

The City Council of the City of Charlotte, North Carolina convened for a Business Meeting on Monday, July 13, 2020 at 5:05 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, James Mitchell, and Victoria Watlington

ABSENT UNTIL NOTED: Councilmembers Matt Newton and Braxton Winston, II.

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Mayor Lyles called the meeting to order and said this meeting while virtual is in accordance with all of the appropriate laws of our state and local laws for electronic notices, access and minutes. We hope that you are watching us either on the Government Channel, the City's Facebook Page or the City's YouTube Page.

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INVOCATION AND PLEDGE

Councilmember Eiselt gave the Invocation followed by the Pledge of Allegiance to the Flag by Councilmember Egleston.

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AWARDS AND RECOGNITIONS

ITEM NO. 4: AMERICANS WITH DISABILITIES ACT AWARENESS DAY PROCLAMATION

Mayor Lyles said before we begin our formal meeting, I would like to do a Proclamation; it is a joint Proclamation between the City of Charlotte and Mecklenburg County. It is an important one and is about something that changed the way that we look at each other, especially those folks with disabilities. I would like to say now today with special abilities.

WHEREAS, on July 26, 1990, President George H. W. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities. This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. On July 26, we will celebrate the 30th anniversary of the signing of the ADA; and

WHEREAS, the ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing full participation in community life. However, the full promise of the ADA will only be reached if we remain committed to continue our efforts to fully implement the ADA; and

WHEREAS, the City of Charlotte and Mecklenburg County celebrate and honor the achievements of people with disabilities who live in our community, and

WHEREAS, the City of Charlotte and Mecklenburg County in partnership with the City of Charlotte ADA Community Network Team, Mecklenburg Advocacy Council for People with Disabilities and 99 other persons representing various agencies and organizations, have come together to celebrate the Americans with Disabilities Act; and

WHEREAS, on the 30th anniversary of the Americans with Disabilities Act, we the City of Charlotte and Mecklenburg County celebrate and recognize the progress that has been made by reaffirming the principles of equity and inclusion and recommitting our efforts to reach full ADA compliance; and

WHEREAS, we celebrate those positive changes in our community so people with disabilities can be free from negative attitudes and architectural barriers; and

WHEREAS, we honor those businesses in our community for complying with the Americans with Disabilities Act by making their establishments accessible and usable to all patrons with disabilities:

NOW, THEREFORE, WE, the City of Charlotte and Mecklenburg County do hereby reaffirm to continue to work toward full ADA compliance and I, Vi Alexander Lyles, Mayor of Charlotte, and George Dunlap, Chairman, at Large of the Mecklenburg County Board of Commissioners do hereby proclaim July 26, 2020 as

“AMERICANS WITH DISABILITIES ACT AWARENESS DAY”

in Charlotte and Mecklenburg County and encourage all citizens of the City and County to recognize that the Americans with Disabilities Act has, and will continue to, improve the quality of life for all people with disabilities in our community.

As I said it is an important time because I think that Act actually changed the way we were perceived by people with special needs and as well how we perceive them, so we are grateful for that and the work that we are doing to come into full compliance with it, including our sign language interpreter today.

Councilmember Winston arrived at 5:09 p.m.

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

There were no Consent Item questions.

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ITEM NO. 2: CLOSED SESSION

Motion was made by Councilmember Driggs, seconded by Councilmember Graham, and carried unanimously to go into Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the City Attorney in order to preserve the Attorney Client Privilege between the Attorney and the City Council and also G.S. 143-318.11(a)(3) in the matter of Estate of Franklin v, City of Charlotte et al.

The meeting was recessed to go into closed session at 5:13 p.m. and returned to open session at 5:13 p.m.

Councilmember Newton arrived at 5:13 p.m.

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CONSENT AGENDA

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to approve the Consent Agenda as presented.

The following items were approved:

Item No. 20: Construct Oneida Road Sidewalk and Culvert Replacement Project
Approve a contract in the amount of \$1,372,112.53 to the lowest responsive bidder, NJR Group, Inc. for the Oneida Road Sidewalk and Culvert Replacement Project.

Summary of Bids

| | |
|-------------------------|----------------|
| NJR Group, Inc. | \$1,372,112.53 |
| Dane Construction, Inc. | \$1,558,632.90 |

| | |
|-------------------------------|----------------|
| Nassiri Development | \$1,686,177.39 |
| Sealand Contractors Corp. | \$1,727,434.50 |
| Mountaineer Contractors | \$1,746,064.10 |
| Onsite Development, LLC | \$1,747,740.50 |
| Blythe Development Company | \$1,756,159.35 |
| United Construction Company | \$1,787,296.50 |
| United of Carolinas, Inc. | \$1,796,197.70 |
| Zoladz Construction Co., Inc. | \$1,958,440.00 |

Item No. 21: Construct Pedestrian Safety Fiscal Year 2021 Project

Approve a contract in the amount of \$2,240,529.50 to the lowest responsive bidder Nassiri Development, LLC for the Pedestrian Safety Fiscal Year 2021 Project.

