

The City Council of the City of Charlotte, North Carolina convened for a Strategy Session on Tuesday, November 12, 2019 at 5:08 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Julie Eiselt, Justin Harlow, LaWana Mayfield, James Mitchell, Mat Newton, Greg Phipps and Braxton Winston II.

ABSENT: Councilmember Larken Egleston.

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Mayor Lyles said if you will look at the agenda that was sent out to you, we are going to have some modifications. Item No. 1, Public Hearing for Tegar Corporation has been deferred to November 25th. Also, Item No. 4, Diversity, Equity, Inclusion Summary will be deferred until a later date. We will begin the agenda with the vote on the Silver Line and then we will go into a closed session. Following the closed session, which I expect if we beat an hour that would be great. We will come back and talk about Tethering and Circus Animals, which leads us to what I think was defined as Redistricting on our agenda, but what I wanted to say is that I am going to refer to the Council Committee on Budget and Governmental Effectiveness the resolution policy for the City Council, so that we have a way to define what we will do if we choose to do anything. So, Item No. 5 will be a Council Policy on Resolutions that would be referred to the City Council Committee of Budget and Governmental Effectiveness. So, we will not take that item up tonight.

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ITEM NO. 2: BUSINESS ITEM: LYNX SILVER LINE DESIGN AND ENVIRONMENTAL SERVICES (ITEM FOR VOTE)

Motion was made by Councilmember Harlow, seconded by Councilmember Winston, to (A) Approve a contract with WSP USA Inc. for professional design and environmental services related to the LYNX Silver Line Light Rail project for up to \$50,000,000 and (B) Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Mayor Lyles said we have some Mayors in the audience today and I would like to recognize them: Mayor Charlie Martin from Belmont and Mayor Walter E. Reid, III from Gastonia. We also have Adrian Miller, who is the City of Manager of Belmont and Rusty Boss, who is the Director of Engineering for Gastonia. Both of these Mayors John and I see on a regular basis. While they are not official members of the Metropolitan Transit Commission, they attend all of our meetings, and they've all sent you copies of resolutions in support of the Silver Line, and they are joined by many other Mayor across our region, because the lines are the foundation for what would be a regional transportation system. I know we are not going to have you speak but wanted to make sure that we recognize Mayors that came because of the interest in the agenda items that we have before us.

Councilmember Bokhari said thank you for that delay to gather my thoughts. I've really struggled with this one, because I know what kind of impact it can have, but I also know what a big undertaking it is going to be. It is great to see our fellow colleagues from surrounding towns and places where again the regional impact is so important. Where I'm still struggling with this is not necessarily the impact that it will have in a positive manner; it is a couple areas, and I'm going to vote no tonight because of these, but I don't want anyone to think it is, because I don't think that this is potentially a good project. It is because I was hoping to have done a few other things before now with our community, with our colleagues here and with staff. One of which is we are moving forward with a \$50 million spend which obviously we can't guesstimate how much this project will cost and what it will entail until we go down that path. So, everyone I think is crystal clear on that, in order to get to the next step, we have to spend this money. What I was hoping was that we could embark on something that in parallel could be done without that, without moving forward there and that was having a discussion as a community, with our neighbors and others, on what do the funding mechanisms look like for this.

We've had a couple discussions but spending that \$50 million in no way is contingent for us to have that discussion. We can be having some of those discussions now, and while we did turn down as a community, a sales tax recently, I think that gives hope to future funding opportunities, but it so much more than that. Whether it is a quarter cent here, whether we have to go Raleigh, whether we have to raise property taxes by five and 10 cents or whether we have unique ways to recapture some of the value we create along this line in MSD like approaches, all of those are viable options; I was just hoping we could have this conversation because what ultimately happens is when we go down the \$50 million design path without having it that conversation is had a couple years from now with a \$50 million gun to our head. It almost makes it like, well we've already spent this; we have to move forward. That was one of the big things that concerns me.

The other thing, just to be quite frank, is I am really struggling with my tech nerd hat on looking at how everything is changing from a technology perspective and a transportation perspective. We look over the last decade, we could never have imagined the world where with a couple quick clicks of your phone a stranger will pick you up in their car. So, what does that look like in the next decade, and are we making bets on things that may ultimately become more of an economic development play than an actual transit and moving people play? What do we know? We don't know what it is going to look like, but we know cars self-driving are going to be coming off manufacturing assembly lines within the next decade without steering wheels. So, we don't know what that is going to look like, but we definitely know that the future of transportation won't look like it does today, that we thought it was 10-years ago and for the next 10-years. So, for those reasons I'm a no, but I want my colleagues and our surrounding town leaders and our community to know that I see value here. I definitely do, and I will be at the table working hard; for those reasons I have to be a no tonight.

Councilmember Eiselt said I always enjoy hearing from Mr. Bokhari when he talks about futurism and what some of the trends are, and while I agree that there is a lot of talk at the state level and nationally about automated vehicles we also know that is still cars on highways and we've got to be planning for rapid growth, not just in our City but as a region; we are the hub of that region. I think the interest that Gastonia, Belmont, Matthews, Stallings, all these towns have shown us, it shows us hot critical it is that we act like a region, that we can move people from one place to another. When we talk about our affordable housing challenge, we are talking about affordable housing within a certain distance from uptown, but now we are talking about affordable housing, it could be 20-minutes away by light rail, and you are in Gastonia so that changes the conversations to what affordable living is all about. I think we have to go down this path, because I don't know that we have the ability to wait. When I see the major cities in this country that are taking on big transit projects and transit also means buses- I remember when we were in Seattle three-years ago, and they were talking about a \$52 billion package to build out light rail and buses, and when we said wow, we were sort of saying excuse me, but that was a B. When we said how did you get people to accept that, they said it wasn't about accepting it; it was about how fast can you get it done because that is a 25-year build out. I don't know that we can take this off our list of options right now given the growth rate that we have in our community and the need for different forms of transportation and transit. So, I'm going to be a yes for this, and I was one of them that also said, wait a minute, we need more information about this \$50 million. What does it get us and just let's just rip the band aid off and talk about how it has to be funded because we've got to start talking about that.

Councilmember Ajmera said I had made it very clear at the Transportation and Planning Committee meeting that I'm going to support this. We as a Council often talk about transportation and congestion etc., and how do we tackle that? This is an investment into our mobility option but also addressing traffic and congestion we are seeing where we have a system built out throughout the City, so if you want to tackle that we have to invest in our infrastructure. The way I see this, this is a capital investment that is going to help us tackle mobility option, traffic congestion, economic development in all parts of our City. I'm a resident of East Charlotte, and I tell you a lot of residents in East Charlotte have to actually go outside of the District for economic opportunities, and that is a challenge, because that is where we see so much traffic on Independence Boulevard. If you are

serious about addressing some of these issues we have to invest in our light-rail infrastructure.

When we talk about \$50 million this is a very small amount of money compared to how much it is going to take for us to address when it is completely built out. It is really frustrating for me that here we are discussing challenges just for \$50 million. This is planning and design money. If we don't invest this money right now then we might as well say we are not going to invest in our infrastructure, because that is all it comes down to. We cannot delay this because this is going to add land acquisition costs. The further we wait the price of land acquisition is going to go up; so, the time to invest is now. We are already behind other cities when it comes our transportation infrastructure. So, I'm in full support of this; let's get this done.

Councilmember Driggs said I think we have two questions; one is the merits of a major rail line and all of the impact that it could have, the connectivity it creates, and I see that we need to look at that seriously. What troubles me about this particular contract is \$50 million is not exactly sneezing money okay. I want to make sure that when we commit \$50 million that we are going to get good value and that we are not so distracted by the billions that we plan to spend later that we think, why worry about it? It is only \$50 million. I did have a question for the Manager; do the contract terms allow us to just discontinue? I talked about this before; we are supposed to approve \$50 million tonight; is there any reason that we can't approve \$10 million or \$20 million tonight and use the time that it takes for that money to be spent to look further at the funding that will be required for this, get more public engagement in terms of what it means for them if we go down this path and at least, to the extent that things don't turn out exactly as we think, not be on the hook for \$50 million bucks?

