporations) to engender equity in our communities, systems that have reified white supremacy for over 400 years, and

WHEREAS, racism, including, environmental racism, will and cannot be properly mediated within the current for-profit systems and will require direct actions, systems change, and a turning of the collective consciousness, and

WHEREAS, the long-overdue Revolution is under-way and it is the duty of our public servants to recognize and promote the Great Turning, and

WHEREAS, criminal corporate practices have caused deep disparities, harm and mistrust as these practices commodify the land, air, and water and engender social illness within communities of color, and

WHEREAS, city and county officials are complicit in corporate criminality in their compliance and silence with corporate entities, most notably Duke Energy, and

WHEREAS, the City of Charlotte has stated in a Jan 16, 2019 Memorandum of Understanding with Duke Energy: "for more than 100 years Charlotte and Duke Energy have enjoyed a strong tradition of working together, fostering Charlotte's growth, development, planning, and energy needs and objectives" and

WHEREAS, this century-old marriage fostered growth, development, planning that benefited the few and ultimately harms and displaces people of color and

WHEREAS, in particular, Duke Energy continues to pollute West Charlotte with the Allen Steam coal plant which is responsible for asthmatic attacks on the children of West Charlotte in addition to exacerbating other medical conditions of all of the people of West Charlotte and

WHEREAS, the City of Charlotte and Mecklenburg County continue this unholy alliance with Duke Energy and are complicit with Duke Energy's disinformation campaigns, such

as advertising claims that Duke Energy has doubled renewables since 2005 which in real speak is a doubling of 2% to 4% and

WHEREAS, a long and well-established body of scientific facts has shown us for years that social and environmental determinants are key drivers of health and wealth disparities and

WHEREAS, this body of scientific facts has been shared with Charlotte City Council and the Board of County Commissioners, MULTIPLE times by MULTIPLE community members and has been entertained but ultimately dismissed as we have seen the institution of a harmful tree ordinance, the dissolution of the environmental committee on the part of City Council, and a refusal on the part of the Board of County Commissioners to pass a new Climate Resolution and

WHEREAS, an Environmental Leadership resolution was passed under the direction of Mayor Jennifer Roberts within her then capacity as a county commissioner in 2004, but the implementation of policy to enact the resolution was dismissed by other BOCC members during that time and thereafter and

WHEREAS, the City and County continue their compliance and silence with a systemically corrupt police system and believe that not including money for new tear gas acquisitions in the budget is enough action and

WHEREAS, the City addressed the militarized police forces which accosted and terrorized our citizens for enacting their civic responsibility to exercise their First Amendment Rights with awarding police armies the biggest slice of pie from the City Budget: 40.4 percent and

WHEREAS, the public servant, Chief Kerr Putney, who ordered a guerilla-style ambush, on the citizens of this city, has yet to be arrested for this act of terrorism and

WHEREAS, the public servant, Tariq Bokhari on Charlotte City Council, is a racist and whose company under his leadership should not be allowed to enter contracts with the City of Charlotte to train vulnerable black and brown people in our communities and

NOW, THEREFORE, LET IT BE RESOLVED, that Mecklenburg climate activists will continue to support Black Lives Matter as climate justice is predicated on racial justice and that we achieve this by dismantling the current status quo and rebuilding through a green economy led by people of color.

Police Reform

Corine Mack, 2317 Sonoma Valley Drive said thank you for this opportunity to speak before the Council today. The NAACP has 111 years of advocating on behalf of black and brown and poor people, and we continue to do so today. Specifically, we've been advocating for equity for 111 years in this county as well as today we are advocating in the City of Charlotte. There are four components that we are interested in ensuring happens here in Charlotte. Although we are happy to hear about the Asian American community's feelings regarding equity; black people don't feel the same way. Four components will be having specific conversations and in fact, a commission set up for historic justice. Having a harm-free zone organized throughout the City specifically in the areas that have had high levels of crime and high levels of violence of late. A community engagement hub, something that has been done all over the country and it has worked where financing has happened so that the active community organizers and community organizations are actually receiving the funds to do the specific work because we are the ones on the ground, and lastly that there is some level of conversations that happen so there is community input throughout every active work being done through the City, which means that it would have to be a higher level of transparency, something that we have had concerns about for some time. Lastly, we are deeply concerned about the possible violation of the North Carolina Constitution; Article I, Section 32 and 33 as it pertains to the Carolina FinTech decision of \$1.5 million. We are happy that there is some level of

conversation around creating jobs for people of color; it is more important than people of color, specifically black people are leading this conversation and receiving the funds to do their work.

Police Brutality

Giselle Werneck Salgado, 859 Scaleybark Road said on June 6th I had a panic attack. For the previous two weeks, I worked anywhere between eight to 16-hour shifts as a street medic. I handed out water, charged phones, picked up food, bandaged cuts, and delivered masks and gloves to protestors around the City. I was often pulled by Police while doing this work.

On June 3rd, Martin Luther King Boulevard, Police trapped us, tear-gassed, pepper-sprayed and shot rubber bullets and pepper bullets at us all while I was inside my car, clearly marked as a medic car, full of water bottles and masks. This got national attention from the media reporting CMPD's behaviors as absolute evil. Martin Luther King Boulevard, by the way, where I drove two people released from jail to their cars parked in the streets. Where I was routinely escorted by scowling motorcycle cops, clocking my way towards the protests where water and food were needed.

There are dozens and dozens of protestors who had their backpack straps cut while they were detained in jail. Thousands and thousands of dollars of destroyed photo equipment, cell phones, and other valuables. Then there were two tow trucks following me, headlights flashing, tailgating me behind an empty I-77. On June 5th I stopped to hand out water and was promptly greeted by two F-250's loaded with about 10 riot Policemen each, armed to the teeth, smirking at me as they drove by my car. That night I could only remember the scenes of kids being hurt, of small-framed women being snatched and thrown into cars violently, of clergy and elderly members of our City being choked out by the gas in the streets. The homeless folks being beat by cops on bikes.

I had a panic attack on June 6th after two weeks of working as a street medic and being repressed by Police. I spent one week in the hospital. I was diagnosed with PTSD and I have over \$8,000 in bills because I was a concerned citizen who decided to help my fellow neighbors in the fight against CMPD. Helicopters overhead drive me into a panic; the smell of tear gas nearly induces a seizure.

Why are we doing this to our neighbors? That is what I ask you. Why did my District Representative vote for 400 extra million in gear for these thugs to terrorize us with? Why do we have new cameras and the homeless men tell me the Police have been harassing them more and more on Woodlawn and South? Why are we funding the Police with hundreds of millions while hospitals, schools, bridges, and people are in complete abandonment from their representatives and the institutions that are supposed to serve us?

Concern with Defunding Police

Whitney Jackson, 2810 Selwyn Avenue said I appreciate the time and thank you for being so prompt to get back to me to be part of this, this evening. While unable to assemble to worship freely right now because of the coronavirus and having some restrictions on that protest have continued in large groups and I'm very thankful for the Police Officers who put their lives on the line to look out for us. I understand there is a lot of controversy surrounding that, but I do support our Police Department and believe that the budget should actually be increased so that they have the right tools, the right training, and the right coverage to be able to take care of us. I would like to know if that is something that will be worked with.

Secondly, I believe it is a capricious decision recently to remove bar seating from our restaurants who have only had just begun to get back on their feet again where you can certainly have six-feet apart in many of these local restaurants. This has hurt many of my friends who are entrepreneurs and I would like to see us remove that capricious act most recently. Those are my two points and I appreciate your time in speaking to them.

Allocation of Relief funds

Kaitlin Wightman-Ausman, 3006 Uxbridge Woods Court said I grew up in Charlotte and now I work in the mental health community here. Like many others, I am speaking today in support of divesting some policing and investing into community. People do not trust the Police and unfortunately, no amount of raising reward money or funding youth-run programs is going to change that. The problem with CMPD is not just their liberal use of chemical weapons, it is bigger than them, it is that policing criminalization and incarceration is the default response to all of our societal issues. We know that Police practices are built on a foundation laid in protecting white supremacy an interest of the wealthy. You said you wanted to reimagine policing and use evidence practice, so we have to look critically at the systems in place and ask our elected representatives. I'm asking you to not say that you hear us but to listen to the people on the ground in the community you are discussing and bravely embrace the transformative mindset. This is going to require hard uncomfortable conversations. We have to acknowledge, you work with Police, you listen to their reports regularly, so it is probably hard for you to separate their perceived assumption from their actual harmful impact, which is why I think we need a few things. One, we need to have an independent audit of the CMPD budget. Charlotte residents should be able to see from an unbiased perspective where our tax money is going and how it could be better used. Two, we need to directly invest money into housing communities and grassroots community organizations that are already doing its work and not just the ones with the big-budget and non-profit status. Three, I think we need to limit the contact the Policy has with the public, support ideas like Councilmember Winston's and where we can improve our response 911 calls by creating a dispatch system of appropriate first responders.

As of right now our response to harm is a punitive violent and one size fits all approach and it is not working. This process of transformation will be uncomfortable, but [inaudible] recently said a panel change does not happen when you are uncomfortable, but when you are comfortable.

Upward Mobility

Joel Segal, 4568 Randolph Road said tonight I am speaking in support of Restored of Justice Charlotte Resolution on Racial Justice and Expedited Upward Mobility for low-income black communities that we, the majority of the people in Charlotte, would like to have introduced and passed unanimously in the Charlotte City Council with all deliberate speed. If Charlotte is to become a world-class city, a moral City and as Dr. Willie Keaton of Queens College says, one city, not a tale of two cities, one for the comfortable and affluent, the other for low-income black residents who have little or no chance of getting out of [inaudible] poverty, we must begin the much-needed discussion of what policies and programs that we can put forward in our City if we are going to move forward in breaking this revolving door cycle of poverty. I want to conclude by saying that recent studies have shown that Charlotte is ranked 50 out of 50 cities in upward mobility and in our resolution, and we really look forward to working with you as partners because you are a progressive City Council. One of the most important aspects of the resolution is to adopt the aspirational goal that the Charlotte City Council will actively work for Charlotte to become number one in upward mobility for low-income black residents and not last. This is the right thing to do. As someone who worked for Representative John Lewis for 13-years in the US Congress, this is in the spirit of John Lewis and John Conyers. God Bless everybody, it is time for a new Charlotte, and we can get there, but we can't do it unless we do it together in the spirit of Martin Luther King's beloved community.

Racial Healing & Restorative Justice

Jennifer Roberts, 619 Clement Avenue said I am speaking also in support of a Charlotte Restorative Justice Resolution for [inaudible] reconciliation and reparations for a history of redlining divesting and marginalizing communities of color and specifically African Americans and black Americans. I've heard from hundreds of residents who support this as well. Many of you know the history of urban renewal in Charlotte in the 60's when Brooklyn Village was demolished; 216 black-owned businesses were forced to relocate,

many were destroyed. Churches, neighborhood schools, and residents were demolished to make way for government buildings. African Americans were robbed of their businesses, places of worship, and as we know [inaudible] study must mention, their access to opportunity. So, the Stan Greenspoon Center for peace and social justice has been working along with numerous folks in the community on the concept of reconciliation and restoration with support from numerous leaders and organizations in our community. Charlotte needs to formally admit wrongdoing and apologize but in order to atone they also need a plan to rebuilt, restore and repair what was done. Several cities in the US have begun this process; Boston, Philadelphia, New York. A community that also recognizes that racial justice and healing needs to go beyond policing and criminal justice. Although it was Police brutality in the death of George Floyd that ignited our recognition of racism, a re-recognition; racism is also intertwined with our housing policies, zoning, infrastructure, contracting, employment, education, and health care and other aspects. There is so much work ahead, but it starts with admission and apology, recognition of the harm done, and a goal to put resources into reconciliation and repair. It would be great to have this focus on the Brooklyn Village area, it would get national attention, it would mean so much to the people in this community. I call on Charlotte business to join this process, admit that they also have made money off of African Americans deprived of their property, barred from employment, charged higher lending-

Ms. Roberts' time expired, she said she would mail her comments to the City Clerk, but they have not been received.

Conflict of Interest

Jade Jackson, 8504 Dahlia Drive said I come to you as a concerned citizen and I have three questions for you, and I would like to see a show of hands. How many of us in this meeting think that it is okay for a City Councilmember to create a conflict of interest and to commit a crime? How many of us think that it is okay for the City Council to cover up the crime? How many of us think that a City Councilmember that creates a conflict of interest and commits a crime, that it should be exposed to the citizens of Charlotte that have a right to be informed about it?

When we look at Article 4, Section 8-1.01 it shows that any person or persons violating this provision shall be guilty of a Class 1 misdemeanor. Based on a report we saw on WBTV on July 22nd, Councilmember Bokhari's non-profit Carolina Fintech Hub may have done just that. Therefore, not allowing the citizens of Charlotte to have the same opportunity, especially minority business owners, who among us were afforded the opportunity to one of these lucky positions and the skills people need in the minority. Who selected these individuals? City Council members are selected by and elected by the people to serve the people, not their own self-interest. At this point, we the concerned citizens demand that we open up an investigation tonight and vote on an investigation tonight. If Mr. Bokhari is found innocent, he should be exonerated and found with his hand caught in the cookie jar and charges must be brought against him. Again, do we cover up a crime or do we expose it as it is? Again, I do demand that the City Council vote tonight on opening an investigation.

Restorative Justice

Judy Schindler, 3819 Sedgewood Circle said first of all thank you for moving the Getter Benjamin Memorial from Tryon Street. I am the Jewish Community and I'm really deeply appreciative of your work. I speak tonight on Charlotte's black upward mobility and afforded justice resolution that we hope that you will unanimously pass. In the midst of the COVID pandemic, we've become painfully aware of the pandemic of racism that is killing black Charlotteans. Slavery, Jim Crow, redlining the demolition of the Brooklyn Neighborhood has left [inaudible] to the house in economic forms that come our way. In January of 1960, Charlotte City Councilmembers voted to cash in on urban renewal funds and to dismantle Brooklyn. A black community was destroyed, and jail and courthouse were built in its place. My friends on the City Council, please make the righting of historic wrongs a priority. That wrong has held our black siblings down socially, economically, educationally distanced them. In Judaism righting wrongs is a three-step

process; first, we apologize, second, we make restitution to repair the harm caused, and third, we don't do it again. We call on that same three-step process, not just from you, but from the faith, business, non-profit communities from other civic leaders, from those who benefited from Charlotte's historic practices of racism. We seek an apology from you as representatives of our City, we seek restitution, we will be setting up, we hope to set up a Restorative Justice Fund that will invest in black upward mobility in six areas of harm caused business development, mental health, education, land ownership, re-entry, funds to support this can be raised from budgeting from creating tax districts. We seek systemic change, a process of ensuring community benefits agreements from developers, ensuring opportunities for the community as they create opportunities for themselves. How will it happen? With the investment, civic business –

Mayor Lyles said Ms. Schindler if you will send your comments into the Clerk's Office. I have had a conversation with both Rabbi Schindler and Dr. Keaton and have agreed to put the resolution or statement around our efforts on this on the August 10th agenda.

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

Giselle Werneck Salgado, gisellews@gmail.com

Janice Robinson, robinson@hotmail.com

Madi Stocker, madixeve@gmail.com

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ITEM NO. 2: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS AND ANSWERS

Councilmember Newton asked for Item No. 29 to be pulled for a separate vote.

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CONSENT AGENDA

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve the Consent Agenda as presented with the exception of Item No. 29, which is pulled for a separate vote.

The following items were approved:

Item No. 20: Alarm Registration and Management Services

(A) Approve a contract with Central Square Technologies, LLC for Alarm Registration and Management Services for an initial term of three years, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Item No. 21: Citywide Vehicles and Equipment Cooperative Purchasing Contracts

(A) Approve the purchase of vehicles and equipment from cooperative contracts, (B) Approve Unit price contracts with the following vendors for the purchase of heavy equipment for an initial term of one year under the North Carolina Sherriff's Association: Young's Trust Center (NCSA Contract 20-04-0506), Carolina Industrial Equipment (NCSA Contract 20-04-0506), Aquip LLC (NCSA Contract 21-05-0506), Maintainer Corporation (NCSA Contract 21-05-0506), Virginia Truck Body (NCSA Contract 21-05-0506), (C) Approve unit price contracts with the following vendors for the purchased of vehicles and equipment for an initial term of one year under Sourcewell: Ascendum Machinery (Sourcewell Contract 040319-GRD), Charlotte Tractor (Sourcewell Contract 040319-KBA), Ascendum Machinery (Sourcewell Contract 041719-CEC, Vermerr Mid-

Atlantic LLC (Sourcewell Contract 050199-VRM), Bergkamp, Inc. (Sourcewell Contract 052417-BGL) Cemen Tech, Inc. (Sourcewell Contract 052417-CMT), and (D) Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.

Summary of Bids

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

Item No. 22: Generator System Installation at Lee S. Dukes and Mallard Creek Treatment Plants

Approve a contract in the amount of \$15,862,589 to the lowest responsive bidder, PC Construction Company for generator system installation at Lee S. Dukes and Mallard Creek Treatment Plants.

Summary of Bids

PC Construction Company	\$15,862,589.00
Crowder Construction Company	\$18,405,700.00
State Utility Contractors, Inc.	\$19,954,200.00

Item No. 23: Goose Creek Sanitary Sewer Extension to Fairview Road Construction

Approve a guaranteed maximum price of \$6,267,275.31 to Crowder Construction, Inc. dba Crowder Construction Company for Design-Build construction services for the Goose Creek Sanitary Sewer Extension to Fairview Road project.

Item No. 24: Paw Creek Force Main Upgrades Construction

Approve a guaranteed maximum price of \$10,700,038 to State Utility Contractors, Inc. for design-Build construction services for the Paw Creek Force Main Upgrades project.

Item No. 25: Process Improvement Design Services for Irwin Creek and Sugar Creek Wastewater Treatment Plants

Approve a contract for \$883,665 with HDR Engineering, Inc. of the Carolinas for professional engineering services for process improvements for the Irwin Creek and Sugar Creek Wastewater Treatment Plants.

Item No. 26: CATS Light Rail Emergency Response Vehicle

Approve a contract in the amount of \$529,449 to the responsive bidder Western Star Trucks of Delmarve, LLC for the purchase of a light rail emergency response vehicle and parts.

Summary of Bids

Western Star	\$529,449.00
Geismar	\$949,856.00

Item No. 27: E-Builder Project Management System

(A) Approve the purchase of E-Builder project management software license, maintenance, support, and related professional services from a federal contract as authorized by G. S. 143-129 (e) (9a), (B) Approve an amendment to a contract with E-Builder, Inc., a subsidiary of Trimble Inc., for the purchase of E-Builder license, maintenance, support, and other professional services for up to four years under GSA Contract GS-35F-408AA, which is currently due to expire on May 30, 2023, and (C) Authorize the City Manager to purchase additional software and services as needed to optimize the City's use of the system and to extend the use of the contract for as long as the federal contract is in effect, at prices and terms that are the same or more favorable than those offered under the federal contract.

Item No. 28: Airport Passenger Common-Use Lounge Lease

(A) Approve a 10-year lease with ALS Development Corp. (dba Airport Dimensions) at Charlotte Douglas International Airport, and (B) Authorize the City Manager to renew the

lease for up to two additional, five-year terms consistent with the purpose for which the lease was approved.

Item No. 30: Bond Issuance approval for Fairmarket Plaza

Adopt a resolution granting INLIVIAN's request to issue multifamily housing revenue bonds, in an amount not to exceed \$10,100,000 to finance the acquisition, rehabilitation, and equipping of an affordable housing development known as Fairmarket Plaza.

The resolution is recorded in full in Resolution Book 50, at Page(s) 791-794.

Item No. 31: Bond Issuance approval for Freedom Flats

Adopt a resolution granting INLIVIAN's request to issue multifamily housing revenue bonds, in an amount not to exceed \$28,000,000 to finance the development of an affordable housing development known as Freedom Flats.