Summary of Bids

| | |
|-----------------------------------|----------------|
| Nassiri Development, LLC | \$2,240,529.50 |
| United of Carolinas, Inc. | \$2,275,581.00 |
| Red Clay Industries | \$2,449,697.25 |
| DOT Construction | \$2,492,693.50 |
| Zoladz Construction Company, Inc. | \$2,599,582.70 |
| Blythe Development | \$2,966,766.00 |

Item No.22: Collective Storm Drainage Improvement Project Series E

Approve a contract in the amount of \$1,784,200 to the lowest responsive bidder, Zoladz Construction Co., Inc. for the Collective Storm Drainage Improvement Project Series E.

Summary of Bids

| | |
|-----------------------------------|----------------|
| Zoladz Construction Co., Inc. | \$1,784,200.00 |
| United Construction Company, Inc. | \$1,791,742.58 |
| OnSite Development, LLC | \$1,793,039.60 |
| United of Carolinas, Inc. | \$1,935,877.35 |
| Sealand Contractors Corp. | \$1,954,072.91 |

Item No. 23: Collective Storm Drainage Improvement Projects Series F

Approve a contract in the amount of \$1,635,700 to the lowest responsive bidder, Zoladz Construction Co., Inc. for Collective Storm Drainage Improvement Projects Series F.

Summary of Bids

| | |
|-----------------------------------|----------------|
| Zoladz Construction Co., Inc. | \$1,635,700.00 |
| United of Carolinas, Inc. | \$1,642,369.66 |
| Sealand Contractors | \$1,649,121.24 |
| United Construction Company, Inc. | \$1,892,898.70 |
| OnSite Development, LLC | \$2,159,330.36 |

Item No. 24: Charlotte Water Lab Supplies and Equipment

(A) Approve the purchase of laboratory equipment and supplies, by the sole source exemptions, (B) Approve a contract with Biotage LLC, for the purchase of laboratory equipment and supplies for the term of five years, and (C) Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Item No. 25: Clems Branch Pump Station Project

Approve a guaranteed maximum price of \$5,259,200 to State Utility Contractors, Inc. for Design-Build construction services for the Clems Branch Pump Station project.

Item No. 26: Large Water Meter Installation and Replacement

(A) Reject the low-bid submitted by Classic City Mechanical, Inc. for large water meter installation and replacement, (B) approve a unit price contract to the lowest responsive, responsible bidder Vanguard Utility Service, Inc. for large water meter installation and replacement for an initial term of two years, and (C) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Summary of Bids

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|-----------------------------------|----------------|
| Classic City Mechanical | \$ 490,275.50 |
| Vanguard Utility Service, Inc. | \$ 655,765.00 |
| RTS Water Solutions LLC | \$ 772,496.03 |
| Dallas 1 Construction LLC | \$1,142,680.00 |
| State Utilities Contractors, Inc. | \$1,874,895.00 |

* The low-bid of \$490,275.50 submitted by Classic City Mechanical, Inc. was found not to be responsible for failing to meet the established qualification requirements.

Item No. 27: Regional Biosolids Conveyance Design Services

Approve a contract for up to \$1,966,300 with CDM Smith Inc. for Regional Biosolids Conveyance Design Services.

Item No. 28: Sugar Creek Wastewater Treatment Plant Maintenance Building

Approve a contract in the amount of \$1,426,200 to the lowest responsive bidder MV Momentum Construction, LLC for the Sugar Creek Wastewater Treatment Plant Maintenance Building project.

Summary of Bids

| | |
|------------------------------------|----------------|
| MV Momentum Construction LLC | \$1,369,200.00 |
| AVM Contractors LLC | \$1,457,961.00 |
| Danforth Construction | \$1,563,450.00 |
| Catalyst Construction Company, LLC | \$1,627,500.00 |

Item No. 29: Upper McAlpine Creek Sanitary Sewer Interceptor Construction

Approve a guaranteed maximum price of \$17,078,883.69 to Crowder Construction Inc. dba Crowder Construction Company for Design-Build construction services for the Upper McAlpine Creek Sanitary Sewer interceptor project.