Marcus Jones, City Manager said one thing that I would like for us to express tonight is that as we start to review this \$50 million investment; the last time we were before you, we were talking about a five to seven-year timeframe. After going back and re-evaluating where we are, we believe that we can get this design done over a two to three-year time period, but we also make a commitment to this body that during that time period whether it is getting to 15% design and then coming back and giving you an update before we get to the 30 or coming back at 10 and 20 and then 30. We can do that, and we are willing to do that in terms of just keeping you informed and up today of where we are in this preliminary design.

Mr. Driggs said if we decided in a year's time to change course what is our obligation to the contract counter party under this \$50 million contract? Can we just tell them we decided to stop?

Mr. Jones said I will turn that over to John, but before that, our desire is that you wouldn't stop course, that we would be just giving you these updates as opposed to waiting for two to three-year period before we came back to you. So, John, in terms of how the contract works.

John Lewis, Transportation Director said there is language in the contract that would allow us; it is based on task quarters, and so we give the contractor the ability to begin with task quarter number one. We can end at any point during that timeframe.

Mr. Driggs said the thing I think we really need to do is look at where the money is coming from, and I would just to Houston's recent commitment to a \$3.8 billion project that was funded from a known revenue source, an existing revenue source. We have the half-cent transit tax that we knew we were working with for the Blue Line. In this case we are jumping into a void, and just so people understand the magnitude of that, if we use a range like \$5 billion to \$7 billion for this and if the City ends up being responsible for \$2.5 billion, it would take more than a 30% increase in property taxes to fund that, or it would take a quarter-cent sales tax increase to generate \$900 million of that combined with a nickel of seven. So, those are the magnitudes that the general public should understand could be at stake here, and I would really prefer that as we move forward the public knows what it is that we are doing. I would also mention that the other item that was on our

agenda tonight indicates matching funds are being, and this is the contract with Kittelson & Associates and it talks about the matching funds from City of Belmont, the City of Charlotte pays some, Gastonia. We have no idea what the funding structure will be as it relates to the other parties to all of this. So, we need to look at this. We have uncertainty about how much the federal government will provide, what Raleigh will provide. We don't know what the amount of the costs will be, and I understand we won't know that in detail until we get further along, but I just think there are really big questions that haven't been answered yet, and that is why I am uneasy about committing a fairly substantial sum, \$50 million at this point and would hope to have found a way to get the toe in the water for a lesser amount to get to a certain stage of design, get answers to some of those big questions and make sure the public understands could be looking at a 30% increase in your property tax bill, something like that, and again we won't have all the details but there is a lot of stuff we don't know. So, without prejudice to the line itself or to the advisability of feasibility of the line I'm just ready to vote for this tonight.

Councilmember Newton said I am ready to vote for this, and I think we can be paralyzed by this impending doom of uncertainty. We are not going to know these numbers but for our investment in something that we all know is direly needed. This is something that is going to be placed in five of the seven City Council Districts and the districts that have the most transportation need. It seems to make a whole lot of sense for me; at the same time, we have been presented information on projections for who this is going to be funded. There have been models presented to us to show that it won't be a 30% tax increase, so I'm very comfortable with us moving forward on this. I feel like otherwise we are going to find ourselves in a position where it is going to be too expensive to move forward in the future. We know that these figures we are seeing today are only going to continue to compound upon themselves, and if we truly are committed to transportation then we would take this step.

So, with the sales tax that got voted down about a week ago, many people voted against it, because they chose transportation over the options provided in that sales tax. Now, whether or not that is money that would otherwise be provided to us I think is immaterial; the fact is as I can look at that, and I feel when I look at that I think that was also referendum on transportation for us and the need and the desire of the community to see that we do have more investment in public transit projects, particularly once again, the areas that have the most needs. I am someone who is very much in favor of this, and I will be voting yes.

Councilmember Phipps said I have a question for Mr. Lewis or the Manager; our failure to take this first initial step, does that pretty much put the brakes then on any movement to go forward with this project?

Mr. Lewis said it would not preclude us from moving forward with the Silver Line study in the future, but what is critical and particularly time sensitive, in our presentation earlier we outlined the numerous NC-DOT projects that are moving forward into levels of design that it is very critical for us to be in lock step with them so that we make sure that either through commission or omission that things aren't happening in those projects that would prevent us from moving forward with this corridor as we are intending at this time. It is of absolute necessity, for that reason, that we move forward as quickly as possible, so we can catch up with some of the NC-DOT projects and move in concert with them for others. As an example, the bridge over the Catawba River is one that is moving forward very quickly, and we want to make sure that we are coordinating with NC-DOT on that.

Mr. Phipps said so, absent our approval tonight of this then that would put us that much further behind in being able to collaborate and coordinate with these different projects that are already underway by NC-DOT?

Mr. Lewis said you are correct sir. Mr. Phipps said in my District, I guess I'm the beneficiary of significant investment in light rail, so I guess I'm kind of biased with the potential there. I guess in my seven-years on Council, talking about the transit plan 2030, 2040, being on CRTPO, just everything that is transportation related, I see that this is a critical step that if we want to move forward and if we are serious about our regional

transportation plan we have to at least take this step to know what the numbers will be. I realize that the Manager said it is going to take a Council term and a half to even do the design study, so I guess many people that are on the cusp of being sworn in two weeks from now another Council will be on board by the time that environmental study, if everything goes on schedule, if it is going to be completed in three years. I think that it is crucial that either we are serious about this or not. I think we've always known that this project is going to cost billions, and we were always thinking about how we were going to come up with this money, but I would hate to think that we would stop this project dead in its tracks before it even gets off the ground. With that in mind, I'm certainly going to be in support of this particular item tonight.

Mr. Bokhari said I want to emphasize, this is a big project; it is a big deal. It is important that we talk about all the angles, but I appreciate everyone's perspectives. Just a couple things I wanted to circle back on, Ms. Eiselt, you had talked about the cars on the road. Again, we don't know what the future in the next ten-years of transportation looks like, but we know some things that might lead us to believe we need to think about them hard before making the single largest bet this City has ever made on any investment. For example, I talked about when the cars coming off the assembly line without steering wheels, that is in the next decade we will see that, but right now, Honeywell, who we've recently gotten to know, has an entire department of people that every day they come to work building a flying taxi cab. So, all I'm saying is that there are ways that autonomous vehicles may change the way we think about getting people around to the tune that we might have individual dedicated lanes on all corridors in this town that are only for autonomous vehicles that act like a light rail. Again, it is totally impossible for us to know but when we are making the single largest bet in our City's history, I think it is important for us contemplate that. I think as we look around the votes seem to be there for it so, the only thing I would ask is \$50 million is not a small amount of money, we worked for over a year and a half on affordable housing to put that amount of money up and a lot of work there. So, I would just ask as we move forward into this we really put some emphasis on having a community dialogue on the sources of funding for this, so we are having them now and if there is some kind of red flag going up we see it now and not after \$50 million has been spent because the community needs to understand if we were just to raise this with property taxes, which we wouldn't. We are talking probably around 12 cents it would take to do that. If we took the quarter-cent sales tax that was recently not passed, which we can't, and pared it with that it is still six or seven cents of property tax. So, there are creative ways to do that; let's not wait five-years to have that conversation; let's start having it now would be the only request I would have.

Ms. Eiselt said Councilmember Egleston couldn't be here tonight; he is out of town, but he wanted to make sure that it was expressed that he supports the vote if he were here. He can't vote by internet or phone, but he would be supporting this vote.

Councilmember Winston said of course we can't see in the future, but we have to look into the past, and we this commitment to transportation and commitment to giving people an option to travel from the east side of our City to the west side of our City without the dependence on their own personal vehicle is a matter of desegregating our City. We have made the commitment to do that; I hope we have made the commitment to do that because this City Council, and this government in the past has created this type of system and we have to put a restorative lens and an equity lens on the work that we are doing.