The resolution is recorded in full in Resolution Book 50, at Page(s) 795-798.

Item No. 32: Bond Issuance Approval of North Tryon Homes

Adopt a resolution granting INLIVIAN's request to issue multifamily housing revenue bonds, in an amount not to exceed \$22,000,000 to finance the development of an affordable housing development known as North Tryon Homes.

The resolution is recorded in full in Resolution Book 50, at Page(s) 799-802.

Item No. 33: Bond Issuance approval for South Village Apartments

Adopt a resolution granting INLIVIAN's request to issue multifamily housing revenue bonds, in an amount not to exceed \$12,000,000 to finance the development of affordable housing development known as South Village Apartments.

The resolution is recorded in full in Resolution Book 50, at Page(s) 803-806.

Item No. 34: Meeting Minutes

Approve the titles, motions, and vote reflected in the Clerk's record as the minutes of June 01, 2020, Strategy Session, June 08, 2020, Business Meeting/Budget Adoption, June 15, 2020 Zoning meeting, June 22, 2020, Business Meeting and July 06, 2020 Strategy Session.

PROPERTY TRANSACTIONS

Item No. 35: Property Transactions – Herford Road 1528, Parcel #1

Acquisition of 1,403 square feet (0.033 acres) in Storm Drainage Easement, plus 764 square feet (0.018 acres) in Temporary Construction Easement at 1528 Hertford Road from Daniel K. Cottingham, Jr. and Christina B. Cottingham for \$76,050 for Hertford Road 1528, Parcel #1.

Item No. 36: Property Transactions – Providence Road Sidewalk Improvement (Greentree Drive to Knob Oak Lane), Parcel #16

Acquisition of 1,974 square feet (0.045 acres) by Fee, 2,328 square feet (0.053 acre) in Temporary Construction Easement at 1601 Cavendish Court form James Ernest McGhee, Jr., and Linda M. McGhee for \$56,550 for Providence Road Sidewalk improvement (Greentree Drive to Knob Oak Lane), Parcel #16.

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ITEM NO. 29: BOND ISSUANCE APPROVAL FOR ALBEMARLE LANDING

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, to adopt a resolution granting INLIVIAN's request to issue multifamily housing revenue bonds, in an amount not to exceed \$14,000,000 to finance the development of an affordable housing development known as Albemarle Landing.

Councilmember Newton said this a bond proposal for a development on Albemarle Road Corridor in the heart of what constitutes the business district for District 5 and the southern portion of East Charlotte. For anyone familiar with that corridor, this is the site that used to be the old Upton's site, the old Upton's Department Store. It at one point, much like the corridor as a whole was a thriving business center. What is supporting this bond is the placement of 128 multifamily residential units on that B-2 zoned site. For me and for the community we have looked forward for well over a decade now to the revitalization of the corridor for business purposes. The area itself has some of, if not the highest, population density in all of the City of Charlotte, lowest incomes and at the same time the fewest jobs. I think that given the circumstances here, and I've had discussions with the developer that started about a year ago, expressed my concern with taking a parcel that is on the frontage of Albemarle Road that is zoned for business and commercial use and placing exclusive residential there without any accommodations for commercial or retail. Doing that, knowing full well that the vision for the area would include that commercial use. In fact, the land use plan calls for retail on the parcel exclusively on the parcel and I think it is worth noting that this is an affordable housing development and I fully appreciate that. I appreciate the fact that we are all are acting deliberately to increase our affordable housing stock within the City of Charlotte, and we need to do that because that need exists, but I also think we need to be intentional in what we do and approved. In this instance, this is a corridor much like the Beatties Ford Road Corridor that is in need of business revitalization, in need of the creation of jobs for local residents that don't currently exist.

I had a good conversation with one of our colleagues about this and it was mentioned that this is for East Charlotte and for the folks in District 5, this is our Park Place, our Boardwalk. We would like to see the type of revitalization that lends itself to that and not residential on this particular parcel on the frontage of Albemarle Road. Those of my concerns, I will be voting against this for that reason because it does deprive the area, not just of the potential business, but business zoning altogether in exchange for something that is abundantly already in existence right there within the area which residential.

Councilmember Egleston said I just wanted to understand Mr. Newton's comments but just wanted to remind everybody that this is an opportunity for 128 workforce housing units where they have not made an ask of our Housing Trust Funds. I think we have got to think very seriously anytime there is an opportunity for us to move forward on some of our affordable housing goals and particularly when we are not being asked to dip into our limited pool of resources to do. I think we have to take that very seriously, particularly given the investment that is coming to this corridor around Eastland with the investments that Tepper Sports will be making, the investments we just talked about in the TAP meeting today around the Silver Line that will be coming not too far from this site, so the access to grocery stores, retail that is in this corridor and the future investments in transit and Eastland, I think we've got to get ahead of the gentrification and as someone who represents the District not far from here that has seen that if you wait until the housing becomes unaffordable to try to create affordability it is too late at that point. I think we are getting ahead of it and knowing the investments we are making in this area will not be as affordable as it is now five years from now. So, appreciative of INLIVIAN being ahead of the curve on that.

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

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

NAYS: Councilmember Newton.

The resolution is recorded in full in Resolution Book 50, at Page(s) 787-790

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ZONING

PUBLIC HEARING

ITEM NO. 5: PUBLIC HEARING FOR CENTENE CORPORATION BUSINESS INVESTMENT GRANT

Mayor Lyles declared the hearing open.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing regarding the approval of a Business Investment Grant to Centene Corporation.

Councilmember Johnson said I wanted to ask a question and if this is not the time you can let me know. I wanted to ask if there are any requirements for minority contractors in the development of the construction for Centene?

Mayor Lyles said can we sent that to you so we can make sure; as I recall there are a lot of things that they are contributing and participating in so we will get that information on what the goal is for the minority, women, and business-owned participation in the project from the company. We will put that on the follow-up list; Ms. Harris, did you get that one?

ITEM NO. 6: PUBLIC HEARING ON CAMERON COMMONS AREA VOLUNTARY ANNEXATION

Mayor Lyles declared the hearing open.

Ty Shaffer, 101 North Tryon Street said if there are questions from Council, I'm here to answer them.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs and carried unanimously to close the public hearing on the Cameron Commons Area voluntary annexation.

ITEM NO. 7: PUBLIC HEARING ON CARSEN GLEN AREA VOLUNTARY ANNEXATION

Mayor Lyles declared the hearing open.

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, and carried unanimously to close the public hearing on the Carsen Glen Area voluntary annexation.

ITEM NO. 8: PUBLIC HEARING ON MCGEE PLACE AREA VOLUNTARY ANNEXATION

Mayor Lyles declared the hearing open.

Motion was made by Councilmember Driggs, seconded by Councilmember Eiselt, and carried unanimously to close the public hearing on the McGee Place Area voluntary annexation.

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POLICY

ITEM NO. 9: CITY MANAGER'S REPORT

COVID-19 – Update on City Response and Recovery

Marcus Jones, City Manager said tonight we have four items under the City Manager's Report; the first is the COVID-19 Update on City Response and Recovery. There were some items that were asked of me late last week that will fall under that particular category. Then we have some updates; excited that we will have Taiwo and company tonight to talk about the Transportation and Transit Updates. We have our Strategic Energy Action Plan and the American Cities Climate Challenges Update, again good news. Then something that is near and dear to Councilmember Mitchell's heart; that is the update on the Charlotte Business INClusion Annual Report. We will have that with a special announcement at the end of that report. So, Mayor; unless there are questions for me, I would like to turn it over to Chief Johnson to give us an update.

Chief Johnson, Charlotte Fire Department said I am accompanied tonight with Deputy Director of Emergency Management, Deputy Chief Wyatt Graham and he will provide some update details as well. I'll start off with just some of our numbers from COVID; today is day 138 of our EOC activation. We are one of 35 EOC's activated within the state. The case number of positive cases as of noon today was 19,284; the number of deaths as of noon today was 189. Globally, we've had 16,340,000 cases; 150,000 deaths. Nationally, 4.3 million cases; 147,000 deaths. In the County, we have 36 congregate living sites which means an outbreak. Remember outbreak status is defined as three or more positive cases in a congregate living location. I just wanted to give you an update on that; I'll let Deputy Chief Graham go into more detail, but we also have to remember that Emergency Management is about all of the risks and hazards that the County and the City face.

While the EOC is monitoring the weather in the tropics, it has been very active over the past several days. This year we've gotten to the letter G, Gonzolo and that the fastest we've ever gotten to the letter G. That says a little something, especially since we just had Tropical Storm Hannah, just hit Texas which brought to light some concerns that we are reviewing in the EOC where they actually had hospitals that were slightly flooded and had to work on how to transport COVID positive patients from that hospital. There is some more food for thought for our workers. North Carolina National Guard is transitioning to more of a response for the hurricane season and we are currently watching one wave that is coming which has a 90% probability of forming. A lot of the models have it coming towards the States in the southeast, but we will continue to watch that over the next few days.

Deputy Chief Wyatt Graham, Charlotte Fire Department said as of this morning, I actually went to check this out, but unemployment benefits are scheduled to run out on Friday, July 31st. Congress is working on rectifying the situation, however, if they do not it will cause an increase on our resources on our [inaudible] and all the different activities we have going on in the County.

Emergency Management has been working with Mecklenburg County and the Sheltering Task Force opening cooling centers and they did so last week and over the weekend at the Men's Shelter of Charlotte and also today and tomorrow. Those cooling centers will close tomorrow night at 7:00 p.m. as the heat index drops below the 100-degree mark.

Countywide Mask Distribution Plan, the coordinated mask distribution effort continues this week, using GIS products to monitor mask request and tract distribution targeting,

vulnerable and high-risk populations. Over 450,000 masks have been distributed to date. The Emergency Operations Center continues to monitor a number of indicators from both hospitals related to COVID-19, pulling all those numbers together on a daily basis since we have an acute situation awareness of how full the hospitals are, and how they are operating and any questions that we have at all, Atrium and Novant are in the Emergency Operations Center and our very helpful partners maintain situation awareness and solving problems throughout the County.

Working with [inaudible] two organizations [inaudible] to address the issue, and we found out just before we can here, there are 363 foster children in need of families. The families that would normally take them in have indicated they cannot do so due to the virtual leaning schedule that CMS has set up. That system is under significant strain and so we are working with Social Services and other [inaudible] groups to help mitigate that issue. To date, and I find this number very interesting, 17,000 [inaudible] volunteers have worked on COVID related activities throughout the County, and as of July 22nd, 3,654,572 meals have been distributed throughout the County.

Mecklenburg County, with the assistance from the Emergency Operations Center, continues to maintain hotels for isolation or quarantine of the general public and social distancing hotel options in response to overflow at homeless shelters. The Mecklenburg County Board of Elections has been added to a policy group that meets Monday, Wednesday, and Friday mornings, and C-memo in Emergency Operations Center are working to ensure the election process is successful.

Finally, the new Emergency Operations Center opened today. They moved Thursday and Friday so the first time in our County history, Mecklenburg County has what is called a hot EOC. In other words, we walk right in, we flip the switch, and everything is live and ready to go. It represents a significant benchmark in Charlotte and Mecklenburg's preparedness for major emergencies and disasters. That is all we have this evening.

Chief Johnson said we are here for questions Mayor.

Councilmember Eiselt said with regards to the cooling stations; 100-degrees is the cut-off. If it goes below 100-degrees, you turn these off.

Chief Johnson said we have a Sheltering Task Force that includes the Emergency Management, City, County resources, Red Cross and other volunteers, non-government organizations, and that Sheltering Task Force meets every month to address homelessness and other concerns. One of the concerns they address working with the County is having a trigger point for our cooling centers and the cooling centers believe its heat index, which is 100-degrees is when the decision is made to open cooling centers.

Ms. Eiselt said okay, it just seems hot; 99-degrees seems really hot still. Is this what other cities are doing or, it just still feels like above 90-degrees is really hot.

Chief Johnson said we can look and try to get some comparison numbers as far as what other cities our size here in North Carolina do, but that is the number that was determined through this Sheltering Task Force with a number of experts on that Task Force.

Ms. Eiselt said okay, I know a lot of people put a lot of thought into this, but I would just like to ask if they would consider that or what the implications are, why is it difficult to do that, but it is still pretty hot out there, anything in the '90s is hot.

Councilmember Mitchell said Chief Johnson; thank you for that report sir but help me; there is a rumor being circulated that CMPD is going to take some action on August 5th to remove individuals from the tent community, and I've been kind of confused about that, I thought that was personal property. Can you share with Council about this situation please sir?

Marie Harris, Strategy & Budget Deputy Director said we have Captain Koch on the line to address that.

Captain Brad Koch, Charlotte Mecklenburg Police Department said I am the Captain over the Central Division which encompasses the area primarily at 12th and College Streets and 12th and Graham Streets where we have a large homeless population and I'm not quite sure Mr. Mitchell where that came from; the rumor as of August 1st we were going to be going in there and clearing that out. Similar to other private businesses the Policy of the Charlotte Mecklenburg Police Department is to ensure if that business wants people to leave it is our job to assist that and help facilitate that based on a private residence or private business or private property, but at this point with those two locations and those two pieces of private property, we have worked with the management and the owners and there is no, I guess there is not an appetite at this point to have moved forward with assisting with the removal of the individuals at those locations there. So, that is a false rumor.

Mr. Mitchell said thank you, Captain Koch.

Councilmember Ajmera said Ms. Eiselt raised a good point about it is really hot out there so regardless of what other cities are doing, we should not be following, we should be taking the lead. When we have really hot temperatures out there and we have folks that are struggling in the middle of this pandemic. I would like us to take a lead and not just follow what other cities are doing. Ms. Eiselt; thank you for raising that.

Ms. Eiselt said to the point; I'm not asking us to do what other cities are doing, I just wondered why they came up with 100-degrees and can't we do better than that. I would like to know, there is always work that goes into these things and I would just like to know what that is as well.

Councilmember Winston said I'd like to talk about an elephant in the room quite a bit early, the RNC. We've learned within the past week that due to the COVID pandemic that the only place that efforts would be happening is here in Charlotte. I understand our official position in terms of preparing, that we are not spending any more money, but I think we have to use a bit of common sense here. I'm just wondering what our thought process is in terms of dealing with the potential for more people than we expected coming into our City for a mass event in the next month. So, if we can have kind of general thoughts in terms?

Mayor Lyles said can we come back to that; I think Councilmember Johnson had a question specifically around the report on the homeless thing?

Mr. Winston said I just wanted to make it clear; my question was in relation to the COVID aspect of mass gathering, not just the logistical portions of it.

Mayor Lyles said we can come back to that.

Councilmember Johnson said I have a question regarding the rumor of the displacement of those individuals in a tent city. I believe we received some information that there was a request by property owners that those individuals be moved. So, I want to know if it has changed or if the City Manager can speak to that?

Mr. Jones said thank you Ms. Johnson and hopefully, Brad is still on the line. I think there are two things and Brad, I'll let you deal with whether or not there was a bonified request to move folks. One thing that the Captain mentioned was that when there is private property and a private owner on private property calls to have someone removed that is what CMPD would interface. I know that Councilmember Winston in the past has brought up the issue of CDC guidelines and what is the unintended consequence or the negative impact of breaking up one of these camps. All of that is taken into consideration, but Brad I would ask you if there was some intel or a request that was initially made to remove the camp? I think that is her question.

Captain Koch said Mr. Jones and Ms. Johnson, I think that there was probably a discussion, and not a firm discussion more a hypothetical question and we have been in contact with the owners of both properties and unequivocally there is no point and I think

it is not going to last in perpetuity. I think at some point they are going to want to ask, kind of reclaim their property, but in the near future that is not going to happen. But whether or not the business owners had a change of heart that is something that probably only they could speak to, but in terms of anything that has changed with our policy in regard to how we handle individuals on private property, that has not changed at all. I hope that answers your question.

Ms. Johnson said I've seen a letter; I just can't find it right now. There was I think some requests or some discussion about it. So, if this business owner does at some point decides that they would want the individuals to move how much notice would they give or what would be the process, or what would be CMPD's role in that?

Captain Koch said our role would be similar to if someone at a convenience store or movie theatre or something like that, or department store wanted an individual to leave the property, it is incumbent on the person who, either the property owner or the property manager to go and ask the individuals to leave. Then they would be given an opportunity to leave and we will certainly work to facilitate to make sure, if and when that happens to make sure there is ample time and ample notice given to the individuals and we are also working with the leadership at Roof Above there which is an integral part of formally the Urban Ministries and the Men's Shelter so we are in constant communication with them as well and will help facilitate because at the end of the day we do not want to be in the business of having to arrest people or take any sort of legal action more to help facilitate the movement to make sure that they can have a place where they can go.

Mr. Jones said for Ms. Johnson, we also and I think we talked about this maybe last month, having an additional allocation of \$6.9 million from the Federal Government in ESG funds and those are specifically to help us around the area of homelessness. I believe that would be in the Housing Task Force or soon to be in the Great Neighborhoods Committee, but again there is a great opportunity for us to make a very positive impact in that area.

Mayor Lyles said Mr. Winston asked the question earlier about the RNC; Mr. Winston do you want to restate your question?

Mr. Winston said given the pivot that the RNC has made over the past week or so in relation to stopping the Jacksonville portion of the Convention, understanding that we have also kind of declared and stated that we are not doing any additional planning, but under the prospect and using a common-sense approach that things are changing and now that we are the only host city of this, how are we planning for the possible influx of folks that could be coming here in terms of the mass gathering events around RNC in August?

Mr. Jones said thank you Mr. Winston and I believe this is one of those items for Executive Session later on, but your specific question about planning so, as you mentioned earlier the concept is that the event is a much scaled-down and what we would call a meeting, would be no bigger than that. I think what you are saying is to use common sense, what happens if indeed that is larger, and more people are coming. There is flexibility in terms of what we can do around being able to not accommodate that but to be able to address it. I stay in constant communications with Dena as well as Gibbie and they also have a health assistant that is related to the RNC that provides additional guidance. What we had planned is in my 30-day memo to have a public briefing on the RNC, that would be August 10th and that would give us an opportunity to talk about not just the issues that you've brought up, but to show how we are dealing with preparedness for that.

Mr. Winston said I think there are a couple of things I think we should talk about. I think we need to understand in terms of our hospitality industry if there is any change in the expectations of crowds that are coming. I think since we are the only physical location, even though the speeches are not being planned for here, I would imagine this is the only place that there to protest and things like that. As we continue on, I think we need to pivot out City and inform them of the realities that we might be facing as we know of, especially as we are dealing with this pandemic.

Mr. Jones said agreed. Also, under the COVID-19 update on the City Response and Recovery, there was a question that Ms. Ajmera asked and many of you also asked, is there would be a discussion this evening and what I've done is I've broken it down to three areas. There was a question around ethics and conflicts, a question around transparency of public dollars and CARES funds and then a question around the process for public dollars request. Mayor, if it is fine with you, what I would like to do is break those up into three areas. I believe that the City Attorney, Patrick Baker provided you with information over the weekend about the ethics and conflicts of interest. I believe earlier today the Mayor, as she put out the things that have been referred to Committee, there is one that the Internal Auditors had already put on his plan, that is to have a review of CARES spending, the funds of that so, not only is the Internal Auditor looking at that, but that is something that we reported to the Budget and Effectiveness Committee. Lastly, late last week ED (Economic Development) staff provided information about the process so if I could turn it over to Patrick first to address issue one; I believe issue two has been addressed our Internal Auditor's work as well as the Mayor's referral and then we will come back to issue three which is the process for the public dollar's requests; if that is fine with the Mayor and Council.