Item No. 30: Water, Wastewater, and Lift Station Treatment Chemicals

(A) Approve unit price contracts for the purchase of water, wastewater, and lift station treatment chemicals for an initial term of one year to the following: Premier Magnesia, LLC, JCI Jones Chemicals, Inc., EWT Holdings III Corp. dba Evoqua Water Technologies LLC, (B) Approve the purchase of magnesium hydroxide, by the sole source exemption, (C) Approve a contract with Premier Magnesia, LLC for the purchase of magnesium hydroxide for an initial terms of one year, and (D) Authorize the City Manager to renew the contracts for up to one, one-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

Summary of Bids

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

Item No. 31: Blue Line Extension Origin-Destination Study

(A) Approve a contract with ETC Institute for the Blue Line Extension Origin-Destination Study for \$602,800.04, and (B) Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Item No. 32: CATS Bus Particulate Filters and Catalysts

(A) Approve unit price contracts for the purchase of particulate filters and catalyst bus engine parts for an initial term of three years to the following: Michael White Associates, TLG Charlotte, and (B) Authorize the City Manager to renew the contracts for up to one, two-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

Summary of Bids

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

Item No. 33: CATS Bus Preventative Maintenance Filters

(A) Approve a unit price contract with TLG Charlotte for the purchase of bus preventative maintenance filters for an initial term of three years, and (B) Authorize the City Manager

to renew the contract for up to one, two-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

Summary of Bids

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

Item No. 34: CATS Ultra-Low Sulfur Diesel Fuel

(A) Approve unit price contracts for the purchase of Ultra-Low Sulfur Diesel fuel for an initial term of three years to the following: PAPCO, Inc., Lykins Energy, and (B) Authorize the City Manager to renew the contracts for up to one, two-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

Summary of Bids

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

Item No. 35: Dell Network Storage Products and Solutions

(A) Approve a contract with Dell EMC for a term of up to five years to authorize purchase of Dell Flex on demand Data Domain products and services, (B) Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved, and (C) Authorize the City Manager to purchase such additional storage products, services, hardware, maintenance, and support as required to maintain the electronic data storage solution for as long s the city uses the solution.

Item No. 36: Resolution of Intent to Abandon a Portion of West 25th Street

(A) Adopt a resolution of Intent to abandon a portion of West 25th Street, (B) Set a Public Hearing for August 10, 2020.

The resolution is recorded in full in Resolution Book 50, at Page(s) 736.

Item No. 37: Resolution of Intent to Abandon an Alleyway between 23rd Street and 24th Street

(A) Adopt a Resolution of Intent to abandon an alleyway between 23rd Street and 24th Street, and (B) Set a Public Hearing for August 10, 2020

The resolution is recorded in full in Resolution Book 50, at Page(s) 737.

Item No. 38: Resolution of Intent to Abandon an Alleyway off Hawkins Street between West Worthington Avenue and West Boulevard

(A) Adopt a resolution of Intent to abandon an alleyway off Hawkins Street between West Worthington Avenue and West Boulevard, and (B) Set a Public Hearing for August 10, 2020.

The resolution is recorded in full in Resolution Book 50, at Page(s) 738.

PROPERTY TRANSACTIONS

Item No. 39: Property Transactions – I-85 North Bridge, Parcel #1

Resolution of Condemnation of 3,835 square feet (0.088 acre) in Fee Simple, 1,587 square feet (0.036 acre) in Storm Drainage Easement, plus 9,402 square feet (0.216 acre) in Sidewalk and Utility Easement, plus 2,880 square feet (0.066 acre) in Waterline Easement, plus 8,516 square feet (0.196 acre) in Temporary Construction Easement, plus 2,402 square feet (0.055 acre) in Utility Easement, plus 7,629 square feet (.175 acre) in Retaining Wall Easement at 9014 Research Drive from DXC Technology Services LLC for \$119,900 for I-85 North Bridge, Parcel #1.

The resolution is recorded in full in Resolution Book 50, at Page(s) 739.

Item No. 40: Property Transactions – I-85 North Bridge, Parcel #5

Resolution of Condemnation of 25,151 square feet (0.577 acre) in Fee Simple, 1,453 square feet (0.033 acre) in Storm Drainage Easement, plus 5,361 square feet (0.123 acre) in Sidewalk and Utility Easement, plus 2,466 square feet (0.057 acre) in Waterline Easement, plus 22,359 square feet (0.513 acre) in Temporary Construction Easement, plus 5,667 square feet (0.13 acre) in Utility Easement, plus 1,455 square feet (0.033 acre) in Retaining Wall Easement at 604 Doug Mayes Place from Oasis Temple AAONMS for \$429,000 for I-85 North Bridge, Parcel #5.

The resolution is recorded in full in Resolution Book 50, at Page(s) 740.

Item No. 41: Property Transactions – Lakeview-Reames Intersection Improvements, Parcel #39.1

Resolution of Condemnation 399 square feet (0.009 acre) in Fee Simple, 106 square feet (0.002 acre) in Sidewalk and Utility Easement, plus 2,449 square feet (0.056 acre) in Temporary Construction Easement, plus 241 square feet (0.006 acre) in Utility Easement at 5216 Lakeview Road from Dorothy E. Blackmon for \$10,275 for Lakeview-Reames Intersection Improvements, Parcel #39.1.

