



Charlotte City Council  
Housing, Safety & Community Committee  
Summary  
January 8, 2024

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### COMMITTEE AGENDA TOPICS

1. Introduction and Charge for Committee (Informational)
2. Policy Topic Referral: Review of City Code of Ordinances (Action)

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### COMMITTEE INFORMATION

<b>Committee Members Present:</b>	Victoria Watlington (CMGC), LaWana Mayfield (CMGC), Dimple Ajmera (CMGC), Tiawana Brown (CMGC) Renee' Johnson (CMGC)
<b>Council Members Absent:</b>	n/a
<b>Other Council Members Present:</b>	Danté Anderson, Ed Driggs
<b>Staff Resources:</b>	Reenie Askew, City Manager's Office Shawn Heath, Housing & Neighborhood Services David Robinson, Charlotte Mecklenburg Police Department (CMPD) Jessica Battle, Police Attorney's Office
<b>Meeting Duration:</b>	4:00 – 5:30 PM
<b>Video available online:</b>	<a href="https://youtu.be/tE-RKUI-dms?t=21013">https://youtu.be/tE-RKUI-dms?t=21013</a>

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### MEETING MATERIALS

All meeting materials are available online at <https://charlottenc.legistar.com>

1. Presentation: Council Committee Charge and Procedures
2. Presentation: Policy Topic Referral: Review of Code of Ordinances

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### DISCUSSION HIGHLIGHTS

City Council member Watlington called the meeting to order and asked everyone to introduce themselves.

#### **Introduction and Charge for Committee**

Council member Watlington reviewed the Committee charge, aligned advisory boards and commissions, process for Committee referrals, a summary of 2023 Committee accomplishments, and current referrals to the Committee.

#### **Policy Referral: Review of Code of Ordinances**

Council member Watlington explained that while the referral is very specific to the review of a number of particular city ordinances (see list below), the City Council has separately initiated efforts towards addressing the broader scope of work involving crime/violent crime in the city.

Shawn Heath provided a recap of the policy referral itself, and a summary of the Committee's discussion at its October 2, 2023 meeting. He also reminded the Committee that the genesis of the referral is community concerns about activities occurring uptown. The recommendations are not intended or designed to criminalize homelessness, the unhoused, or poverty. There is a lot of work focused on non-enforcement components (street outreach, social work/case management, mental health and substance use supportive services, access to housing, etc.) that the city and its partners provide and will continue to advance.

Deputy Chief Robinson provided an overview of how enforcement took place prior to 2021 and after the ordinances were decriminalized, the 2022 restoration of criminal enforcement as an option for certain city ordinances, the benefits of reinstating criminal enforcement as a deterrent, and the specific ordinances that staff recommended for re-criminalization.

Deputy Chief Robinson explained that CMPD does not look to make an arrest in every situation – instead they seek compliance. The ability to arrest someone often provides greater likelihood of compliance.

Mr. Heath shared the status of non-enforcement strategies, including working with community partners to explore the possibility of increasing access to public restrooms.

Jessica Battle shared that Senate Bill 300 allows people charged with a violation of certain ordinances to seek dismissal if they provide evidence that they are addressing the underlying condition for the offense, such as a mental health illness. She also pointed out that recriminalization of the ordinances will not automatically mean arrest of an individual; officers will still have the discretion to issue a warning and/or issue a civil or criminal citation.

Highlights of what City Council members shared included:

- Charlotte Center City Partners has issued a letter in support of reinstating criminalization of the ordinances, and recommends continued support for the A Home For All initiative, and additional business and resident engagement around the potential impacts of recriminalization.
- The issue is not just about uptown, it is an issue in the entire city.
- A comprehensive solution that connects people to the services they need and not just criminalization of behavior is important.
- Acknowledgement of the length of time this topic/process has taken and this can be frustrating for residents.
- Need to clarify misconceptions that recriminalizing the ordinances is criminalizing poverty - it is not.
- Belief that recriminalizing the ordinances is equivalent to criminalizing poverty, homelessness and mental illness.
- Belief that recriminalization will affect homeless residents at a disproportionate level, and to say that it isn't is misleading the public.
- Recriminalizing ordinances will compound the barrier residents face when they have criminal records, which is counter-productive; the impact of re-entry is life-long.
- Once someone has a criminal record they must always "check the box," even as a City Council member.
- We need to treat the root cause, not criminalize.
- Creating an inter-governmental approach to public safety is important.
- A more appropriate referral would have been to the Inter-Governmental Relations Committee.
- We should give the recent expansion of Medicaid that will help provide mental health and substance abuse treatment a chance to work.
- The issue does need to be addressed for the quality of life for the uptown community, but it should be through the non-enforcement strategies and working with the County to provide case management.
- Our officers will be wasting their time making arrests in light of Senate Bill 300.
- It would be helpful to have more recent and additional data (e.g., data showing when instances are occurring during uptown events and weekend vs. weekday, how many instances can be attributed to repeat offenders or people visiting from out of town, etc.).
- Need to see data that it is not just the people with mental challenges.
- Staff needs to keep the Committee abreast along the way going forward.
- Harm-reduction and mental health services must be demonstrated.
- Any organization on the national platform that does this work would not support this recriminalization.
- Bring to the table the people that this has affected the most; everyone has to be at the table including the non-profit resources.
- We have to accept this is an issue: This is a quality of life issue for the residents that call uptown home and from a tourism perspective it can be a deterrent for visitors.
- Taking the public restrooms offline at the public library has played a role.
- There needs to be a more robust conversation across governments and with the library system - how can they be a safe place for the unhoused.
- Look at other cities similar to our population and our density (e.g., restrooms per capita).
- Three ordinances need more directive language – the Committee and Council need to see a reflection of that language before going forward with recriminalization; want to see the detailed language before bringing it online.
- We are not talking about making a choice between enforcement and non-enforcement; arrest would be a last resort option.
- No one can accuse this Council that it is insensitive to the plight of the unhoused - a lot of our attention goes there.
- We are talking about criminalizing certain behavior, not certain people.

- If we do not do this, the message we send is that it is okay that the average person on the street and their children are required to be exposed to these things.
- We have a duty of care to protect the larger population and their children who find it difficult to encounter these behaviors while they are uptown.
- We must have one last line of defense that says “no, this is not acceptable.”
- A holistic approach is critical, and it is apparent that everyone agrees.
- Want to see more of a plan around public restrooms.
- The ordinances largely do not represent choices someone has to make because they are unhoused.
- As we move forward we need to consider how this work supports the broader work of improving the quality of life for our residents.

MOTION AND VOTE. Council member Ajmera made a motion to recommend criminal enforcement for ordinances noted in the presentation (listed below) to give CMPD the tools that they need to keep residents safe, and to move this to full Council for additional deliberation ahead of a vote. The motion was seconded by Council member Mayfield. The motion passed 3:2 (Council members Watlington, Mayfield and Ajmera voted in favor of the motion; Council members Brown and Johnson voted in opposition).

Ordinances noted in the presentation and subject to the motion include:

<u>Chapter</u>	<u>Ordinance</u>
15-3	Beer and wine consumption; possession of open container; disposal of containers
15-7	Unauthorized persons in parking lots
15-8	Trespassing on motor vehicles
15-23	Loitering for the purpose of engaging in drug-related activity
15-82	Masturbation in public
15-83	Urination and defecation on certain property prohibited
15-136	Behavior (in public parks)
14-282	Soliciting from street or median strip

**Next Meeting**

The next meeting will occur February 5, 2024.

Meeting adjourned at approximately 5:30 pm.