

The City Council of the City of Charlotte, North Carolina convened for a Strategy Session on Monday, June 1, 2020, at 5:03 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** said I want to make sure the audience knows that this meeting is being held consistent with the State Law that allows for virtual meetings. In addition to that you can watch this virtual meeting, everyone in the community as well as the media on the City Government Channel, Facebook Live, or on the City's YouTube page. We have this Strategic Meeting once a month so that can Council can discuss issues in-depth, so we will have a very robust agenda tonight with several issues and topics for discussion.

Before we do that, I would like to read a proclamation for today, so I will begin with this proclamation before we go to our Agenda.

**WHEREAS**, our nation has passed a grim point in our history:100,000 Americans have died from COVID-19; and

**WHEREAS**, with the rapid spread of the virus, the scope of its impact, and its mitigation through "social distancing," we have not been given the time or space to mourn, lament, and remember those whose lives have been taken by the virus; and

**WHEREAS**, it has been impossible to bury our dead as people have for thousands of years communally and intimately with friends, family, and neighbors; and

**WHEREAS**, as individuals, residents of our city, and collectively as a nation, we need time to stop, reflect, pray, mourn, and honor the dead; and

**WHEREAS**, to meet this need, religious communities across faiths are acting in unity, gathering together safely to mourn, memorialize, and remember the lives of those we have lost, both in our diverse faith traditions and in our public squares, and to pray for the healing of our nation; and

**WHEREAS**, mayors are joining with faith leaders in their cities and across the nation through the United States Conference of Mayors to declare June 1, 2020, a National Day of Mourning and Lament and, at 12:00 p.m. local time on that day, to pause, reflect, pray, mourn and honor all those we have lost and, looking forward, to focus on repairing the injustices the pandemic has so painfully revealed:

**NOW, THEREFORE, I**, Vi Alexander Lyles, Mayor Charlotte, proclaim June 1, 2020, as a

**"NATIONAL DAY OF MOURNING AND LAMENT"**

in Charlotte and urge faith and community leaders and all of our residents to join us on that day and, to the extent possible, at 12:00 p.m. to pause, reflect, pray, mourn and honor all those we have lost and to comfort all those they have left behind.

This is the effort that was put together across our Country and many of our faith leaders and institutions have begun prayers beginning at noon today and is being asked by all of us by midnight tonight. With that, I hope everyone will take a moment and reflect on our losses in Charlotte and the hope that we will be able to end this COVID pandemic soon.

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**Mayor Lyles** said we will begin with the City Manager's Report. As all of our community is aware, we've been going through a rather difficult time with the protest and sessions

around the loss of the life of George Floyd in Minneapolis. With that, I'm going to turn it over to the City Manager.

#### **ITEM NO. 1: MANAGER'S REPORT**

**Marcus Jones, City Manager** said I will follow-up tonight by indicating that the Agenda has changed since the end of last week because my report will be dedicated to the demonstrations of the past few days and what we expect over the next few days. We will have Chief Putney leading that discussion, but before I turn it over to the Chief, I would like to talk a little bit about what was on the agenda and what the agenda will be for today.

Previously we had a discussion that was set aside for conventions where we would have Tom Murray as well our staff, talk about our preparedness for that, and that will be moved to next Monday's meeting. We had our Municipal Service District Reports, and I believe we have given those to you, but we will do that again. We would have had Darlene and Michael provide you with updates about what is happening in those two Municipal Service Districts. We will eventually get those presentations to you as well as quick summaries. Tonight, we will have as a part of the update, an update for you dealing with the recent demonstrations and those that will be occurring over the next few days as well as the Charlotte Business INClusion Policy Revisions. That was something that has been in a series of Committees and I think if I have this correct right now, Councilmember Mitchell, it was lastly discussed in the Business and Workforce Development Committee. There is an update for you tonight as well as we will follow through on updates for the two remaining Task Force Reports. We will lead off with Housing and end up with the Airport. If there aren't any questions of me Mayor or Council, I would like to turn it over to Chief Putney.

**Chief Kerr Putney, Charlotte Mecklenburg Police** said actually as we've stated, we've changed a bit. You are going to hear the report from Deputy Chief Jennings, and then we will open it up for any questions and we will both entertain any questions that you as a Council may have. So, I'm going to turn it over to Chief Jennings to give you the report, based on what has been transpiring.

**Deputy Chief Jennings, Charlotte Mecklenburg Police** said I'm going to start just by saying that I normally don't comment on other situations in other cities without making sure that I had the full story behind it and this one is different for me. It is one that I think the full story is there; there is nothing else that you can tell me or convince me from what I saw on the video and I will let you know that it is disturbing, it is heartbreaking, it is something that really triggered me and to also continue on with that, that in no way shape or form does that reflect what our expectations are of our Department, of our Officers. I have spoken with several Officers, both retired internal, both at the Chief's level and Officer level and I haven't met a single person that has any type of justification for what we saw in Minneapolis.

I wanted to start by saying that and to move on with some of the things we've seen over the past three days with the uprising that we've been facing and the rioting that we've been facing on Beatties Ford Road as well as within the downtown area. We've made 70 arrests so far since the demonstrations began on Friday night. We've recovered 10 guns. That is really disturbing to me is the fact that 10 guns have been in possession by some of the rioters and protestors that we've seen out there. That is what we've recovered so there is no telling what we were not able to recover as well. Another concern with me; eight Officers have been injured, some obviously more so than others but eight Officers had to receive medical attention for some of the actions that we were involved in out there as well. Dozens of businesses and properties have been vandalized. Rioters have thrown rocks, bricks, bottles of water, and Molotov Cocktails. Officers have been assaulted by all of those items by people who have participated in the rioting. One thing that is also disturbing is we had a protestor fall through a grate in the downtown area on one of the sidewalks and as Medic and Firefighters attempted to treat and get that person out and rescue that person, they were also hit with rocks and debris from some of the people participating in the riot. I'll just end by saying before we answer any questions that we always welcome and we are perfectly capable of dealing with peaceful protest. When it

is a crowd management issue that is fine, but when that protest turns into rioting and assaults and property damage then we have to take action on the law enforcement side. We are going to ensure the safety of anybody participating, ensure that they are able to do so, and exercise their first amendment right to assemble, but at the same time, it is our responsibility to keep law and order as well. At this point, we will answer any questions.

**Mayor Lyles** said I know that everyone on this Council is very interested in having the opportunity to engage with both Chief Putney and Chief Jennings so I thought we would start with the Mayor Pro-Tem, then the At-Large and then continue through. I'm going to ask Mayor Pro Tem Julie Eiselt, followed by Mr. Mitchell.

**Councilmember Eiselt** said Chief Jennings; this is the first opportunity we've had to have you before us as the incoming new Police Chief in the fall so, it is great to see you and thank you for your work. Chief Putney thank you for your work. I have a question that really has come from a lot of constituents. We know there is a protest or rally in Freedom Park tonight and what we've seen with these lawful protests during the day is more commotion at night. A lot of people are asking if there is intel with you all that protestors are going to go into neighborhoods, and we are hearing this in other cities as well. If so, how is CMPD prepared for that?

Chief Jennings said it is very difficult and there is intel that we do look at as far as when they go into neighborhoods residential areas it is concerning because you are disrupting the livelihood of people who live in those areas. We are prepared, we are fortunate to have staffing that we can help control those crowds as long as they are lawful and staying on the sidewalks and not disturbing people's private property, we have the capabilities of doing that and to make sure that we keep order in place as they do. We want to make sure that they do have the right to assemble and they do have the ability to be heard, but at this point, we don't have anything in particular as far as a neighborhood is concerned. We do have some locations they want to meet that are pretty close to residential areas, but not a far as targeting any neighborhoods at this point, but if they do so we will be prepared for that.

**Councilmember Mitchell** said let me echo Mr. Eiselt's comments. Mr. Jennings; looking forward to your leadership when you become our new Chief. One question, during this tough time our small businesses are already experiencing from COVID-19, and during some of the rioting, they have been impacted again. Is there a strategy to make sure our small businesses are not attacked during some of these violent protests?

Chief Jennings said I think that goes along with the entire plan, not just the small businesses, but again, as I mentioned we are going to protect life and property and that includes the small businesses. We are going to do the best we can, we have a really good force and I'm really proud of the Officers and what they have been able to accomplish over the last three days. They are exhausted, but they know what the mission is, they know what our purpose is, and they've responded well, so they are going to continue to do that.

**Councilmember Ajmera** said Chief Jennings; thank you for the update and I appreciate your leadership and CMPD's work here. We have gotten many e-mails about de-escalation; would you please share what CMPD is doing to de-escalate in this situation?

Chief Jennings said we are always trying to communicate with people involved in the assembly. We have a good Conversation Team that we deliberately put out to have those conversations and to make sure that we are all on the same page out there. Once we start getting assaulted and once, we start de-escalation we've said 100 times that it goes both ways. We have to be able to communicate and have those conversations and if one party is not willing to do that than our efforts are much tougher and often fail. We had some situations that we reached out and tried to do so, but escalation on the part of Officers being assaulted is at that point we have to be responsive to that and make sure that our Officers are safe.

Ms. Ajmera said I'm with you, the de-escalation goes both ways and assaulting anyone, a Police Officer is not okay where we have eight Officers injured, but what are some of the techniques that were used to de-escalate on Friday and Saturday or just over the weekend?

Chief Jennings said what are some of the techniques, is that what you are asking?

Ms. Ajmera said yes.

Chief Jennings said as I mentioned before, we get out and we try to talk with them. We will meet with them; I've had conversations with many of the people who have gone out to lead. Their intentions are great; a lot of the people who are leading these demonstrations have no intentions of them to go to the point of rioting. They get out of hand and you see people in the crowd; I'm especially flattered and very humbled by the fact that you've seen crowds gather around Police vehicles and you see people calling them and telling the crowd to calm down and leave the Officers along and not to damage their vehicles and damage the property. To me that says a lot of our outreach and things that we've done leading up to this point have worked because we do have ambassadors out there that are trying to make sure that this doesn't turn into things that we've seen over the last three days.

Ms. Ajmera said thank you Chief; to follow-up I know there are many folks out there and I have gotten some e-mails where folks have mentioned they were out there trying to build the peaceful relationship between Police and protestors, and they were arrested. What do you have to say to those folks?

Chief Jennings said let me first kind of education on that because we certainly appreciate anybody who is trying to keep things calm and to keep everything lawful, however, despite those efforts you still have people who are participating who want to assault and damage property and that is something that we can't tolerate as an agency. Once that starts and once we give orders to disperse those people that are attempting to help, they need to at that point leave and get out of the way because we are getting ready to stop the situation to protect our Officers, to protect property and that is a sign when we give those dispersal orders, that means everyone, even the ones who were out trying to keep matters calm. It is unfortunate, but that does happen, but those dispersal orders are not meant for just the people throwing rocks, it is meant for everyone in front of the line.

Ms. Ajmera said there seems to be a communication gap where when it comes to disbursement order that is meant for everyone. Also, the other question I have is what are some of the steps that we are taking to not see what we are seeing across the nation, especially in Minnesota, in LA; what is the plan that we have in place or what are some of the changes that we are making to our existing plans to protect all our residents?

Chief Jennings said I'm not sure if you are referring to the policy or anything, but what I can tell you is, like I mentioned, this absolutely in no way is what we expect from our Officers. We don't teach any tactics that restrict airways and as far as CMPD's policy is concerned, if you use a chokehold or you restrict someone's airways, that is a deadly force at that point and unless you have justification to use deadly force then you should not be restricting someone's airway. I think when you talk about what are some things that we are looking at, I think we made a huge change over to our response to resistance just recently. I think everyone is aware of that and that was a pretty significant change that included many stakeholders, internally, externally and I think we got to a good place. But I will tell you this too, that we are always reviewing our policies and reviewing things that we need to change. We've even discussed with this incident, we see something happen somewhere else in the country, we are going to see how we can apply that to our policies and continue to get better. That is what we have to do within our agency.

Ms. Ajmera said thank you Chief Jennings; I know you have had community conversations over the weekend along with your staff. Are there any specific policy items that have come from those conversations that the Council ought to look at?

Chief Jennings said from this weekend?

Ms. Ajmera said yes.

Chief Jennings said no, not at this point. We are still very early, we are going on very little sleep and it is Monday and we are going to put everything together. We are having those discussions and those are things that we are going to look at and as I said, continue to get better as an agency.

Ms. Ajmera said thank you Chief Jennings; I appreciate your leadership and also Chief Putney, thank you so much. I know we are in good hands with you all.

Chief Jennings said thank you.

**Councilmember Winston** said at what point in time do we change tactics from de-escalation to an escalation in force and violence?