It might be difficult to quantify or understand the technologies that are coming in the future, but we can quantify the effect that our policies in a segregated City, County, and region have had upon us in the past, in the present and even moving forward in the future. So, a commitment to building a system of public transportation is a commitment to really bridging those equity gaps that we have spoken on so precipitously over the past few years in particular. So, I think we need to get past this and figure out what the next step is to further connect different parts of this City, this County, and this region and I'll be a yes and unless somebody else has something to say I would like to call the question.

Mayor Lyles said I would like to say something. You know several years ago, I think Mr. Driggs and I were both on the Council and Mr. Mitchell, we took a bus ride all over the

City in all seven districts, and one thing I remember following that is that most people that live on the east side have to travel twice the time that it took other people to get to their jobs because there were no jobs on the east side. So, transportation is key to what we are talking about. If we are going to connect housing and affordability and the opportunities for people to get to work so they can get there, that is what this Council has talked about for the last two years: jobs, housing, and a way to get there. You cannot go to work late, and you must have reliable transportation to show up on time. I remember a young woman came up after we took that bus tour and she talked about the time it took her to walk from her neighborhood to a bus stop and to be able to get downtown. She had job that she lost, because she could never get reliable transportation. Even with all of the technology and everything that we can ever imagine, this country has always had stratification of income, so when we are talking about the future that future often might not include those folks that need the immediate ability to not to have a car that cost them over \$5,000 a year. The taxes and the gas and the repair and the insurance in this City, all of those are factors in our lives. So, what I want us to remember that we can't be serious about just one thing; if we are going to build a great City we have to be serious about all of these things.

A couple of key points, the Manager has a commitment that he will come back and give reports at intervals that are appropriate for the completion. Mr. Lewis just said that we have the ability to stop the funding if we get to that place. I have committed to a Citizens' Transportation Committee that would actually look and have the ability to gather feedback about how to pay for something and what it should be. I know that this is a large project, but proportionally, I do not think this is the largest project that this City has ever had. Independence Boulevard might be the largest project that we've ever done in a proportional way and Independence Boulevard is not reliable and trains are, buses can be. This includes our ideas around buses and trains; so, it is something that all of us are going to wrestle with, but we spend a lot of time on an east/west Cross Charlotte Trail that cost \$77 million, and we are trying to get a \$50 million contract to allow us to provide the estimates necessary to go after federal funding. We've got safeguards, or as my granddaughter says, we've got bumpers, so if we have bumpers we will address it, but if we don't start we will never get anywhere. If we are going to have people living in our City and work in our City, we have to provide transportation options.

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

YEAS: Councilmembers Ajmera, Eiselt, Harlow, Mayfield, Mitchell, Newton, Phipps, and Winston.

NAYS: Councilmembers Bokhari and Driggs.

Mayor Lyles said we are going to do this together yawl, we have to do it together. We can't go south and north and ignore the east and west. So, please begin to think about what message we send when we talk about this; it is an important project complex, and it is going to be an economic challenge for us, but let's not forget that we did this for already half of this City.

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ITEM NO. 3: BUSINESS ITEM: LYNX SILVER LINE TRANSIT-ORIENTED DEVELOPMENT PLANNING SERVICES (ITEM FOR VOTE).

Motion was made by Councilmember Phipps, seconded by Councilmember Eiselt, and carried unanimously to (A) Approve a contract with Kittelson & Associates, Inc. for LYNX Silver Line Transit-Oriented Development Planning Services for up to \$1,150,000, and (B) Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Mayor Lyles said I don't think we need to have the conversation again. I think this is consistent with our first efforts.

Thank you to the Mayors who came.

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ITEM NO. 9: CLOSED SESSION

Motion was made by Councilmember Newton, seconded by Councilmember Mitchell, and carried unanimously to go into closed session pursuant to G.S. 143-318(11)(a)(4) to discuss matters relating to the location of businesses in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

The meeting was recessed at 5:45 p.m. to go into closed session and returned to open session at 7:11 p.m.

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ITEM NO. 6: TETHERING

Mayor Lyles said I know that I heard some chanting outside, and I want you to know that the City Council Agenda is prepared weeks in advance, and sometimes we have things that require our immediate attention, and those are not usually happy things; they are very difficult questions, and so the reason that we had to have the closed session is that we had to have an immediate discussion around something that was a tough issue for us. I apologize for having you have an agenda that said that we would go straight through and do things. I wish that all of us around this dais probably wish that we could do things in that kind of orderly fashion, but sometimes in order to do the best thing for our community, it takes a little bit more time.

We've got two items that have community interest; what I want to remind everyone is that this is the opportunity for the Council to discuss this topic; we welcome your signs and your t-shirts and all of that, but this is not a time for a public comment discussion. I understand that there is a lot of passion around the two issues that we are bringing forward, and in order for us to actually be able to get something to an agenda or for a community debate, we need to have the discussion first among ourselves. We are going to start off with Tethering of animals, and we are going to ask our City Attorney to explain to us what is our current situation, and what is going on with where we are and then we will open it up for Council discussion.

Patrick Baker, City Attorney said what I have given in front of you is the current copy of the City of Charlotte's tethering law; for want of a better term, it is codified in Chapter 3 under Animals. What you have right now is that tethering is allowed in the City, but there are nine certain criteria that have to be met, and I would point you to the bottom half of the page, Section 371, subsection (b) Tethering. Dogs may be tethered to a stationary object only if conditions (1) – (9) are met, and you see the conditions there which include the type of tether that is used, the material that is used, the length of the tether, how much the tether can actually weigh, the age of the dog, limits the number of dogs that can be tied to a single tether and then the last two relate to pulley systems that can be used as it relates to tether. That is a very quick snapshot as to the status of your current ordinance right now.

This is an area that you can regulate in, so you are not preempted by state statutes or anything like that. We have taken in advance if you decide to go forward and refer this to a sub-committee, the staff has already taken a look at some of the other communities both our peer cities and communities in North Carolina, and I'm always interested in the ones in North Carolina, because they are going to be operating under the same set of statutes that we are operating under as well. In North Carolina, the City of Asheville bans tethering altogether. There are no conditions or the nine conditions that you have here in Charlotte. It simply unlawful for an owner to leave a dog unattended and restrained by a tether while outdoors. In Durham, and it is Durham County that actually manages the

Animal Control ordinance there, but tethering is also illegal, and there are certain very limited types of exceptions to that, but it is not the type of exceptions that you have here, so I would consider both Durham and Asheville in the firm no tethering of animals whatsoever. Raleigh does allow tethering but has a number of the conditions of tethering that you have here, so I would consider Raleigh to be in the yes category that you can tether subject to certain conditions. I would say and in looking at other communities as well, Charlotte has a lot of the protections already in those communities that still allow tethering. I would say that you are almost at the stage now where the decision is to tether or to not tether. I don't know if there is another condition to add to the nine that are already here that are going to make a substantial difference to what you already have, because you've got a lot of protections that are already built in. The question ultimately, I think for the Council to decide is whether tethering should be allowed period, end of story. That is the status of where you are right now.

Mayor Lyles said can you tell us when the last time we looked at tethering? I remember there was a community discussion around it; do you recall when this ordinance took place?

Mr. Baker said it appears that the last amendment to the ordinance was in 2010.

Mayor Lyles said the next question that I have is, Mr. Jones, do we have anyone from Animal Control here?

Marcus Jones, City Manager said yes, we do Mayor, who would take questions.

Mayor Lyles said I didn't have a specific question, I just wondered if we had someone that actually knew and was responsible for the existing ordinance in case there are questions. Tell us your name.

Dr. Josh Fisher, Animal Care and Control said I'm Dr. Fisher.

Councilmember Phipps said I would ask either the Manager or the gentleman from Animal Care and Control; what is the volume of complaints over tethering for the last couple of years?

Dr. Fisher said we do receive calls and complaints surrounding tethering; that volume has drastically decreased in recent years. I don't have exact numbers in front of me as to the number of calls for service that we do respond to in relation to tethering, but we can get those for you.

Mr. Phipps said so, you said that the volume has decreased; could you put that in perspective in terms of how much the decrease was? When you say they have decreased considerably from what to what approximately?