Patrick Baker, City Attorney said yesterday evening you should have received a memo from me along with a number of attachments in response to Ms. Ajmera's first question about ethics and responsibilities, specifically as it relates to City Councilmembers potentially contracting for City business. I have provided a review of this and let me just be clear and I tried to make this as clear as I could at the outset. In looking at your ethics policy, the City Attorney has a role in two prongs of the ethics policy. The first is in Section 3-B, and I will just read that into the record. "If the Mayor or a City Councilmember believes that his or her actions while legal and ethical may be misunderstood the official should seek the advice of the City Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it, such as consulting with the City Attorney".

This is a review that I've actually done with some of you where you will come to me with a particular fact pattern and will ask me whether or not you can vote on an item if it is a Council agenda matter or whether you can participate in a program, attend an event or what have you. You will give me that information, I'll ask you some follow-up questions and then based on that conversation that you and I have I will advise you as to whether or not you can accept the invitation, you have to pay out of your own funds for the invitation or whatever the issue is, but it is a very straight forward sort of informal review that you reach out to me and I try to steer you through any potential ethical landmines if there are any. The second place that the Attorney shows up is at the end of your policy as it relates to complaints, investigations, and sanctions. This states essentially that any individual may file a complaint alleging a violation against a City Councilmember. The complaint should be filed with the City Clerk's Office on a form that is actually on the City Clerk's website and the complaint shall identify the complainant, state with specificity the facts, the form, the basis for the alleged violation and find the provision that has allegedly been violated. The Clerk would refer that complaint to me, and I would review it simply to check the boxes to make sure that there is a valid complaint here. If something is missing, we would reach out to the complainant to advise what is missing in the complaint and give the complainant an opportunity to provide whatever that information is. Once there is a valid complaint, and I have determined that is a valid complaint, and to be clear that is no substantive review of the complaint, it is simply a technical review to make sure that the three boxes have been checked and that is a valid complaint. At that point in time I am instructed I shall refer the complaint to an independent investigator selected by me, the City Attorney.

I tried to make the point at the outset that I want to make sure everyone understands it is not my role, it is not my responsibility to investigate a Councilmember. In fact, we've been talking a lot about conflicts of interest, it would certainly be a conflict of interest for me to investigate any of the 12 individuals that employ me in the position that I am in which is why once there is a complaint, it is my job to seek an independent investigator. In this particular matter, and I haven't had the opportunity to provide an update since I sent you the memo last night, but I have received I believe the last count was 13 e-mails from citizens, I assume they are citizens asking me to do an investigation into this particular

matter. I have spoken with the City Clerk to determine whether or not anyone has filed a complaint with the City Clerk and as of two hours ago, and she is shaking her head, no-one has filed a complaint with the Clerk so there is not something in the process. I will tell you that in just looking at the substance of the e-mails that I've received, and I believe that some of the e-mails you may have received as well. I think that you should assume that there will be an investigation of the subject matter coming forward in the sense that someone will, I believe that very soon a valid complaint will be in front of my desk that will trigger my responsibility to seek independent investigator to review the particular matter.

At this stage Madam Mayor; I don't know if we want to go into the details, and there is a point in time where one of the Councilmembers may seek to be excused from that portion of the meeting. I don't know if now is the time, and if that Councilmember wants to say anything. I will take some guidance from you.

Mayor Lyles said are we taking a vote on anything?

Mr. Baker said not at this stage; I'm still discussing it, but I just wanted to bring that up. If someone will tell me to stop talking when you want to stop.

Mayor Lyles said no, I would go ahead and continue until. Do I have any questions so far?

Mr. Newton said I have a quick comment Madam Mayor; and it was regarding the issue of recusal. It is my understanding it is recusal from the vote, but not necessarily the conversation. I would imagine because that particular Councilmember, and potentially other Councilmembers might have so, might want to explain what is going on. At the same time, other Councilmembers might have questions to be directed for an explanation from that Councilmember. I just wanted to maybe make that point and that clarification assuming that the idea for recusal for the conversation is in question here.

Mayor Lyles said I'm going to ask the City Attorney to address the question of recusal and at what point in the conversation.

Mr. Baker said I think in my memo I pointed out that the concept of the particular Councilmember either recusing himself, which I believe he's got the authority to do or at a minimum the City Council allowing him to be excused from the portion of the meeting as it relates to any vote on a particular matter and when we get to that point, we can discuss it at that time. But, one of those two will allow you to go forward with that.

Mayor Lyles said I'm going to ask you this question just to be clear; once we have a motion on the floor for some action, that will be when there will be a decision whether or not there is a reason to excuse the Councilmember.

Mr. Baker said absolutely.

Mayor Lyles said so until we have that we are going to continue as you noted.

Mr. Baker said I have taken some questions from some of you about this six-page document and is it an investigation? The answer is no because I don't investigate City Councilmembers; I have called it a Section 3-B Review and the best way, and more for an explanation for members of the public if a Councilmember comes to me and I think the latest question to be related to a zoning matter, whether a Councilmember had to recuse himself of that. As I recall the issue was that the property that was being rezoned was very close to, or maybe even contiguous to the Councilmember's property and whether or the individual needed to recuse himself. Under a 3-B Review I would take some information, I would ask if it is a family member that owns the property, are you in business with that individual, do you have a property interest in the property and if those answers are no, I would say, and as I recall I said, that they did not have to recuse themselves from voting, but they may want to disclose that they are a next-door neighbor of the property when that matter comes, and as I recall that Councilmember did just that. Compare and contrast that with an investigation and if someone decided that they wanted

to have an investigation into that very matter, I wouldn't be asking the questions, it would be an independent investigator and that investigator would go much further than I did in that 3-B Review where the investigator would go to the property owner to make sure that there wasn't a familial relationship with the City Councilmember and determine maybe through a property transaction review, confirm that the individual Councilmember did not have a property interest in the property that was being rezoned. I'm just using that as an example of the difference between a 3-B Review and an investigation and what my role is in both.

Where I was with this particular review is that based on the facts of this particular matter, I really focus on two areas and this relates to Councilmembers, elected officials, contracting with the City of becoming involved in City contracts and the two areas that I focused on was the State Law GS 14-234 and a provision in your Charter Article 4, Section 8-101. These are very specific pieces of legislation as it relates to the relationship and the benefit that a Councilmember may gain from a particular transaction and in these cases a contract. I did the review of 14-234 that has a general prohibition that no public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract, and this particular statute is very specific about what direct benefits, it is not just a general connotation of direct benefit, but in fact, it is spelled out, the public official derives a direct benefit from the contract if the person has a more than 10% ownership interest in an entity that is a party to the contract or derives any income or commission directly from the contract or acquires property interest under the contract.

I identified the main sources of facts and information that I received in this 3-B Review, again not an investigation, but the 3-B Review, and spoke to Councilmember Bokhari, spoke to members of the City Administration to get a better understanding of this particular program and Councilmember Bokhari's company that he works for, Carolina Fintech to determine exactly whether there was a contract or a proposed contract. Keep in mind this program hasn't actually been implemented yet, but whether there was a proposed contract between Carolina Fintech, of which Councilmember Bokhari is the Executive Director, and the City. The answer to that question was no. This particular program involves CARES Act Funds, Federal Funds that are going into the program, so I ask questions to essentially follow the money, where is the money going. Is any of this money going to end up in Carolina Fintech's accounts, either directly from the City to Carolina Fintech or does it get to Carolina Fintech through some other means, namely another entity that is in direct contract with the City to go to Carolina Fintech and the answer to that was no as well. I also asked Mr. Bokhari questions just to move a little further about whether or not there is a direct benefit. The question was whether he had a more than 10% interest in Carolina Fintech Hub or any other company or entity that would be in contract with the City and the answer was no. Then the question was would he derive any income or commission directly from his company's participation in the program and the answer again was no. With that information and also information that was provided by the City, I think you received this Friday afternoon, that is essentially a timeline and a much deeper breakdown as to the specifics of this program is looking at that as well, it did not appear that Mr. Bokhari's response to me was contradictory in any way shape or form, so I have answered the question based on the information that has been provided to me as to whether or not his participation in this process or his company's participation is a violation of GS-14-234 and my response is no.

The second question then goes to now your City Charter, specifically Chapter 8, Article 4, Section 8.101 and that is unusual, I haven't seen this language before in most ethics policies, but I will read it into the record as well. "It shall be unlawful for the Mayor or any member of Council or other officer or employee of the City directly or indirectly to become an independent contractor for work done by the City or to become directly or indirectly financially interested in or receive profits from any purchase by the City. Any such person or persons violating this provision shall be guilty of a Class 1 misdemeanor as well." So, very similar in the way to GS-14-234 in that it is clear that a direct relationship between a Councilmember and the City, particularly a relationship that is going to bring a financial benefit is prohibited by this section, but different than 14-234 is this issue of indirectly becoming an independent contractor. The language in the State Statutes speaks

specifically to direct; I don't think you will find the word indirect in that Statute, but in this provision of your Charter it speaks to indirectly becoming an independent contractor or directly or indirectly becoming financially interested, receiving profits from any purchase from the City. I was a little concerned with the term indirectly, that is a term when it comes to these ethics policies that you don't see very often mainly because most ethics policies require a very tight nexus between the benefit that an elected official may receive and the organization that he or she is a Board Member of. I reached out to former City Attorney Mac McCarley, who I believe was the actual drafter of this language and it appears that this language was created during his tenure as City Attorney. My question simply was, this is a very specific item, some of which is already covered by State Law, some of which isn't and basically ask him what was the purpose of the inclusion of the term indirect into this process as well? He gave me the two examples that the Council at that time was trying to address and trying to prohibit and this was a case where a Councilmember was sought out to do work with an independent contractor of the City to do the same work that the independent contractor or the third party was doing with the City as well, so you essentially had the City engaged with an independent contractor who would have been engaged with the Councilmember to do basically some of the City's work. The second case was a situation where a supplier of, I think it was coffee, to the City, there was a question as to whether or not a Councilmember, who was also in the coffee selling business, could sell coffee to the third-party distributor to sell that coffee to the City and that was the issue of direct, basically using an intermediary to become financially interested in a contract that the City had. At that time that particular City Council wanted to be clear that not only can Councilmembers not have a direct benefit and directly contract with the City, but they couldn't use a third-party intermediary to be a part of a particular City contract and the words were becoming an independent contractor for work done by the City or to receive profits or become financially interested in any purchase by the City.

Again, with this idea of indirectly, I would argue that the nexus between the subject matter of the relationship between the Councilmember and the third party should be very close, if not identical to the subject matter or the relationship between the third party and the City. I set an example just to throw out there, a Councilmember whose company provides lawn care services to the property of a firm that provides the County services to the City would not violate Section 8.101 under my interpretation of the section, however, if a Councilperson is essentially subcontracting with that same accounting firm to provide accounting services to the firm which would be passed onto the City and that individual Councilmember is getting financially benefited from that, that would absolutely be a violation of Section 8.101. Again, with that in mind I did review this particular matter and again asked what I believe were the relevant questions about where was the CARES Act funding going on behalf of the City? It is my understanding that it will go to a as yet to be unnamed third-party payroll manager who will pay the CARES Act money directly to the participant in the program and that appears to be where money stops. The money goes from the City to the payroll manager to the participants and the participants are receiving a stipend to participate in this particular workforce development program. I asked the question as to whether or not there was an expectation or anticipation that Mr. Bokhari and/or his firm would be in a contractual relationship with that third-party payroll vendor, the answer was no. His firm will not be providing those payroll services and receiving compensation for that either and although I didn't ask the question I did put in here that I believe that if the money was going to end up with the participants and Mr. Bokhari's firm was going to charge the participants for their participation in the workforce development program, I believe that would be a problem as well and based on the information that I've seen, and I can't recall if I asked Mr. Bokhari that or not, but it is my understanding that that money is not being paid and Carolina Fintech Hub is not charging for that service.

Absent a finding or receiving of information that Carolina Fintech Hub is in a contractual relationship with another entity that is in a contractual relationship with the City and they are participating in that relationship as essentially an independent contractor of the City and I don't think there is any purchasing that is happening here, but in the absence of a finding of that third-party relationship where Mr. Bokhari's firm is acting as an independent contractor, I have answered the second question as to whether or not there is a violation of Section 8 1.01 in the negative as well.

The third piece was what to do now and specifically, the issue was if Council were to vote on this could Mr. Bokhari be excused from voting on the matter and I pointed to Section GS 160-A-75 and I will read that quickly into the record. "No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct in the procedure, in all of the cases a failure to vote by a member who is physically present in the Council Chamber or who has withdrawn without being excused by a majority of the vote of the remaining members present shall be recorded as an affirmative vote." In looking at that I believe that Mr. Bokhari could unilaterally recuse himself from voting if he so chose, but it is unusual to not have a specific reason, but I do believe given this particular case and some of the questions revolving around his firm's potential financial interest, I think that would be grounds for recusal. However, I am going to recommend just for clarity sake that the City Council consider allowing Mr. Bokhari to be excused at the time of the vote and that would require a majority vote of the Council to allow him to be excused from voting on the matter, and then he would return to the meeting after the vote should he decide to take a vote. That is my report; happy to answer any questions you have.

Councilmember Watlington said I have some general questions about the Code of Ethics because if I'm following that is what we are discussing at this point before we get into specifics. I've got four questions and I will be following up with a series of motions or a single motion or however we want to take it. My question City Attorney; is can you confirm or City Manager; can you confirm that given that we had already voted on the CARES Act, survive and thrive methodology and funding; ordinarily there would have been no additional action to be taken by Council ahead of executing the program, I see that the program is set to launch in August so, it sounds like it is already moving. I just want to understand on a normal basis had this issue not been raised, would the Council action have already been completed for this matter?

Mr. Jones said thank you Ms. Watlington; I guess the best way to answer that is by going back to the ED memo that you received on Friday, and I don't know if this is a good time to have that discussion because it talks a bit about the timeline and it also discusses the fact that there had not been a recommendation up until that point. I see Tracey is at the electron, but before that what I would like to do, as I've mentioned to some Councilmembers is that at the beginning of this process, if you go back and look at the last couple of years, one of the things that we have the four pillars that are in economic development and I would suggest by even the item that you voted on tonight, business recruitment has been a very strength of the ED team. In terms of the two components that are related to the Task Force with the CARES Act that small business and workforce development and those were two of the areas that the ED team is actually working on to strengthen those pillars and I'm not sure if we called them pillars now. So, it wasn't anything odd for Mr. Bokhari who has a level of expertise in Fintech to bounce ideas off of the ED team or vice versa. As we started this process I did ask Councilmember Bokhari if he would work with the staff to help develop a format if you will, or a program because of the time-sensitivity that we had in that we were actually a work in progress ourselves in those areas of small business and workforce development and I did have one request from one of the Councilmembers today who is not a Task Force member to get a better idea of what has transpired up to this point because while the Task Force members have a good knowledge base, some of the other Councilmembers, this is somewhat new. What I would like to do is turn it over to Tracey and she will go over the memo and I think Ms. Watlington; that will help with your question about where we are in the process.

Ms. Watlington said before you do that because I've got four and so I want to do that, but I don't want to get too far into the rabbit hole because I'm really just trying to understand that the general process, like at this point just very quickly, was the intent that once we voted on something it would because what I heard and what I saw in the Task Force was that the program is set to start in August. That means that something has been moving and my fundamental question is was there going to be an additional Council action before it actually started?

Mr. Jones said I'll turn it over to Tracey; I do believe in the write-up it was that based on where we were with the pause that nothing would occur before some Council involvement. Tracey, I will turn that over to you if that is not accurate.

Tracy Dodson, Assistant City Manager said let me give you some background really quickly, and Councilmember Watlington; I'll keep it for your question at a very high level. On June 1st there was a kind of survive and thrive open for business initiatives, there was something that was brought forward that did have support for various initiatives. But, recognized was that [inaudible] that these initiatives still have to be built out and so if just access to capital has been our intent and generally bring these back for discussion and so what we initially had attempted to do was to bring this back for discussion, I think on the June 30th Task Force meeting at which point it got deferred, at which point we brought it back on July 14th. That is where the discussion went to where it is, I think started to where it is today. So, essentially the August timeframe that was laid out is not achievable because we've had almost 30-days where nothing has moved forward on this initiative. We brought it with the intent, I don't know that it necessarily needed a Council action, but we did with all of these initiatives because they have to be built out because we recognize the level of transparency that needs to come with them. We were continuously bringing them back to the Task Force and that is what we were trying to do on the 30th as well as the 14th.

Ms. Watlington said my next question relates to the idea that I heard the City Attorney mention that there were 13 e-mails that he had received that did not result right now in a formal filing for an investigation. What I want to understand and what I would like to see changed, and I will bring this up in my motion, is I think it should be a lot more intuitive and user friendly for folks to be able to request an investigation. I don't think that it is reasonable to expect that a citizen would know that in order to launch an investigation a specific form needs to be requested from the City Clerk needs to be filled out and I think in this date in age it is reasonable to expect that some form of e-mail generates or creates that need for an investigation. I would like to see us do some updating to our Code of Ethics Policy in that regard.

The third thing is when we talk about disclosure or the Code of Ethics, and maybe Mr. Attorney you can speak to this a little bit more if necessary, but in regard to Section 3-B where it talks about a Councilmember, if they believe that while what they are doing is legal and ethical, but it may create misunderstanding, that they should come to talk to the Attorney. I think we should be more prescriptive; if you are involved in any way in City business you need to go speak to the Attorney, because otherwise, it is leaving it up to interpretation where one person may think well this is really straight forward, there is no reason that anybody would misunderstand this and then we end up further down the line in a situation we don't want to be in. So, I think that we need to make some updates to make that language more prescriptive.

The last thing, you mentioned it already Mr. Attorney; about the indirect benefit piece and I just want to read into the record a little bit of what a constituent e-mailed us and asked about how this is interpreted. It says here "in his interview Bokhari states that to supplement the CARES Act money private organizations will provide overhead money or some essential value to Carolina Fintech Hub. Overhead money in this case will no doubt cover payment to Councilmember Bokhari's associate and possibly himself to do the training and administrative work associated with the training. Further overhead money will no doubt be used to assist Councilmember Bokhari's organization in paying facility costs, etc. Still, further, Carolina Fintech Hub stands to receive publicity for providing this training and will certainly be able to use it in the company's profile to garner future business". Whether or not the specifics of the assertions are true is not my concern right now at this moment. My concern is why or how do we not interpret indirect benefit in that particular way?

Mr. Baker said the indirect benefit only comes up in your Charter provisions, not in the State Law provision and that is why I did seek some advice, or at least a better understanding from the individual who actually drafted the document to find out what indirect means. Based on the wording of the provision 8.101 and my understanding of the rationale behind it I am taking a narrow view of what indirect means and that indirect

meaning that again you have become effectively an independent contractor of the City through your relationship with another independent contractor of the City that is definitely prohibited. You are in the business of selling something that is going to get to the City through a third-party is prohibited and that is where I have stopped on what indirect means is this idea that you are using another intermediary, it can be two or it can be three, it doesn't matter, but the bottom line is effectively the City is contracting with you, a Councilmember or the City is buying from you, a Councilmember through these other indirect routes is what I believe the term indirect means and it certainly makes sense given the specific examples that were cited as the basis for the creation of that prohibition. That is why I've come to my definition of what indirect means.

Ms. Watlington said absent you being able to actually speak to the person who originally wrote it, it is up to your interpretation, correct?

Mr. Baker said yeah, lawyers will see things differently, obviously. Often times, particularly with federal statutes you will look to the legislative history, what was said during the meeting to get a better understanding as to what they actually meant. So, yes it was very helpful because if we are going to be talking about indirect, that can be layered upon layers of indirect and I know that most of these, particularly if you are going to have a criminal sanction as it relates to it, I think an individual needs to know or should exactly know what activity will trip and cause criminal liability to go to them. That is why I'm more looking at it in a narrow light as to what indirect actually means.

Ms. Watlington said Madam Mayor; would you prefer that I make several motions or just one encompassing them all?

Mayor Lyles said I had asked for questions for the City Attorney on the memos that he provided, and I had other people signed up to speak, but you are perfectly well to make a motion altogether. We'd have to come back after discussion, or you can decide to make your motion after others have had their questions addressed. It's up to you.