Chief Jennings said we are responsive to what is put before us. If we are being assaulted, rocks are being thrown then we have to be responsive to that and we have to be able to keep the order out in the streets and that is pretty much my answer for that.

Mr. Winston said I don't think you answered my question. When do we change from tactics from de-escalation to escalation? So, you are saying if rocks start being thrown you will no longer de-escalate, you will only escalate the use of force?

Chief Jennings said you are talking about us escalating as an agency. We are responsive to what is being done to us and we are responsive to keeping the order and keeping the peace within the City. Once the property is damaged, once Officers are assaulted; that is an illegal activity and that is what we have to be responsive to. So, if you want to call that escalation on our part that is your opinion on that, but I will tell you the escalation starts when it is done by the people who are out protesting.

Mr. Winston said so standing in the middle of the street is illegal, correct? So, illegal is a very subjective application of force, is it not?

Chief Jennings said standing in the middle of the street is not legal during a riot when you are given an order to disperse. An order is exactly that; we are there to keep the peace, we are going to disperse when we deem necessary for the safety, not just of our Officers, but of the people that are protesting. When we give the dispersal order everyone must comply, or we take action as a Police Department.

Mr. Winston said do individuals commit acts that are suspected of crimes?

Chief Jennings said certainly they do.

Mr. Winston said so why are we not targeting those individuals that are suspected of committing crimes and why are we making blanket decisions for entire groups of people that are not suspected of committing crimes?

Chief Jennings said I think that is your opinion. I think we are targeting the individuals suspected of a crime. If we are trying to keep the order and keep the peace as an agency and people aren't complying with that, then they have to face the consequences of that because that is what our mission is and that is what our goal is, and we are going to keep the peace out there. Whether that is throwing rocks, blocking an interstate, we give as much as we can, but at some point, our job is to keep order out in the City.

Mr. Winston said on Friday night on Beatties Ford Road the Commanding Officer gave a command to the Police out there to drive the people up Beatties Ford Road from in front of the Metro Division to LaSalle Street. Why was that order given to drive them towards LaSalle Street? Is it on the policy to drive groups of protestors towards vulnerable business fronts?

Chief Jennings said you know what, I'm not going to get into specifics of tactics that we dealt with out there. What I will tell you is that whenever we give dispersals, we do have to give an out. You can't tell a crowd to disperse without having a way to get out and if that is the case, the tactics involved [inaudible] to make sure that people have a way to get out of the situation.

Mr. Winston said so I understand tactics are different than orders. I did not ask about tactics, I would ask why was that order given to drive them to LaSalle Street?

Chief Jennings said I disagree with you; order is a tactic; whatever we order is part of the tactic that we have to be able to control the crowd out there. I've been doing this for 28-years and when we start facing situations to where we have to control things for the safety of people then that is what we are going to do. If that order is part of the tactic that we need to make sure that we keep the peace out there.

Mr. Winston said do you think it is wise in your 28-years of experience to drive an excited group of protestors towards vulnerable business fronts when they were not threatening them in the first place?

Chief Jennings said I think it is wise to look at all the options of what we have out there and if that is the option that we took then I think our Officers – our Officers did a great job out there. Our Officers were out for several hours in the heat and dealing with hostile crowds, I commend them for what they did, and I think we had great leadership in Command out there and we were able to keep things as peaceful as we possibly could. I think you look at other cities that have dealt with the same thing, the training, and the resources that we have in Charlotte, I wouldn't trade that for any other agency in the Country.

Mr. Winston said to have chemical weapons this week-end been responsible or ever really, have they ever been responsible for the prevention of violence or destruction?

Chief Jennings said absolutely they have. Look, if our Officers are getting pelted with rocks, bricks, bottles; I have eight Officers injured. If it means that we have to use chemical emissions to quell that and protect our Officers, we are going to do that. I'm not going to sit and let our Officers get injured and assaulted and just sit and take it. We are going to be responsive to that and that is what we did.

Mr. Winston said what could I have done differently to not get arrested?

Chief Jennings said you could have left. When the dispersal order was given you could have walked away. I'm not going to try your case here talking to you at this meeting, but the bottom line is that the people that left, they didn't get arrested. You stayed there, you remained, and you were part of the line as Officers pushed through and that is what happened. So, if you want to talk further offline about that I'll be happy to do it, but you are well aware of the situation that happened.

Mr. Winston said I would like to do that, and I have no more questions.

**Councilmember Driggs** said Chief Jennings; welcome I look forward to being able to spend some time with you in person and get better acquainted. I appreciate your service under these difficult circumstances. One question I had is, all of this is taking place amid the virus threat and so are you able to do anything to safeguard your Officers from the virus in a crowd situation like this where social distancing is not being maintained and a lot of people aren't wearing a mask?

Chief Jennings said you know if you could look at some of the incidents out there; our Officers wore their gas mask for a majority of the time that they were out. One thing that we can't do is have an N-95 or a cotton mask on and then get the seal for a gas mask. That is just not possible so there are some things that we have to be prepared for, but once that gas mask goes on that is probably one of the top levels of protection that we

can have with our Officers. That is about what we can do, we realize that some of the risks that are out there when we start talking about COVID-19 and it is also a risk to the thousands of people that are out as well that are protesting and demonstrating without any type of personal protective equipment.

Mr. Driggs said I know the situation isn't over yet, but I did want to take this opportunity to thank your Officers for their dedication and professionalism with the strains under these circumstances. It is a very difficult situation that they are in and everything I saw suggested to me that their top priority was to keep things calm and to keep people safe in the face of various challenges. I would like to mention too, I think part of the reason it hasn't been worse here compared to other cities in the efforts that have been made and Chief Putney, you are on the call, I wanted to specifically recognize you here. The community outreach, the training of the Officers; we have spent a lot of time preparing for situations like this after the experience that we had, and I think we are seeing some dividends. I would like to think so. I hope that we can conclude this safely and in the same spirit that it has been handled so far and once again Chief Jennings, welcome to your new job and I look forward to seeing you soon.

Chief Jennings said thank you; I appreciate that.

**Councilmember Egleston** said my questions have been answered and I welcome Chief Jennings. I wanted to take this as an opportunity to thank the community leaders around the City who have helped to organize events that have honored the loss of life in Minneapolis for George Floyd and who have helped to de-escalate situations and make sure that people are voicing their frustration and voicing their anger for the wrong that occurred and making sure that we are working towards trying to improve those situations and avoid those outcomes in the future. I think there has been a lot of that going on, obviously, most of the attention is paid to folks who are not there without objective and the folks that are there to be destructive instead of constructive. There has been a lot of constructive conversations that have happened over the last three days, largely thanks to community leaders and activists and faith leaders in our community. So, while a lot of timing and thought will be put towards the negatives of the last three days, I just wanted to shine a light on some of the positives. Thank you to all those folks and I hope that work will continue.

Chief Jennings said that is very much appreciated; thanks for that.

**Councilmember Bokhari** said Chiefs, both of you, thank you all so much. I appreciate everything you are doing and going through. Chief Jennings; welcome to your new role here. Trial by fire is the only way I guess it happens. I do also want to join my colleague Mr. Egleston and say thank you to the community leaders, the folks who have been out there passionately protesting and doing so in an organized peaceful manner with leadership to make a very important point. I also want to thank the Officers; right now, everyone, if you don't know, our Officers have all been called back on duty. If they were at the beach, if they were on their vacation, if they were having a weekend with the family, they are back and they are doing 12-hours on, 12-hours off right now and thank you obviously, to them, but also let's remember their spouses and families and significant others that literally I see a dozen Facebook post a day saying wishing her husband or wife safe journeys today and hope they make it back to us. Thank you all for that. I just want to make a comment and then ask one question. I think the vast majority of all Charlotteans would agree with two truths right now. One, what we say in Minneapolis where an officer's knee on the neck led to George Floyd losing his life, that is unacceptable. And I think the second thing is rioting, looting, damaging ten thousand small businesses that are currently reeling right now in the environment they are trying to come back online in, the hospitality and tourism industry that is reeling and is once again reeling again for other reasons, those are two things that just can't happen. There has to be some kind of ground in between those two that we can exist and have the tough conversations and make the tough points we need to. So, we have a lot of hard work still to do. Clearly, we've made a lot of progress since 2016, we are seeing some of that play out right now, but we still have work to do. I think one thing that is clear to me is there are outside forces at play here and we need our community leaders to unite right now and show that this is

an inclusive and welcoming City. That tag line that we've been using for years now, this is where we need everyone to show we can have valid disagreements, we can protest things that are very important and conversations that need to be had, but we need to make sure outside forces don't cause damage and dismay that we started to already see and have them hijack what our local activists and protestors are doing right now. With that being said my call to action would be, we can't do this without our community leaders from the activist to the clergy and the faith community to the business community. But I might ask you with my question Chiefs, what is your call to action for this community right now on Monday when this is not over yet? We are still triaging in a ground zero.

Chief Jennings said my call to action is to step up. You mentioned it that we can't do it by ourselves as a law enforcement agency and we were frustrated not just at what we are seeing take place in Charlotte, we are frustrated at what took place in Minneapolis because we realize that although that happened in another state, it affects us. Very few jobs that something can happen all the way across the County or no matter where it happens in your profession and you are broad stroked as evil or a villain and it is frustrating for the Officers, especially the ones who are out there doing good work every day. That is out there trying to work with the community and do better things and then one incident like this they are vilified. That is something that this profession makes it very difficult for our Officers who are out there on the front lines every day. Nobody would ever condone any mistreatment or disrespect that an Officer gives a citizen because that makes it more difficult to do your job the next time an Officer encounters that individual. What I would say to the community is one, to step up and educate yourself on what we do and who we are and to help spread that word because when someone is given misinformation about what we do as a profession then if you have the knowledge and education about who we are and what we do then you can help clear that up with that individual.

Mr. Bokhari said thank you, Chief Jennings and Chief Putney.

Chief Jennings said thank you.

**Councilmember Johnson** said I also want to welcome the new Chief and commend the Police Officers; there are good Police Officers and thank you for the work that you are doing. Thank you to the community leaders and thank you for Councilmember Winston for being brave and courageous on the front line because it is people like you being on the front line that many of our faces of color are able to be at the table today, including the Mayor, Council, City Manager, Police Chief, and the Managers that are on the call, so thank you for being out there on the front line. Thank you to all of these peaceful and lawful protestors. I do have some questions; are Police Officers in riot gear able to be identified in their riot gear?

Chief Jennings said by the public?

Ms. Johnson said yes.

Chief Jennings said yes, absolutely they are. The riot gear stands out, yes.

Ms. Johnson said I don't mean that; I'm sorry. The badge number of their name or anything.

Chief Jennings said yes, they do have their name tags on the back, and it should be on their shoulder as well.

Ms. Johnson said when an arrest is made during the protest/riots are there specific orders to move in on specific individuals. How is that decision made on who gets arrested?

Chief Jennings said are you referring to if we have Officers in riot gear, how that arrest is done? Is that what you are referring too?



Ms. Johnson said yeah, because out of thousands of people that were out there over the past few days and there are 70 arrests, is it a coordinated action when a person is arrested?

Chief Jennings said yeah, there are often times that it is. Now there are different other times where – you know our Officers are trained that we arrest teams that will go after a specific individual and agitator. We also have other situations where if the line is moving, if Offices are clearing a line and someone is not moving and complying with the dispersal order then the Officers have the ability to pull them in and make the arrest as well. There are a couple of different ways to do it; we also have different units such as our Bike Patrols and some of our other units that can make arrests as well.

Ms. Johnson said specifically with Mr. Winston; he was arrested I would say between 8:30 and 9:00 for failure to disburse. Does that mean at that time that the event was supposed to be over and that everyone was supposed to be dispersing?

Chief Jennings said everyone is supposed to comply with the commands of our Officers out where we gave three orders to disperse, basically to move out of that location where they went to disperse to, they had different avenues to leave but at that point, it is very clear that people that were standing in the street were given an order to move and disperse.

Ms. Johnson said so if the event was still going on after midnight did that order change between 9:00 and midnight or was it just not enforced? Can you help me with that?

Chief Jennings said the dispersals are given at the time for that time that the Officers need to clear the street or to get people out. If they reassemble at a different time and we determine that they need to be dispersed again we will give additional dispersal orders. We gave multiple dispersal orders throughout the weekend in different types of situations, whether it was blocking traffic or if it was a crowd that was assaulting Officers or damaging property and we had to maintain order. That is one way to do it is to give those dispersal orders so that we can get everyone out and provide a safe environment for the people who are out demonstrating safely.

Ms. Johnson said again specifically with Mr. Winston there were, I don't know the count, a number of Officers that made that arrest. Would you consider that a justified process? Is that excessive or is that typical for an arrest?