Dr. Fisher said there has been some community efforts surrounding tethering and getting dogs off of tethers in the community to the point that those efforts have actually had to go outside of Mecklenburg County in order to find clientele for them. Again, I do not have exact numbers of the tethering, but I'm happy to provide those.

Councilmember Newton said for me, this is something where I feel like the science is clear. Tethering is considered inhumane, and it leads to antisocial behavior, at the same time it leads to more aggressive behavior in dogs. Now, having said that, often times we measure ourselves against similarly size cities across the United States. It is certainly important for us to measure ourselves against cities within the State of North Carolina; it sounds like the trend. So, what we've heard from the City Attorney, it sounds like the trend is to ban tethering. I don't know if that is the case across the United States. I wouldn't be surprised if it is the case. When I've looked at ordinances across the state and assuming that we don't take the stance, something I would, but assuming we don't take the stance that this is inhumane, when I look at some of these other ordinances and maybe you can speak to this, at the very least they require attendance to the dog. At the very least, you don't just leave an animal out tethered by a line or chain indefinitely. I

don't see that in our ordinance, and so I want to ask you about that because it sounds like that is a real possibility here. We could have animals chained, tethered indefinitely without being attended to, becoming more antisocial, becoming more aggressive. I've seen it in my neighborhood. I know what goes on in my neck of the woods. We have dogs that run loose that get off those chains and those tethers. It is a public safety risk, public hazard, health risk. I want to ask you about that; is that in this ordinance? Is it something that maybe should be looked at from the standpoint of other ordinances elsewhere? Would there be the possibility of best practices that we could ascertain in the State of North Carolina and across the United States?

Dr. Fished said the ordinance as it is currently written does not have any requirement of the animals being attended. There is no requirement under current ordinance for that. There are cities within the state as well as nationally that do have that as a requirement, so that is an option.

Mr. Newton said I find that very compelling. So, short of a complete ban, which I would be in favor of because I think there is some sanctity of life and animals have the capacity to love, to feel, to experience pain, but short of that maybe we should also consider the responsibility of the owner that is lacking in our ordinance today and that does exist in ordinances across the entire United States. Maybe in that process, maybe something else comes up that draws our attention where we say this is something we didn't even consider. I think that is the whole point of our committees. It is my understanding that we have what we are going to reinstitute what used to be our Public Safety or Criminal Safety Committee, and there is only one item that we are looking at being placed in that. I've heard this argument that we don't have the time; there are other items that are so much of a priority that we just can't direct our attention away from them. It seems to me like there is an opportunity for this to be considered in Committee. We certainly have enough people in the community that are willing. I can't recall a time when we've had this many people here in this room, so certainly there is public. Maybe this comes in a close second, but even still that was something we took up. I think under the circumstances here I think this is something we should take up; we have the opportunity to do it and it does not distract from the other work of this Council, and from the standpoint of a Committee where it would be appropriate, answer me this, all of this falls in one code section, right? Who would enforce that?

Dr. Fished said as of now tethering is enforced by Charlotte Mecklenburg Animal Care and Control.

Mr. Newton said and that is CMPD, correct?

Mr. Fisher said yes.

Mr. Newton said so seeing as how there is a Committee specifically for that, I don't know where it would be more appropriate from the standpoint of the work that Committee undertakes, I think we have one item. This is something we can do; we do have the time for. So, of course I'm in support of it.

Councilmember Winston said if we get this list of violations I would like to see a heat map of where the violations occur most around the City. One question I have is about enforcement; how does the current tethering ordinance get enforced? What happens when enforcement is necessary? To Mr. Baker, how are the more stringent where tethering is not allowed, how is that enforced? Is it punitive; what happens?

Mr. Baker said that would be the type of information if you referred this to a Committee that we would certainly get that information for you in terms of how things are enforced and where they are enforced. I don't have that information in front of me at this stage; I've just got kind of the listing of the communities, and I think you have 20 benchmark, cities and I think we've got most of them allow tethering, but a slight majority of them allow tethering, but it is regulated similar to what you have here. There are nine of the 20 ban tethering completely, but those are the types of things that we would pull together for you if you decided to move forward with moving this to Committee.

Mr. Winston said [inaudible] to talk about what we do now under the current ordinance?

Dr. Fisher said under the current ordinance it is all civil citation based, so it is escalating civil penalties for tethering violations.

Mr. Winston said if Animal Care and Control observes a violation of the ordinance right now, the only remediation is to issue the property owner a summons?

Dr. Fisher said a civil penalty with an associated fee and then depending on the level that we reach there are means in which we could eventually cease an animal.

Mr. Winston said so, there is no corrective action that occurs right now to correct in the immediate this illegal tethering?

Dr. Fisher said not specifically related to tethering. If it crosses over into the realm of meeting the definitions of neglect or cruelty, that would be a separate section.

Mr. Winston said okay, understood. The last question or comment I would say; of course, just like about anything I think we have to put equity lens on things. There is obviously behavior that I think we should correct within our community. Pets are parts of families, but one concern I would have especially if we take a more strident approach to enforcing a non-tethering ordinance is the ability to correct behavior in communities that might not have the infrastructure, for instance fences. What kind of assistance or programs that could come out of this to be proactive in correcting bad behavior in our communities to make it a setting that is optimal for families and their pets to live together. I don't know if those cities that completely ban tethering have taken that into account, but I would love to learn more about that as we move forward with this.

Councilmember Mayfield said along with the heat map, and Mr. Winston was very nice in his request, the specific information I think would be beneficial to future Council would be the impact specifically on lower income, working, class minority community, because I personally have a challenge when it seems that we have a turnout for more energy for animals than we do over human life, and there are things which you can do a study on line, do a quick Google search, and unfortunately it shows that there are studies out there that have been tested regarding the impact whether it is on social media or in the news, the conversation regarding what appears to be the abuse of an animal versus the abuse of a human.

I wish we were having this conversation regarding the impact of the population of, not only homeless veterans, but homeless individuals in camps and families that are living off of University in their cars, but we are not. So, it would be helpful to have a clear understanding of what type of negative impact along with who will be in charge of finding the financial support to give training and/or assistance to communities that do not have gates and have other things that some people don't realize may be a luxury in some parts of town that why are the reasons that some people- This is not a conversation regarding animal abuse as far as dog fighting, this is a conversation of something that has been happening for generations regarding animals being outside opposed to inside of homes. It will be helpful to know what would the impact be specifically on lower income, working class communities and on minority communities if code enforcement were to start enforcing fines and increasing these fines.

Councilmember Harlow said thanks for being here Dr. Fisher. I know you mentioned that we get calls for perspective violations of this ordinance, but you've seen those decline. I guess out of the 10 provisions or, so we have, for the calls we do get what is the main reason folks are calling? Is it just hey, I see a dog tied up, and I guess your staff goes out and inspect; which one of these conditions aren't being met?

Dr. Fisher said generally speaking the tethering calls that we get are not directly in relation to an ordinance violation as one of those nine. It has to do with other set of circumstances of just seeing an animal tethered and wanting to make sure that it is tethered

appropriately, or it has to do with weather and it being extremely hot or extremely cold and making sure the animal has appropriate food, water, and shelter.

Mr. Harlow said Mr. Attorney, unless I missed it, we don't have anything in here as it relates to the weather, correct?

Mr. Baker said to the weather, I don't believe so.

Unidentified person said how about food?

Mr. Baker said I guess theoretically, if it is in the middle of winter, could be considered abuse.

Dr. Fisher said it wouldn't fall into the tethering ordinance; it would fall into cruelty or neglect. That would fall under a separate section.