Ms. Watlington said I think for the benefit of others I'll wait so we can make a clean motion one time.

Councilmember Ajmera said I would start out with something fun like SEAP update and we will be talking about electric vehicles. This is certainly not easy, so I struggle with this one, and this is not personal. I just want to make this very clear that this is not personal. On May 11th I had asked Tracy Dodson about potentially leveraging Councilmember Bokhari's experience in developing a strategy for our workforce development, however, I did not ask that the strategy mean that City enriching our organization. This matter is not about the organization because the organization does great work and I fully support the organization's efforts, instead this is about transparency, accountability, the public trust, and the good stewardship of our public dollars. I hope that any of my colleagues who have discovered this type of information would also ask questions because that is what we are elected to do. I have a couple of questions from the presentation that was just provided. In the memo that City Attorney Baker has sent Councilmember Bokhari responded saying I have disclosed the details to our Task Force in real-time as we were figuring out the program design over a two-months period. I went back and looked at the Task Force meeting recording and didn't find any disclosure, but again, I'm not the only Task Force member; we had good leaders, Councilmember Mitchell and Ms. Eiselt, so Mr. Mitchell and Ms. Eiselt, are you aware of any disclosures?

Councilmember Mitchell said no, I can't remember if it came to our Small Business Task Force.

Councilmember Eiselt said no, but I know this was discussed in your Committee as well and I'm not on that Committee.

Ms. Ajmera said so clearly there is a failure to disclose on Mr. Bokhari's part. So, Manager, I have a question for you. Councilmember Bokhari stated in his e-mail to Council that you had asked him to design the Economic Recovery Program which is fine

because you do ask occasionally Councilmembers for their particular expertise, however, did you ask him specifically to partner with the City?

Mr. Jones said Ms. Ajmera; words mean a lot and so what I mentioned earlier is that I asked Mr. Bokhari to work with the team, to work with the ED Department to come up with a plan, but your second question was did I specifically ask him what again?

Ms. Ajmera said to partner with the City.

Mr. Jones said no I did not.

Ms. Ajmera said when were you made aware of the partnership?

Mr. Jones said I think that is probably one of the difficult things with trying to pull all of this together is that there were a few things going on at the same time and one thing that was happening was, as my understanding, is that we had ED staff working with the staff that was doing workforce development for the CELC, it also came to my attention that Mr. Bokhari had already worked with the CELC for a program and all of that is happening in the background while the Task Force is talking about different programs. So, there are so many starting points that have involvement with City staff, CELC staff that are associated with workforce development, and Mr. Bokhari and his work with the CELC. As we started to go through this what I came to understand is the problem that we have tonight is that there wasn't this communication all the way up through the Task Force that there was this opportunity for the City and Carolina Fintech Hub to partner together and I think that is the crux of the issue tonight. Is that who was made aware of what when and a lot of this is covered in the document that ED provided to the Council late last week.

Ms. Ajmera said yes, I did have an opportunity to review the document I was presented, so only staff knew it before the Councilmembers did; why did not staff disclose it?

Ms. Dodson said again I'm going to go back through the process as a whole in the sense that in early June, late May when Council kind of blessed the survive initiative, we had to still build out all of these initiatives and so my team and others in the City are working to build out all of these simultaneously. Access to capital was very clearly your first priority and that was what we were bringing forward in June. Also, in the background though we are building these others; the partners grants. We were transparent with you guys about those and how we were doing them and things like that. This one, when we first attempted to bring it back on the 30th of June was our first attempt to lay out this is how the program is. We have done no contracts, we haven't done anything; this was just our first attempt on this initiative to say here is what we have and let you all know what the partners were and what the structure that we were looking at.

Ms. Ajmera said I understand it was the first attempt, but why was there no disclosure prior to your all moving forward, in either quote here in the Task Force of how – just let me pull that up here, so during July 14th meeting I asked Emily Cantrell if there would be any asking for Council to approve this program and she stated: "so there currently is no ask Council as this is a strategy you have already approved and we are in the process of executing". So, what I see is the failure to disclose, not only on Mr. Bokhari's part but also on the staff's part. So, the question I have for the attorney, should the City Council consider new rules requiring both City staff, Councilmembers and Mayor to disclose possible conflicts of interest to your office immediately, not an informal process but a formal process to make this a mandatory step?

Mr. Baker said ultimately, I hate to kick that question back to you; I would say for the administration, for my 12 bosses, anytime there is going to be an issue that relates to potential ethical issues, I can do a lot more good for you the sooner I hear something than sort of as we get deep into the process and try to make myself available to you as much as I can. I know that at times Councilmembers and the administration have come, and it is part of the routine practice that we have in terms of our relationship with you because it is my job and my team's job to steer the organization and the Councilmembers through some of the choppy waters that can exist out there legally, and we certainly want to make

sure that we are doing our job. So, the sooner we are involved in that the better. I don't know how much more formal it can be because there has to be that sort of light that goes off in your mind that says I should probably call Patrick on this one and see what he's got to say about that. I don't know if putting that in a mandatory document or not gets you there because it is still going to be one of those situations where an individual is going to have to come to the realization that at some point in time preferably early on, that they should probably seek legal counsel on this before they go too much sooner, but again anything that can be done to get that conversation happening between my office and the administration or Council I think is a good thing.

Ms. Ajmera said I understand the earlier that you know the better it is for everyone, for all of us so that we don't have to have this difficult conversation. This is not easy for me, this is not easy for anyone of us, so I applaud Ms. Watlington to go first because it takes a lot of courage to go first and ask questions in the process. I know that my colleague will make a motion, but I recommend that we make this process more formal where the City Attorney has an opportunity to help Councilmembers early on so that we are not in this situation ever again. Attorney; I appreciate your review as it relates to the City's contribution of \$1.5 million to participants. Have you reviewed the entire transaction of \$6.5 million; what would \$5 million pay for in the overhead? I understand that you do not do investigations, you only review the information that is provided to you so I'm wondering if any information was provided to you about \$5 million private-sector donations?

Mr. Baker said I did not get into the private sector donations; my focus was really on the CARES Act funding and where that was going and the contracts that the City would propose to be entered into with that money. The answer is no, I did not get into the remaining \$5 million.

Ms. Ajmera said as a CPA my question is always whenever there is money, the question is, how is that being reflected on the organization's income statement and balance sheet. So, without knowing that information Mr. Baker, how did you arrive at your decision or recommendation I should say that there is no conflict of interest?

Mr. Baker said again, getting back to my very basic example of the difference between the 3-B Review and an actual investigation, and using that example if a Councilmember tells me that they don't have a property interest in the matter that is being rezoned then I'm going to take them at their word. If they tell me that the entity that is in front of them is not a family member, I'm going to take them at their word. Mr. Bokhari and I had a number of conversations where I ask a number of questions and I know, at least in my opinion, based on the seriousness of the matter that he understood what I was asking, which is basically how does Carolina Fintech's participation in this program, how does the money get to you? I think I asked him the question if you didn't this program and walked away completely, how much money would you lose, how much would your firm lose versus if you stuck in it? The answer was there was no difference in terms of the dollars from the City getting to his company. So, with that information and for all the reasons that I set out in the process, that is why I arrived at the conclusions that I did.

Ms. Ajmera said Mr. Baker; I understand that your recommendation was based on the information that was provided to you by Mr. Bokhari, however there is a lack of transparency here. There were several business leaders who serve on our Small Business Task Force and they also had raised the issue of lack of transparency as to how the \$5 million is being spent and how the organization is using those resources. So, there is clearly a lack of transparency here. What I continue to hear is that you don't have the whole picture of this transaction, so is it fair to say that your recommendation may not be comprehensive and accurate?

Mr. Baker said again using that example, if a Councilmember comes to me and says I don't have any personal interest in the transaction that is in front of me, I'm going to say you don't need to recuse yourself. If it turns out that they do have a personal interest, then there is a problem and that is where under the 3-B Review I am dependent upon the information you are seeking me out to get advice on what to do. I would have to assume that you are going to give me the information that I need or that we can have that

conversation where you know what I need because you are trying to steer clear of any issues. In that regard I'm going to take you at your word for it, again I don't do investigations of my bosses, but when my bosses come to me seeking consultation, I would assume they are going to give me the facts that are causing them concern enough to reach out and have that conversation with me in that regard.

Ms. Ajmera said thank you, Mr. Baker. So, Mr. Manager; why do we not have any level of detail on who the partnering organizations are on this program? Details on how much and how they are contributing and why would you or your staff recommend this program without full transparency?

Mr. Jones said Ms. Ajmera; again, if I understand how the process was going at the July 14th Task Force meeting is when the topic was being discussed and the opportunity to have that level of discussion as well as going back to the memo that you received late last week was that the ED team was using that time to vet the programs. It seems that there were four different programs that they had considered during this time and the questions that you raise are very, very good questions. Those questions were also raised my understanding at the July 14th Task Force meeting and that would be a part of the vetting process.

Ms. Ajmera said what I would like to see is that proposals are not brought forward to Council without the full disclosure and full vetting of who the organizations or partnering organizations, where the money is going and how much each organization is contributing because all of that information is so crucial in order for us to make the decision. I want to piggyback off of Ms. Watlington's earlier question Mr. Baker; I know in your memo to Council you had stated that you had received multiple e-mails from citizens expressing concerns over the perception of impropriety of the proposed arrangement and they have requested the matter to be investigated further. What was missing from this e-mail; I know that you had given us a count earlier, but what was missing from this e-mail to be considered as a complaint? For those that are listening what other steps do they need to take to process their request for an investigation?

Mr. Baker said the answer to that question rests in Section D(1)(a) of your Ethics Policy and I will read that again into the record. "Complaint, any individual may file a complaint alleging a violation. The complaint shall be filed with the City Clerk on a form provided by the City Clerk. The complaint shall identify the complainant, state with specificity the facts", I've already read the rest of that. So, an e-mail to me, and this is a hyper-technical issue and that is why I'm giving you a forecast that you should expect a valid complaint coming shortly, but I have not received anything from the Clerk forwarding me a complaint filed on the form that is on the City Clerk's website. So, that is really the only thing that is there and it is just in your policy and I would let folks know if need be, direct them to the City Clerk for the form if they want to do that, but in terms of the subject, I will just give you the forecast that if they simply cut and paste what they've sent to me and stick it on the City Clerk's form and send that to her and she forwards it to me, I believe you will have multiple valid complaints of the same subject matter.

Ms. Ajmera said so will you or your office be responding to those e-mails asking for them to contact the City Clerk's Office?

Mr. Baker said I will be forwarding them to the Clerk, yes.

Ms. Ajmera said thank you, Mr. Baker. The next question I have is for Administration, Mr. Manager; did Mr. Bokhari participate in your draft or offer suggestions for the wording of the July 22nd staff recommendation regarding the Win program?

Mr. Jones said Ms. Ajmera; I wouldn't know that. I could ask the staff of that question, but I don't get that far into the details of the presentations that come to the different Task Force.

Ms. Ajmera said who would be able to answer that question?

Ms. Dodson said to my knowledge in all the conversations I've gone back with my staff that no, Mr. Bokhari was not a part of shaping this. If we go back through the various presentations from May 11th, May 12th to the 19th we talked about two different types of career cohorts at which time once this was approved in late May, the 26th, we then started to review different organizations that could perform the work and we're coming forward on the first attempt on the 30th to make a recommendation and then where we actually were able to have our first conversation with you all was the 14th. So, Mr. Bokhari was not a part of shaping out what we were trying to do. The reason that we targeted the advanced technology cohort was because we saw them as a fast-growing industry sector in our community and high demand for career opportunities.

Ms. Ajmera said thank you, Ms. Dodson. Did we consider having Tech Talent South administer this program as they are doing most of the work and they are also providing the training and it would also remove any conflict?

Ms. Dodson said Tech Talent South to my understanding is a for-profit, and we had not looked at them as a potential entity for this. We had considered them for the Business Accelerator, but again, because of the order in which we are implementing these that conversation has not gone any further. The team is only so big, and we can only build so many of these at one time. So, Tech Talent South was not one of the entities to my knowledge considered for this. My understanding is they could charge up to \$20,000 for [inaudible] and so we were more focused on the ones that had a lower cost, faster speed to deliver to get people back to work in the jobs.

Ms. Ajmera said thank you. So, Mr. Manager; what I hear is that we need to do more work here, more due diligence here. The last question I have for you Mr. Manager is should Councilmembers use their position to participate in a program or influence the funding that others did not have an opportunity to do so?

Mr. Jones said Ms. Ajmera; I'm not sure what you mean by participating.

Ms. Ajmera said let me repeat my question. Should Councilmembers use their position to partner with the City in a program or influence the funding that others did not have an opportunity to do so?

Mr. Jones said I think there are a couple of things that the City Attorney mentioned tonight in terms of I guess what would be an ethics issue. I will tell you that as we are talking through this tonight clearly there is a great level of concern with Councilmembers about this process and where we are right now. I think that if we do get a chance, I would like to do the third piece of this and have Tracy walk you through the process, but in terms of asking for Mr. Bokhari's help early on, it wasn't inconsistent with what I would do if we were doing a financial transaction and I talked to Councilmember Driggs. I think what you are asking is the depth of his involvement which is something that is a bit different than asking somebody to help the team pull something together.

Ms. Ajmera said exactly; I'm talking about partnership. I'm not talking about leveraging someone's expertise, we often do that with Councilmember Driggs, we even do that with Councilmember Mitchell when it comes to economic development. What I'm asking is the partnership where City enriches our organization.

Mr. Jones said again, as it works with Mr. Bokhari's non-profit, I think that part of the question that is in front of us tonight as a staff and what the Council is discussing and that is how does it benefit a non-profit? Part of that I believe what you've asked is for additional due diligence before a recommendation comes back to the Council.

Ms. Ajmera said yes, thank you Mr. Manager. Again, this has been very difficult and I'm just disappointed. I'm disappointed in the lack of transparency, accountability, and in this process where one Councilmember almost got away without full disclosure and staff continues to recommend this program to reward that behavior. In this business as usual for the privilege, few needs to stop now if we truly want to tackle the economic mobility crisis in our City.

Councilmember Driggs said I just want to summarize my own thinking here which is I think we have a proposal that has merit. We have an opportunity to create jobs in a relatively short timeframe; it is a good program. We also know that it is not illegal by any current standard. But we have a problem, and I think it is a serious problem, and I would summarize it simply as it should have been recognized right at the beginning that the involvement of a member of the Council of this thing called for full Council involvement and a very public clarification upfront. The fact that we got this far before we are having this conversation puts us all in an awkward situation. I'm struggling with that and the truth is any of us on Council that wasn't a member of the working team and hasn't been involved in the prior meetings is probably still scrambling, trying to catch up and understand the whole history of this and who the parties are and everything else. So, I don't believe that we could responsibly pass this tonight; I think if we moved ahead in the midst of the questions that are being answered here, I hope that we won't entirely throw it out because I think there is something useful there. So, I'm kind of in line with the idea that we need to do more work if we are going to give this serious consideration.

The other point that has come across and the questions that have been asked, if we look at this through the lens of the ethics as reviewed by the City Attorney, the truth is we are in unchartered waters. I think what he found was there was nothing in State Law and our current City Charter that tells us we can't do this and at the same time I believe most of us are a little uncomfortable right now. We are in a difficult spot given some of the criticism we heard from the speakers tonight and some of the input that the Attorney got, which I don't think we can disregard. That suggests to me that maybe we ought to look again at what indirect means and we ought to do some more work on where it is that we feel a line has been crossed in terms of proper ethics.

Mr. Attorney; I mentioned to you, you cited the example of rezoning and you had advised somebody that in a rezoning situation based on the circumstances as you saw them you didn't see a conflict problem for the member. I would point out to you that if the member saw the possibility that the value of their home would be impaired seriously by the proposal next door, they might well have a financial reason for taking a position. I don't know whether the rules we have right now properly recognized that. I'm sure your advice was sound, but I wouldn't like to think that a Councilmember could vote in a rezoning motivated by a concern about the value of their home and not have that reflected in our policies. I think this whole thing needs more work, I think the work needs to be conducted under a bright light in public and I think we also should start a process of looking at whether or not the ethics rules we have are sufficient because as it stands right now, the fact that it is not illegal doesn't mean that it is necessarily something we want to do and maybe we can get more clarity around that.

The question of the RFP has been brought up and I don't know if I understand the transaction well enough, but I think the parties to this transaction and the relationships that exist here would be difficult to replicate to a general kind of invitation to propose. I think this is an opportunity we have that is the result of the work of Mr. Bokhari and of the commitments or engagement by certain parties who would hire these people, and I don't think you can rebuild that if you get somebody new to do it. I'm not sure if the RFP is the answer, but I must say that I share the disappointment that this is not recognized to be something that could be controversial early on and that the whole Council did not have the opportunity to participate in a conversation about it. I think there are four members of Council in that working group and you just cannot proceed with the assumption that you are going to get the approval of the entire Council in a situation like this based on the involvement of four of our members. The most they can do is make a recommendation along with the working group to us. At that time, we should get a full briefing, and then time should go by, and then we should vote. I just feel I'm in an awkward position here, this could be a good thing. I hate to say no and at the same time, I really can't say yes under these conditions.

Councilmember Johnson said I am also a member of the Workforce Task Group and I was in the May 11th meeting; I went back and watched it today and Councilmember Mitchell, Ajmera and myself all applauded this program and this idea because it is a brilliant idea, but we were never advised that it was Councilmember Bokhari. Ms. Ajmera

asked the question specifically if Mr. Bokhari was a part of the development and the answer was yes that he was a part of the development of the idea, as would be expected for us to lend our expertise, but it was never disclosed that he was going to be the recipient of the; and we won't call it a contract because some of us are getting caught up on semantics, but that he would be the provider. I have some questions. The first one is for Marcus; Marcus, we have a timeline and we know that you spoke with Mr. Bokhari at the very beginning to talk to him about the idea. What follow-up did you receive from Mr. Bokhari?

Mr. Jones said a lot of the follow-up was things like we have a long way to go. There are things that we have to work on as a team, as a staff in order to get something that could be useful and beneficial to the community. The feedback was at that level.

Ms. Johnson said the question is for Patrick. Patrick; you said something during the presentation, can you clarify; one of the things that you said was there was no direct benefit because you asked Mr. Bokhari if he had more than a 10% interest in Carolina Fintech and that questions might be for Mr. Bokhari, but you said something about 10% interest. What did you say about that?

Mr. Baker said this is the State Law, 14-234(a)(1) sets out a series of questions or issues that have to be resolved to determine whether or not someone is in violation of this. Part of the analysis includes whether or not the public officer derives a direct benefit from the contract and the question is what does that mean? For instance, if you are a mid-level supervisor with a company that is doing business with the City, does that now recuse you, or is that company now allowed to participate in a program with the City if you are a Councilmember? That is why this particular provision is in the contract because if you are simply a salaried employee and you don't have more than 10% ownership of the corporation that is in front of you or that you wouldn't derive an income or a bonus by getting the contract, then it would be determined that you didn't derive a direct benefit from the contract. I did ask Mr. Bokhari about his ownership interest in Carolina Fintech Hub or any other any entity that was a part of the program, just to determine whether or not; if the money is not going to Carolina Fintech Hub, but it is going to another entity that he has an ownership interest in, for instance, then that is going to be a problem. That was the question that I asked and the answer to both of those questions was no as it relates to Carolina Fintech Hub and any other entity involved in that particular program. It is my understanding that he is the Executive Director of Carolina Fintech Hub, but I don't know that he is an owner, I assume that he is not given the answer that he provided. You are correct, it is Mr. Bokhari that is better suited to answer that question if it is still a question.

Ms. Johnson said can we ask; Mr. Bokhari do you have more than 10% ownership in Win of Carolina Fintech?

Councilmember Bokhari said I do not, it is a non-profit organization.

Ms. Johnson said are you the founder?