Chief Jennings said with all due respect, I'm not going to sit and try Councilmember Winston's case. That is going to be something for the courts to decide. The Officers have probable cause to make that arrest and I've seen the video of it; I don't see any misdoings of the Officers and they treated that situation like they treated several others during this past weekend. So, that is something that can be taken into the court and that can be decided at that point, but this is not the forum for me to do that.

Ms. Johnson said that is fair; it is just concerning to me, and I'm not asking and don't think that we need special treatment as Councilmembers, but I just see it as our role to be peacemakers, to be a part of the team and I know the public also feels also that that was quite a message for a Councilmember to be arrested when it didn't appear that there was any violence or any illegal activity. I know you can't or may not elaborate, but that was just quite a message. When peaceful and lawful protesting is allowed, I just felt like that really sent a message. I'm also questioning the arrest during the COVID-19 crisis, I know that we were trying to empty out the jails because we were worried about individuals in jail, so I don't know if there is another process or something to be considered for people that are not being violent or looting or committing a blatant crime.

Chief Jennings said here is the last I will say about this. I disagree with you, it was violent; the Officers were being assaulted. It is very simple; we give a dispersal order, we give it three times, we give time and we give locations for people to leave. It is very simple, you turn, you walk away, and you leave. If you are not going to do that you are going to be subject to arrest and that goes for anyone whether it is a Councilmember, whether it is

the Mayor, whether it is another Police Officer that is in plain clothes, that is what is going to happen. We have to maintain order in those types of situations and as I mentioned earlier as in command I'm not going to sit and watch my Officers get assaulted. Whether you are doing the assault or not, if you are in the way then you are in violation of the law and that is what our Officers did. I really think that we could talk about this all day. I don't want to do that; I think there are other matters that we need to discuss the entire weekend.

Ms. Johnson said okay. My last question, I listed to Chief Putney's call earlier today and Chief Putney said where there was a question about the potential protestors during the RNC, but this is not specific to the RNC. Chief Putney; you said that protestors cannot come to a protest with a weapon. Can you clarify that? The reason I say that because just a couple weeks ago there was a protest in different state capitals and individuals were bringing a weapon, they were brandishing their weapons or showing them openly. So, are weapons allowed at a protest?

Chief Putney said this is the best way I can answer that without being an attorney because our attorneys are working through that very thing. There are two different Amendments that we are talking about; one is the freedom of speech. If there is a protest that is organized and ongoing you cannot then walk up armed. You are talking about the Second Amendment which is people who are doing this around the country who are going to an organized protest under the Second Amendment freedoms with weapons, and that we are working through because that is what is most concerning because that is what becomes illegal conundrum that we are going to have to get clarity around because we expect those kinds of things to happen here. But, right now it depends on, is this a First Amendment type of protest which is people here expressing themselves or is this someone talking about going off the Second Amendment under the First Amendment which is I'm coming to demonstrate my rights to have a weapon open because I'm worried that people are trying to take that right from me. Again, it is nuanced and a very complicated conversation that is going on with the attorneys right now so we can get clarity before we see that here.

Ms. Johnson said thank you.

**Councilmember Newton** said thank you Chief Jennings; I want to thank you for your efforts in this difficult time. I also want to thank you for acknowledging the injustice in Mr. Floyd's death and the wrongdoing of the officer, and hopefully, you would agree with the accompanying officers as well. I want to commend on all of the peaceful protestors that we've seen here in our City. You can look across the country and you can see city after city where protestors are engaging in violent destructive behavior and I'm so proud that we are setting an example here in Charlotte. I think that the protest at First Ward Park yesterday was a shining example of that where protest can happen, extend their message or we can have our message heard and we can do it in a peaceful manner. Having said that, I know that there should always be an emphasis on de-escalation, and I know that we've talked about that within our Police Department Policy literally for years now. We've taken strides to incorporate Policy that implores our Officers to de-escalate situations rather than the alternative. I've noticed that our Officers seem to be employing some tactics here in crown control that may be at face value appear somewhat violent or dangerous or potentially destructive. The thing that I guess most prominently come to mind are the flash things where those get deployed and I think they seem by their very nature to be dangerous. Rubber bullets would probably be the same; I've seen folks who have actually lost their eyesight when they have not just directly been hit by rubber bullets, but they've been hit by a ricochet, and I just wanted to ask what is the wisdom? I don't know if we are using rubber bullets today, but we are certainly using flashbangs and if we are interested in de-escalating situations, if we are interested in our Officers not being the folks that are maybe potentially causing violence and destructive results themselves, what is the wisdom in tactics such as flashbangs?

Chief Jennings said that is a very good question and I think you kind of answer. You said the folks that are involved in violence and destructive behavior. Let me tell you that none of our Officers ever want it to get to the point where we are using flashbangs. You mentioned rubber bullets; no, we do not use rubber bullets. I think what you are referring

to are pepper ball munitions, but when we have gotten to that point it is at the point of being out of hand. When you say de-escalation when our mobile force is put into action at that point all de-escalation efforts have been exhausted. If you ever noticed that we do not put a mobile field force, and when I say that I mean the ones that are in the suits and the padding and the helmets. Often times you are just going to see a bike Officer. Look at the 1,500 or so people that gathered Sunday. You did not see a single Officer in riot gear, you saw Bike Officers escorting them and it was peaceful. They were having conversations with our Officers and that is our goal. Like I mentioned earlier, that is crowd control. We can do that all day and we welcome that. I think that Officers stand in solidarity with the message that what we saw in Minneapolis is not just reflective of us as a profession, it is reflective of us as a society and we've got to heal and move on from that. What I will tell you is that we've already attempted de-escalation when we get to the point of flash bangs and pepper ball and that type of disbursement effort.

Mr. Newton said I think we are aware that there have been outside instigators who have come into our City and ramped up or escalated the nature of the protest in their own right. I wanted to ask about those folks. What tactics or are we, whatever you can disclose, are we employing tactics to identify those individuals and to make sure that their efforts are mitigated?

Chief Jennings said let me start by answering that is doesn't matter where you are from, if you are going to come and try to destroy our City, we are not going to tolerate that. So, I don't care where you are from, whether you are from our state, our city or another city, it is not something that we ever sit back, and watch happen. We do have people in our agency that lookout for information about other people coming in for those purposes. I think that is pretty evident throughout the country that that happens and that is a tactic for people who want to protest and cause property damage and assault. What we have to do as a community and as a City; we hear about what I can do, what can I do, we can't get into a state that where we let someone who is an agitator reflect on individual behavior. You have several who come out to peacefully protest and to march and keep everything lawful and then at a certain point they get caught up in the moment and they begin to engage in criminal activity as well. So, we need more people like we saw this weekend who will stand between the violence and the Police who will have that calming voice to keep people in line and to have peaceful and lawful and productive demonstrations.

Mr. Newton said you mentioned the dispersal orders and I think you said that there are three orders that are given before any action is taken. I would ask that that be confirmed, at the same time do we have a prescribed time period in which a crowd is asked to or should disperse, or is this something that Officers are taking it upon themselves to decide on a case by case somewhat suggested basis?

Chief Jennings said that is something that is discussed in great detail while we are in communication with the Command Center and Officers that are on the street. Ideally, we can give three dispersal orders and in between each of those we give a good amount of time period, whether that is 10 minutes or 15 minutes, we give that time period to allow for dispersal because when we give that order we want to give people an opportunity to comply. So, when they hear that first order they should walk away. When they hear the second-order they should walk away and when the third order is given, they need to know they probably need to pick up the pace and get out of there because we are going to clear the street. The reason we are doing that is that there is destruction or assault that is taking place whether on our Officers or on other people and that is a sign that it is time to go. Non-compliance that could lead to an arrest or being subject to munitions and things that we are going to do to get people out of the streets at that point.

Mr. Newton said have we done everything right here over the past three days? Would you consider that we have nailed it here or is there room for improvement and if so, what would you consider that room for improvement to be?

Chief Jennings said I would love to sit and tell you we are a perfect agency and we've done everything right. Here is what I will say; even if we have done everything right, we are going to review and make it even better. We are always looking to improve on how

we engage and that is important to us. To say that we did everything perfectly and everything right I'm not going to put myself out there for that, but I can tell you that I'm very proud of the Officers. We can sit in Command and we can direct all we want, but at the same time, you have Officers out there with 40-pounds of equipment that are marching in the streets and that are chasing and running and trying to get in position. It is exhausting and working 12-hours of doing that. This profession is not for everyone and our Officers stepped up and I'm very proud of what they did this weekend.

Mr. Newton said this is my last question; whether be here or whether it be across the country what has our Department learned over the past three days and I guess as a bi-product of that what can we improve upon based upon what we've learned over the past three days?

Chief Jennings said I think we learned that there is no immunity to uprising and unrest. I think for years I've heard other agencies say well, we have a great relationship with our community, this will never happen here. That is so far from the truth and Charlotte is a perfect example of that. Now you look at cities that are having these same issues that we are seeing and some of the bigger cities are seeing and it is just proof that we are not immune. What can we do better? I think we are doing it. We are always constantly looking at how we can engage with our community, things that we can build trust. That is why it is so frustrating that we are dealing with this because we feel like we've been making progress and building more trust and mending fences from 2016. Now we have to step back see what did this do to set us back and how much ground do we have to make up at this point? It is concerning and it is upsetting, and we feel some of the same frustration the public does. It is something we are going to have to heal from as well.

**Councilmember Watlington** said I just have two questions; the first one was very similar to Mr. Newton's question regarding time. I want to understand a little bit more on a broad level what role does time have in the previously know, use of force continuum. I just want to understand if time as a factor is codified or if it is part of the Policy or how that plays a role in general.

Chief Jennings said are you talking about in terms of use of force or in terms of disbursement that we are referring to?

Ms. Watlington said no, I'm not talking about disbursement. I'm talking about you've got a certain level of agitation or a certain level of aggression and it not increasing, but it is happening over an extended period of time.

Chief Jennings said truly, it depends, and I hate to give such a vague answer, but each situation is different, and each situation has to be evaluated at the time that we are dealing with it. So, to say that there is a set time that we have to give for certain compliance, there are a lot of factors that play into that and I couldn't bring it down to just one.

Ms. Watlington said okay, so I would just say that I would like, while I understand that you certainly can't say this is the rule every time, I would be interested in how that reasoning is standardized in training. Does that make sense?

Chief Jennings said yes, and just a little bit more. It has to be within reason and with safety considerations, not just for the Officer but for the person that we are dealing with. So, all of that are things that the environment that you have to look at when you start talking about how much time to give certain situations.

Ms. Watlington said my next question is as I think about, and congratulations if I haven't already told you, I look forward to your leadership. I'm interested as you come into your term, and this is in the work that has already happened since 2016 and the work in regard to community policing, what are some things may be coming out of this weekend or given the current climate across the country, what are the gaps or opportunities, what kinds of programs or actions do you think could fill some of the remaining holes in terms of bridging that gap and building trust in the community? You mentioned that there has been so much work, it is frustrating for those that are aware of some of the things that have happened.

What do you think the opportunity is in terms of either communicating or growing our programs or creating new ones?

Chief Jennings said one thing that we look at and that we are going to get better at is the Policy review. We start looking and people talk about what are we learning from this, what are we going to do. We regularly look at Policy and change it, but when you have an incident like this then you start to look back and say well what are some things that we might have missed. We never would have thought in a million years that we would be looking at someone pressuring their knee in the side of someone's neck to the point of death, so we go back and we say where do we cover, and we know we cover the chokehold, but we still have to go back and say are we doing the right thing, is this clear and concise so our Officers understand. And even though we still want to say that we never would expect an Officer to take those actions, and we've never seen it within our agency, but you have to always look at Policy review. Also, you look at, you talked about with the community, one of the things that I know Chief Putney has started and I think is doing really well, it was intentionally for the RNC, but the Ambassador Program where you have people that can go out and be our voice and be a voice of reason. Now, we also have to worry about their safety as well because they have to know that when it gets to a certain level it is time for them to leave as well. We want to make sure that they stay safe. There are some things that we can take away from that that may be ongoing that may have been intentional for the RNC, but I may want to look at and say this is something that we need to keep moving on.