The resolution is recorded in full in Resolution Book 50, at Page(s) 741.

Item No. 42: Property Transactions – Mallard Creek Reuse Line Extension to UNCC, Parcel #2

Acquisition of 16,775 square feet (0.385 acre) in Sanitary Sewer Easement at 200 Pavilion Boulevard from 200 Pavilion, LLC for \$60,000 for Mallard Creek Reuse Line Extension to UNCC, Parcel #2.

Item No. 43: Property Transactions – McCullough Drive Streetscape Parcel #17

Resolution of Condemnation of 3,782 square feet (0.087 acre) in Utility Easement, 3,090 square feet (0.071 acre) in Sidewalk Utility Easement, 105 square feet (0.002) acre in Temporary Construction Easement at 8302 University Executive Park Drive from Harris Realty Investments, LLC for \$47,325 for McCullough Drive Streetscape, Parcel #17.

The resolution is recorded in full in Resolution Book 50, at Page(s) 742.

Item No. 44: Property Transactions – McCullough Drive Streetscape, Parcel #18

Resolution of Condemnation of 230 square feet (0.005 acre) in Fee Simple, 6,676 square feet (0.153 acre) in Sidewalk Utility Easement, 3,684 square feet (0.085 acre) in Temporary Construction Easement at 8220 University Executive Park Drive from ATAPCO UEP, Inc. for \$76,275 for McCullough Drive Streetscape, Parcel #18.

The resolution is recorded in full in Resolution Book 50, at Page(s) 743.

Item No. 45: Property Transactions – Providence Road Sidewalk Improvement (Greentree Drive – Knob Oak Lane), Parcel #19

Acquisition of 1,704 square feet (0.039 acre) in Fee Simple, 2,222 square feet (0.051 acre) in Temporary Construction Easement at 3726 Providence Road from Brandon Forbes and Leila L. Forbes for \$45,525 for Providence Road Sidewalk Improvement (Greentree Drive -Knob Oak Lane), Parcel #19.

Item No. 46: Property Transactions – Quail Hollow at Heathstead Pedestrian Crossing, Parcel #2.1

Resolution of Condemnation of 225 square feet (0.005 acre) in Sidewalk and Utility Easement, plus 78 square feet (0.002 acre) in Temporary Construction Easement at 4521 Hamptonridge Drive from TH Property Owner 6 LP for \$425 for Quail Hollow at Heathstead Pedestrian Crossing, Parcel #2.1/

The resolution is recorded in full in Resolution Book 50, at Page(s) 744.

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PUBLIC HEARING

ITEM NO. 5: PUBLIC HEARING ON GENERAL OBLIGATION BOND REFERENDUM

Mayor Lyles declared the hearing open.

Motion was made by Councilmember Driggs, seconded by Councilmember Graham, and carried unanimously to close the public hearing and adopt a resolution to approve the bond orders which would be authorized at the General Obligation Bond Referendum to be set for November 3, 2020.

The resolution is recorded in full in Resolution Book 50, at Page(s) 728-730.

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ITEM NO. 6: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF AN ALLEYWAY BETWEEN 21ST STREET AND 22ND STREET

Mayor Lyles declared the hearing open.

Motion was made by Councilmember Driggs, seconded by Councilmember Graham, and carried unanimously to close the public hearing on a resolution to close a portion of an Alleyway between 21st Street and 22nd Street.

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POLICY

ITEM NO. 7: CITY MANAGER'S REPORT

COVID-19 Responses – Facility Modifications

Marcus Jones, City Manager said tonight under the City Manager's Report, we have four items; our COVID-19 Response, which tonight we will talk more about some of the facilities and the renovations that are taking place as it relates to Rework, is what we have entitled it. We have Police Department Updates which includes a recap of the events that occurred on June 2nd as well as the events that occurred at Beatties Ford Road; then the City Attorney will give you an update on the City's Nuisance Abatement Process as well as there have been some questions about some specific properties, which CMPD will be able to address, but also we've handed out to you some comments related to those properties. We had on the list 7th and North Tryon but because that is Item No. 11 under Business, the discussion related to that, Tracey and Company will be cued up when we get to Item 11. Before I turn it over to Phil who is going to give us an update on what we are calling Rework, some of the facility improvements to support a new way of working, I just want to do a little bit of recap of what we have been discussing over the last couple months as it relates to keeping our employees safe and still providing core services. As you may recall a couple weeks ago, we discussed first responders and how they never really stopped responding as well as the operations staff that beginning in the first couple weeks in June, they started to come back to what I would call something closer to full capacity. You had a number of questions last week which we answered in your packet on Thursday, dealing with how do we keep employees safe.