Mr. Bokhari said I'm one of the founders.

Ms. Johnson said okay, just based on the business structure would be the reason he might not have the ownership if that is what you want to call it, but there would be interest and I think that should be considered Patrick. Also, I have a little visual, I don't know if you guys can see this but there is a \$6.5 million packet and \$5 million of that is coming from the private sector and \$1.5 million is coming from the City. It is a packet so, how can we say that there was no direct benefit because the \$5 million is going towards the organization, and Patrick; I'm very surprised that you as our City Attorney would make a recommendation with not the complete picture when we've all been asking for this information since last week. We relied on your legal recommendation without the complete picture. That would put us in a very awkward position. So, I would like to ask Tracy because I've asked this question in writing, was there a formal proposal written from this organization to provide these services?

Ms. Dodson said I want to clarify one question or comments that you had earlier that on May 11th he didn't have a recommendation for a provider of this initiative. I just want everybody to be really clear, it wasn't like we went through a process in May with the Survive and Thrive initiatives and had already predetermined partners or administrators on these different initiatives or things like that. We are literally, as we've said many times, we are building the plane as we are flying it when it relates to some of these initiatives. As I said, in the Task Force meeting on the 14th of July, we had asked for formal proposals from the various providers that we had looked at and we still had some questions, but we were bringing it forward on the 14th to try to create the transparency. I understand what more questions were, but I had had a conversation with Councilmember Bokhari the week before that which says we think we have a framework and we need to formalize exactly what this looks like. There had also been some other questions to understand the CELC's participation and again, it was ongoing conversations. We were starting on the 14th of July to bring this recommendation forward to you and start to formalize things. Nothing had been formalized at this point other than a series of conversations between staff, between Win, between the CELC to see if this was an initiative we want to move forward with.

Ms. Johnson said it was my understanding [inaudible] that meeting on the 14th and also from what Emily was saying that Win was going to be the provider of the advanced technology and that there was a provider for the HVAC services. I would ask the provider of the HVAC services did they submit a formal proposal?

Ms. Dodson said the renewed aspect of [inaudible] the intensive career cohort was an RFP process, but in that particular case we were looking for a vendor essentially to do the training for us and that was a little bit of a different process. So, that was an initiative that we had not created, and we needed to find a vendor. As Councilmember Driggs said earlier, this initiative around advanced technology was something that was from a three-way partnership that was discussed as we were considering winning over some of the other partners.

Ms. Johnson said okay, was that other provider, were their participants going to be mailed stipends directly or the stipends going to come directly from the provider? The reason I ask that is has the City ever had a program where we pay participants directly to attend training? You can say directly or indirectly, I know we have a third-party, but I just find the unique or extraordinary model, just having been around non-profits for a long time, is there any other history where the City has gone to such extremes to pay the participants instead of relying on the vendor or the provider to do that?

Ms. Dodson said I think in this particular case we were looking at participating with the stipends as a program that was in COVID relief and the CARES Act. I don't know if the City has a past in being a partner like this with an initiative like this, but I also don't know that we've been in this position with a pandemic before and money that we were trying to put out into the community to put people back to work and provide jobs or small business support and things like that.

Ms. Johnson said okay. I guess my next question is for Patrick; Patrick, I find it so interesting that you were able to contact the author of the law to ask for their interpretation. As the 15th largest city in the country, I think that we need to be looking for a more broad understanding. If you look up indirect versus direct costs or benefits from the business, it is actually a business or a financial term, it is also a soft return on investment versus hard return on investment. I'm concerned that this recommendation was made from such a closed view and I would hope that in the future that there would be a more comprehensive view. I think if we truly want to raise the status quo and break these systemic barriers for small businesses then we have to start looking at things more broadly. We get complaints that small businesses and minorities can't get a seat at the table, but we are not even invited to the party, we don't even know what is going on, we will never have equity and change that from being not upward mobility in our City. I think we were voted to be good stewards over public dollars, and now I see, based on Patrick's review, how he can interpret it like that because you are not familiar with non-profit terms or business terms, but this is definitely, looks like to me based on the \$5 million direct benefits, but the indirect benefit from the brand, from the participant, from the exposure it is definitely an indirect

benefit. Any organization whose participants are paid almost \$3,000 a month are going to have a line around of people to attend. So, this \$6.5 million [inaudible] without participants is not the program. I think this program could have been available to any other organization if you had put this out there. You mentioned about five organizations Tracy and reasons why they were not a good fit. If they had been given the opportunity for this package, I think they could have done that without this appearance of impropriety. I guess that just brings me to the last question for Marcus, Tracy, and Patrick; Tracy, do you see this as unethical or improper?

Ms. Dodson said I will tell you personally, I have been on a lot of boards, I have not served in an elected position. Our desire from a staff level was to be transparent with everyone about this. We were not trying to do something that was unethical. In my heart of hearts, I believed that the program that we were representing and the strategy that we were representing moving forward was what was best for our community. I do not again feel as though in going back and looking at everything that there was anything that was intentionally kept from Council; that was why we were trying to bring it forward. Our goal is to be transparent, but as I've said before we are trying to build this plane and a lot of initiatives very quickly to help our community and so I get where Council has issues with it, but again in our heart of hearts this program was going to produce the most number of opportunities for participants with the most jobs at the end in a timely manner and we were trying to create any separation specifically to the Fintech Hub and Win for City involvement in that process. So, do I think it was unethical, no?

Ms. Johnson said okay, what about you Marcus, do you see this as unethical or the appearance of impropriety?

Mr. Jones said no, Councilmember Johnson. I don't see that as being unethical, I do look at the \$155 million that we received in the CARES Act funding and as I've been thinking through tonight, whether it is the Neighborhood's Task Force or the Small Business Task Force, there have been a lot of dollars that have been allocated through a bunch of processes, sometimes RFP's, sometimes there haven't been RFP's, they have been with partners that we've worked within the past. One of the things as I look through the write-up is that the desire to move very quickly, I think we lost something there with the desire to move very quickly. There are some other partners that the ED staff did talk with, maybe not directly, but through previous relationships, and I don't know exactly how all of the CARES Act funds will work themselves out, as a matter of fact, I stepped out for a moment because there is something floating around in the Senate, I believe that would allow these funds to go past December 30th. I say all of that to say that I think success is organizations that are able to help us in this workforce development space, whether it is technology, whether it is green jobs, they should be given an opportunity to participate in what we are trying to do for the City.

Ms. Johnson said then the last question is for Patrick and let me qualify just a little. Patrick; I attended a training on February 27th where you were one of the presenters and you didn't present this portion, but there was a second class of a whole afternoon of avoiding the appearance of impropriety and that was with the North Carolina Leagues of Municipalities. So, would you consider this, now that you know what you know, unethical or improper?

Mr. Baker said I wouldn't use the word unethical given the fact that we are having this conversation right now, given the concerns that have been raised by Council, I think that everybody involved in this would do things differently. I know that the administration has been moving fast as it relates to these funds because we are under a clock to get this out into the community quickly and I will certainly do everything that I can to make sure that we are as involved as we can be to assist the administration and the Council in getting through this. I have looked at the language of the two provisions, the criminal provisions, and I don't believe that they have been violated here, but certainly, just listening to the conversation I wish that all 12 of you were on the same page throughout this and will certainly commit to doing what I can to assist that going forward.

Ms. Johnson said that is all I have Mayor; thank you.

Councilmember Eiselt said as somebody who is on the Small Business Recovery Task Force, but I'm not on the Workforce Development Committee, I do want to say that as we are trying to figure out what to do for our business community, we are also trying to leverage ways that we can work with the private sector because as we know my biggest concern with our CARES Act money is that we are giving rent money to small businesses, but at the end of the day if people can't get jobs and people can't get back to work they are still really stuck. So, I think there has been an emphasis on trying to do things that are innovative and leverage the private sector, and do it quickly, so I hear what you are saying about the need to get this out fast. But I also struggle with the fact that frequently the culture, at least the five-years I've been on Council, has been only telling Councilmembers what you want them to know. It is very frustrating to me; it was frustrating on that North Tryon 7th Street vote, it is frustrating here and I said that in the Task Force meeting, and I had asked questions about this and I asked questions on different phases of the [inaudible] program, who was behind this and I was robust on some of those answers, and that is frustrating to me. That said, I think that is all getting aired out here tonight. That is a process issue, it is a culture issue, it's the staff's issue that Councilmembers should be able to get the information they ask for. I sent a memo to my colleagues saying please take the time to ask your questions before coming tonight so that we can try to get to a place of understanding because at the end of the day this is a program that is set up to train 70, 80, 90 people who lost jobs because of COVID, and that is important because we cannot use the CARES Act money unless it is for a COVID related purpose. It is to train people who lost their jobs because of COVID and probably aren't going to go back into those jobs again. It is to train them in an industry that is a high wage growth industry. Let's not lose sight of that; this has been done before by Carolina Fintech; I didn't know previous to all of this really what Carolina Fintech did, to be honest, and I have spent hours in the past week trying to understand this whole thing.

From what I understand the cohorts that have gone through this program before where over 80% people of color who had an average income of \$22,000 and they were going into jobs that were in \$50,000 plus, and please correct me, staff or Mr. Bokhari, if I am wrong on that information. So, at its core, it is a good program, but the process was very flawed. I don't want to throw out what could be a good idea if in fact we could take this back to Mr. Mitchell's Committee and say who else could do this. If there are other groups out there that can do that and give a commitment to provide a job to somebody, then absolutely they should come forward and say that and absolutely we should look at our CARES Act money and see if we can use it that way too. This one should be in there with that as well. So, it is a struggle to come up with good private/public program partnerships that leverage, not just the money that we have, but the private sector's money as well and I hope that we can get to a place that yes, we can have this discussion, and if we feel with what we understand now that our ethics policy does not cover the fact that anyone of us could directly or indirectly benefit from the work we do on Council once we are off of Council, let's be honest about that. Then if that is not fair and that is wrong then let's have that discussion and that discussion should take place in our Budget and Effectiveness Committee. There are Councilmembers that are related to all sorts of things on this Council, including investments in real estate in Charlotte that could be benefiting on any given day [inaudible] from capital improvement plans that we [inaudible] but I don't remember people recusing themselves because they have investments that might benefit from some of the things that we do on Council. So, if that is a conversation that everybody feels needs help I agree with that completely and let's have that full conversation and separately let's have the conversation on this program and open the opportunity to anybody else who can bring a program like this to us that we can leverage our money with private sector dollars to get people jobs because we know this COVID problem is going to get much worse before it is going to get better here in our economy and for our people.

Councilmember Mitchell said thank you Ms. Eiselt for those comments. I think you did an excellent job articulating them, but I feel like I've got to defend the Small Business Task Force Committee on some of these conversations because we really worked hard and was trying to do something special for our community. Councilmember Driggs; you brought up a good point about when did the Committee first recognize that there was an issue, and it goes back to April. We got a copy of Survive and Thrive and it had Fintech

enlisted for the accelerated program. The Business Journal did an article about it and there was a conversation between Councilmember Bokhara, Ms. Eiselt, Ms. Ajmera and myself, at that time in April that this is a conflict of having a Councilmember who will be awarded a contract without an open process.

If you fast forward to July 7th, we deferred the action item. When you look at the PowerPoint spreadsheet that we were given, and we did not vote on it, but it had no reference to the dollar amount. So, we heard from \$3.1 million, then fast forward to July 14th when it was presented to us, it was \$1.5 million. I cannot tell you all how many Small Business Task Force Committee members were texting me, going to meetings saying this does not look good. So, there was a lot of questions, even the Small Business Task Force was uncomfortable about the whole program going to Fintech. I don't think Councilmembers to think we did not do our work, we raised it in April, there was a lively conversation on July 14th, and I have to give Ms. Ajmera credit, the transparency was very upsetting to me because after we did the My Brother's Keeper press conference the Mayor and I had a conversation and I shared with the Mayor the PowerPoint slide. It did make reference to 90 cohorts that would be in the program; it didn't make any reference to dollars. I think it would have been very misleading if we wouldn't have a show of hands on July 7th, none of us knew the dollar amount associated on July 7th. So, Council and the public, I don't want you to think we were not doing our job; we had a great Task Force with Corporate America, we had one-member part of CLEC, but we had a member who was giving us guidance and was also telling us on July 14th some things that made all of us uncomfortable. I can separate the two, I think it is a worthy program for our community and I think we are all committed to providing jobs, especially black and brown citizens. But, to me we ought to keep it simple, it is clearly a conflict of interest for any Councilmember not to go through a public procurement process and be awarded a contract. We've never done it in the past and being old as dirt and being around here for 18-years, we have never been in this situation. I don't think we need to adopt this policy now as this is the new norm because this is the wrong norm. We've had speakers also speak today about this and I think the worse thing we can do Council is kicking this can down the road and think it is going to get better. We need to take some action tonight; Ms. Eiselt, I don't know, were you making a motion or Mayor do you want us to wait later on until everybody speaks about it, but I think there are some things we need to do on the conflict side, and I agree with Ms. Eiselt, if you want to send to Workforce Development, we did have a place holder for thriving phase and we can address that tomorrow at 11:30. I just want to make sure you all know that the Small Business Task Force did our job.

Councilmember Egleston said Tracy, how many other organizations are there in our community; it seems like a majority of Council does not want these 90 folks going through a program with Carolina Fintech Hub. How many other organizations and what other organizations exist in our community that if the money is not going to them to be part of a Carolina Fintech Hub program, it can go to them being a part of that would accomplish the same goals or objectives here?

Ms. Dodson said you will see Mr. Egleston in the information that we sent out that we looked at Win, we looked at Road to Hire we looked at UNC-Charlotte, we looked at Central Piedmont, in addition, there are private sector providers that we could look at as well. So, there are numerous providers connected to what we tried to outline in our recommendation that we brought forward, which again, was just a recommendation as to why we were recommending Win.

Mr. Egleston said and again as it has been said, half of those of us that are part of this meeting tonight, at least on the elected side are not members of either the Small Business Task Force Group or the Workforce and Business Development Group. So, admittedly that half of us had had to play catch-up because we weren't a part of these conversations. I will say, having gone back and looked at some of those meetings in light of all of this discussion, I'm surprised that in May at the Workforce Development meeting there was praise for the program and ask of staff if the City would be collaborating with Carolina Fintech Hub and the answer that Ms. Dodson gave was absolute yes, we will. So, I do wish that more of these questions, but I do think that everybody involved could have been

more expectant that the office on this could be problematic and that these questions could be raised by those of us that weren't involved in the process all along. I wish that more of that conversation had happened in the Task Force meeting and in the Committee meeting at the time instead of what seems, and I've watched every minute of every one of those meetings, but it seems like there was an understanding that Carolina Fintech Hub was engaged as a partner and there was praise for that concept because they had a turnkey program that could accomplish the objectives.

I need to come to staff's defense at least in regard to the fact that there is a timeline in this CARES Act money so, are there lots of organizations that could likely build a program like this over time and accomplish the same good outcomes that the Fintech Hub's program does undoubtedly, but if they are not turnkey programs that are ready to go now we would not be able to do that and do it in the timeframe that we have to spend these CARES Act dollars. When this Council, myself very much included, repeatedly pushed staff very hard to act and act quickly because there were people who were suffering in our community, the people we are talking about here as Ms. Eiselt said, are people who lost their jobs because of COVID. These people have gone from what was probably a barely living wage type of job or maybe a little better than that, and now they have no job. We are trying to put them, not only back where they were before, but in a better position for upward mobility, and we told staff to do that quickly. So, while I do think that everybody involved could have anticipated that there would be some of these questions and concerns and we could have jumped ahead of it, I also think that for Council to chastise staff too much over the fact that we didn't do things perfectly, if we ask our staff, as we did to act quickly because of the urgency of the situation, we shouldn't expect that things are going to be done perfectly. Things are never going to be done perfectly even in the best of circumstances, but when you are responding to a crisis like what we are dealing with right now, I think it should be the expectation that we are not going to get it all right, and none of the response to the COVID crisis at a federal, state or local level has been perfect nor should anyone expect that any of it could have been perfect. I do think that staff has worked their asses off to deal with something that no-one could have seen coming and no-one knew exactly how to react to and that is exactly what we asked them to do. So, they will get grace from me that everything about it wasn't perfect, but I do hope that the Small Business Task Force, the Economic Development Committee and this City Council have a Plan B here because it is clear that a majority of this Council is not going to allow the Carolina Fintech Hub to be the City's partner on this project so I damn sure hope that we've got a plan for those 90 people who are still sitting at home without a job and who are looking for an opportunity to get a hand up. And if we don't have a Plan B then I hope that everybody is prepared to offer some sort of thoughtful response to the 90 people who continue to sit at home without a job and without an opportunity.

Councilmember Newton said this has been a very robust and very informative conversation. I don't have much more to add, just somewhat I would consider in comparison to all of my colleague's comments would be very basic questions. My first question and I don't know if this one has been answered or not; there have been previous renditions, I believe two, renditions of the Win program. In those renditions I could have sworn I read this in an e-mail that I received. In those renditions, the participants were paid a salary throughout their training period. Am I correct understanding that and I guess to more to the point of my question and I'm not sure if I direct this towards you Mr. Bokhari or direct this toward Tracy or whom, but in that happening previously, who paid that? Was that the partners who paid that or was that Carolina Fintech?

Mr. Bokhari said that was Carolina Fintech Hub and the partners that paid it. The way the program works normally is we have an allocated annual budget from our partners that refreshes every November and December and the beginning of our calendar year and we forecast and program that out for staff salaries, for upward mobility hackathons for the Win Program and that includes their salaries, the overhead and then our partners bring the jobs to the table. The problem that existed at this point was we already have a cohort for 2020 running right now with 50 people in it and they are being paid by us as well. On our current trajectory with the money that we've allocated and raised over time that we have refreshed every year, we wouldn't have been able to do another cohort until February or March of next year and it would have only been for 50 or 60 or maybe 65

people top. Still a very meaningful number, but we would have not been able to address the COVID related impacts on hospitality workers and those in need of upward mobility had we not upped the timeline and done two cohorts in one year rather than one. So, that is the difference between, we normally pay them, however, when the question was asked what we could do to make this happen, it had to be a joint public/private relationship and we kept it above board as much we possibly could by having the City directly take care of the educational stipends and the private sector would do everything else in our silo and never the two meet in the middle.

Mr. Newton said I guess two questions; maybe the first one being a point. So, in previous renditions, it was Carolina Fintech Hub maybe in collaboration with other partners, but Carolina Fintech Hub did pay for at the very least a portion of those salaries of the folks that were engaged in that training process, so the salaries or the payment during training.

Mr. Bokhari said yes.

Mr. Newton said and what you are saying now is that but for the payment of those salaries for this current rendition or cohort, the program couldn't occur at all.

Mr. Bokhari said right, if we didn't strike this partnership and work on it the way we did over the last three months then it wouldn't have happened in 2020, it wouldn't have been a public/private partnership, it would have maintained a private partnership and that would have been all well and good, but we wanted to help as many people as we could now and that required us to think differently on how it could be designed.

Mr. Newton said I'm going to need a little more time personally to wrap my head around all of this, but I guess my question or where my thoughts are drawn is towards the question of how; it sounds like the payment from the City to the individuals personally during the course of the training, it is something that otherwise would have been paid at least in some small portion, by Carolina Fintech Hub and that constitutes savings, and I'm wondering if that savings, not to say that this was potentially contemplated, by you Mr. Bokhari, or City staff members, but that savings could constitute some sort of a direct benefit. I need to wrap my head around that, but you were saying that this wouldn't have happened, so my next question was would this have ever happened, but for, definitive involvement because I think our objective here is to make sure that as many people as possible receive training, people that have been negatively affected by COVID, lost jobs, receive the training and we create as many jobs as possible and placement for as many folks as possible and it was my understanding because I did read an e-mail from you Mr. Bokhari about the program, kind of outlining it all and at the end saying that you were considering just walking away from the table. The impression I got was, with that being said, that you could continue this program without the City's involvement, but you are saying now that is not the case.