**Councilmember Graham** said Chief Jennings, Chief Putney; thank you very much for being with us tonight. I don't have any questions; just a brief comment Ma'am Mayor. Part of the joy I believe in being a District Rep is you know what is happening on the street and part of the job of being a Councilmember is just showing up for the ribbon cuttings and the big celebrations but showing up when the community is at need. I had the opportunity to be there Friday night and had the opportunity to walk with Spence Cochrane and talk to some of my neighbors. Again, Beatties Ford Road is a corridor, but it is surrounded by communities and neighborhoods. Neighbors were rightly upset about what was happening literally in front of their front doors. So, I want to thank the Police Officers first and foremost, many of whom I know by name that works out of that District Office, for their patience, thanking them for their diligence and thanking them for just being a good representative of the City that night. Our Police Department is not perfect; they have learned from their mistakes and over the last four-years have tried really, really, really hard to bridge the difference in terms of what is happening in our community. They've worked with ministers and barbershop owners and everyday citizens trying to bridge this gap in our community and I hope that what happened in Minnesota doesn't [inaudible] hard work that they have done. Certainly, we've got more work to do moving forward; this is not the end of anything, it is the beginning and Police/Community relationship is a marathon. It will be with us for a while.

I want to say that again, and the protestors have every right to be out there protesting, I believe in why they were out there, I believe that it is important for individual citizens to express their beliefs and that is what they were doing on Friday night. They were protesting what happened in Minnesota, they were protesting what happened in New York where a white woman weaponized her rightness against a black man, and they were protesting what they say in Atlanta when two citizens cornered and killed another black guy. They were protesting injustice and they have every right to do so in a manner that is calm, in a manner that is peaceful, in a manner that brings attention to the problem of racism and discrimination in our communities and across this country.

What happened on Friday night on Beatties Ford Road at some point started to be very peaceful and then took a turn for the worse. I was there, I saw it. Officers only got riot gear after they were attacked over and over again by bottles and bricks, etc. after exercising a measure of restraint and cooperation and a lot of understanding because many of the Officers I spoke with said the same thing that Chief Jennings said in his opening remarks. That what they saw in Minnesota was not policing it was murder. So, where do we go from here? I hope as a community that we could acknowledge that we have to have a peaceful protest and acknowledge the fact what we saw in some cases

over the weekend was not, but we really don't focus too much on the rioting and not forget why people were in the streets in the first place. Racism, discrimination, hatred against folks that look like me. So, I think as a community I would hope that we would find a way to demonstrate with our minds, our will, and the power of our vote to create positive change here in Charlotte and across this country. I hope that we would allow our Police Department to protect and serve and I hope we would govern ourselves that when we do protest, in which I think we ought to be protesting, that we do so in a manner that focuses the attention on the problem that we are trying to solve versus picking up bricks, rocks and bringing the attention of that. We've got work to do Charlotte, we've got work to do Madam Mayor and as a District 2 Representative, I'm prepared to do the work with you.

Chief Jennings said Mr. Graham, your words are very true; thank you for that.

Mayor Lyles said thanks to everyone; everyone has had an opportunity to speak.

Mr. Winston said I have a follow-up. I think something that Chief Putney said was incorrect in terms of the open/carry protest. Those were not Second Amendment protest, those were actually reopened protest that was people were doing as a First Amendment right protest against the stay at home order that has been in place in different states and different municipalities. Those folks carry their weapons to those places because of their Second Amendment rights. Some people may think that it was to intimidate, but nevertheless, they have those Second Amendment rights. We are in an open/carry state, but I know that there are from very seasoned attorneys there seems to be this very discrete law that is being used right now which makes it impermissible. We are arresting people that have purchased guns with permits, also have concealed and carry permits as well. I know you said we are looking for some clarification but we know there are going to protest tonight and we know that people are going to be following the law and constitution and carrying weapons so please, I would love some clarification now as to what we can expect for people that are carrying weapons, particularly black people because there does seem to be a difference on what they should expect our Police Officers behavior will be towards them.

Mayor Lyles said Mr. Winston; I see that Mr. Baker got up and moved away, but I think your question is for an opinion.

Mr. Winston said it is for Chief Putney to know how our Police Officers will be handling people that are carrying firearms that have legally purchased and are being legally carried outside of this very discrete law that we are learning exist now that CMPD and the City Attorney don't even know how to really handle right now. We need to get clarification right now before we leave this dais about how people will be handled in the street tonight.

Chief Putney said yes ma'am, I would love to. I was not mistaken; I was absolutely correct. The law is clear, you cannot bring a weapon to an organized protest. What I was saying is the difficulty that the attorneys are going to have to give us clarity around, and they must, is we have the right to bear arms and people are saying they are coming to a First Amendment freedom of speech and they are exercising their Second Amendment which is to carry that firearm. So, what I'm saying is right now we have here the statute that does not allow for you to have a weapon at a protest. What I'm saying is we've got to discern between now and RNC whether or not the Second Amendment piece of it, which is the complicated legal matter so that we can have clarity when we expect to see those kinds of Second Amendment protest occur.

Mr. Winston said so what I'm hearing you say is that open/carry laws or rights are suspended for people in Charlotte around protest right now and carry and conceal permits will not be recognized tonight in Charlotte by CMPD. Is that correct?

Chief Putney said what I'm telling you is you cannot come armed to a protest.

Mr. Winston said thank you very much. Thank you very much.

Mayor Lyles said I've asked Mr. Baker to get back to the Council and be able to address Mr. Winston's question from the Attorney's perspective. With that, thank you, Chief Jennings and Chief Putney. This is the end of the report from over the weekend so, I guess we go right into our next item Mr. Jones.

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## **ITEM NO. 2: CHARLOTTE BUSINESS INCLUSION POLICY REVISIONS**

**Marcus Jones, City Manager** said yes and also as we go into our next item which deals with the Charlotte Business INClusion Policy Revisions, I would like to not only thank the community, but also the Council in terms of Team Charlotte and how we are dealing with these very difficult times and I don't want us to lose sight of our Solid Waste Workers who each night or early in the morning come out and clean the streets, and deal with some of the issues out there; Transportation, Fire, General Services and I just want to say there is a team effort to keep our City safe. So, with that said Mayor; I do believe I will turn this over to the Committee Chair and allow him to introduce the topic.

**Councilmember Mitchell** said first let me recognize and thank the members of the Workforce and Business Development Committee; my Vice Chair, Councilmember Bokhari, Councilmembers, Ajmera, Graham and Johnson. Tonight, I have asked staff to review the Council on the Charlotte Business INClusion Policy Revisions that were derived from the 2017 Disparity Study and recommended by then the Economic Development Committee and our Charlotte Business INClusion Advisory Committee. These changes are consistent with the City Council priorities to grow and develop our minority, women, and small business enterprise community through INClusion on contracting opportunities. These policy revisions will increase contracting opportunities available to our Charlotte MWSBE (Minority Women Small Business Enterprise).

At our May 11<sup>th</sup> Committee meeting staff reviewed these recommendations with the Committee. Since the old Committee had originally acted on these, I thought it was very important that new Committee members get a chance to see firsthand the recommendations that will be voted on June 8<sup>th</sup>. I recognize this is a little bit out of the ordinary Mayor, so I apologize that thank you for having some latitude on the procedure, but I think it is important that we support our MWSBE community and this is something the City Council made a priority and I think this is a big step for us. A place holder will be placed on the June 8<sup>th</sup> City Council Business Meeting for the City Council to take action. Without further ado, I would like to turn it over to Phil Reiger to kick off the presentation, but I wanted to thank the CBI staff for all the hard work and Thomas Powers.

**Phil Reiger, Director of the Department of General Services** said I'm accountable for the Charlotte Business INClusion Program. Tonight, I am fortunate to have with me Thomas Powers, Senior Assistant City Attorney, and Kay Elmore, Chief Procurement Officer to assist me with the presentation.

Tonight, we will preview amendments to the Charlotte Business INClusion Policy; those amendments are a result of recommendations made by the Charlotte Business INClusion Advisory Committee and they were endorsed originally by the Economic Development Committee. Tonight, Mr. Powers will address the question, what is a Disparity Study and he will review the 2017 Disparity Study considerations. Then we will wrap up tonight's presentation with Ms. Elmore and she will discuss or review the recommendations that were made and how they flow into the policy amendments.

Before I turn it over, I would just want to make a special thanks to our Charlotte Business INClusion and Advisory Committee and specifically want to thank the leadership of Stephanie Berwald and Edison Cassels. Without this Committee, these recommendations wouldn't be moving forward, and we just appreciate their hard work. Without further ado, I'm going to turn it over to Thomas Powers and let him continue.

**Thomas Powers, Senior Assistant City Attorney** said I want to answer the question tonight on What is a Disparity Study. Again, a Disparity Study takes a look at the actual

community for the locality in question, which will be Charlotte, and looks at all of the businesses that are here, minority, women or small businesses, and their availability as well as their utilization. That Disparity Study is a drop in a bucket at that time and what it does is based on the information as provided, it allows for a community to actually engage in race-conscious or gender-conscious measures if there is a disparity based on the availability and utilization of those businesses. Again, the disparity has to be below an 80% threshold. That means out of 100 businesses that are available if we only use 80 of those or less that would then be a disparity that will allow us to engage race-conscious or gender-conscious measures.

Why does the City actually conduct the Disparity Study? Again, as I indicated before, based on the actual information, if there is an actual disparity, in regard to utilization, the City is allowed under the law to engage in a race-conscious or gender-conscious program. Without the actual undertaking and conducting of a Disparity Study, we would not have the legal ability to engage in such programs. Typically, it is about a five-year time frame that a Disparity Study should be engaged. This will allow us to ensure that if we were ever challenged in court that we have the ability to say that the Disparity Study is as recent as possible in regard to the economic conditions that businesses are facing at that time. Again, I just want to make sure that you are aware we did have the Disparity Study in 2017, and soon we will be undertaking or kicking off the process for the Disparity Study in 2022.

Our of the 2017 Disparity Study our consultant actually looked at and considered various aspects and made considerations and/or recommendations to the City as a whole. Before you on the slide are several items that the consultant recommended. Again, at the top, you will see that one of the items was an aspiration goal of 20.9%. This is where, the City if they are undertaking any kind of contracting and there is not a disparity per se, in regard to that item, then we would be able to set a goal of 20.9% as an aspirational goal for any contractor to bid upon. Again, there were several other aspects of this such as a designated contract strategy or actually addressing sub-contracting goals as well, which Kay will allude to and speak about later.

These were some of the other considerations that were brought forth by the consultant, in regard to a review of our actual Disparity Study and our program at that time in 2017. I will turn this over to Kay who will talk about the recommendations from the CBIAC as well as the Economic Development Team.

**Kay Elmore, Chief Procurement Officer** said I'm incredibly pleased to bring forward the recommendations that have been supported both by the CBIAC and our Economic Development Committee. I'll run through those briefly and then allow you to ask questions. The first revision for the policy will be an addition to the history of the present and legal justifications for the adoption of our 2017 Disparity Study that is required in every revision of our policy. We are secondly, increasing the time that we allow for our prime contractors and sub-contractors to work together on utilization by giving our bidders a 24-hour extension to CBI Form 3. The CBI Form 3 is about suppliers, sub-contractor utilization and it is included in the exhibit if you would like to take a look at that for more additional information. We are also working in our good faith efforts, while we believe in good faith efforts, what we really want to have happened is that we want our bidders to come forward with MWSBE utilization out the gate and so we are modifying our points and breaking down work which is unbundling contracts from 15 to 10 and secondly, we are working on the good faith efforts for negotiating good faith efforts with MWSBE's. That means we are pushing them harder to work on back and forth negotiations.

Our next policy revision is about increasing the duration of SBE certification from three-years to four-years. We are also eliminating the ability to count a single MWSBE towards an MWBE goal and an SBE goal. Those must be counted separately and in both instances' primes must, if they do not meet the goal for utilization, they must go forward with a good faith effort for both parties. Finally, one of the more striking revisions we believe to the policy that is beneficial specifically to MWSBE is lowering our construction subcontracting threshold from \$300,000 to \$200,000. That benefits our MWSBE firms by allowing them to bond at \$200,000. We listened to them through reviewing Disparity Study



findings and talking about recommendations and felt that it would be appropriate to modify the construction threshold down to support their ability to bond and then participate in those deposits. We also believe in a smaller project or what we call creating the right size opportunity where our MWSBE firms can participate and they can grow into bigger jobs. They can build capacity through gaining experience in smaller jobs and then we are also increasing the pool of available opportunities in general. One of the final but lesser modifications we are making is basically we have revisions that we would consider to be non-substantive or administrative changes.

Our next for forwarding steps are as follows: We want to have a vote to reaffirm the previous Committee's recommendations at the June 8<sup>th</sup> Workforce and Business Development Committee. If it so pleases the Council we have a placeholder prepared for the June 8<sup>th</sup> Council meeting for the adoption of the CBI policy revisions at this time and then going forward into the program will be working with Legal, with our CBI Team, with our INClusion advocates across the City, with our prime vendors and our MWSBE vendors to make sure that we can work through smoothly transitioning this into these policy revisions.