I do want to mention our Water Director, our C-DOT Director as well as our Solid Waste Director and General Services. The four of them have been working as this Operations Sub-group and there are many things that we have been doing up to this point to make sure that we keep our employees as safe as we possibly can. Some of the items have been staggered arrival time; they have been not just PPE that we are providing, but options that an employee in Operations can leave their house, get in his or her truck, never have to punch a clock and limiting opportunities for people to be into buildings. A

lot of this has been what the employee feedback and input, but now we are at what I would call the third stage which is there are many individuals who have been teleworking and as you may recall with the CARES funding there is money that is set aside for our facility renovations, and I mean all of the facilities, so that we can create an environment for our employees to come back to work safely. With that said I would like to turn it over to Phil Reiger to talk a bit about some of the plans for Rework.

Phil Reiger, Director of General Services said as the Manager said I want to just review very quickly the facility improvements that we have planned that support the return of our employees to the work place, particularly our facilities and a safe return as well as productive return. It goes without saying that our community, our nation and our world has been challenged by the COVID pandemic and we have been challenged as a City to rethink, reimagine and reinvent the way we work. Tonight, I'm going to share with you plans to rework our facilities by making improvements that support those employees working in them such that they can work safe and productive.

Across all of our categories of work we've had to make adjustments; the Manager talked about our Public Safety service, men and women who are continuing to serve our community on the front lines. He talked about the adjustments we've had to make in our Operational Units. Tonight, I want to focus on our Administrative Staff, our staff what work primarily in our facilities and since March we've relied on remote work to continue services, and to this point all reports point to remote working being a successful arrangement to manage our work. We believe that the work environment of the future includes a combination of in office and remote work environments. The pandemic has forced us to adjust to remote work as a City where applicable and we plan to retain remote working schedules as a more permanent part of our work. In addition to maintaining social distancing remote work yields best benefits to its employees, to the employer or us the City and to our community.

Just to review some of those benefits, remote work creates an agile and flexible workforce, a workforce that can provide uninterrupted services from anywhere with power and network connectivity. It offers increased flexibility, enhanced work-life balance and fewer commuter trips for employees. We are able to use our space more efficiently, supporting greater number of employees and at the same time providing a vast dense building, that is fewer employees in the building at any given time. In addition, we can minimize the City's reliance on leased facilities. Fewer trips by our workforce reduce the quantity fossil fuels burned and thus reduces the greenhouse gas emitted into the environment which is consistent with our SEAP goals. In order to support a new work environment, an environment that requires employees to work in the office as well as remotely, we've got to make some facility improvements to ensure that our facilities are safe and effectively support productive remote work and work in the office.

Our facility improvements are intended to meet four goals; safety of our workforce and the public; workforce productivity and facility efficiency, connecting with our community and improve resiliency. I will walk through how we will accomplish each goal. On the safety front, maybe most important or first and foremost we plan to install what is called HVAC Bi-polar ionization units. These are accessory units that bolts onto HVAC systems to reduce the circulation of pathogens and molds. These units have been tested by an independent lab and have been found to be 99% effective. This is technology that is used in hospitals and we plan to install them in approximately 140 of our facilities and these are the facilities that house our workforce. We have plans to install touchless faucets in areas or restroom traffic. We plan to replace and install new work stations to ensure appropriate social distancing, but also improve our ability to sanitize and clean surfaces. We plan to continue to install sneeze guards in our transaction areas as you've seen around the Government Center and to install signage that encourage these behaviors.

As it relates to workforce productivity and facility efficiency, and a part of the safety goal we will be making floor plan renovations and these renovations will allow us to reunite departments. We currently have departments scattered across three and four floors in the Government Center as well as across other facilities in the City. Our renovations will allow us to reunite departments on single floors of the Government Center; for example,

our I & T Department is spread across four floors. We are going to be able to bring them onto one floor. We are going to be able to relocate services back into CMGC, for example we will be able to bring Economic Development to the CMGC as well as bring Risk Management from the Cameron Brown Building back to the CMGC. Finally, we are going to be able to create new spaces, spaces that we are calling flex space which offers employees that work outside of our Government Center but have to frequent the Government Center a place to land while they are there, so they don't feel like they have to travel back and forth to accomplish their work.

As it relates to connecting to our community, our plan is to relocate, if not already located customer facing services on the first two floors of our Government Center. The idea here is to minimize the amount of movement around the Government Center that our public has to do in order to receive the services that they come to the Government Center for. That is good for our customers and it is also good for our employees because it prevents anybody that may be COVID positive from moving up and down the building.