Mr. Harlow said I appreciate all the folks who have come and came for the Public Forum and spoke and are here today and have waited as we had closed sessions and sharing their opinions via e-mail. I feel like this is kind of like a rock and a hard place for the rights of folks who say hey, if we don't touch this ordinance it looks like we don't care about animals, and that is just not true. It can't be a black and white thing, either/or thing like that, but at the same time, let's say we scrap the ordinance, as the Attorney said, we've pretty much put all the conditions we already have in here that most peer cities have done so it is really more of we want tethering in the code or we don't and then we create possibly another issue. Mr. Newton said we've got dogs that break these tethers or that just run around. When they are un-tethered they are going to run around. So, I don't know if we are creating another problem by trying to solve this one possibly. This is where the data comes in of how many complaints are we getting; what does the heat map look like? Which of these provisions are really being violated, and what is the impact on communities, then I think Council can make a better decision. I know some of that data comes if we choose to refer this, and I think some of that could maybe come before hand. I think we need a little more information on this; this is relatively new, and frankly, I think new to how we do things. I'm not sure anything has hit a Strategy Session agenda this fast after a Public Forum. I'm not saying that is a bad thing; it is a good that we are trying to address issues of the community. We should try to do that more nimbly, but I think we need more information to make a better decision about it.

Councilmember Ajmera said ultimately, this comes down to how we care for our animals. So, not just under this ordinance, overall how are we enforcing inhumane treatment for dogs?

Dr. Fisher said we are enforcing the ordinance as it is written; so, if we are seeing violations that meet the definition of cruelty or meet the definition of neglect, there are civil citations for those and escalating up depending on the severity, they can go to criminal charges, and we address them through that mechanism.

Ms. Ajmera said what would consider cruelty or abuse under the current ordinance?

Dr. Fisher said it is a scale, and neglect is very likely going to be in some parts ignorance that leads to a neglect charge. Cruelty is deliberate harm coming to so, deliberate starvation, physical abuse, something of that nature.

Ms. Ajmera said would tethering address those special issues around starvation?

Dr. Fisher said that is a separate section of the ordinance than the tethering issue.

Ms. Ajmera said as we are looking at this overall Animal Care and Control, I think we have to look at it from the holistic perspective. Do we have enough teeth in our ordinance to address overall care for all animals? I think that is what I would like to see. Also, would tethering address public safety issues that was raised by Mr. Newton, or do we need to look at it more?

Dr. Fished said the tethering, as it is written currently, is separate from the public safety as far as the leash law. The leash law is a separate ordinance that does require control of the animal.

Ms. Ajmera said so, it is already being addressed under a different ordinance, not necessarily this one?

Dr. Fisher said correct, we do have a leash law in Mecklenburg County.

Mr. Newton said to one of my colleague's point, I don't think that valuing animal lives devalues human lives. Let me be clear about that, and I would like to know what the benefit— I've heard about what are the down sides, what is the up side to marginalize communities or communities of color? What I'm interested in is us getting on the front end of the public health and safety risk here, not relying on an ordinance that will only be enforceable after something has occurred. So, inasmuch as leash ordinance is concerned, that is only after the fact. You can prevent animals and dogs from roaming free by either have attendance within the ordinance or eliminating tethering altogether. I think that makes a whole lot of sense to me. From what I understand from the Attorney, he had mentioned more information on this would be appropriate, and this is what Committees are for, to answer these questions, maybe before bringing it back but to do that type of work. I may not get a second but I'm going to float the motion that we send this to the new equivalent, whatever the Committee may be of public safety or community safety.

Motion was made by Councilmember Newton, to send this to Public Safety or Community Safety Committee.

Without a second, the motion was not considered.

Mayor Lyles said let me just make a suggestion. We brought this forward rather hurriedly and it is just kind of our first conversation. I think it would be between now and the swearing in of the new Council. I wonder Mr. Jones, if it would be practical to actually do a report on, they fall in a couple of categories. What is going on; how do we know we do well in Animal Care and Control? How are we effective, and what do we measure and then to actually look at what we currently do under this ordinance and then some comparison, and why not send it back to the entire Council and we will know by then with the full information that we have whether or not it should go to Committee? Since the Committee is not going to meet likely, until right now, we have our swearing in and there is one meeting after that in December which we need to talk about as well, something on December 23, 2019. Then we have the other issue of the Retreat is going to be early January versus late January, so probably the only time that we can get through this, but I think it would be good. Every person on this Council I know cares deeply about the welfare of animals, and I think everyone is very interested in it as well. I think having a report to the full Council, because we are not going to have meetings. If we could get something by the end of the year, then we will have ability to make a decision.

Mr. Jones said we can get that to you Mayor.

Mr. Newton said are we pre-empting the motion?

Mayor Lyles said no, I did not pre-empt the motion; I was just making a statement and making a comment.

Councilmember Eiselt said I have a question. Are you saying bring it back to the full Council for a vote under this existing Council?

Mayor Lyles said this is what I'm saying; if we get the information then usually by some time you come to me, and you say we ought to look at this and then we will do it. If we don't get that kind of information, we don't know. So, usually what happens we get the

information, and we will have more of an idea if we want to do something, then if that is the case I will refer it.

Ms. Ajmera said when you do your report Mr. Manager, could we also get recommendations from Animal Care and Control as to how do we best go about, as a City, of caring for our animals, not from just tethering perspective but overall if we need to look at other ordinances that cares for our animals. To Mayor, in terms of the process, I think what you are suggesting would actually be more time efficient, because if we go through the Committee, it seems like we may not even get to that until January, because that would lose that opportunity to get the report. As much as I would like to second that motion, I think we will actually lose time in that process, and I don't want to lose time especially when we talk about caring for our animals. I think if we can get some sort of recommendation from our Animal Care Department, because no-one is an expert here on Council on animal care. I know we are all passionate about it, but I think we have a Dr. here in the Department, and maybe if we could have him put some recommendations together on how do we best care for our animals

Mayor Lyles said I think that is a great idea. Mr. Jones do you feel comfortable with getting something.

Mr. Newton said my motion stands.

Mayor Lyles said I know, but I just wanted to ask if he could do a report. I want you to know. I look at your website often and the number of animals we have that need adoption; I want to say thank you for the foster care system. I want to thank you for the volunteer program that you have that people can come out and volunteer at the Shelter and make sure the animals that are in the Shelter are given that human contact. There are many things that you do so well, and I just love looking at what you do on that website and how you do the work.

Mr. Winston said I will second Mr. Newton's motion.

Mr. Bokhari said I want to make a substitute motion to do exactly what the Mayor just recommended, which was have our expert bring us all of the information that will actually inform us with their recommendations to the next full Council, which will actually enable us to move faster.

A substitute motion was made by Councilmember Bokhari, seconded by Councilmember Harlow, to have our expert bring us all of the information that will inform us with their recommendations to the next full Council.
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The vote was taken on the substitute motion and was recorded as follows:

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Eiselt, Harlow, Mayfield, Mitchell and Phipps.

NAYS: Councilmembers Newton and Winston. Mayor Lyles said the motion passes; we will get a report with your recommendations. We look forward Dr. Fisher to hearing what you say about where we are and where we ought to be.

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ITEM NO. 7: CIRCUS ANIMALS

Mayor Lyles said if I recall this it was that the City should ban animals from being in a circus when they come to Charlotte, that no circus coming to Charlotte should have any animal, exotic or wild. Mr. Baker, would you please help me out here and remind what we are doing around the report on circus animals?

Patrick Baker, City Attorney said I will do my very best. As I recall, and it is interesting when you look at what your peer cities are doing; they do parse out circuses. Some ban circuses altogether; some ban certain aspects of circuses. Some ban the animals, so you can have the circus without the exotic animals. The Administration has taken a look at that. I will get to your legal constraints, there is actually specific enabling legislation that allows you to regulate circuses in the community. So, you've got the legal authority to address this particular subject.

It appears based on the enabling legislation that you've got the ability to address it throughout the City, as opposed to just focusing on City facilities versus private facilities. You have the ability to legislate in the entire community of Charlotte. In your peer cities you've got 20 peer cities; seven of those cities actually speak to some form of regulation of circuses. I think three of the seven speak to banning the use of elephant bull hooks; you can't use those, and that is their effort to regulate circuses. In the State of California, I believe there a straight ban of the traditional circus that you are thinking of with the animals. So, your peer cities of Long Beach, California and San Diego, California have a ban on circus animals and that is pursuant to state law.