**Mayor Lyles** said are there any questions for the Chair or the staff?

**Councilmember Driggs** said I'm not sure if I remember the whole history of evolution; I know we've had conversations in the past. I'm just aware of what the role was of the prime contractors in this process and in these changes. Has this been done with the full buy-in from all the parties?

Mr. Mitchell said Mr. Driggs, yes, I think the CBI Advisory Council did a great job of getting input from our prime contractors and you know on the Committee we have two prime contractors to serve as that voice, so it was unanimous in the Committee meeting and great input from all our prime contractors who are doing work for the City of Charlotte.

Mr. Driggs said okay, good work. Thank you.

Mayor Lyles said any other questions for the Committee or staff? Alright, we will see it on June 8<sup>th</sup>.

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### **ITEM NO. 3: COMMUNITY RECOVERY TASK FORCE RECOMMENDATIONS FOLLOW-UP**

**Mayor Lyles** said we have two items that we asked the Council to continue the Task Force Review and come back to the Council. The first one is the Housing Recovery Group and I would like to address this to Mr. Graham.

#### **Housing Recovery**

**Councilmember Graham** said this is an agenda item that reappears on our agenda from last week. The Council wanted us to take it back to the Task Force for confirmation and we did that for \$4 million for rent relief; \$4 million for mortgage relief; \$2 million for Above Roof Capital Campaign, SRO housing. The Task Force approved the staff recommendations by an 11-0 vote, and I ask your consideration tonight for it.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, to approve the Housing Recovery Task Force recommendations.
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**Councilmember Winston** said I wanted to push this last week when this was presented so we would have a chance to discuss it, we did have a chance to discuss it this past Thursday in our Task Force meeting. I will just let the colleagues know that there is still a lot of more work to be done, even behind this \$10 million that we are appropriating. It is not going to be sufficient, it is building off of a past decision that we have already made,

but in terms of the type of scale and the type of leverage that we need to put behind those dollars, we aren't there yet. So, I hope we continue to pay attention to this. I know we have another \$10 million appropriated, but we need to continue to look at this \$10 million and how to best leverage it and push it forward. I will vote to approve it with a little trepidation as to the best and highest use of these dollars.

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

### **Airport Economy Recover**

**Councilmember Driggs** said last week I presented the report from the Airport Task Force Working Group and at the time Council approved the report but carved out Paragraph 7 which was the ones which had provisions for relief to concessionaires at the Airport and that was because there were unanswered questions related to a proposal to add a requirement that health insurance is attached be those relief measurers for the furloughed workers of the companies benefiting from it. You should have received a memo from Brent Cagle yesterday that provided information related to some of the questions that were asked to help to shape this conversation tonight. I want to say first; I think we all understand that the prospect of a loss of health insurance is a source of distress for those workers and that is a concern to us. We care about them. The difficulty is that the COVID virus has created a disaster for businesses and employees throughout the City and we would love to protect everybody from hardship, but the truth is we are just able to. We need to choose our policies here carefully. I think that adding a health benefits requirement to Airport Relief measures would not be a good course of action for the City for a number of reasons and I just want to quickly run through what they are to [inaudible] conversation. First of all, the mission of the working group was to continue the existence of Airport concessionaires, so that employees would have jobs to return to when conditions improve. Our particular concern in this work was the viability of the sub-concessionaires, almost all of which are federal Disadvantaged Business Enterprises. I believe we should not stray from that purpose.

Second, the working group consisted of nine members, four councilmembers, and seven people with knowledge of the Airport economy and/or working with concessionaires. After a robust discussion of the pros and cons of a health insurance requirement, the group voted 9-2 not to include it in our recommendation and the final report of the working group was adopted unanimously without it.

The most important point that I want to emphasize is HMS Host has made it clear that if we do attach this requirement to the relief package, they won't accept it. They have their own business reasons, but it is just not something they are able to do so the outcome of including the requirement would be that the workers did not get insurance and their prospects of re-employment would suffer because of the financial condition of their employers.

Another point, four; trying to offer the insurance only to Host employees would raise questions of discrimination against Host, and it would also discriminate against the furloughed employees of any other company that benefited from the Airport Relief and did not provide them with health insurance. Is it really our intention to place this burden on the DBE sub-concessionaires?

Fifth, the small business relief proposed by Mayor Pro Tem Eiselt's working group does not include an insurance requirement. Would equal protection considerations dictate that all small businesses receiving assistance from the City provide health insurance if Airport concessionaires are required to do so?

Sixth point; Airport management has made it clear that it would regard an insurance requirement as harmful to its business partners and, ultimately, therefore, to their employees. Given the value that CLT represents to Charlotte, we should be sensitive to advise from its management.

The final point, my understanding of the legal position is one, there is no issue at all with the relief proposed by the Airport Working Group, but two, there could be challenges if the insurance requirement is attached, and three, there is no assurance that these challenges would be resolved in favor of the City. This is a risky course of action.

In short, we would open a huge can of worms if we tried to impose a health insurance requirement on HMS, and most importantly, all their employees would end up with no health insurance benefits and diminished job prospects. I urge the Council not to make this change to the recommended relief package.

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, to adopt Paragraph 7 as originally written.

Mayor Lyles said I just want to note before Council begins a discussion that we have had speakers on this item and it just continues for the Council debate and so while you have resources that you may address the question, the staff is here along with representatives for HMS Host and also representatives of the Task Force. Members of the Task Force are available for questions, but right now it is not an open item for speakers, it is actually to help you with your decision making.

**Councilmember Winston** said my question is about the procedure since this is a vote; this is an action item and usually, it gets presented and people will have a chance to make public comment on it. Why are people not allowed to make public comment on this action that we are going to take tonight?

Mayor Lyles said because by our rules we had a public hearing where I think we had at least nine speakers on this item as it was, and Council deferred it as a debate to come back to the Council for this one specific amendment. That was the motion, it is not a new item on our agenda and we've already had speakers publicly able to sign up. If you recall this a week old, I think.

**Councilmember Watlington** said I don't have a question Madam Mayor; I just to life up a couple of things. First, I wanted to echo what Mr. Driggs said about the fact that we understand completely that this pandemic has had a tremendous effect on employees and also businesses and so I didn't take it lightly in my investigation of whether or not to support the amendment that there were a lot of other impacts at play. The key thing for me in this one is that we understand from HMS Host that they will not accept this money if this condition is put in play, which I think would do far more harm to the HMS employees that we are trying to protect right now. That was the key piece for me, and I will be supporting the motion.

A substitute motion was made by Councilmember Newton, and seconded by Councilmember Winston, to include an amendment that would add Sections F and G as presented in the previous slide to the end of the recommendation No. 7.

Mr. Newton said if I could also reserve a time to speak on that amendment, I would appreciate it Madam Mayor.

Mayor Lyles said we have a copy I think of Mr. Newton's amendment posted so I will give everybody time to read it through.

**Councilmember Eiselt** said I guess I need to understand from our City Attorney, or I don't know if Mr. Cagle is available, what the implications of this alternate would be. I think like Ms. Watlington, I initially supported the idea of looking into this, I think it was a great idea. I do understand that our Airport is actually coming back to life a little bit faster than some of the airports. I know that is relative but American Airlines has chosen to route a lot of their flights through Dallas and Charlotte so, I think the best goal for everyone is that the businesses be able to open up again and not shut down. So, when they can open

up again, they can bring their employees back and therefore, have their health insurance. That to me would be the goal.

Mayor Lyles said Mr. Cagle is available to speak, he is coming on board.

Ms. Eiselt said I would like to know what the implications for "G" would be, and again, more in practical terms what that does to a business if we really think about our goal of getting these businesses back up and running sooner than later.

**Brent Cagle, Aviation Director** said I apologize; I'm just reading these items now. Notwithstanding all previous items allow HMS Host to defer the fixed base rental payment for its sub-concessionaire partners for the period of July 1, 2020, through December 30, 2020, with repayment terms to be negotiated. I believe that item as I read that, so let me back up and say that we have a contract with HMS Host, we do not have contracts with their sub-concessionaire partners. I would say that I believe that "G" would be consistent with one of the other items; it would be Item No. Letter 7-E, fixed base rent deferral July through December. As I read that, that looks to me like it would be the same thing. I assume though that the intention of "G" is to say that HMS Host could allow the sub-concessionaires to defer their rent payments even if HMS Host was not afforded that rent relief. I struggle with how to answer the question, it may be more of a legal question, but what I will say is that HMS Host is required to pay us the fixed base rentals for all of these spaces that are under their contract and that is all of the concession spaces for food and beverage. They just sub-lease some of those spaces to the local providers generally speaking the ACDBE local providers. That particular motion or amendment, I think it is consistent with what was previously there. I guess what I would say is that I would need to refer to Mr. Baker for a legal interpretation of "G" and its impact.

Mr. Newton said I wrote this if I could comment on that.

Mayor Lyles said Ms. Eiselt; is that the end of your question?

Ms. Eiselt said clear as mud Madam Mayor.

Mayor Lyles said I have Ms. Johnson next; Ms. Johnson; would you like to have Mr. Newton go in front of you since he wrote this to walk through it?

**Councilmember Johnson** said yes, please.

Mr. Newton said I'll start by noting that I have been contacted by a number of community members also representatives of employees and labor who asked to be a part of tonight's conversation and were told that there wasn't an opportunity for that. I have noted that we do have video feeds for approximately 10 representatives of the industry at our Airport here in this meeting and I harbor concerns about that because I thought that was something that was discussed pertaining to the Task Force, the fact that we didn't have the labor or employee representation at the table.

Mayor Lyles said Mr. Newton can I just interrupt you; you referred it to the Council, so we've had speakers. I don't want to leave the impression that we've not heard from people on this item. I want to say that we are in a discussion of the motion, just continuation and people have spoken on it. I want to be fair; people that have a feed into this are experts that we worked with and made a recommendation. And they will only respond if there is a question Mr. Newton.

Mr. Newton said we don't have a labor or employee representative here that can respond on behalf of them as well. That is all I'm saying, and they are not here. I wasn't aware that that was going to be the situation. I don't know what other Councilmembers were aware that would be the situation here tonight but having said that I do feel like it is important that we acknowledge in a time of a public health crisis that we want to make sure that folks have health insurance. That is what letter F is, particularly if we are talking about right here, we are renegotiating a contract. HMS Host has come to the Airport and asked that rental concessions within its contract be made and so to that end, not a CARES Act

(Coronavirus Aid, Relief and Economic Security Act) contribution, let's be clear about that, the CARES Act guidelines, and this is something confirmed by our City Attorney, the CARES Act guidelines do not apply here because this is the renegotiation concession of an existing contract. Nothing given from CARES Act dollars and I think also what we have heard – often times we hear a lot about why we shouldn't do something rather than saying hey, why shouldn't we. Without any sort of specific law that prevents us from placing a condition in this instance, once again I would say why shouldn't we make sure that our employees or the employees within our City are provided with health insurance. That is what condition F does; it says that HMS Host as a condition to accept the – so speaking with Mr. Cagle it was roughly between \$5 million and \$7 million of concessions so money that they get to keep, we are asking that they pay and so speaking with Mr. Fox, the Attorney for the HMS Host, they agreed to pay roughly \$1.8 million in health insurance benefits. That is what Item F does. It places that condition here whereby to receive the rental relief in Items A through E that health insurance must be provided up until the point that those employees are restored to their previous employment status before COVID-19. We all want to see that happen and so to Ms. Eiselt's point, the sooner that happens quite frankly the less money that would need to be contributed because those employees would then receive their full health insurance benefits. I think there is quite an argument to be made that that \$1.8 million might be left the benefits would be even more.