Finally, this plan will increase our resiliency as a City and as a workforce and we will support an adaptive workforce through technology improvements and we plan to make Wi-Fi improvements in our buildings to make our buildings more flexible, low touch office telephone systems, hardware to enable our workforce to work from home or other locations. We are going to increase network security, we will need to do that and optimize our network.

This will cost some money and so we've done some work around what an estimated cost of these improvements are, and these improvements are planned to be funded by the CARES Act that the Manager referenced earlier. For our facilities, and again, this is all of our facilities, we think that a cost estimate to achieve these goals will be around \$8 million to \$9 million; to do the HVAC upfits we plan to spend about \$4.5 million to \$5.5 million and the technology investments will cost about \$9 million to \$10 million. This is just shy on the high end of about \$24.5 million. That ends my presentation and I will be glad to answer any questions you might have.

Councilmember Driggs said do we expect to realize any actual savings on our continuing occupancy costs as a result of this or we really just going to reduce crowding in the existing space? I think the costs you referred to are basically upfront costs to make the changes, but are we going to be occupying less space?

Mr. Reiger said no sir we won't, and our leases with our other tenants will remain the same. I would like to point out that bringing Risk Management back into the CMGC will mean that we will not need to rent the Cameron Brown spaces that we have and that represents about a quarter of a million dollars a year.

Councilmember Winston said thank you Mr. Reiger; you did a good job of explaining how we are looking at keeping the business aspect of government ongoing, but the most important part of government and American system is democracy and democracy has been short-circuited. It is the ability for citizens to confront their government and to come and face us and question us and hold us accountable. It is also the ability of us as representatives to be equal and look each other in the eyes as well. I haven't seen any examples [inaudible] to figure out how to do this in an effective manner. It has been four months and we haven't been able to deal with democracy full on face on so how are we going to do that, where is the plan for that, what do we need to do to get there?

Mr. Jones said Mr. Winston; I will jump in, a piece of what Phil provided was trying to create that safe environment on those first three or four floors of this building and by having some of this HVAC system improvements and being able to have a building that has PPE and some of the things that we need in order to all the democracy to occur, we believe that begins it. You and I have talked about maybe there is something very, very different; how do we utilize our front porch, how do we utilize other areas that are available to us because I think where you are going is that social distancing is going to limit people's ability to interact within the building so, what can we do beyond just the building?

Mr. Winston said I do agree, we have talked, and I do think that needs to be a conversation that we have sooner rather than later. Again, being that our government is based on that, yes, we can do all the business and if we get that done, I know that is your job to be CEO of this organization, but we've got to get democracy working again here in Charlotte.

Mayor Lyles said I don't have anyone else on this topic; Mr. Jones, should we move to the next one?

Police Department Updates – Beatties Ford Road

Mr. Jones said the next item that we have are two Police updates and I believe that we will have Chief Jennings and his team provide you with information related to the Beatties Ford Road incident as well as the June 2nd, but I would like, much like before I turned it over to Phil, before I turn it over to the Chief I would like to talk a little bit about the last time we were together and violence reduction strategies that are out there, so I heard you loudly and clearly. One of the things that we talked about consistently for almost a year now is to be as data driven organization that is using evidence-based research in order to make a change in this violence reduction. I'm very appreciative for the hard work that the Mayor has done, the Mayor Pro Tem, Councilmember Egleston and everybody who has been pushing what we need to do in terms of our Safe Communities. Two things I would like to do is start off by saying that the City just received the Silver Level from what we call What Works Cities. We were one of only 24 cities that currently have this designation so thank you so much Rebecca Heffner and our CIO Rene Askew. This is the first time the City has received this designation and the reason I say that is because a lot of what we are going to have to do in the future is going to be based on data as well as evidence-based approaches. What I did do over the course of last week, I had several conversations with not just Councilmembers, but members of the community and we talked a bit about this hospital-based violence interruption program which we feel very confident that we will be able to launch that quickly. But also, we talked about the street outreach for the violence interrupters and I spent some time with Robert Dawkins, we spent some time with Gibbie Harris, and we believe that Cure Violence is the quickest pathway forward. It is something that we have been discussing for a number of years, individuals have made trips to Chicago and what we have learned is that with this approach the tool is a very proven tool. Implementation is where we have to be careful that we get it the right way. We had a conversation, Sarah Hazel and I with Cure Violence today and what we are doing is moving forward in terms of the first step which is to have an assessment. That assessment, we are a little bit in a strange area because they are not traveling right now but the assessment, we talked about the parameters around that and that we could do that as quickly as we could get the individuals form Cure Violence here in the City.