Mr. Bokhari said no, I wouldn't say it is not the case, I would have said if COVID hadn't happened and the crisis hadn't occurred, and we hadn't all had urgency in our minds of what can we do that we won't do otherwise to help out, I think what would have very clearly happened is I would have continued and finished the cohort that is right now, that is funded, that they are being paid by our program and then we would have done our next one in February or March of next year, helping a huge number of people and that would have gone forward. In order to do it with the urgency, we had to do it in the manner that we've designed and developed and laid out there and staff still has the ability to choose which routes they go. I have two choices should you guys decide not to do this tonight; I can go back and say, alright we are just going to back to the way we do it or I can scramble and try to figure out ways to make it work and just the private sector and the most likely way to do that is by doing, and it would basically be the exact same thing of you guys just saying no, we are not going to move forward and we do in the private sector, which would be they don't get educational stipends. That is the only thing that would change, all the training would be paid for by the private sector, all the job placements of them making \$55,000 a year when they graduate the program, would be taken care of. The only reason that just gives me heart palpitations is having worked with this community for many years when you come into a situation where you have the hardest training of your life to lift

yourself out and have the upward mobility story and trusts me, I know this because I have it myself, you have a lot of distractions. There are a lot of distractions that if you are working two jobs, Uber and Target and you've got kids or a family to take care of, you have transportation issues, affordable housing, health care, food, clothing, all of those things, it just sets them up for failure. We have a 90% success rate at the beginning of assessing people that can come in here and we give them wrap-around services and 100% of them end up placed because we think about the whole picture and all the challenges they are going to have. So, yes, one way or the other I will have a decision to make tomorrow, based on what this body says, but one thing we will consider long and hard is do we let them do the program and not give them an educational stipend and we could decide to do that.

Mr. Newton said it sounds like a very valuable, very effective accomplished program. I don't know all the specifics, of course, I'm still learning the details here, but having said that I just wonder if folks are going to receive those jobs anyway. Maybe we are talking about fewer folks and maybe there is a need for some subsidy there, but I'm just wondering if we are accomplishing a goal of getting as many people placed as possible if we are talking about putting funds towards a program where folks are going to be placed anyway. Maybe that is worthy of some additional conversation. I had one final question for Tracy; you had mentioned that throughout this process other organizations had been reviewed and considered through I guess two potential cohort programs. Were those other organizations, at least as it pertains to the advanced knowledge technology cohort, were those Fintech organizations that were reviewed and considered?

Ms. Dodson said when you mean Fintech and I'm guessing; I think and specifically, if you go back to the memo that we sent on Friday, the groups that we looked at Road to Hire technically would be a Fintech because that comes through Red Ventures as another example. The other two that we listed out were Central Piedmont and UNC-Charlotte so, Road to Hire would be the only Fintech one that was on our list.

Mr. Newton said so there was one other; I don't know how many Fintech groups exist in the state. I'm just now learning so I wasn't personally aware of Mr. Bokhari's involvement in Carolina Fintech Hub. I guess I had the expectation that the assumption would be made that would be aware would be brought to my attention. I think that is what I'm hearing from my colleagues, we want to make sure that those types of items are brought to our attention and no assumptions are made pertaining to whether or not we already know of a colleague's involvement with any organization that might be working or partnering with the City. But, to the extent that this has been an open process whereby others could be involved, I just wanted to know how many others might have been solicited or spoken to. You are saying that was one and that was Red Ventures.

Ms. Dodson said in my understanding of the Road to Hire; there were reasons why we went to where we did, but yes, there was one other with Road to Hire that was through a Fintech Company or has a Fintech background. As I mentioned the other ones were on the academic side.

Mr. Newton said thank you; I have no further questions Madam Mayor.

Councilmember Winston said I do not sit on the Economic Development Task Force; I sit on the Housing Recovery Task Force, but I will say that the only surprise for me over these past couple weeks was that this is even a discussion amongst Council. I was paying attention to those Task Force meetings; I saw the discussions that were happening, and I started having questions. I did things like talk to Mr. Bokhari, talk to Mr. Jones, talked to Ms. Dodson about how do we approach this work, the problems, and the solutions that we were facing? So, we've been having a conversation for it feels like a couple of hours now and there has been a lot of finger-pointing. I think the only fingers that need to be pointed are Councilmembers at ourselves. This is a question of governance, this is as is said a question of ethics; staff does not control that; the North Carolina General Assembly does not control that, our attorneys do not control that. Our willingness to do the work and ask each other questions, talk to one another and figure out how to govern is our job and what we have heard is that has not been done over the past couple of months. So, I have

to stand up for staff, out attorneys, and my colleagues. I think these are conversations; I'm all for having conversations around transparency and changing governance models so that they are more adapted to the needs of a modern city, which right now they are not, but I feel like we have been having a straw man conversation for much of the evening and in the public over the past couple of weeks. I hope we can get passed this and I hope we can really concentrate and figure out how to govern the City.

Mayor Lyles said I think everyone has spoken. I know Ms. Watlington wants to make a motion, but before you do that Ms. Watlington; I would just like to say something about this. I know how many times I've watched your guys roll your eyes when I say let's talk about the process. I know how many times you have rolled your eyes when I say we need to study something, but there is a reason for process, there is a reason for the study and I'm going to agree with Mr. Winston, there is a reason to think about what your role is on governance. The consistency that we have to have with each other in our roles and responsibilities as Councilmembers is absolutely important and I think we need to take some lessons away from that tonight. The very first thing is that we ought to be able to have very difficult conversations and we need to have honest conversations, but I don't think we've been doing that lately. I've gotten calls individually from people about each one of the issues that you've raised tonight, but I'm not so sure that anyone else has said let's talk about this together and even when the opportunity was availed, that let's talk about this together where people can say this is what I think or what I think, people did not follow-up to do it and that to me sends a signal to this community that we are not working together, and if that is a signal that we want to send. In some ways, I can blame this on COVID-19, but I think all of us have been around long enough to know that this City became great by people making very difficult decisions and acting on them. If we are going to advocate that responsibility to each other we need to be very clear about it.

I have great respect for each of you, but sometimes I think about this. Sometimes we want to be the City Council and that means we want to figure out what we want to do, but sometimes I think people want to a part of the administration, they want to figure out the how-to what to do. There is probably somewhere a balance in here in the middle but the idea to be able to point fingers at people to say well, you didn't do your job. I remember Governor Martin saying one-time people pointing fingers outward, they need to first point inward, and we need to point at ourselves. We ought to be able to rely on each other to have a conversation. I think these ideas that come off one on one and building the coalitions and the text that are going on during Council meetings are not appropriate for a Council that is talking about transparency. To have these conversations one on one and the biggest lesson and I've said this to Ms. Ajmera and I've said this to Mr. Bokhari, the biggest lesson I learned in life when someone was trying to get me fired and they went to my boss to say so and my boss picked up the phone and called me and said someone wants to talk about why you shouldn't work here, come on in and let's talk about it. Now, do you think it was easy to walk down the hall to hear someone criticize your work? But I am grateful every day that I learned that lesson, talking about people is more important only if you want to find a win in it. If you really want to find a win just for the one you can do that, talking together you find a win for all. That is what we owe this community right now, so we need to start thinking about governance and I don't know what the action is going to be today; there have been lots of great points raised tonight about well, do we want to look at our Ethics Policy, how do we interpret our Ethics Policy. I would say to you that this is hard work to jump into it we are going to have to figure out how do speak with each other and for each other, and we need to be able to rely on each other to speak that with comfort and direction and intent because I truly believe in positive intent. That is why we can do this; we can respect each other and get through this.

Mr. Driggs said Mayor; could I just make a quick comment to that? There is a role here that somebody needs to play that is not being played and that role is to sort of centralization like a whip does in a larger chamber or something. So, if what we had here was a situation where there wasn't a person who took ownership of this process and took it upon themselves to be sort of a clearinghouse because when you get 11 people and you figure out how many bilateral conversations it takes for them to get to a point where there is any kind of awareness, we share the awareness of where we are. So, this a role I tried to play on the 7th and Tryon thing and I don't know who should play it, Mayor,

whether it is you or the Mayor Pro Tem, whether it should have been Ms. Dodson, but if we all are left here, especially under COVID, and isolated the way we are without the benefit of the conversations in the office, etc. then I think it is going to take a proactive effort by somebody, and maybe we can consider that in my Committee, but I think that needs to be sort of a designation or an understanding that someone is going to find out what everybody thinks.

Mayor Lyles said I would agree with you Mr. Driggs, and I think there were multiple attempts on this one to accomplish that. It wasn't that it wasn't tried, but it was just that there were positions laid out and we weren't trying to get to a place where we could have a common understanding. People had taken positions and those positions were set and so that is why I think it was very difficult for anyone that chose, you know the whole dynamic you learn about are you taking a position or are you having an interest in getting to a solution. The positions were taken and defined unnecessarily I think in some ways by the length of time. If you remember we were working so hard; I remember being on vacation and talking with Julie and some of you about how do we get this program going out, how do we get this money out the door. One of the things that I really believe is that we were taking too much time trying to figure our process and that for me was a real statement to have to make because we needed to get people who were desperate for these jobs. I talked to one of our Senators; they acknowledge, even at the federal level they made a lot of mistakes in the way that they allocated this money, but the economy was collapsing. You had to get this money out so, we did that for the first phase, and we didn't ask a whole lot of questions. I'm going to say this, Mr. Jones tried to find someone to do it best and efficiently and get it out of the way, and we never came back to the Council and said will we use this or a competitive process. There are lots of things like this that we didn't practice, but we've had a little bit more time now and we've had a little bit more time to reflect on what we are trying to do. There is nothing I would say inherently bad about this conversation tonight. I think what is inherent to this conversation is that if we don't come out of it with a better way of operating with each other, with building the idea that you don't have to like everybody, but you've do have to work with everyone because every one of us was elected to serve a common good, which is the City. I think that we have had whips in the past, and many people tried to serve as one this time, it just didn't work out.

Ms. Eiselt said I want to speak to that because as Mayor Pro Tem I do see that as my job and I think I said to a couple of Councilmembers that when I was calling around and you know I think Matt, you are the only one that I haven't spoken to about this and I apologize for that because frankly doing this in COVID, these are one on one phone calls. We don't have the hallway talks anymore, and it is really difficult. I don't know if the public can appreciate that, but we are a Council that only knew each other in person for two months before COVID hit us and now we are all trying to get to know each other and understand each other's values and operate in this environment. But I called Councilmembers, I had two Councilmember who said I don't want to talk about this right now, I'll talk about it on Monday night. I sent everybody an e-mail saying please before we put this on the agenda, please let's get information first and ask your questions. Now, we've spent how long on this call tonight discussing this, which is fine. This is our only opportunity to all be together to discuss these things, but I felt like I did try to take that position in that world and other Councilmembers did too. Mr. Mitchell did, Ms. Ajmera did, Mr. Egleston did, but this is really difficult in this environment and I would ask my colleagues to please pick up the phone and call each other and call staff if there is something that you don't understand and not wait until Monday night because sometimes it just doesn't play out very well.

Mr. Bokhari said I've decided to dedicate my entire life over the last three years to improving the Charlotte ecosystem and impacting upward mobility. I believe that if we have the ability to give back to our community it must be viewed as our civic duty to ourselves. So, a colleague has raised questions on the assistance I provided staff to help our small businesses and workforce recover from this crisis; I've done my best to answer those questions in great, great detail over the last two weeks. I think here the most important fact to again relay and reiterate. I was asked by the City Manager to help design Charlotte's Economic Recovery approach due to my expertise. It became immediately clear to me that the process had to be a public/private partnership. It was the only way

for this and other things that we were going to be able to make a meaningful impact on the massive challenges we are facing on the tight timelines that we sat within. I was able to identify private sector partners willing to help and I was in constant communication with the Manager and staff throughout this process, providing them ideas and opportunities to consider in everything from workforce solutions to a small business accelerator, but again, these were things they could consider, decide to adopt and as you've heard from Tracy, we were building this plane as we were flying it because we had that urgency in need backing it.

We ended designing a program that could change the lives in this one program area of 90 people impacted by COVID on what I would only classify as an insane timeline. It was designed to ensure no conflicts of interest occurred, and I came from the private sector at the beginning of my career as a risk in compliance officer and I'll tell you, I know how to design these things very well and I made sure for the pieces that we could touch, which again, I must emphasize staff has not yet even pulled the trigger on anything, that those controls were in place. Things like the private sector would cover training, program, and job placement salaries; that is that value we've heard of over \$5 million over the next year and a half and over \$25 million over the next five years and the City would deploy the equivalent of \$35,000 of annualized salary directly to those undertaking the rigorous training with no involvement or influence by those private sector parties. There would be no financial benefit to me personally or the Fintech Hub and there wouldn't even be a contract between the City and the Hub because we viewed it as each taking a separate piece of the problem and addressing it. To Councilmember Newton's question earlier, what would happen if the City backed out and we decided to move forward, we would just continue to do exactly what we are doing, and the people wouldn't get a stipend if we didn't change anything on our side.

We approved it in the full Council authorizing the staff to continue diligence and design and make their independent decisions based on what they had learned, just like we did with the Small Business Access to Capital Program, in that same meeting you might recall we called it the Access to Capital Program because we didn't know at that point if it needed to be a loan or a grant. The point is we approve things at a high level to authorize staff to do that, just like we authorize the Manager to do dozens of times a week in this Consent Agenda. We probably did it a dozen times tonight and don't even realize it. I also reviewed the Committee and Task Force meetings over the last three months and found both staff and I presented and provided updates over half a dozen times, specifically talking about the organizations involved. The Manager said it himself earlier tonight; how does this benefit my Tariq, his organization, or myself, Tariq? It doesn't is the answer. If I had never tried to engage, I would have continued on in the cohort that I have that is serving 50-people in 2020. In 2021 I would have launched the next cohort at similar or higher numbers. No salaries of myself or anyone would have changed that we take, no additional prestige would have been gained; it would have in fact created significant additional work for me. It was just the right thing to do to step up and try to help the needs of our workforce. Our goal in the Fintech Hub and through programs like Win is about improving people's lives through comprehensive programming and the results speak for themselves. In the current cohort, 81% are people of color; 39% are female. The median income is \$21,000 when they come into the program a year, many of them supporting families with that and they have a starting salary of \$55,000 when they graduate the six-month program and 100% job placement rate for those that graduate. These are unheard of results and if you are asking the question could other groups have done this, absolutely not. You can't RFP for something like this because you are asking, I would like to pay people, individuals \$1.5 million in salaries into their pockets, and for that everyone in the private sector does everything else for free at a value of three, four, five X the return. It literally is a public/private partnership, it is not a vendor engagement for an RFP, much like we do with Foundation for the Carolinas and other great groups in town when we need the private sector to come in and match at multiple times our dollars. So, the stipends of the City would be providing these participants are of critical importance. When you are in need of upward mobility your day to day life has many things that can distract you from succeeding at some of the hardest training you have ever undertaken. One of our graduates was living on the street just six years ago. Another graduate was held back by a felony he had long since paid his debt to society for. There is a person sitting in limbo

in the Doka Program that was with us, a single mother struggling to survive. I don't view these stats that I highlight for you as just numbers, rather life stories that have been changed and impacted.

In closing, the Manager has confirmed that he asked me to help design these programs, the City Attorney has reviewed the last three months and found there were no violations of policy or conflicts of interest and City staff and the private sector partners want to move forward, even now. I really regret that this has happened. It has taken attention away from what is most important; 90 lives that would have been changed forever won't get that chance. I know voting to kill this program will, to some of you, feel like fair retribution for some of the positions I've taken over the last few months, and while I will admittedly be disappointed if we are unable to move forward and helping give 90 people the opportunity for upward mobility through this program. Those 90 people are the ones you would really be hurting. I hope you understand that. You are going ultimately to agree to limit those 90 people's opportunities to succeed. It is just too high of a price to pay for the chance to punish one occasionally unlikeable colleague. Please, I am begging you all, don't hurt these people. Don't hurt these people, they need us more than ever right now and I'm going to be fine from this. I'm just going to be hurt that we didn't get to help them, but I'm going to be fine and I can say that with absolute certainty because it is said by the person who knows everything was done above board, further than above board. I have worked with deep gripping urgency over the last three months alongside our passionate staff; our staff just deserves so much. They have been put through so much these last two weeks because of this and it is unfair. And our amazing private sector partners trying to help those in need. I've spent the last two-weeks dedicating myself to the work of defending this program and how it has been designed above board so we can change lives, going through so much right now during this crisis. Any of you who had real questions or a legitimate concern about how this all occurred, you reached out to me and directly discussed it and I responded in detail to every one of you that did that. That was not many of you. I've done everything I can, it is in your hands now, just know if you decide to do anything to delay this further than tonight, that is the same as voting to kill it and not just kill it with the Fintech Hub, kill it in general because that is the whole point. We have three months of bone staking work that we have put into this in order to do something that was almost impossible. If this doesn't happen tonight it can't go back to a Committee to figure out how else to do it because this was the only way, we could come up with. We simply don't have more time in what was already a massive undertaking.

It is also important to note that the private sector is watching the actions of this body very closely right now and they are both confused and concerned. They are asking questions like is it worth it to enter into public/private partnerships anymore and from affordable housing to economic development that can have very, very real impacts to the work we have. We have heard clearly from the Attorney that there is no conflict of interest here, but as with everything I have done during my time serving this community, I hold myself to a higher standard, I will recuse myself from this vote tonight and will embrace the decision of this body whether it is to move forward helping these 90 lives or not.

Mayor Lyles said I think we first have to get those motions on the floor and then we can determine how the recusal works, is that correct Mr. Baker?

Mr. Baker said I would suggest that the first motion be to excuse Councilmember Bokhari.

Ms. Watlington said I have even made the motions I was going to make, and they don't require him to recuse himself.

Mayor Lyles said that is the question I was asking the Attorney and I think he was erring on –

Mr. Baker said I don't know what motions are coming.

Mayor Lyles said that is what I said, we don't know what the motions are so the question is do we recuse him after the motions are made or before?

Mr. Baker said depending on the motion.

Ms. Watlington said I've sat here and I've listened to quite a bit of conversation and number one, with all due respect to Councilmember Bokhari, for me this is not personal, but I think that anybody who sat here and listened to the discussion that we just had and to the things that you just covered if nobody can figure out that that is free publicity for Fintech Hub I don't know what to tell you. Do you know what I'm saying? I also think that we need to be careful; while I appreciate your passion, you are not the savior for these 90 people. There are plenty of other programs that folks can be in, while I absolutely think what you've done so far is great, let's be careful not to say that it is your program or bust, these 90 people don't have a future. Maybe that is not what you are trying to articulate, but I just want to make sure we have some balance there. I don't think 3Ps are in danger, I think as long as businesses want to make money and they can get federal dollars or state dollars or local dollars to do it there is an incentive there. Let's deal with the issue at hand and not be so hyperbolic it.