The second point here so, "G" I know that we all have spoken with and heard the concerns of our sub-concessionaires and so this is to possibly answer Mr. Cagle's question. In letters A through E there was nothing that specifically earmarks the rent relief provided to HMS Host for the sub-concessionaires. Maybe this is a by-product of the way we've conducted business over the years but that separate contract is not mandated, so these concessions being given to HMS Host, there is no mandate that they follow, or they flow through to the sub-concessionaires, and that is exactly what "G" does. It says, notwithstanding all previous items so, even if, and I know we've heard this threat that we are not going to take the relief we are asking for here if you ask us to provide health insurance for our employees. Even if that were not to happen, what "G" does, it says the Airport is still allowed the opportunity to provide rent relief to the sub-concessionaires. It would be subject to HMS Host agree to it, but it is something that even more specific than what we have in A through E because it does specifically earmark that money if accepted by HMS Host for sub-concessionaires. I think it is important to note here in this process; we were approached by HMS Host. I understand that they actually asked for more than what we are looking at providing today, but the inference that somehow if we don't provide it, practically with no strings attached, that it would be denied I think really undermines the idea of it being needed to survive. I feel like that under the circumstances here it amounts to us as a Council much like the employees, and much like in many respects the sub-concessionaires being held hostage. It is only fair, given the fact that we are in a public health crisis, given the fact that these folks who work at the Airport are likely more subjected to the risk of COVID-19 above and beyond other members of our community because they are people coming in from out of the country every single day. People coming in from other areas that aren't abiding by the same social distancing and the same types of protective guidelines to ensure or limit the spread of COVID-19. They are interacting, they are on the front line and I think it is only fair that we ask that they are provided the health insurance they need to protect themselves and their families. Just this past week there was an employee of HMS Host that tested positive for COVID-19. That person highly suspects that it was the result of working at the Airport. I want to make sure that we are doing our part to protect every citizen of the City of Charlotte. If we are going to be given concessions to a large company, one that is a subsidiary of a parent that has over \$500 million in cash on hand as of this past May, I feel like the least we can do is ensure that their employees get health insurance. That is what this does; F and then G; once again "G" being in place just in case HMS Host says no, we are going to walk, we can still ensure that the sub-concessionary partners get the rent relief they also need and deserve.

Ms. Johnson said can I get some history on why there is a contract with just the two large vendors and then the sub-contractors work with the large vendors? I know we can't do this right now, but would there be potential for the City to contract with those tenants?

Mayor Lyles said I guess that was addressed to Mr. Cagle?

Ms. Johnson said please.

Mr. Cagle said this has been a question that has come up from other Councilmembers. As far as the contractual relationship and how it is today, what I can tell you is I have been here eight and a half years and the contract has evolved or was created before I came here, but I will tell you that this concept of a prime concessionaire with sub-concessionaires is very, very common. I will also tell you that the relationship between the prime concessionaire and the sub-concessionaire is mutually beneficial to both parties. One of the reasons that is; is that you think about a restaurant the only similarity that a restaurant on the street really has with a restaurant in an airport is, they both serve food. How they operate, their staffing needs, how they receive their goods, the food, all of those things become more complicated and more difficult in an airport environment, and because of that, it is a very specialty of niche area. So, what the relationship allows for is smaller businesses, many times local businesses and ACDBE (Airport Concessions Disadvantaged Business Enterprise) designated firms to enter into large markets and gain experience and then grow from one store to multiple stores and to multiple locations where the prime concessionaire also does business. I think if you look at the ACDBE partners here in Charlotte that is exactly what you see. Many of the partners have multiple locations, some of the partners have multiple concepts. Some of them are sub-concessionaires to both Hosts and to Paradise who handle retail. Then others have multiple locations at other airports or other venues where Host and Paradise operate and so what it does is allow a small business person to enter a very difficult operating market and have the support of the prime concessionaire to grow their business and to expand their business. Ultimately, I think in the CBI presentation the goal is for those sub-concessionaires to grow in such a way that they then can compete ultimately for other airports and other locations and continue to grow their business. I think that is exactly what you see.

The other thing I will say about the contracts; they are what I'm going to call generational type of contract. They are very long and the reason that is, to operate in an airport takes a very high amount of capital investment, and in an airport environment once you put in that capital investment you need time to amortize the costs of those capital investments. So, the HMS Host contract, as an example, expires in 2030, the Paradise contract expires in 2028 so, these can be 20 to 30-year contracts and by allowing opportunities for smaller operators to come in and grow their business they give them opportunities that don't just come up once every 20 to 30-years. To your second question, could it be done differently? The answer is yes it could be so, as the contract comes up for a new competitive process, for a new RFP (Request For Proposal) certainly it is something that the Airport can and will evaluate on whether or not we want to continue with the prime and sub-concessionaire relationship, but that would be done per the expiration of the contract as we move into a competitive process and we would also want to weigh the pros and cons of changing course on that. Would it actually benefit the DBE provider, because our goal is to create opportunities for these relatively smaller ACDBE and local providers?

Ms. Johnson said okay, thank you. As far as this relief is HMS Host saying that they cannot or will not be able to provide health insurance to their employees? And because they have the prime relationship with the City then we don't have the ability to protect the sub-vendors or the smaller businesses. So, if HMS Host does not accept this relief then as Mr. Newton said, the sub-contractors are essentially held hostage or in line with this contract. I know according to Mr. Newton's proposal, I think HMS Host would have to approve for us to give assistance to the sub-vendors if they decide not to accept the assistance, are they willing to do that? Are they willing to allow us to assist the sub-vendors if they decide that this is not a condition that they can meet?

Mayor Lyles said Ms. Johnson; are you directing that to Mr. Cagle or to HMS Host?

Ms. Johnson said to HMS Host.

Mayor Lyles said Mr. Cagle; is Mr. Fox to represent them tonight?

Mr. Cagle said I believe so, yes.

**Anthony Fox, Attorney for HMS Host** said I have heard Ms. Johnson's questions; I've also heard Mr. Newton's presentation. Let me start by saying HMS Host cares about its employees, it cares to the tune of; the pandemic started in March of this year, it is an unfortunate circumstance that has riddled the country as well as this company. It has provided health care benefits for its 27,000 employees nationally during the period of the pandemic. We are talking about 1,300 effective employees at the Charlotte Airport; 426 of those employees opted for healthcare benefits. Those 426 received benefits for the two and a half months. With regards to the request that has been presented by Mr. Newton, which I have just seen for the first time, that request is asking HMS Host to extend those benefits for an additional four months. The \$1.8 million that Mr. Newton referenced was taken out of context. There was never an agreement of HMS Host to agree and commit to paying the four-month extended period of healthcare benefits. What it was, was a statement of what the extension of those benefits would cost, the cost being \$450,000 a month times four comes out to approximately \$1.8 million. With regards to the two proposals that Mr. Newton has presented, I applaud Mr. Newton on his efforts to try to get a win/win out of this but HMS Host, as I mentioned cannot agree to the conditioning of relief upon the extension of healthcare benefits nor can it agree or commit to the second approach would be the deferral of rent payments on the ACDBEs. What you are dealing with is an attempt by Mr. Newton and his proposal to rewrite two contracts, one of which is a Collective Bargaining Agreement which is prohibited by North Carolina General Statute 95-98 that prohibits governmental bodies from negotiating with individuals of a labor union. It is also prohibited by the National Labor Relations Act. The second one is to negotiate the concessionaire agreement that exists between HMS Host and the City of Charlotte. We would contend that this was a plan that was put together with your staff. Your staff is revered in the industry, they know how airports work. They have looked at what the airport industry is experiencing nationally, if not globally and looking at the instruments that they have, their contract documents, they have recommended and the Task Force agreed that the approach and the recommendation that is before you is the best approach and recommendation to ensure and promote the viability of HMS Host and the concessionaires and the ACDBEs to ensure that as the economy turns that there will be jobs that these individuals can go back to.

Ms. Johnson said thank you. I've also heard from the Union and the small businesses at the Airport, and the small businesses employ 700 or 800 people also, so there are employees on both sides of this, and while we do care about the health insurance and would want to protect individuals, we are simply just not able to as a City. Unfortunately, due to these COVID crises, there might be up to 27 million Americans who have their health insurance due to being furloughed. This is an opportunity for HMS Host to reduce costs, for their sub-contractors or sub-vendors to reduce costs because we know they have lost 90% to 95% of their business due to the COVID crises, and HMS and they are furloughed, they are also hoping to bring those people back. So, for that reason, I'm not going to be able to support Mr. Newton's substitute motion or the amendment to the relief because the contract is with HMS Host. I would say to anyone listening this is a State Medicaid expansion; this is a place where that would be appropriate or if the federal government could pass an act for healthcare for furloughed employees. This is an opportunity to put some pressure on the Republicans at the federal level or the state at the federal level to make those concessions, but as far as City Council, we have to protect our small businesses, our large businesses, we have to protect the Airport and we simply cannot risk losing those businesses in trying to protect a smaller population. I wish we could do more, but I will be voting to pass the relief.

**Councilmember Ajmera** said I have a couple of questions to confirm. This question is for HMS Host, to Mr. Fox. As a result of this relief would sub-concessionaires be able to get rent relief as well? I hear Mr. Newton say there is no guarantee since we don't have a direct contract with them, but is that the plan that HMS Host has, is to pass that relief to sub-concessionaires?

Mr. Fox said thank you for the question; the recommendation was to allow for the Airport to defer fixed space rental payments and that would be carried out, not just HMS Host, but its ACDBE sub-tenants who are viewed somewhat like partners of HMS Host.

Ms. Ajmera said so you are saying that they will get rent deferral?

Mr. Fox said I do believe that to be the case. We do have Yolanda Johnson who is an ACDBE available to respond to that.

Ms. Ajmera said I have talked with Ms. Johnson earlier; I'm interested in hearing from HMS Host that that is the plan. If we are providing this relief that relief will be passed on to sub-concessionaires. That is all I'm interested in.

Mr. Fox said without a doubt, it will be passed on to the number of ACDBEs who have helped carry forth the effective concessionaire program at your Airport.

Ms. Ajmera said that answers my question. The second question I have is to follow-up on what Ms. Johnson alluded to earlier. This question is for Mr. Cagle; are there any MWSBE goals for sub-concessionaires? In the contract that we have with HMS Host, are there specific requirements around the opportunity that should be given to minority-owned or women-owned businesses?

Mr. Cagle said that is an excellent question. The ACDBE Program is the federal Airport Concession Disadvantaged Business Enterprise Program so because this is under federal guidelines the City's CBI Program does not apply because it is preempted by the federal program. So, as ACDBE providers all of the sub-concessionaires, who are also ACDBE providers registered as federal DBE providers or in this case Airport Concession DBE providers and they fall under that program. The federal program does not recognize the small business component, but it does recognize disadvantaged groups.

Ms. Ajmera said I understand that it is a federal program but is there a specific number in terms of the requirement that 10% or 20%?

Mr. Cagle said I apologize; I did not understand the question, I do now. Similar to the process that Mr. Powers explained, we have a similar process for the federal program, and it is an annual goal that is evaluated every three-years. I don't know the exact goal, I think it is 18% to 20% but it is slightly different whether or not you are dealing with food and beverage, retail, rental cars or advertising because they all fall under the purview, but I can get you the exact answer if you would like.

Ms. Ajmera said yes, I would be interested in seeing how is that program different than CBI, not in terms of the certification, but the goals. If you could get back to me on that, that would be great.

Mr. Cagle said the setting and the process for evaluating are very similar in the form of disparity studies. We normally hire consultants to help us evaluate availability in the market, but I can absolutely get you more information on the entire program and the process by which the goals are set. I will say the goal is set in conjunction with the FAA (Federal Aviation Administration) Office of Civil Rights or OCR and Michael Torrez on my staff works directly with them and we would be happy to get you more information.

Ms. Ajmera said thank you, I would appreciate that. In terms of our business model is it a normal business practice that airports directly have contracts with only the prime and the prime will have sub-concessionaries contracts?

Mr. Cagle said yes ma'am.

Ms. Ajmera said okay, so that is just the way the industry works?

Mr. Cagle said it is not a rule; that is not an FAA requirement. That is the norm in the industry, and it creates a mutually beneficial relationship for these smaller, usually local,



and DBE designated firms to be able to enter a complex operating environment and grow their business.

Ms. Ajmera said I understand that it creates mutually beneficial relationships, but I was interested in seeing if we had a direct contract with concessionaires how would that look like today versus where it is currently? I would be interested in seeing that and how we could potentially look at that and also increase our MWSBE goals. The other question I have, this alternative that is currently being presented here, I don't remember if the public had an opportunity to comment on this. Did they? I know we did a lot of back and forth last Monday and I don't remember if this was the alternative that was presented as a substitute motion and if the public had an opportunity to comment on it?

Mr. Cagle said is that also for me?

Ms. Ajmera said whoever remembers because I'm trying to address the public comment question that came up earlier that I know it is a continuation from last week, but I don't remember. Mr. Cagle; do you remember this alternative being discussed at the last Council meeting and if the public was given an opportunity to respond to it?

Mr. Cagle said there were public speakers, I believe there were four public speakers signed up last week associated with the loss of benefits. I want to say this motion came before the Task Force at which there was Mr. Stewart Moore with Unite Here was engaged in communicating with Mr. Driggs, the Chairman of the Task Force.