We are having a series of conversations with the County this week; we continue to be partners and my expectation is that we will continue to be partners in this initiative. The last thing I want to say before I turn it over to the Chief is that were some concern about the Jumpstart Grants and that being so heavily utilized by some of the Violence Interrupters. What I will say to you that in the corridor budget that I showed you last week on the operating side, that \$10 million, there was \$380,000 of contingency. I would like to go straight into the contingency to begin the efforts around the Violence Interrupters, both the hospital-based and the street outreach and I believe when we do this, we will be the first City in the state to have that dual approach to it. Again, evidence-based, we have a good deal of collaborative [inaudible], going to be a great deal of collaboration and we have the resources to move forward. I just wanted to put that out before we turned it over to Chief Jennings because as he goes through these presentations it is going to be very clear that policing alone is not going to be our solution. With that said I would like to turn it over to Chief Jennings.

Chief Jennings, CMPD said thanks for having me. It was saddened to be here on the afternoon after such a violent week-end. As you have seen we had just last night a 16-year old who was murdered; the night prior before that was a 17-year old. A couple weeks ago we had a 14-year old. Since June 2nd we've seen 22 homicides and there have been nine of those that have been under the age of 18. As we talk about Police accountability,

I think we have that same passion for violent crime; I think there is room for both. You are going to hear some presentations this afternoon about some things that we are doing and some things that we have accomplished and been able to do and hopefully a better understanding of the Beatties Ford Road investigation as well as the June 2nd recap. I'm going to have Major Dave Robinson come up and he is going to talk about the Beatties Ford Road incident.

Major Dave Robinson, CMPD said the Beatties Ford Road presentation as it stands, before we get down into the weeds if you will, I would like to give Council just a brief overview of Metro in general, our Metro Division and exactly where we are for the year. Then we will talk about the Beatties Ford Road Corridor as it exists, and Spence Cochran from Metro is here to talk about efforts over the years and then we will get into the celebrations, calls for service for Juneteenth and also the 14-year old homicide update as well.

The Metro Division is 13.1 square miles and it encompasses 31,000 community members. We have been part of that community forever, CMPD and feel part of the fabric of that community. For the year we are up 5% in violent crime for Metro as a whole and that encompasses 312 violent crimes this year for 2020. This time last year in the entire Metro Division we had 298 violent crimes. Our property crimes are down 5% and that follows a citywide trend and the thought is as with more people home with the COVID pandemic that the year-to-date number is 1,074 property crimes versus about 1,133 this time last year. So, totally [inaudible] one crime in Metro Division is down three percent year-to-date. Now, when we talk about what we bring to the table as CMPD in terms of helping to enhance safety and security within the community we have to talk about the number of times we get called to that corridor. Now I want to take your attention straight to the Beatties Ford Road Corridor and that basically encompasses from the Team Office on Beatties Ford Road all the way to I-85 and Catherine Simmons and those communities there, Food Lion and that areas. Beatties Ford Road and LaSalle Street, so if you could go with me in your minds as to where that is. We average year over year approximately 7,000 calls for service that have been initiated by citizens, so that means that one of the 31,000 residents pick up the phone and calls and ask for Police services. That number I believe is even less because at lot of the calls we get are duplicated and duped into what we call duped into another call. This year we have received about 3,300 calls for service and this was at the end of June, so within the last couple of weeks, we had to cut off our data then, but 7,000 a year and if you want to track this year with 3,300 just about to be along those same lines.

Now, you might be asking about Officer activities; what are the Police doing out there, what are we capturing as far as our data goes? Year over year we have average about 1,500 calls for service that we initiate; that could be a traffic stop or getting out with somebody or just making zone check numbers which generates a call for service and that is about 1,500 a year and it has been that way for the past three and a half years. That is the work and when we are talking about violent crime, we can also talk about gun seizures and this year we are up 18% in gun seizures. CMPD has taken 163 guns off the street in the Metro Division and that is up over last year. Before I turn it over to Spence, one of the gun seizures was from a week ago and involved a kid who was 14-years of age and he had a sawed-off shotgun in his backpack. We got a community member who called and said I think there is something going on here. An Officer very [inaudible] and correctly made contact with this juvenile and was able to secure this sawed-off shotgun which, let's be honest, nobody has any right or reason as a 14-year old to carry a weapon, particularly a sawed-off shotgun. That was an effort to deescalate, to take that weapon out of that child's possession and I would argue delete any opportunity for that child to be involved in a violent crime, either as a victim or as a suspect. Without further ado, just to talk about some of the historical work that has been going on, I'm not the guy to tell you that, I would leave it to the expert. Lt. Spence Cochran has spent every year of his 30-years here with CMPD assigned to the Metro Division and I can think of nobody better to talk about the historical work that has been going on around the Beatties Ford Road and LaSalle Street intersection and corridor than Lt. Spence Cochran.