I did want to comment on the Council culture and I wholeheartedly agree with Councilmember Driggs that we need a whip of some kind. He has demonstrated the ability to do that specifically with the 7th and Tryon vote, but I'll tell you, I've been on this Council for almost eight months now and despite the comments that folks made about wanting to work together on these kinds of things, most of the time we sugar honey ice tea and I say that because when people do choose to talk to each other, which is rare, it is usually to try to convince somebody to vote their way or give their position. It is very rarely about needing information, and I think that is for everybody. So, let's to your point Madam Mayor, let's look at ourselves while we are giving folks advice to be more cop collaborative. The other thing that has been bothering me for a little while since I heard it earlier. Maybe I misunderstood, so forgive me if I did, but I thought Tracy was asked whether or not Mr. Bokhari had been a part of the development of the program, and I thought what she said was no according to her knowledge. That flies in the face of everything that Mr. Jones and Mr. Bokhari have already said. Again, maybe I misunderstood, but that for me is just the continuation of what some of my colleagues have already said tonight, and there is a lack of transparency, a lack of proactiveness was forthcoming as information, particularly out of this department. Going back to 7th and Tryon, going back to sufficient visibility and [inaudible] negotiations, going back to missing meetings that are on [inaudible], going back to last-minute briefings before ED vote. For me Mr. Manager, I need to see our Workforce and Business Development Department, Economic Development or whatever you want to call it, I need to see us moving very differently because to date I've not been impressed with the level of collaboration that for all Councilmembers, not one or two off to the side working on things and so let me just say very clearly today that my expectation that the necessary adjustments are made and that they are immediate and sustained. With that said I will move to my motions, and mine is actually about the Code of Ethics. My motions tonight don't have anything to do specifically with Councilmember Bokhari so if somebody else is going to make that motion you can have at it. But my chief concern coming out of this is the following and I move that we do the following as it relates to Code of Ethics:

Motion was made by Councilmember Watlington, seconded by Councilmember Ajmera, that we refer to the City Attorney to come back with language and options addressing the following: (1) Update our Code of Ethics to require that anytime a 3P or procurement project involves a Councilmember in anyway, it must be voted on by the body before it takes action. (2) Update the Code of Ethics to accept e-mails or some other form from constituents as sufficient to engage for additional information in order to lodge a formal complaint. (3) Update our Code of Ethics, Section 3b language to reflect the responsibility of Council to consult to ensure no conflict of interest regardless of likelihood of potential misunderstanding. (4) I would like us to update the language in our City Charter and Code of Ethics to define indirect more specifically to reflect some of the comments that have been made tonight and via e-mail from constituents.

Mayor Lyles said Mr. Baker; would you please restate the actions that you are being asked to take?

Mr. Baker said I have had conversations with Councilmember Watlington and the specific things that she is asking for relating to reviewing the policy as it relates to e-mails and coming back to you with language that allows a more streamline simple approach to filing complaints. The second part that I had was to address the portion about indirect and what that actually means and that is in Section 8.101. The other piece, the 3B review and making it more direct in terms of the responsibility that Councilmembers have to approach the City Attorney as it relates to a potential conflict of interest and to strengthen that language and we will work on that. The fourth one, which was the first one, and whatever reason I can't remember the first one, Ms. Watlington.

Mayor Lyles said it was the vote prior to the Councilmember's acknowledgment before the action is taken.

Mr. Baker said anytime a Councilmember is going to be involved in a transaction involving the City, and I would say regardless of whether there is a violation of 234 or 8.101 that that be disclosed to the Council and have the Council be able to separately address and vote on that.

Ms. Watlington said yes, that is correct, thank you.

A substitute motion was made by Councilmember Eiselt, seconded by Councilmember Driggs, that all issues regarding conflict of interest in our Ethics Policy be referred to the Budget and Effectiveness Committee for discussion.

Mayor Lyles said for discussion and recommendation?

Ms. Eiselt said recommendation so that these action issues that Councilmember Watlington has raised, I would like to refer to the Budget and Effectiveness Committee so there can be further discussion and an analysis of any changes with recommendations.

Mayor Lyles said and that would include the City Attorney; he would have to act as counsel to the Committee for that issue.

Mr. Egleston said all I've got to say, and I think Ms. Eiselt's motion if passed, would address this. In regard to the City Attorney needing to iron out the language for a policy change that we are going to vote on, I was going to express some discomfort on voting on something that we didn't have a specific language yet for. I think Ms. Eiselt's motion would address that because it would allow us time to get that specific language but asking us to vote on a concept without the actual words having been written is problematic in my opinion.

Ms. Watlington said to be clear my motion is about assigning that task to the City Attorney. I think that Julie just said the same things that I listed to refer to Committee, I don't see how that is very different in terms of execution, but just to be clear I'm not asking him to return to us exactly what I wrote. I want him to come back with the language associated with it.

Mr. Egleston said so not voting on a policy change tonight?

Mayor Lyles said I think the question is do you want the City Attorney to come back or you put it in Committee, and he works with the Councilmembers as well as doing it. I think that is really the difference.

Mr. Driggs said I just wanted to say there are many angles here and there is a lot we need to think about. Referring it to the Attorney I think places an unreasonable burden on the Attorney to define and respond and that is why I think a Committee referral does make sense and it is not because it is my Committee, but I think a lot of work needs to be done

on this. I don't know whether embarking on a course where the entire Council goes through all the reiterations that would normally occur in a Committee to try to reach a conclusion is the answer. I do think the points that Ms. Watlington raised are valid, it is not necessarily an inclusive list so, it is a question of who this is being referred to and I think it is more appropriate to refer it to a Council Committee than to the City Attorney.

Mr. Mitchell said I see this as an "and" and not an "or"; one, Councilmember Watlington just wants input from the City Attorney and I think the motion though, policy development does rely on the Committee, so somehow can we just tie both of these motions together instead of voting on one and then voting on the other. I think the input the City Attorney would have would be effective for Councilmember Driggs's Committee.

Mayor Lyles said I think if Ms. Watlington would agree to withdraw her motion or if you want to put them both together because Mr. Baker would act as the staff resource to the Committee and would cover those things. I don't want to put words in anybody's mouth, and I think a decision the Councilmember has to make.

Ms. Watlington said I'm fine with combining the two. What I'm concerned about is that we take some action and then it is not six-months from now before we come back with it.

Mayor Lyles said I know this is really important, but I want to remind you, you committed to doing August on coming up with a Safe Charlotte Plan. A lot of work to be done there so don't ignore the fact that you've got significant work, especially in the Safe Communities but every Committee has a charge to come back so that we can have a plan by early September that we can have proposals in front of the public. I don't mean six months, but I certainly hope that we are looking at what our priorities are and somehow this isn't inside baseball, but also this is something that we need to get done. I'm teasing, but if we say come back in six months or if this goes to Committee, we are willing to do that. Mr. Driggs can come back and give us an update and you will know because we still should be doing updates. What I hear is there is a need for more communication from Committees and maybe we have to actually go back and start asking the staff to do summaries. We used to do that, but people stopped reading them. I'm just speaking plain, people stopped reading them so if people are willing to do those summaries if we say no more than six lines then we can do that. Maybe we can help get this done. I don't think Mr. Baker knows how to write six lines in a paper, but we can work on training him for shorter sentences, fewer words. Ms. Watlington has agreed to combine; we have all issues on ethics referred to the Budget and Governance Effectiveness Committee, including those four specific ones noted by Ms. Watlington.

Councilmember Graham said I've sat quietly for the last two and a half hours purposely because sometimes the answer is just right in front of your nose. I wish God would give us a favor so we can get beyond COVID-19 because you really need to be around a table talking to one another versus talking at each other. I just think we need to be careful about the language that we use, and the way corporations may not feel because of this. I was in the State Senate when Jim Black got arrested and we did a major overhaul on ethics, and I think a lot of people out there today would agree that we probably overreacted in some cases. So, I'm just saying as we go to Committee with this and I think that we should, that we need to go with it with our eyes wide open trying to hopefully not trying to solve a problem that doesn't exist and just deal with the issue on the floor tonight, but I'll walk where you guys want to go.

Mr. Winston said I'm not sure what we have on the table; I thought we had a motion and a counter-motion.

Mayor Lyles said we now have one motion; I'm going to state it; we refer the Ethics Policy-

Mr. Winston interrupted to say I was going to make a totally different suggestion. This is an issue of governance whether it be the Code of Ethics and we already have a workgroup that is working on this, and as has been said, these are all valid subjects and topics to discuss and cover, but this is not pantheon that we are talking about tonight. We have to deal with the whole system that we have in place so, you direct me, Mayor Lyles, in terms

of process. What wisdom do you see in having this discussion all in all in a first Monday meeting or something with this Governance Committee and really kind of put the fire under them that we have to have these conversations now and create a framework where we are having discussions around term lengths, salary, ethics, expectations of being in office and all of these things at once since we are already doing this?

Mayor Lyles said Mr. Winston is referring to the Committee that is co-chaired by Cyndee Patterson and Amy Peacock. They were charged with looking at governance in the length of terms of office, salaries, and other matters around how we are structured. Specifically, they are looking at the number of Districts and At-Large Seats, but they have committed to do this. Julie, I believe they are trying to get back to us in October, is that correct?

Ms. Eiselt said I think so, I thought it was early fall.

Mayor Lyles said early fall is when they are going to come back. I don't think that they are actually sitting around, and I don't think their agenda includes how Council works or governs.

Mr. Winston said understood, but what I'm asking does this discussion tonight kind of shoehorn into that greater discussion and decision making that we have on the horizon around governance and how we operate as a Council and Mayor?

Mayor Lyles said I actually think that there is probably a connection, but not as tangible as one around Council behavior once you are elected. I think that people all have ideas, as I said, I'm not so sure everybody understands what governance on the City level means. I don't think that people understand the roles and separations of a City Attorney, the City Manager, the Mayor, the Council; I think it wouldn't be a bad thing to have a conversation about that with everyone. But I do think that the Ethics Policy as I understand Mr. Graham, and he is correct, usually when you are dealing with something like this you want all hands in and you get in there and all of a sudden you realize that nobody can run for office because you are excluding business people, you are excluding people that have real depth in the community oftentimes. So, I think it is a conversation that is warranted by the Council Committee first. That would be my recommendation. I think having the Committee come back and talk about some of the issues with the full Council is a good thing, we could always do kind of a survey, your comments, what do you think is most important to address. I think a Committee conversation is a route to take.

I don't have any other speakers; I don't know that we need a motion. Can you just kind of indicate with your hand agreement on the referral and then I will go ahead and make it.

Ms. Watlington said the motion is already on the floor, isn't it?

Mayor Lyles said yes, it is a substitute motion so let's go ahead and vote on the substitute motion.

Ms. Watlington said I thought we combined the two.

Mayor Lyles said I am combining them. I'm saying the substitute motion was on the floor and now combining it to be everything, so it is just one motion. The motion is to refer to the Budget and Effective Governance Committee the Council Code of Ethics Police review in conjunction with the City Attorney with a specific focus on updating how Council becomes aware around any conflict and action; make the formal complaint more into the digital area; how do we make it required for a consult or advise for a consult; making sure that our Code of Ethics has some definition of direct and indirect.

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

Mr. Mitchell said I have a motion that will include Win, so should we excuse Mr. Bokhari at this time?

Motion was made by Councilmember Mitchell, seconded by Councilmember Egleston, and carried unanimously to excuse Councilmember Bokhari.

Mayor Lyles said Mr. Bokhari you are excused from this conversation.

Motion was made by Councilmember Mitchell, seconded by Councilmember Eiselt, to not proceed in an award of the \$1.5 million contract to Win (Carolina Fintech Hub) but would take this item and refer to the Workforce Development Committee on Tuesday for this program to make sure we are training our 90 citizens in the community.

Mayor Lyles said I want to make sure I understand; you would not do it with Win; you are excluding Win from the process, but you would develop a program for 90 people to be trained.

Mr. Mitchell said yes ma'am.

Ms. Eiselt said just for clarification; are you saying that Mr. Bokhari's program would not be eligible for consideration, even in the discussion at the Committee level?

Mr. Mitchell said yes ma'am.

Mayor Lyles said that is what I understood, it was to exclude the organization, Carolina Fintech Hub; I'm assuming that is what you mean.

Mr. Mitchell said correctly.

Mayor Lyles said that would exclude him from the stipend, that would include any relationship; Mr. Baker is saying yes.

Mr. Egleston said I don't know if it is necessary to explicitly exclude them because it is clear that a majority of Council does not want to go that direction, assuming there is another viable option. I hope there is another viable option and I hope that the action that is taken subsequent to this motion will be as urgent as the action we asked staff to take a couple of months ago because in the meantime there is still 90 people sitting at home without their jobs looking for an opportunity. So, to me in case you come to find that there is not another turnkey viable alternative, I don't know why you would take one that we know is off the table. I assume that if Council at any point now would consider the Fintech Hub as a potential partner it would be with the full knowledge of what we've discussed, and it would be because there is not another viable option. Otherwise, I don't imagine that six people on this Council are going to vote in that direction so, I don't see the need to exclude them by name. I'm offering thoughts if the motion making Councilmember is inclined to take them on then that is fine, if not we will vote on it as is.

Mr. Driggs said I understand the reasoning behind the desire in the circumstances to take this away and I have to say I'm a little confused by Mr. Bokhari's suggestion that if we don't approve this tonight then it is dead. I really don't know what he meant by that; I don't see why it wouldn't be possible, and in fact, does the staff have an opinion on that? If we don't approve the plan that is under consideration tonight is it correct that it is gone at that point?

Mr. Jones said Mr. Driggs, I will take the first shot at it, and then I will leave it up to the rest of the team. I guess the question is having a program that connects people with jobs, so I'm not sure if the specificity of the motion creates a very small window of opportunity versus if it is having a program that connects people with jobs. The staff has looked at four programs up to this point and the question is would any of the other three be able to do it. Mr. Driggs; I guess in response to what you just said if the goal is to have something similar in terms of training people and those trained people end up with jobs at good salaries, I think that creates more of an opportunity to address it than something that is so specific to 90 people and X jobs at X dollars. I hope Mr. Mitchell what I'm suggesting

is that I would hope that you would give as much flexibility for staff to be able to create a platform or opportunities for people to have jobs.

Mr. Mitchell said yes sir.

Mayor Lyles said I think this is where; again, like I said; our job is what do we want and then having the staff tell us how to get it. So, if what we want is a competitive process that enrolls 90 people that has jobs at the end of it, and it is an advanced technology, I think the motion would be is that would be a Committee that would design the criteria and then you would turn it over to staff to say we want to go out on a bid for this. I don't know how you go out on a bid and exclude someone; that is the only question I have, and I don't know if you can do that. I think it would be appropriate given the conversation tonight to excuse Mr. Bokhari, but I don't know what the Council wants. I think what Mr. Mitchell is saying Fintech would not be eligible for a process but the Committee would recommend the criteria for a program and ask the Manager how to provide that program. Is that right Mr. Mitchell? I got a thumbs up on that. Can you exclude someone from participating?

Mr. Graham said if he is an accomplice you can.

Mayor Lyles said we can decide if we don't want to consider that person so I think that is what you've got; a motion that they will help design something around what you are studying, how you want the program to be structured and asks the Manager to make that happen. That is what I hear Mr. Mitchell says. Mr. Egleston do you have any further comments?

Mr. Egleston said I think the meeting is what; is the meeting tomorrow for this Committee?

Mr. Mitchell said yes.

Mr. Egleston said I guess staff hopefully won't need to sleep tonight; we are asking them to have that ready in 15-hours so I will be interested to see what they are to pull together at that time. I hope that we give them as much flexibility as we can to bring forward and meaningful and impactful option.

Mr. Graham said this is not our finest moment for sure since I've been here. I don't think it is jobs for 90 individuals versus the credibility of the Council. In government, even the perception of a conflict is enough and so I hear the 90 folks; I understand that. I know that there are a number of other programs in the community that provide job readiness and preparedness, maybe not to the extent of the company that we are talking about tonight, but they are out there, and we should be approaching them. I think the job for us tonight is to protect the credibility of the Council now and future Councils by the perception that a conflict can exist. I'm going to support Mr. Mitchell's motion and encourage staff to continue to do the work, but it is because the perception is out there, and you cannot take back the bell once it is rung. I think we have a responsibility and obligation to ensure to the public that [inaudible]

Mayor Lyles said I definitely agree with that. Does Mr. Mitchell's motion conflict with that?

Mr. Graham said I just want to go on record saying as such.

Mr. Newton said I agree with Mr. Graham. When I was asking Mr. Bokhari some questions, I could have sworn he indicated that he would continue with the [inaudible] I think that is where his heart is and I also have questions pertaining to whether or not this is the best way to spend \$1.5 million if we are trying to maximize that investment and ensure that as many people as possible receive training and receive jobs. Having said that I'm supportive of the motion.

Ms. Johnson said the bottom line is there is an appearance of impropriety; ES Councilmembers cannot in the front help to design a program and then the front of the line as the recipient of any public dollars. I can't get beyond that. I will ask if the employers that were so graciously willing to provide jobs if they would still be willing to provide jobs

to work with another partner and still be able to administer this kind of package? If there are other partners in the community that these employers could work with or if the deal was exclusively for the Win organization? [inaudible] that would be willing to help design and work with partners out there in the community, then we can still keep this moving. We want this [inaudible] I think it is a brilliant program; the issue is the conflict of interest.

Mayor Lyles said maybe I'm misunderstanding this. I think Mr. Mitchell's motion is that the Workforce and Small Business Committee would design the criteria for a program, talk about who you are trying to serve, and then he would turn it over to the Manager to implement a process to get bids for it. I thought that is what we were talking about.

Ms. Johnson said what I'm saying is, I think this program has already been designed. The Councilmember presented a program to the City Manager, which seems like it became a public program at that point so if we could go with that model and then maybe just look for providers in the community that could administer it. Because if it is true, and I don't know if there are private employers that are willing to invest \$5 million or if that was just simply with the Win Program. If those same employers are willing to come to the table and have this \$6.5 million package there are providers out there that could administer this without [inaudible]

Mayor Lyles said they can come and bring in the model like that and it will work, if they do, they do. I gotcha.

Mr. Driggs said I understand Mr. Mitchell's desire to distance ourselves as dramatically as possible from this appearance issue. I will point out however, the City Attorney has advised us that this is not unethical according to current laws and for us to exclude it from any further consideration if some ethical concerns in my mind prejudice the outcome of the work that the Committee is supposed to do. We would be rejecting it based on criteria that are ill-defined and I don't see why we can't preserve our honor by declining to proceed tonight based on the questions that have been raised and relying on the fact that we will turn it down and not look at it any further if on examination these concerns prove to be a good reason not to do it. My concern is that the alternative that we are talking about could take months, a long time to develop and that some of the design of this thing is actually proprietary. So, we are saying we worked with this guy and we came up with this ingenious solution and now what we are going to do is tell him to get lost and shop it around. I don't think that is necessarily the right thing either. I'm very uncomfortable, as I indicated earlier, with how all of this was brought to us. I'm afraid we are in danger of throwing out the baby with the bathwater so I would like to offer the substitute motion.

A substitute motion was made by Councilmember Driggs, seconded by Councilmember Eiselt, to refer it back to the Committee without prejudging the process by excluding entirely the thing that has been worked on for so long.

Mr. Winston asked that the motion be repeated so he will know what he is voting on.

Mr. Driggs said it is basically Mr. Mitchell's motion without the proviso that we exclude the Fintech Hub. I'm moving that we refer the question back to the Committee.

Mayor Lyles said the Workforce and Small Business Committee and that it does not exclude Fintech Hub and that they design a process and then turn it over to the Manager to implement which is by some competitive process. I'm putting the words "competitive process" because that is what I heard everybody discuss, is that we ought to be talking to people about their qualifications and they should compete for this work. Mr. Mitchell is that what you meant in your motion?

Mr. Mitchell said let me address one thing Councilmember Driggs said. My motion was not perceived in making him guilty; my motion was more like Councilmember Graham. We are trying to protect the integrity of this City Council. It is more of a conflict and not saying he is guilty or anything unethical. Councilmember Driggs; I know he didn't mean

to put words in my mouth, but I just want to be clear, it is not saying he is guilty of anything unethical, it is about protecting this Council when there is a real conflict of interest.

Mr. Driggs said and I'm saying I think we can serve that purpose by not acting tonight on this proposal because of the concerns that have been raised and not, however, at the same time prejudging the outcome of a review of the ethics involved because I'm concerned that what we come up with instead is going to be greatly inferior. I don't see why we need to limit ourselves. I think the purpose of demonstrating our concern about ethics is served by not acting on it tonight without taking the extra step of excluding entirely the possibility of looking at this thing again in the context of what other people are able to do. If they come back and tell us they can't do anything then we are left with nothing [inaudible]

Mr. Mitchell said not to go back and forth, but I have confidence that we've got other providers out there in the community that is given an opportunity can train 90 people in technology. I've got confidence that the public community would not leave us if we don't do the Win Program. So, Mr. Driggs, you know I think it is sunshine at 9:30 at night; I'm just an optimistic person and so I have more confidence in staff and our community that we can do a program.