Louisville, Kentucky sets criteria for circus animal treatment and housing conditions and no animal fighting or wrestling. That is their effort to speak to circuses and Atlanta, Georgia also talks about elephant bull hooks. In North Carolina, the City of Asheville does have an ordinance making it unlawful for any person to sponsor, promote or exhibit or train a wild exotic or domesticated animal to participate in any unnatural behavior in which the animal is wrestled, fought, made to perform, harass or displayed in such a way that the animal is abused or harmed. That is the Asheville City Ordinance. Chapel Hill, in Orange County ban that includes Chapel Hill wouldn't necessarily include, I believe Hillsborough is the other municipality in Orange County; it shall be unlawful for any person to display or sponsor a display of wild or exotic animals on any public or private property within Orange County. Those are the two communities that have spoken to that. So, you do have the authority. What I've seen from your peer cities is that they tend to focus on a very specific thing, abused animals or exotic animals, and there are some potential legal constraints as it relates to arbitrary and capriciousness and when I start using those words it is really make sure that you have a clear understanding as to what you are trying to go after. So, if the Westminster Dog Show wants to show up in Charlotte, make sure if that is what you want but you don't want a circus. I realize those are two different things, but we will take a look at those things. You want to be very specific to what you are and to have justification for why you are doing it if you are going to go down that road, just to prevent an arbitrary and capriciousness, but I know there are other animal shows and events. I know that I've seen the Frisbee Dogs and is that the type of thing you are talking about dealing with as well. I know it is very different from what the folks here are specifically talking about about again, when you are making an ordinance and you are going to ban something you need to make sure that you are focused on what you need to be focused on based on the evidence that you are trying to address and not just putting out an overall ban that may get to some things that you are not trying to get to.

Mayor Lyles said so you know we have the ability to ban as long as we are not capricious about it, and we also have to think about defining animal and especially if we are going to have things like the Westminster Dog Show, which I think we should recruit. That would really good to be on TV for a whole week, with all that grooming. Those dogs have better stylist than we do. What are the questions or comments from Council?

Councilmember Eiselt said I think defining that is what I'm curious about, because I know we have the Lazy Five Ranch, and that may not even be in Mecklenburg County, but how does it impact something like a ranch where the animals are out in the open? I think we have enough data on what other cities have done to help us understand how they get around things like that, if that is the goal.

Mr. Baker said we would dig in if you decide to go forward with either referring it to a sub-committee or doing something similar to what you just did with the tethering. We would look further into specifics about the communities that have spoken. I would assume that there is good bid of easily defined evidence about bull hooks with elephants, because a

couple communities have specifically spoken to that issue. Again, you have to be careful when we talk about what folks are doing, because if they are not actually doing something then you assume there is no ordinance addressing it whatsoever, as it relates particularly to other communities in North Carolina as well. That is certainly something we could look into in terms of communities that have taken up an ordinance and what have they focused on so that we could consider that as part of our criteria if you decide to move forward with addressing it in anyway shape or form in Charlotte.

Councilmember Mayfield said since this is all going into the minutes, all of us received an e-mail earlier today; the Universoul Circus opposes the proposed ban on exotic animals. Universoul Circus is presenting monitoring the effort by HSUS to ban exotic animals in Charlotte that we became aware of earlier today. Universoul Circus has always respected and recognized the enormous responsibility of protecting the public and the trust bestowed upon us as a major family attraction over the years, largely because we have demonstrated a strong commitment to providing a safe and enjoyable family entertaining experience that continues to amaze each year of which a number of us attended Universoul Circus this year.

We cannot change the philosophical point of view held by animal activist organizations regarding animals in circuses, but we can assure that any Universoul Circus animal act to be presented in the show is licensed by the United States Department of Agriculture and meets the regulations imposed by the State of North Carolina noting that there is language already in the State of North Carolina, Mecklenburg County and the City of Charlotte. For the record, Universoul Circus is opposed to the exotic animal ban; however, if the proposed ban is going to be further considered, we are requesting that an equal opportunity to be heard is afforded to key stakeholders and the Universoul Circus, which has been performing in Charlotte since 1999. This was sent to all of Council and Ms. Kelly. I will make sure this is forwarded to your office for the minutes. That request that is at the end of this e-mail is what I will hope Council takes into consideration that before there is any real conversation regarding a decision one way or another that there is an opportunity for the stakeholders who are not in support of this ban to be able to share their concerns as well as share what their experience is like. Again, a number of us attended Universoul Circus this year and have attended Universoul Circus over the many years that it has been in Charlotte. So, I want to ensure that there is transparency in the entire conversation so Mr. Manager and Mr. Baker that is for you. Animals don't talk unless it is a parrot.

Outburst from the audience.

Mayor Lyles said you know we can finish this conversation, or you can go ahead and take the energy that you've got, and continue to do it, and you won't get to a resolution, and I don't think it is very helpful, because I can't hear one person I just hear lots of it. We are having a conversation here that is valid, and I hope that you understand that this is something we are trying to get a handle on. I know that you understand that there are more points of view than one in almost any decision issue that comes to this table. Some from the audience said and we vote

Mayor Lyles said I understand that ma'am, but we are not in a public hearing; we never make a decision without allowing for public hearing. You are here observing us working together to get to a point. You will be invited and informed, as well as people with different points of view, but again, if you guys want to have the meeting, you can have the meeting, or we can actually have something that is going to get done. I didn't really mean to say it that way. I really work hard on what I try to say, but what I'm trying to say is that we want to do something, and we can't do it if we can't be heard.

I wanted to follow up to Ms. Mayfield. I know nothing about the animal inspection and process that we do that is referenced in this letter, and to know that would make a big difference for giving us information to work with. I think that is not just the point of view of other people but existing. I don't know who regulates circus animals or animals that are used for performances or even what is considered a performance animal, and there has got to be definitions around that.

Councilmember Newton said it sounds to me like one-way shape or form we are behind the curve on this. Certainly, it has been addressed by other jurisdictions throughout the state, most likely throughout the United States. I read the materials that were provided to us a week or so ago when we had the Public Hearing. I don't think that what I gathered from those materials was that there is this notion, or this ask for a complete ban on circuses it is talking about.

When I read the materials, it was about wild and exotic animals, and they have to travel long distances because those long distances are inhumane and can lead to scientific data suggest that they can lead to repetitive abnormal aggressive behaviors, which much like the item before, serve as a public health and safety risk. I also call some information pertaining to tuberculosis as well. So, it is something that could also raise the incidents of tuberculosis being spread.

I think there is a lot of work that can be done with our ordinance, seeing as how it is deficient compared to ordinances elsewhere. At the same time, particularly when it comes to something like bull hooks with animals, I don't think that we are saying that Universoul Circus, and my hope is we are not talking about them using bull hooks on elephants or animals, and I think under those circumstances there could potentially be some common ground and at the same time when we talk about other organizations within the City, I don't think that is the goal here. We talk about dog shows; that is not wild exotic animals. So, I think that under the circumstances there is certainly a lot that we can look at. We can look at other jurisdictions to see how they do things. I don't think there is anything pertaining to bull hooks or other types of instrumentalities that can lead to abuse anywhere within our ordinance, and it does sound like that is something that is regularly placed in other ordinances and much of the conversation would not prevent circuses from occurring or coming here. I just wanted to clarify those points.

Certainly, I would be in favor, and I think it would be appropriate, much like I said before, to have this placed in Committee, so that is something I would move to do. I do not know if there will be a second on that, but then also at the very least get more information, because it sounds like there is a lot of confusion here on the Council.

Councilmember Ajmera said again, this comes down to overall Animal Care and Control. I know the earlier discussion was about dogs, and this is about wild animals. Mahatma Ghandi has said, and I firmly believe in this, it says the greatness of a nation can be judged by the way its animals are treated. I think greatness of our City can be judged based on how our animals are treated, whether it is wild animals we are talking about or rather it our dogs, and I think we've got to look at our overall ordinance, not just for wild animals, for everything. I think the report Mr. Manager that you are bringing back, if you could also look at it from the wild animal's ordinance to make sure that we have enough protections in place to protect them when they are here and also how do we collaborate with the State and if they might have regulations in place, and if there is a gap where do we come and play that role? It is important to look at what we have, and what is not working that we need to address?