Ms. Ajmera said that doesn't answer my question. My question is, did the public get an opportunity to comment on this alternative? I don't remember that it did, and I think that brings up the concern where what we have in front of us today, this alternative, I understand there was an original recommendation from the Committee and this alternative if the public had an opportunity to comment on it. Also, I had asked Mr. Driggs, the Chairman of the Task Force about having a diverse set of voices at the table and I don't see any representation from employees and that is truly concerning. With that being said I believe that Task Force member Johnson that when you talk about healthcare it is something that we need to address at the state level, at the federal level, especially at the state level with Medicaid expansion. I just don't see us addressing this at the local level just for 450 employees. We need to do that for all 900,000 Charlotteans and all North Carolinians. I have had an opportunity to speak with many small business owners and they have been waiting for this relief for a while and many of them if they do not get this relief may not survive and that is what I am concerned about. I had an opportunity to speak with Ms. Johnson and I had an opportunity to speak with another sub-concessionaire over the week-end who operates Red Mango Store and we need to go ahead and provide relief as soon as possible. Based on what Mr. Fox said that yes, this is to provide relief to HMS Host they will go ahead and pass it on the sub-concessionaires. I think we should move forward with that.

**Councilmember Winston** said I would like to give a shout out to Mr. Newton for really paying attention to this. I think he has caught onto something that is fair, that all sides give a little because we have three different sides here, tenant, landlord situation that we had, and workers that are a part of third parties. With that said I am very disappointed that there is no representation for workers on this Airport Committee. This is also something that I saw as a deficit in our Housing work; we did not have renters or those folks that are being subject to the instability at home or at work represented in our groups. All we had was businesses whose business models are dependent on some of this federal relief. I think that continues to be a flaw in our work that we should fix. Let's be honest here, HMS Host is not going to accept this, not because the proposal is not fair, not because they can't afford it, but it is because they are in a national labor negotiation. I would also like to call out the hypocrisy in this right to work state that says government entities cannot negotiate in a Collective Bargaining Agreements. While I don't want to necessarily get involved in the national negotiation here, let's be clear that HMS Host will not concede to what Mr. Newton has presented because if they concede here, they have to concede everywhere. So, while we can't participate in negotiations, we are subject to the negotiations that are happening and far too often we are saying we will always side

with the businesses and we ignore the situation of the workers and we say we are legally not able to address those things. This is the behavior that needs to change.

There are three things that people need here during COVID; they need a place to stay, they need access to food, and they need access to healthcare. I think this proposal gets people in a place to get all of those three things. I will also say that it is pretty ridiculous going back to those collective bargaining agreements that in this situation in particular, not only does the collective bargaining that is happening on the national level disallow us from specifically talking to workers who are constituents and who we are responsible for, it also puts a barrier between us and our small businesses, many of those who are local small businesses that they are subject to the relationship between those larger international conglomerates and their workers and our relationship. I talked to one of those small business owners and asked them pretty bluntly, let's be honest, if business models are not able to adapt to the environment that businesses have to operate in why we should support those? Shouldn't we let the market choose how they went? They gave me a very succinct and honestly compelling answer; that answer was well these conditions are created because the government shut things down because necessarily so, and they are right. I do think the situations that the government creates, even if they are justified, the government has the responsibility to remedy however, in the Airport business as Mr. Fox referenced is a slightly different beast than everything else. We know that air travel, airline business, but what we are specifically in, the Airport business is going to be changed even if those sanctions on the stay at home orders are lifted tomorrow. It is just the nature of this business so, in the desire to keep people housed, fed with access to healthcare I think the bigger conversation and the conversation that we are not having is, how do we use this relief to leverage the change of the Airport business? I have questions for the business owners that are on this call and I want you to be frank. We believe and we should believe, and I spoke to many of the Administrators at the Airport, I have spoken to representatives of the Airlines and I've spoken to small business owners in the Airport. If anything does return to normal it is not going to return to normal until three to five years from now. So, to your business owners, I need you, to be honest with me right now. If you get this rent relief how long will your small businesses be able to survive? What is the viability of your business given the change of how airports are going to operate, how long are you going to survive because that is going to be an important part of how do we make our employees that work for you whole moving forward? Are you going to be able to keep your doors open through September and that is it or do you see that you have a fighting chance over this next year to three years to three to five years? I would love some feedback from the business people that we have on the line.

Mayor Lyles said I saw Ms. Johnson was on the line and Mr. Kelly. I'm not sure who else is there.

Mr. Winston said HMS Host could speak too because you know again, we are just not going to need the same amount of restaurants there anymore, but we might need more space for certain restaurants. We need to speak clearly for workers to understand what is the medium and long-term expectations of what work at the Airport looks like?

Mayor Lyles said Mr. Cable you are probably the best one to start off because you are responsible for making all of these things happen, and if airport change is what we are talking about, I think if you could do that and then we have Mr. Fox to represent HMS Host. I think the future of the Airport and also would you address the COVID funding for the Airport and the context for it?

Mr. Cagle said I agree with Mr. Winston; the travel experience is not going to go back magically to how it was pre-COVID-19. I don't think anyone in the industry believes that and it would be silly if that were our assumption, we do not believe that. We are working right now to figure out how to do we re-instill confidence in the travel experience. There will be many changes that come to the Airport, and we are looking at that right now. We are working on that and that will be one of the things that we know over the next year we will be investing in some of those changes using the stimulus funds. Is there going to be a need to change the layout for hold rooms? How do we move to cashless payments or

a touchless experience overall in the Airport? We are doing that right now; we are working with American Airlines, we are working with the concessionaires. I know Ms. Johnson had expressed her concern as a restaurant owner, I know Ms. Johnson is concerned about what is a passenger expectation in a dining room going to look like at the Airport? I am sure Mr. Fox and his client are thinking about the same thing. We are all looking at that and right now we know it is going to be different, we know that the recovery is not going to come overnight, and we are trying to figure out how to best approach this and weather that storm. I don't know if the storm is going to be three-years, five-years; I don't know how long it is going to take to get back to where we were, the high point of 50 million passengers. I know that it is not going to be during the next fiscal year and so our goal is to work with all of the partners to redefine and meet customer expectations and use the stimulus funds where we can to create an Airport that meets the expectations of the passengers and to work with the concessionaires on that.

Mayor Lyles said there are two people who would like to address the question, Ms. Johnson and Mr. Beard.

**Yolanda Johnson, SB&J Enterprises, Inc** said Councilmember Winston; I know I had the opportunity to briefly speak with you earlier. Will I weather the storm with this relief? As Mr. Cagle just said, that greatly depends on consumer confidence however, what I do know is without it I don't stand a chance. All I'm asking for and all any of the business owners are asking for that e-mailed you yesterday, we need a fighting chance to weather this storm. I'm a mom and the relief that is outlined in the Task Force recommendation comes to you with a lot of discussions, a lot of vetting, and consideration on the part of the entire Task Force as well as the two small businesses that were represented. Many of us have weathered storms in the past, not a COVID storm obviously, but have weathered storms in the past and we've weathered for the same reason that we are coming to you today. We weathered those storms because of the fact that we had a prime concessionaire, as well as the Aviation Department, come together to gather and figure out what is best for the overall concessions program. I can only base my response to you on past experience and that has been my experience, that as a team effort we've been able to weather other challenges in the past.

**Adrian Beard, Whitman May Enterprises, Inc** said thank you for allowing me the opportunity to speak and to Mr. Winston's comment. We absolutely need the relief and we can't survive without it initially. I think I sent a few Councilmember's e-mails. Just take, for example, April; if I were to pay my April minimum rent that would equate to 95% of my sales, so that is not sustainable. The most difficult thing that I have done in my life is to lay off 20 of my 24 employees and there were individual conversations that I had with each employee and we are looking forward to bringing them back as soon as we can, but we absolutely need the relief in order to continue to operate as the air traffic picks up it is going to be important for that relief so we can continue to make investments, continue to purchase the food that we need to operate and to continue to move forward as we try to dig ourselves out of this hole that COVID-19 has presented itself. It is just not sustainable to pay base rent when it is more than half of what we are currently making.

Mr. Winston said I have follow-up questions; I'm not very happy that because our prime is in the business position that they are in, they dictate the ability to have a relationship with our small businesses. We also have other pots of COVID dollars, so I asked Mr. Cagle to talk to Assistant City Manager Dodson to get a better understanding. So, what if as we reevaluate what Airport business looks like, perhaps there isn't a place for an HMS Host in our Airport anymore. What if they did not accept this rent relief and they decided they wanted to pull out of our Airport? Is there something that we can do with our small business federal relief dollars that we have right now to work with our small business community that is already at the Airport to find more ways that we can work together to figure out what the future of our Airport business looks like? So, I would ask Mr. Cagle for any updates and Ms. Dodson if there are any ideas or there has been anything that has come out of that for what we can use those federal dollars that we already have to work with our small business community at the Airport if HMS Host were not to be there?

Mr. Cagle said I apologize, I know that we had the conversation last week; so, the question that Ms. Dodson and I have discussed is if there are less employees needed i.e. there are fewer concessions needed at the Airport because the recovery is slower than we anticipated, or it is just a different environment. Are there things that we can do to connect those displaced employees with workforce development opportunities for other businesses that continue to thrive or maybe thriving throughout this that are also in proximity to what I'm going to call the west side of the Airport area. Things like logistics firms and the answer to that are absolute, yes, and we want to do that. I know that Tracy and I had that conversation and we want to pursue that conversation. Now, the secondary question, I apologize, I have not talked to her directly, but I am absolutely happy to do that. About in what way can other stimulus funds that the City is receiving go toward assisting local smaller businesses to operate in the Airport environment.

Mr. Winston said okay, thank you. I have a question for Mr. Fox; it is our understanding that HMS Host would not take this rent relief if F and G are a part of it, does that mean if they don't take that rent relief that they will no longer be able to operate their businesses at the Airport?

Mr. Fox said I think the way to look at it now is what is before you is a lease and a contractual arrangement between HMS Host and the Airport.

Mr. Winston said I have a question; that is a yes or no question.

Mr. Fox said it is not a yes or no answer. With all due respect, it really is talking about the company and the ability to say that they are not going to –

Mr. Winston interrupted to say, let me ask the question a little differently. If HMS Host does not accept this rent relief how long will they be able to operate their business at Charlotte Douglas Airport?

Mr. Fox said how long would you be able to operate a business where you have five percent and 95% of your business is gone? The reality we have at your Airport, we have five percent of the traffic as opposed to the other 95%.

Mr. Winston said that is not an answer to my question; I'm going to ask it again. How long will HMS Host be able to operate at Charlotte Douglas Airport if it does not receive this or does not accept this rent relief?

Mr. Fox said I can't answer that question. I would have to talk with HMS Host with regards to the bill, but I will tell you this that the agreement that they are under is a lease agreement with the City and there are provisions that they are required to meet that the City may start to enforce. [inaudible] that the City may be in enforcing these provisions that may not be being met.

Mr. Winston said Mr. Fox; I just had to small business owners get on here and tell me that if they don't have this rent relief, they will not be able to continue to run their business. So, I think it is completely fair if they can answer the question that HMS Host should be able to answer the question. How long will they be able to operate their business at Charlotte Douglas International Airport if they do not receive a rent relief from these stimulus dollars?

Mr. Fox said I'm not prepared to give you an answer to that question because I don't have the balance sheet of HMS Host before me.

Mr. Winston said if you don't have that answer through this whole process again, I would ask what is the process? What were you working for in this group to say that you need these tax dollars to continue the business? If you don't know that answer what was HMS Host position through this whole process?

**Councilmember Bokhari** said no offense everyone, but I've got 2,000 people marching through my District right now and I don't have time for this, so I will bid you all later and I'm going to be out there with the protestors. Good night.

Mayor Lyles said Mr. Winston; Mr. Egleston has been waiting 50 minutes to speak. I think that we can go back and forth but I can clearly see –

Mr. Winston interrupted again but his comments were inaudible.

Mayor Lyles said I was going to ask if you would mind if Mr. Egleston who has not spoken yet and we will come back to people that have spoken. Is that acceptable, if not you may continue.

Mr. Winston said I would like an answer to my question; when can we expect an answer from HMS Host on that question? How long will they be able to run their business at Charlotte Douglas International Airport if they do not receive this? It is an essential part of this vote right here. If you can't answer that question, then why are you even here advocating for it?

Mayor Lyles said I think Mr. Fox has said that he can't answer that question, but I think your point as made is essential.

**Councilmember Egleston** said I'm used to waiting an hour to speak in these meetings, it is okay.

Mayor Lyles said no, it is a long day.