Mayor Lyles said I wanted to just make sure, you were saying that you would like to see a competitive like we select architects and that kind of thing; that qualified and competitive process. I just wanted to make sure everybody was on board.

Mr. Mitchell said yes.

Mr. Driggs said it is my motion, so I think we need to clarify what my intent was while it is my motion.

Mayor Lyles said I understand.

Mr. Driggs said I don't know whether that qualification about competitive means that we are going to an RFP process or whether we will simply re-examine the effort that has already been made by the staff to assess the ability of alternative providers. Because this has been done; they worked on this and they evaluated the timeliness, the costs and other aspects of what could be done by others and that is why again, I'm concerned about the idea that we discard all of that work and commit ourselves to a course that could take months and the outcome of which is uncertain. If Mr. Mitchell is right, we will end up exactly where he intends at no costs and I do believe the purpose of demonstrating that we are concerned about ethics is served by not voting on this tonight. So, I'm not including that; this is a referral to his Committee and his Committee will take such action as is needed in order to make a new recommendation to the rest of us.

Ms. Ajmera said I support Mr. Mitchell's motion.

Mr. Driggs said the substitute motion is on the floor right now.

Ms. Ajmera said we've got two motions on the floor, you've got a substitute motion. What I am commenting on is that I support Mr. Mitchell's motion. I have full confidence that there are so many organizations that will come forward so that we don't have to have this discussion again and spend four-hours on this discussion. I agree with what Mr. Malcolm Graham said; we need to keep this simple and avoid any conflict of interest and that is why we need to exclude Win program. So, let's vote.

The vote was recorded as follows:

YEAS: Councilmembers Driggs, Egleston, Winston, Eiselt

NAYS: Councilmember Mitchell, Ajmera, Graham, Watlington, Johnson, Newton

Mayor Lyles said the substitute motion fails; we will go to the original motion for Mr. Mitchell.

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

Yeas: Councilmembers Mitchell, Ajmera, Graham, Watlington, Johnson, Newton, Driggs, Egleston, Eiselt

NAYS: Councilmember Winston

Mr. Jones said the remaining items could wait until later.

Mayor Lyles said the Manager is saying he is not going to have another report for six-months. It is really regretful because the Transportation and Transit Update needs to come before this Council as well as the SEAP and INCLUSION Report. All important when we get to this item I will ask; when we are having the August 10th meeting, we have some zoning decisions to do and these three reports and I was wondering if we could start at 3:30 instead of 5:00. So, think about that.

Councilmember Eiselt said this was actually all still under COVID, is that correct?

Mayor Lyles said that is correct.

Ms. Eiselt said I have one other item I wanted to ask about. Mr. Driggs and I have had some conversations with the Manager just because Mr. Driggs is the ASC Board Chair.

Mayor Lyles said Mr. Driggs are you the Chair?

Ms. Eiselt said Mr. Driggs; I just promoted you; he is our Representative on the ASC Board and he has had conversations and other Councilmembers have with the Arts Community about the impact that COVID has had on the arts community. Mr. Jones has said that you believe it might be possible [inaudible] from our CARES Act allocation to help the arts community and I would like to ask the Council, not for a vote right now, but to please consider that we would take a vote in two weeks on allocating a million dollars of our CARES Act money to the Arts and Science Council as a pass-through for them to allocate to their arts organizations and possibly have a different framework that also might address other parts of the arts community that we haven't quite figured out yet. Mr. Winston and I have had some conversations and there are more conversations to be had, but I tried to get a hold of Councilmembers; some of them didn't want to discuss it until tonight, but I'm asking you to please consider that a million dollars could be used for the arts community from our CARES Act money and I'm asking you guys to give consideration to that and any questions you might have, ask Mr. Driggs or myself or Mr. Jones.

Mr. Winston said I have a sincere question given the past three-hours of this. Is this a conversation that I can take part in? I have paid my bills for the past 15-years with art money in the Spectrum Center, in Bojangles Arena and the Blumenthal Arena. Is this something that I might potentially directly benefit from because I work in the arts community? Is this something that I will be able to have a conversation about?

Mayor Lyles said I think you have to consult the City Attorney first step, and I think you need to do that tomorrow before you can proceed to have that conversation, and I am serious. The whole idea is to talk to the Attorney first, and I don't think it is appropriate for you to have to explain to us until you talk with him, Mr. Winston.

Mr. Mitchell said I just want to do a follow-up to Ms. Eiselt or City Manager. I guess one, for me, what is the balance in the COVID fund? I'm a big Arts and Science supporter, have always been, but we have some really important issues in our community and I just want to make sure we prioritize those if we still have remaining funds. So, let me start off with the remaining balance. How much do we have of the COVID funds left?

Mr. Jones said this is a little bit different and I like to start off this way; back in June, we had \$3.5 million that we could charge to FEMA which freed up additional capacity in the

\$70 million that you had set aside for us to make sure we dealt with buildings and PPE and things of that nature. Just like we were able to charge some money to FEMA we now know that we are going to be able to charge another million to FEMA so that cost is associated with our first responders; that is just going to free-up a million dollars of CARES funds. So, that is the concept much like we were able to do Wi-Fi in the corridors and the YMCA and My Brother's Keeper. We now just have a little bit more capacity because we are going to be able to charge at least another million to FEMA as opposed to the CARES Act. Specifically, in terms of the two Task Force that doesn't include the Airport, I believe there is \$5 million left that is related to the Neighborhoods Task Force, Mr. Graham, as well as another \$6.9 million of additional ESG funds that have come in and then I believe on the Small Business Task Force there is \$15 million left there. Then in terms of the rest of the City, we had that \$70 million that is set aside for some of the infrastructure things and about \$14 million I believe we had in contingency. Nothing has touched that \$14 million in contingency.

Mr. Mitchell said so then-City Manager; based on Ms. Eiselt's request should we then send you additional requests for projects to be used for the COVID fund so we can all be transparent? I didn't keep a balance of how much we had left and so you are right, I applaud the \$2 million from you for the Y and My Brother's Keeper, but I think if Councilmembers knew there was additional funding still available, you will see some more priority projects that would be recommended as well. I don't mind using August 10th, but I think we all need to come back with ways we could spend those funds that are remaining.

Mayor Lyles said to the full Council let me just say this; today I had a call with Dr. Birxx. There were four other cities on the call, and I would really like for us to consider those essential things, but the call with Dr. Birxx, we are going to have an additional one for Charlotte Mecklenburg and so the idea of saying we need to set aside some money for the fall season of what is going on. We still have issues around, for example, I had actually asked the Manager to help look into as people are going through the eviction process and we are helping them with money for rent. Utility charges, we need to talk to Duke Energy and see what they are going to waive one late charge fees and all of that so I would like for us to consider a moment; I think the arts programs, we have to look at them just like we look at our other small businesses in some respects. They are part of our hospitality industry and tourism, so I think that this is an appropriate thing, but they are really not getting people that – you look at what they were doing and how they helped us build our reputation for a tourism city. I think that is an important aspect and we also have a number of needs. So, I like the idea of coming back and having a list, but I would encourage everyone to be very judicious because we are not over this yet and I think we are not getting the help that we would need. We won't know that for a couple of weeks, based on what the Senate and what the Republicans and Democrats are debating now. I'm worried about it being 95 degrees, people not having money to pay their rent, not having money to pay Duke Energy and our streets. Basically, some of these things might be a little bit easier for us, but I would really encourage us to be very judicious, but I also believe people on unemployment like all of our artists are very important because they contribute to it just like we have for small businesses and they are helping their employees. Just keep that framework in mind, let's not go too far until we get an idea what fall is going to be like with COVID-19. Those are my thoughts, but I think what Mr. Mitchell is saying is if you've got some ideas of things that you have seen in this community that need to have some adjustment because of COVID, get it in, and I believe arts are there and I think our utility situation is another one to look at.

Ms. Johnson said Mr. Mitchell just said what I was going to say that we do have the priorities. We spoke earlier about Tent City and I know this homeless, but we also know evictions are going to be increasing so I was wondering if the arts organizations would be eligible for the PPP dollars and small business dollars as well; the PPP from the federal government and the small business dollars?

Mr. Jones said yes, as a matter of fact, staff did some research and some of the arts organizations that the City funds have been eligible and have received PPP, yes.

Ms. Ajmera said I would like us to look at Tent City and there are so many folks out there that do not have a roof over their head, they have not gotten any assistance because they don't permanent housing, so they don't get rent vouchers or they will not get mortgage relief. We need to look at how we can be part of the solution. I know that homelessness, we often talk about how this is County issue; however, those residents are in our City and we need to find a solution by working and collaborating with the County to find a solution for these folks rather than just saying this is a County issue. I hope we will look at that as a priority as well.

Mayor Lyles said I think that is an important consideration and we should work with the County and Anthony Troutman around this issue, so we will get some information about it and start thinking about how we might be supportive. I have already agreed to help with deposit assistance to get people in the hotels. A lot of the tent folks are really, I think what you could call, some of the really most difficult social cases that we have to deal with, and we've got to figure that out. We will continue to work with the County and Anthony Troutman who leads that effort for the County to see what we can do to work together.

Ms. Watlington said this might be premature, but I want to make sure I understand Ms. Eiselt and I guess Mr. Winston's idea. You want us to consider providing money to individual artists or to art organizations? The reason I ask the question is because I'm wondering if the artists are eligible for the other fund to meet the same need, whether it is housing or that kind of thing or are you wanting them to specifically have funds for their art that wouldn't be included in some of our small business funds? I just want to understand how we want to earmark this money that is different from the housing or business funds that they may be able to access, or is it a question of them not being able to access those funds?

Ms. Eiselt said I'll let Mr. Driggs as the ASC Board Member speak to that, but in particular, the arts organizations, a lot of them are non-profits so they don't qualify for our City small business program. The ones that are for-profit would qualify, individual artists could qualify for unemployment and so that leaves some of the arts organizations that as we know, we're already hurting beforehand, sort of in a gap. I think the other part of it too is that I don't know, and maybe some of you do, but a lot of them, I don't think they can open at all. A lot of them that had programming had to just stop programming and a few of them have tried to find outdoor venues, but they can't really do only 10 people at a show or whatever the indoor restriction is right now. It is kind of like our Airport concessionaires, their recovery circumstance is a little bit different, their economic circumstance. I'm on that Mayor Pro Tem call across the country and a lot of large cities have dedicated a portion of the CARES Act funds specifically to arts organizations because they don't fit the same profile as a small business or individual artist. Mr. Driggs has had more conversations with the ASC so he might be able to add to that.

Mr. Driggs said the artists do not qualify for unemployment, so a lot of the artists individually who would benefit from this are not getting anything from anywhere, and I would also just remind you that we have provided facilities support and operating support from our budget through thick and thin for a long time, even though there were always priorities that we might have considered more urgent because we just have a spread of things that we want to do in government. If the Council decides that there are more important things to do with this fine, but this is not some new users that we are talking about. This is basically an investment that protects an investment we already have and responds to a critical sector of our community.

Mr. Winston said as we think about this too, it is not just artists. I would ask Ms. Eiselt and Mr. Driggs to think about this, but it is those of us that work in the industry that supports artists. You have hundreds if not thousands of stagehands and technicians around in Charlotte who are unable to work. We are the folks that set up the shows, the lights, the cameras, the sound, the set, the trucks, the rigging, and those things and these are people that are going to be last to be able to come back to work because if an artist can't play for more than 10 people, then their entire crews of folks, and they also fall into work categories and strange things that happen. I would hope that we are not just looking at artists, but the artists supported workforces that are really struggling right now.

Ms. Watlington said your 1099 [inaudible] when you don't have unemployment benefits?

Mr. Winston said it is a mix and when you are talking about people that work, survive gig to gig, it is how people get it. It is a gig worker, but it is different than some of the traditional gig workers that people are familiar with. The job markets don't understand it and governments really do understand this portion of the work.

Mayor Lyles said we will ask Ms. Eiselt, Mr. Driggs, and Mr. Winston to kind of layout a plan and have it ready for us on August 10th; earlier than August 10th, maybe by the time the agenda goes out.

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BUSINESS

ITEM NO. 10: FY2021 GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT FOR TRAFFIC SAFETY

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

The vote was recorded as follows:

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

NAYS: Councilmember Winston.

The resolution is recorded in full in Resolution Book 50, Page(s) 745-746.

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ITEM NO. 11: SALE OF CITY OWNED PROPERTY ON SHOPTON ROAD

Motion was made by Councilmember Egleston, seconded by Councilmember Watlington, and carried unanimously to Adopt a resolution approving the sale of 117.6 acres of city-owned property located on Shopton Road to EastGroup Properties, L.P. for \$7,015, 000.

The resolution is recorded in full in Resolution Book 50, at Page(s) 747.

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ITEM NO. 12: SOUTH PARK – THE LOOP INFRASTRUCTURE REIMBURSEMENT

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to authorize the City Manager to negotiate and execute Infrastructure Reimbursement Agreements with developers in an amount not to exceed \$1,500,000 for public infrastructure improvements to build the Loop. Reimbursements will be funded by the South Park Comprehensive Neighborhood Improvement Program.

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ITEM NO. 13: GENERAL OBLIGATION BOND REFERENDUM

Motion was made by Councilmember Egleston, seconded by Councilmember Watlington, and carried unanimously to (A) Adopt bond orders introduced for \$102,732,000 of Street Bonds, \$44,500,000 of Neighborhood Improvement Bonds, and \$50,000,000 of Housing Bonds, and (B) Adopt a resolution setting the General Obligation Bond Referendum for November 3, 2020.

The resolution is recorded in full in Resolution Book 50, at Page(s) 748-756.

ITEM NO. 14: STORMWATER REVENUE BOND REFUNDING

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to (A) Adopt a bond order and resolution that makes certain Statement of Fact concerning the refunding of Revenue Bond anticipation Notes, (B) Provide for the issuance of Storm Water Services Revenue Bonds in an amount not to exceed \$116 million to refund the 2018 Bond Anticipation Note, (C) Authorize City Officials to take necessarily actions to complete the financing, including making the application to the Local Government Commission, and (D) adopt Budget Ordinance No. 9856-X appropriating \$116 million to the Storm Water Debt Service Fund.

The resolution is recorded in full in Resolution Book 50, at Page(s) 757-766.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 250.

ITEM NO. 15: WATER AND SEWER REVENUE BOND REFUNDING

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to (A) Adopt a bond order and resolution that makes certain Statements of Fact concerning the refunding of Water Sewer Revenue Bonds and revenue Bond Anticipation Notes, (B) Provide for the issuance of Water Sewer Revenue Bonds in an amount not to exceed \$405 million to refund outstanding 2009B revenue Bonds and 2018 Bond Anticipation Note, (C) Authorize the City Officials to take necessary actions to complete the financing, including making the application to the Local Government Commission, and (D) Adopt Budget Ordinance No. 9857-X appropriating \$405 million to the Charlotte Water Revenue Bond Debt Service Fund.

The resolution is recorded in full in Resolution Book 50, at Page(s) 767-776.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 251.

ITEM NO. 16: APPROPRIATE PRIVATE DEVELOPER FUNDS

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to (A) Approve developer agreements with CUSA N.C. Holdings, L.P. and Sweetgrass Berewick, LLC for traffic signal modifications, and (B) Adopt Budget Ordinance No. 9858-X appropriating \$184,920 in private developer funds for traffic signal installations and improvements.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 252.

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ITEM NO. 17: MUNICIPAL AGREEMENTS FOR NC-DOT ASSET MAINTENANCE ON STATE ROADWAYS IN THE CITY LIMITS

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to (A) Approve Municipal Agreements with the North Carolina Department of Transportation in the amount of \$1,175,000 for sign installation and maintenance on state-maintained streets, pavement markings installation on state-maintained streets, traffic signal maintenance on state-maintained streets, traffic signal retiming on state-maintained streets, and light-emitting diode (LED) traffic signal display replacements (B) Adopt a resolution to authorize the City Manager to execute Municipal Agreements and any subsequent renewals for up to five years with the North Carolina Department of Transportation, and (C) Adopt Budget Ordinance No. 9859-X appropriating \$300,000 from the North Carolina Department of Transportation for LED traffic signal displacement on state maintained streets.

The resolution is recorded in full in Resolution Book 50, at Page(s) 777-777

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 253.

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ITEM NO. 18: RESOLUTION TO CLOSE A PORTION OF THE ALLEYWAY BETWEEN 21ST STREET AND 22ND STREET

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to adopt a resolution and close a portion of the alleyway between 21st Street and 22 Street.

The resolution is recorded in full in Resolution Book 50, at Page(s) 778-786.

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ITEM NO. 19: AUGUST 2020 CITY COUNCIL AUGMENTED MEETING SCHEDULE

Motion was made by Councilmember Egleston, seconded by Councilmember Johnson, to (A) Approve the August 2020 Council Augmented Virtual Regular Meeting Schedule, and (B) Authorize the City Clerk, or her designee, to adjust the August 2020 City Council Augmented Virtual Regular Meeting Schedule in accordance to the status of North Carolina's phased reopening.

Mayor Lyles said this is the one that I was hoping that Council may be willing to come in because we have some zoning decisions on that agenda. We had a lot of hearings and so there will be a lot of zoning decisions and as well in addition to that, I think if we are going to talk about some of the things that are coming back from the Committee work and as well the other issues that we are going to have, I really wonder if the Council would be willing to start at 3:30?

Councilmember Egleston said on what date?

Mayor Lyle said on August 10th.

Mr. Egleston said we would not be making zoning decisions on August 10 per the schedule that has been laid out.

Mayor Lyles said I thought those decisions were on the 10th.

Councilmember Watlington said there is a decision that needs to be made on August 10th from planning.

Mr. Egleston said a singular decision?

Ms. Watlington said to my knowledge it is singular.

Mayor Lyles said how many zoning decisions do we have on August 10th?

Marie Harris said just one.

Mayor Lyles said Marie; what else do we have on the agenda right now?

Ms. Harris said we have the presentations deferred from tonight Madam Mayor, the two and then the video and then we also have, and this is the tentative agenda, not published, Task Force report outs and Committee report outs and COVID update.

Mayor Lyles said would you be willing to start at 4:00.

Motion was made by Councilmember Egleston, seconded by Councilmember Johnson, to (A) approve the August 2020 City Council Augmented Virtual Regular Meeting Schedule, and (B) Authorize the City clerk, or her designee, to adjust the August 2020 City Council Augmented Virtual Regular Meeting Sched in accordance to the status of North Carolina's phased reopening and start the meet at 4:00 p.m.

Councilmember Mitchell said I just want to make sure; is this an in-person meeting or is this a zoom meeting?

Mayor Lyles said it is still a virtual meeting.

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

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

NAYS: Councilmember Watlington

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ITEM NO. 3: CLOSED SESSION

Patrick Baker, City Attorney said I will need a closed session to discuss matters related to the location or expansion of industries or other businesses in the area served by the public body pursuant to G.S. 143-318.11(a)(4); I will also need a closed session to consultant with the City Attorney in order preserve the attorney-client privilege and to discuss the matters of English Construction Company vs. The city of Charlotte and [inaudible] Et Al vs. The City of Charlotte pursuant to G.S. 143-318.11(a)(3).

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to go into closed session.

Councilmember Winston said I just wanted to make sure that the RNC is included in this motion.

Mr. Baker said that will be included in the Attorney/Client privilege part of the motion.

The meeting was recessed at 11:52 p.m. to go into closed session and returned to open session at 11:53 p.m.

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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 11:55 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 6 Hours, 49 Minutes
Minutes Completed: August 17, 2020