Motion was made by Councilmember Newton and seconded by Councilmember Winston to send this matter to Committee.

Mayor Lyles said is that a substitute motion Ms. Ajmera?

Ms. Ajmera said I don't need to make a motion, because the Manager is already going to provide us a report, so all I'm saying is that a report be comprehensive.

Mayor Lyles said around wild animals.

Ms. Ajmera said all animals.

Mayor Lyles said Mr. Newton would you please restate your motion.

Mr. Newton said with this I'm moving for it to be placed in Committee where I think the work of digging into ordinances elsewhere, best practices, looking at where we are deficient, maybe without a complete ban can and should happen and then coming back. I think there is room in one particular committee where this would be the most appropriate to be placed. That is why I made that motion.

Mayor Lyles said I agree that we can find a Committee. I just would like to get some information in advance of that, especially since the Committee is not going to probably meet until January. Right now, we have a motion to put the subject in Committee in January.

A substitute motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, to have the Manager and staff go back analyze all the current regulations around this, all the current impacts and things we've seen and then give us recommendations to the full Council at the next Strategy Session, so we can be better informed to actually make a decision based on the data rather than not having it now and that will increase the process speed by several months.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Eiselt, Harlow, Mayfield, Mitchell and Phipps.

NAYS: Councilmembers Newton and Winston.

Mayor Lyles said Mr. Jones, you hear the next Strategy Session for both of those reports, which we will figure out when that is.

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ITEM NO. 8: COMMITTEE UPDATES

Economic Development Committee

Mayor Lyles said I see the Chair of the Economic Development Committee is going to rely on the Vice Chair.

Councilmember Driggs said the Chair of the Committee is James Mitchell, the members are myself, Julie Eiselt, Justen Harlow and Matt Newton. At our October meeting, we did not take any action; we discussed Opportunity Zones, got an update there, small business support and advocacy update, which is basically the continuation of our CRFE process and urban, main and pro-neighborhood initiative, which is directed at trying to create a main street type of atmosphere in neighborhoods. I think in brief, that is what it is if an actionable item comes up we will report on it more detail.

Mayor Lyles said I know that we talked about this, but let's try to get a question answered in Committee so that we are addressing some of the things, and I think we talked about the CBI Program and a few others coming up to that Committee pretty quickly that would be around policy development, like Opportunity Zone Policy. I hope everybody read the article, it was both in the Charlotte Observer and the New York Times about Opportunity Zones and the reconsideration, which I probably don't think it is going to happen, but it just shows that some people are rethinking how this thing works. It is much more around the investors, and instead of it being a treasury bill, can it be actually a redevelopment bill? I think that is what many people in our seats and across the country have been concerned about.

Neighborhood Development

Councilmember Harlow said no report, we haven't had a meeting, and nothing has been referred in the Committee after we moved minimum housing code out of it and did not have a meeting in October. Nothing was referred tonight it seems so far, so no report.

Mr. Driggs said Mayor, was there a hearing today, an appeal of our minimum housing standards? There was something on my calendar about an appeal coming up on the minimum housing standards. Did you hear about that?

Mr. Harlow said I did not.

Mayor Lyles said Mr. Baker, do you know anything about an appeal of our housing standards today?

Patrick Baker, City Attorney said there was something today in I think the minimum housing code, but I don't know if it was that, but I can find out.

Transportation and Planning Committee

Councilmember Eiselt said we had four topics on the agenda in our October meeting. We only got to three of them, because we had a lot of discussion regarding the Silver Line. The first discussion was the Silver Line Design and Environmental Study, which we voted on tonight. The second item was Regional Transit Study and John Muth gave us an overview of the commencement of that program; it is going to look at just the regional development and implementation strategy of a regional transit plan. That was very interesting. The study was funded to the tune of \$1.7 million by our partners as well, and the COG will undertake that study. The I-77 Corridor Study, that is a separate study that is going on to develop a master plan documenting the comprehensively capitalize on past efforts generating a vision for the overall system and that study is going to be limited to Statesville down to Rock Hill, and includes three jurisdictions, three counties and two states. The emphasis of the study is congestion management, connectivity within the network, investing and funding strategies, technology, multimodal recommendations and land use coordination. A public engagement phase will begin in January of 2020, and the study is scheduled to be completed by September of 2021.

We did not get to the Comprehensive Vision Plan; Taiwo just gave us a quick update that we are wrapping up Phase 2 and entering Phase 3, and there were three community meetings held in October with almost 200 people attending and over 1,200 have been engaged in the process overall. Going forward, staff will give an update of the public engagement and the growth scenarios early next year, and work will begin on the policy and strategy development and determining the policies needed to carry the preferred growth scenario to implementation.

Marcus Jones, City Manager said Mayor, I think the only Committee that had a report out is Intergovernmental Relations Committee.

Mayor Lyles asked Councilmember Phipps, the CRTPO Representative if he had anything to add tonight.

Councilmember Phipps said I am on a subcommittee with CRTPO and we are studying additional staffing of additions to the CRTPO staff to be better able to fulfill its mission in terms of reporting. They do a good job with the staff that they currently have, but there are some things that if they had additional staff they could do an even better job. So, we've had two meetings so far; the third meeting is on the 20th, and I think that is going to be the final meeting of that particular subcommittee where they are going to be making some recommendations on staffing levels and trying to reach a consensus with the other small towns that there might be an ask to pick up some of the tab for that. The way the discussions have been going, everybody seems to be in agreement that it is something that is needed, and I think we will be able to make some headway and some improvement, but those decisions will probably be coming up in the new year, at which time it will be new leadership there, because the Chair decided not to seek re-election. The Vice Chair unfortunately wasn't successful in his re-election bid and of course the Charlotte Representative delegate on CRTPO decided not to seek re-election, so we are having a wholesale change in the leadership of the CRTPO, but I think the 20th is the last meeting

of the year, because they don't meet in December. So, that is pretty much what is going on.

Mayor Lyles said we are going to miss you Mr. Phipps as our CRTPO Representative.

Intergovernmental Relations Committee

Councilmember Bokhari said we actually had a really great month of activity in Intergovernmental Relations for the first time in, and I think I can say this, modern history, we had a joint City/County/Intergovernmental Relations Committee meeting. We started myself, Co-Chair Larken Egleston and then the Chair on the County side, Mark Jarrell all came together and decided we would crawl before we walked, because obviously, there was a lot of very big topics we could address, and we just kind of brought the group together to kind of brainstorm on if we were to create a list of lower hanging fruit and important topics that are relevant that we might try to over the next year come together on what would that look like. I think we ended up with a baker's dozen of really good items, something small like department inter-relations between City and County departments that have very specific touch points, some things big like the wrap around services paired with affordable housing and workforce development all around upward mobility or the homicide rate and public safety. We made a commitment to continue working together and each quarter, while we meet monthly, to try to meet with our Committee monthly, monthly and then the third month of each quarter try to figure out a rhyme where we come back together. I think the next big milestone is how can we be better connected and in communication with one another as we craft our 2020 Legislative Agendas.

Councilmember Harlow said I would like to generate a quick discussion and possible referral to TAP; I know I'm on the way out here, but next week we have our Zoning meeting, and I'm thinking back to our first Zoning meeting two-years ago and how difficult that was to sit in December and had hearing that we didn't sit for and were expected to make decisions on really in our second week in office. I've got two kind of continuous rezonings next week that will have hearings that I recommended to the developer, let's defer these until December so a new Councilmember can sit for those hearings, ask questions, and the community can have their input heard by their representative. That request right now has been defied, and what I would have known is that we had no policy, and I think we should probably look at a policy for this kind of lame-duck Zoning meeting to really prevent having zoning hearings during the month of November in odd number years for the City Council. I think it is a disservice to the community. I think developers take advantage of it sometimes, knowing that there is a transition, and frankly it sets up a new Councilmember to be a little unprepared, but more importantly it just does a disservice to the community to have to go through a community meeting with one Councilmember, have conversations with developers that sitting Councilmember at the time hears the hearing and then a new Councilmember and other new Councilmembers if there is enough turnover are charged with making a decision particularly for those that might have some split decisions from Planning and Zoning staff or just some little bit of heartburn and rub from the community. I would like the TAP Committee to look at a policy of possibly preventing zoning hearings during the month of November in City Council election years.