Mr. Egleston said we are all very passionate and I don't mean to make light of the conversation, it is a serious issue and I think that to a person on this Council everybody believes that folks deserve healthcare, especially in a time such as this, and more needs to be done towards that end. I do have two questions for the City Attorney, and we've talked about this a little bit, but I would like a little bit more of a clear legal opinion two fronts. One, Mr. Newton made reference and I see the difference he is highlighting; my question for the City Attorney is whether he believes there is a definite legal difference between dollars that we've gotten from the CARES Act that goes directly to small businesses in the form of a grant and in this case, and Mr. Cagle can correct me if I am wrong in the way that I'm looking at this, but rent relief is not us giving dollars directly to the business which Mr. Newton's point and I think a valid one. My question is if the lost revenue to the Airport by virtue of giving that rent relief is essential if the Airport is somewhat made whole by those federal dollars from the CARES Act does the City Attorney see a legal difference in those two circumstances or from his vantage point is that six of one and a half-dozen of the other?

**Patrick Baker, City Attorney** said I think I understand the question and I think the best way to answer is that the report that came out of the Committee that references providing HMS Host and Paradies with a deferred rental, I believe that would be consistent with the Act and that you could do that. So, from that perspective, I don't have any legal concerns with providing the rent relief and using the funds to basically supplant what we would have been getting from the entities.

Mr. Egleston said understanding that part, and I probably didn't do the best job of asking the question. I think Mr. Newton's point was that maybe if the dollars were coming from the CARES Act and going directly to the vendors that they might be subject to certain regulations that might preclude us from doing something like attaching a healthcare provider to it, but because they are not a direct pass-through, but it is in the form of rent relief, that might somehow legally be different. That is what I was trying –

Mr. Baker said yeah, I think there was a challenge when we are only talking about the folks that we've got a contract with and their sub-contractors, we are not in direct privity of contract with them so, it would be a challenge to have a direct negotiation with them or providing them with direct relief when they are the sub-concessionaires of HMS Host and

Paradies. I believe the program as has been presented that came out of the Committee, I think is an appropriate way to go rather than reaching down directly to the subs since we are not in privity of contract with them.

Mr. Egleston said what I'm saying was just if you could address Mr. Fox's points on; and it was to the Mayor's point maybe an hour ago, so Mr. Fox might have to quickly restate but there was a couple of items that he had mentioned as it relates to a potential violation of us interfering with labor negotiations or something like. If you recall exactly the provisions of the statutes that he was talking about I would be curious to hear your response to that and if not, then Mr. Fox can repeat them.

Mr. Baker said I think I understood Mr. Fox's points on this, and I really can't speak to their labor agreements. I haven't seen them, and I have no reason to believe that Mr. Fox's interpretation of those labor agreements is incorrect in the sense that they would have to provide this relief to all of the other outposts, and it is not just a Charlotte issue. I will reiterate what I said last week; as it relates to the seven of the recommendations A through E, I don't have a problem with any of those recommendations. Those are the types of things that then they take COVID-19 out of the equation, these are the types of things that we would be able to negotiate with HMS in terms of the operating hours and the financial statements and adjusting revenue guarantees, etc. That would be the normal course of our contract negotiations with them. The concern that I have as it relates to the insurance piece, that wouldn't be a topic for normal contract negotiations. Now, this isn't exactly a normal contract negotiation as Mr. Newton has said; this is simply would you like to have this particular relief, and if so, this is the condition on the relief. So, it is not the classic negotiation that you would see, but my concern, and I can't tell you that there is a prohibition against doing this nor can I show you that we have a clear authority that we can do this, but it is an area that we don't typically deal with and negotiate. That is the concern that I have that I don't know that you are going to have the authority to do that. You could talk about some of the particular legal issues, the bigger issue that I would have potentially is the attention that could be drawn to this requirement here and whether or not that would expose us to a change in the law or the federal government coming and saying we never told you, you could condition this relief on insurance provided by the employers. I just don't know what would happen. I think Mr. Newton has raised some points that I think would be on the side of you can do this, but there may be just pointing to the fact that there is nothing in the Act and there is very little guidance in the Act. We are constantly looking at the fact sheet that they have provided to us for guidance as we try to figure out what we can and can't do. That is sort of the basis of my legal opinion that A through E are perfectly fine, no issues whatsoever. Hard to say about this insurance requirement and taken aside whether or not HMS Host would agree to it anyway, it is just hard to say. I think there are some arguments that you could do it simply because it is completely voluntary, and they can accept it, or they cannot accept it. We are not making it a condition of their contract with the City or anything like that, it is just voluntary. But it is in an area that we are prohibited from negotiating in a normal negotiating situation and that is where my concern is with it. But, as I said, if that is the direction the Council was going to go, I would defend it, but it does give me pause for concern as the lawyer advising you all on risk.

Mayor Lyles said I think that we are now at the point that most people are ready to make up their minds. We have a substitute motion on the floor to add Mr. Newton's, it is listed as F and G.

Mr. Newton said I do have some follow-up questions Madam Mayor, and then a statement before kicking over to Mr. Driggs I'm assuming to call the question. My first questions are for our City Attorney; I know you said that nothing prevents us from doing this so, my first question is why couldn't we have the authority to do this if nothing prevents us from doing this?

Mr. Baker said again, this is not the type of contract issue that you would normally be able to negotiate in a bid contract, and as I have mentioned your point about the fact that this is completely voluntary, it is not a condition of a bid, and you are not cramming it down anyone's throat, may play in favor of being able to at least offer this. They can yes or they

can say no and then you can move on. That would be the argument for it. There are potential arguments against it, namely, we don't have the precise authority or clear authority that we can make that condition a part of the offer and there may be others that come from HMS Host.

Mr. Newton said you bring up the idea of a big contract; I think you are probably referring to a statute that you sent over to me that says whenever there is a condition of bidding on a contract, this isn't a condition of bidding on the contract, right?

Mr. Baker said yes, and I've tried to make that clear that is not what this is.

Mr. Newton said that would be a prohibition because this doesn't condition of bidding a big contract out the window, that particular term. It is kind of irrelevant in this circumstance. I think what Mr. Egleston was getting at was whether or not this action would be subject to CARES Act guidelines, this isn't something where CARES Act dollars are being appropriated, this is a renegotiation of an existing contract allowing a company to keep the money it would otherwise be spending. Is that regulated by the CARES Act?

Mr. Baker said no, this is a separate provision.

Mr. Newton said that answers my questions there. I wanted to mention, just for clarification purposes, the Collective Bargaining Agreement, I have it right here and I don't know if you can see that, but it is specifically an agreement that applies to employees here at Charlotte Douglas International Airport and I wanted to ask Mr. Fox, is there currently a national negotiation going on for employees and collective bargaining right now?

Mr. Fox said the contract that you showed to the members of the Council was the result of a negotiation between HMS Host and the bargaining unit. That contract was entered into in May of this year. The terms of that contract dealt with compensation and benefits. I still point you to North Carolina General Statute 95-98 which specifically says that it is a matter of public policy of this state that contracts between units of government and labor are against public policy. So how do you get there? You get there by insisting upon HMS Host condition to deal with unionized employees with regards to an element of their healthcare benefits and you mandate that those benefits be extended for a period of time, notwithstanding the existing recent Collective Bargaining Agreement that was negotiated between the parties in May of this year.

Mr. Newton said thank you for that. I think what I heard was is that there is no national negotiation. The only contract that is really binding right now is this one which is the one here in the City of Charlotte and at the same time, inasmuch as any collective bargaining statutes are concerned, we are in a process of operating and working with HMS Host, not the unions and so I think there is a point to be made here that that is not applicable in this case, that particular statute.

Before kicking it over to Mr. Driggs, I wanted to give my personal feelings on this and where I'm at. I think most of you know how I'm going to vote but it is really difficult for me to believe that our interactions with this company are working with a partner that is operating above board, and we don't actually have HMS Host here. I really give Mr. Fox a lot of credit, he is doing a fantastic job on their behalf, but he can't answer all the questions, and I think that has been exhibited thus far. It would be great if they were here, but instead, in all the conversations I've tried to have with HMS Host folks, it is always operating through an intermediary party, an attorney. I wanted to mention that we are talking about a multi-national company here with revenues of over a billion dollars per year owned by two billionaires and we are being told here that somehow \$5 million to \$7 million, upwards of \$7 million of relief is necessary for them to just squeak by, but at the same time we are being told that they just won't take it if something that amounts to a fraction of that has to be spent to pay for the health insurance of their employees. So, at the same time, what I have also heard here is not just will they deny the benefits they would receive, but at the same time, they would hold it against the sub-concessionaires. They would say that if you don't give us everything that we are asking for, practically

unilaterally asking for here, we also make sure that any benefit does not extend to sub-concessionaires. The amendment that I have proposed here accomplishes all goals, it ensures that HMS Host gets relief to survive. At the same time, it ensures that the healthcare of the employees of HMS Host is covered and also it ensures that rent relief extends to the sub-concessionaires. No questions asked, it specifically earmarks it in this relationship to be extended and not just placed in the pocket of HMS Host. Having said that I would ask everybody to please consider adopting the amended language. Don't allow us as a Council to be strong-armed or held hostage like I believe the employees of HMS Host, as well as sub-concessionaires, are being held right now. That is my two cents, I'll kick it over to you Mr. Chair.

Mayor Lyles said it was your substitute motion so, I feel like if Mr. Driggs is okay, we can go ahead and vote on the motion. Everybody has spoken and we've discussed this an hour. I just want to check in; are you okay Ms. Johnson?

Ms. Johnson [inaudible] to Councilmember Newton; the last thing you said was that your motion addresses all sides and if we stop the final letter in the proposal [inaudible] whether or not HMS accepts it. I think we would have to have their permission, I think it would still have to go through them and they would have to funnel that down to the sub-contractors. Isn't that correct?

Mr. Newton said yes, but it could be specifically earmarked for the sub-concessionaires where right now the A through E just gives the money or allows HMS Host to hold onto the money without specific earmark to ensure that it does go to sub-concessionaires.

Mayor Lyles said we've had a substitute motion as a condition of receiving the rent relief mentioned in the previous items signed concession contract holders shall retain their Charlotte Douglas employees who are furloughed or reduced to part-time as a result of COVID and extend healthcare coverage contributions to those until their original employment is restored, notwithstanding, all previous items, allow HMS Host to defer the fixed rent payments for sub-concessionaire partners from July 1 to December 30<sup>th</sup>.

Ms. Ajmera said I have a question for Mr. Newton. HMS Host has clearly stated if we put that condition of healthcare they are not interested.

Mr. Newton said [inaudible] not giving the sub-concessionaires a [inaudible] that we would offer.

Ms. Ajmera said okay so what you are saying is that they are not interested in the relief, but they would still have to give it to sub-concessionaires.

Mr. Newton said what I'm saying is that what we are being asked for is an all or nothing proposition with no [inaudible] in between. The amendment I'm proposing F and G is one whereby we can ensure that [inaudible] but at the same time ensure that the money can also be given, regardless of what happens [inaudible] with HMS Host decision on whether it is not going to take the money it says it needs, but also keep a provision in place whereby we can offer money for sub-concessionaires. That's what the last [inaudible] does.

Ms. Ajmera said so your motion provides relief to sub-concessionaires regardless of whether HMS Host takes the relief or not.

Mr. Newton said yes ma'am.

Ms. Ajmera said okay, I got it.

Mayor Lyles said we have a motion on the floor, I think there would be some question about how that – I think the City Attorney addressed that and I don't think there is a yes or no answer to it so we will just go ahead and continue.

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



YEAS: Councilmembers Winston, Newton, Bokhari and Ajmera

NAYS: Councilmembers Watlington, Mitchell, Johnson, Graham, Egleston, Driggs and Eiselt

That motion failed and a vote was taken on the original motion and recorded as follows:

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

NAYS: Councilmember Winston

Mayor Lyles said I know this is difficult to have these kinds of debates and really appreciate everyone's comments and participation in it and thank you for all the hard work that was done as a result.

Mayor Lyles said we have the motion to adopt the Airport Recovery; we do not have a closed session. I do not know, Mr. Jones do you have any information that you want to give us as an update on the protest or any other updates.

**Marcus Jones, City Manager** said yes, the last message that the Council has that is peaceful and that is where we are right now.

Mayor Lyles said that ends our Strategy Meeting; our next meeting is June 8<sup>th</sup> and on that, we will have budget adoption. The Manager has prepared the budget in accordance with the straw vote effort and you have that. Mr. Jones anything else on that agenda that you would like to note?

Mr. Jones said for the 8<sup>th</sup> Mayor?

Mayor Lyles said yes.

Mr. Jones said that is the major item that we have on the agenda for the 8<sup>th</sup>, and we will talk more about ramping back up services.

Mayor Lyles said I was wondering if we could add that to some of the topics that we had the agenda for this one.

Mr. Jones said yes.

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#### **ITEM NO. 4: CLOSED SESSION**

No closed session occurred.

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### ADJOURNMENT

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

The meeting was adjourned at 8:12 p.m.



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Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 9 Minutes  
Minutes Completed: June 18, 2020