Councilmember Winston said I agree with Dr. Harlow. In December there will be three Councilmembers that will be compelled to make decisions on cases they can't even ask questions on and get a full understanding on top of getting thrown into the fire of that happening in the first or second week of drinking from a fire hose. I would love to see that referred to create a policy for future Council. I imagine if Dr. Harlow has two cases that other District Reps might have other cases as well. Is there something or can we talk amongst ourselves right now to kind of get a gage on what next Monday is potentially shaping up to be like, and is there something that we can do to get out in front of this right now as opposed to deliberating from the dais whether to defer something next Monday? Is it something that we can handle tonight in terms of how to handle next Monday's meeting?

Councilmember Newton said I love the idea. I wondered thought that- I've always ask myself as a matter of professional courtesy. Why wouldn't we defer to a District Rep their notion of a continuance? I feel like we do that often with developer's cart blanche, and I think we don't have that on the other side of the isle so to speak here. I'm in agreement there but maybe also go a little bit broader from the standpoint of what I would consider to be professional courtesy to a colleague.

Councilmember Bokhari said I don't think that makes a ton of sense; I think for this next week since it is next week we probably don't have a lot of options there, so I'm wondering if there is some kind of interim hedge that we can put in place that is like inviting the three new District Reps, particularly if they are having a hearing that they will be voting on right when they come in, to join in the audience at least as a part of it.

Mayor Lyles said they are watching us right now on Facebook live.

Mr. Bokhari said excellent.

Dr. Harlow said get ready folks; pay attention out there.

Mayor Lyles said I think the question is we've invited them. I think it needs to be a little more than watching. I think they probably need to come in and meet with the staff. It would be great if the current District Rep or current At Large person- I think the idea that the philosophy around districts wasn't autonomy but to make sure that representation happened and that every district person was really supposed to be able to represent the City as a whole. I think we've done a really good job of that, so I would like to not just to always defer to a District but defer because it makes sense for any petition that is coming up. I know they are watching tonight, because I actually heard from René that she would be watching tonight. I think if we could go ahead and have them watch and then perhaps have them come in and meet with the Planning staff or even invite them for lunch on Monday. That might be a way to help them get a better handle on it. So, can we invite them for lunch on Monday? I see Denada talking to Sabrina, so we can invite the newly elected Councilmembers to the lunch on Monday. Make sure they have that book and then they can see the depth, and I think there would be a decision-based working with them. If you've got two and then the developer may have a reason for not deferring or may not, but you should at least share that with the person that is going to be in that seat. Dr. Harlow said that information has been shared and their information has been shared with the developer and vice versa, everybody has been copied on e-mails. I just think that for this cycle it may not make as much sense, because you are saying we are just getting three new Representatives; the majority of the Council will still be the same, and they will hear it and they will make decisions on it. I just think that any given two-year point the whole Council could change over, and so this is where I'm saying. In fact, if you look at last year, we had five new members instead of six, because Dimple was already here, but none the less there is a strong possibility that there could be a majority of Council one day when that happens. That is really why I'm bringing this up.

Mayor Lyles said I think it ought to be considered for upcoming terms and even we could adjust the schedule. Maybe we just pile on twice as many in October, and we don't do anything in November, but I'm sure we can get creative. We could actually have the Zoning Committee make the final decisions and we only do those that are appealed or we choose to do. I actually think on those where it is like unanimous, and you have the ability to always; it is a little bit like the Consent Agenda. You say well I want to talk about this one. That would be a way to get us past. We have so many of these zoning items; it is not passing the bucl, actually 11:00 o' clock, that is probably right and all that reading that we are required to do. A lot of Councils only take zoning by exception or by decent. It is something to think about.

Councilmember Driggs said I just want to remind everybody, sometimes these events are commercially very time sensitive, so if we say we are not going to take any action for two months on something, we definitely want to talk to the business community and get their input on that as well and maybe have a work around for time sensitive situations.

Councilmember Phipps said are the kind of rules now about hearings that are going come up on Monday, if you have opposition. Is there any kind of rule? I thought at one time we did stop public hearings until after the election and the new Council is sworn in. Is that not something that we do; are there no rules around that anymore?

Mayor Lyles said I don't recall any; does anybody recall rules?

Mr. Newton said I thought it was something maybe continuous, because everyone knows I'm scheduled to go out of town in December. So, the one that got rescheduled would otherwise be scheduled in November that the developer scheduled for December, they told me they didn't have the option to schedule it in November, and that is why they did December. Now, I'm still waiting to hear back if they will reschedule to January, so I can be here for it, but I was told something to that affect where there are some that they can't. That is what they told me; they can't do it in November.

Mayor Lyles said who told you?

Mr. Newton said it was the representative of the developer but also David Pettine said that too.

Mr. Driggs said if it is opposed it doesn't get voted on in November.

Mr. Newton said you are saying if staff opposed it?

Mr. Driggs said no, if there is opposition on the hearing than that thing doesn't get voted on in November. That was because we had the Providence Road/Fairview thing which would have come up in November, but that didn't get scheduled until December either, because it is opposed.

Mr. Phipps said I won't be here for Monday's Rezoning Meeting, nor do I think I will be here for the swearing out.

Ms. Eiselt said I will also not be here for next week's rezoning.

Mayor Lyles said how many people are going to be absent next week for the Zoning hearings? That is going to put us in a little bit of a bind. One of the other things that Ms. Eiselt reminded me and Ms. Kelly, we have a Council meeting scheduled for December 23rd, that Monday before the Holidays. My understanding is that Christmas Eve is Tuesday, and the City is closed. I know the City has two-days; do they make it Monday, Tuesday? No, that wouldn't work. Christmas Eve and Wednesday is Christmas Day. Would they be closed?

Ms. Eiselt said I have it in my calendar; that is why I asked.

Mayor Lyles said sometimes they put every Monday in the calendar.

Ms. Ajmera said the last meeting on here it shows December 16th in our official calendar.

Mayor Lyles said what days are the City going to be closed? Is it going to be Monday, Tuesday, and Wednesday? It is two days for the holiday, and besides Martin Luther King it is also when you don't get your garbage picked up, so we need to make sure everybody knows that.

Mr. Jones said it is the 24th and the 25th.

Mr. Phipps said the day after Thanksgiving, is the City closed?

Mayor Lyles said yes, it is closed on Friday after Thanksgiving.

Mr. Winston said outside of the potential timing of potential deals are there any implications for Council push deferrals of hearings? If we decide as a Council next week

for instance that there are these two continuous ones that District Reps thinks it makes sense for the District Rep that is coming in to be seated at the table. Are there any negative implications besides the timing of deals for Council initiated deferrals?

Stephanie Kelly, City Clerk said public hearings that have been advertised have to at least open them and then continue them.

Mr. Harlow said I am confident that one will probably defer.

Mayor Lyles said are you wanting both to defer?

Mr. Harlow said that would be my preference, yes.

Mayor Lyles said and the District person that is coming in, what do they think?

Mr. Newton said e-mailed him today and said I would like for you to come to the meeting just in case this one doesn't defer so at least you can listen or at least tune into it, and he said he would try to do that. I think the worst-case scenario is what Braxton is saying, what are our options if we have an unwilling petitioner that does not want to defer, and what is the reason?

Mayor Lyles said it is advertised, and we can make a decision; I would suggest that we ask our newly elected folks come to the hearings and come on Monday at lunch time.

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ADJOURNMENT

The meeting was adjourned at 8:35 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 2 Hours, 1 Minute
Minutes Completed: November 22, 2019