Lt. Spence Cochran, CMPD said it is good to be here because again, I can talk about the work. A lot of time in my position gives me a chance to go in front of the City and explain all the work that is being done in a certain area. I've been fortunate to be on Beatties Ford Road for almost 30-years, one area, one spot in my whole career. From that I have seen a lot as it has changed drastically over the years. When the cocaine epidemic, the heroine coming in, [inaudible] improvements on the corridor, the main thing is the last several years the City, including CMPD, has known that this corridor is very important. I would say how the corridor goes [inaudible] is how the City goes. With that a lot of meetings has gone on how can we improve the corridor and investments, what can we do to make the corridor better? The Police is very good at locking up; we can arrest a lot of people, Metro is very good in making their arrest and catching the bad guys, but that is not going to solve our problems. We've got to be involved in the neighborhood and in the community, not just from the law enforcement standpoint, but other things too. We need partners and from those partners economic development, community improvements, housing and neighborhood development so again, those services. When we use Neighborhood Development to help with the grants and improve the neighborhoods, security grants, façade grants, businesses getting better, it improves everything. [inaudible] Economic Development is very important to us because of that, also our Code Enforcement, street improvements. These are people that again, as Police Officers, why is Code Enforcement important to what you do? It is important because again those vacant lots, abandoned cars and that hanging out in neighborhoods makes everything look bad. It looks bad, hurts us but having a relationship with those in the Code Department improves everything.

The Federal Government; we've met with them on numerous times and [inaudible] didn't see the property but he goes up and give you a call about your property and saying you improve your property, or we are going to get involved. Normally, that helps so CMPD never links you with the Federal Government and getting businesses actually helps a lot. One big business on a strip mall that again had issues with, Federal Government got involved, buys it. Clean up your act, get rid of crime. It is a nuisance [inaudible] then we will release you from any kind of liens you might have on you. That has happened, the neighborhood improves, and it gets better again.

What about D-DOT; how does C-DOT affect crime? Well, that helps us with traffic lights, speed lighting, the bus stops; improving the bus stops where bus stops don't have the lighting correctly, it is overgrown. When that happens and it is dark, who wants a dark bus stop? The guy who wants a dark bus stop, the guy is doing crime. You clean that bus stop up and it helps us out. Again, C-DOT came in put a new light in, took out a tree, that helps us a lot.

The schools, we've got to be involved in schools. Young people, how can we get up with them? Through meetings, community meetings, reading with students at school, gets out there with them on the playground so there is contact. I'm concerned right now because of COVID. Holding hands like we used to do, I'm pulling back. How does that affect the neighborhood? [inaudible] because again, how do we get back into that? All the neighborhood stuff, all the events, food drop off, gift giving, everything we used to do hand on we're kind of pulling back. So, again at the Police Department we've got to re-step that and look at it again. How can we still get in neighborhoods, but again we have new restrictions? That [inaudible] how can we get back out there and do what we normally do with the restrictions we have. I want to show you that as far as being out there, are we doing the right thing at the right time, yes. We are not going to stop, but we are going to have to invest in new ways to get out there in front of the neighborhood to make that same kind of visibility and respect. And again, transparency; if they don't see us, they don't know us. So, my job is to make sure my guys are out there so they are seeing and so they know.

Major Robinson said thank you Spence; like I said, Spence has credibility for days and years and his career has built on those partnerships up and down the corridor and in Metro as a whole. Spence; thank you for your service and 30-years of doing great work.

We are having some technical difficulties, I think we are back on line, that is good, if not it is in illegitimate for those who can look in there and see we are on slide #5. As you look at our efforts in the area, before we go to that, it includes bike patrols, walking beats, traffic enforcement; as we know that is a Vision Zero Corridor and the neighborhood has been very specific about trying to do something about traffic safety due to pedestrian and travel along that road. CMPD has been involved with food drives, we've been involved with the homeless initiatives and trying to improve the lives of those who are in our most challenged. Door to door community interactions, particularly after a major event, and of course our community meetings and our partnerships. We had the opportunity and the privilege of being part of Councilmember Graham's virtual meeting with community meeting the other night, Spence and I did, and it was a very rewarding and meaningful experience. That is indicative of the type of work that has been going on in Metro for a long time.

As we look at the crime from 2014 to 2020 and the year to date, as you can see, we followed a trajectory and if you look at the gold, that is our most pressing issue when it comes to policing within this corridor, and it has to do with aggravated assault. One human being hurting another and when we talk about that an aggravated assault can be something as simple as punching somebody, causing significant injury, usually with a weapon, a brick or rock, things like that, all the way up to someone being shot. That does not include homicide, we pulled that stat out as well, and I do want to remind everybody who is looking that 6/30/2020 again was our cut-off date for the stats to get the presentation as sharp as we could. When you look at the robbery numbers, that is a big deal and that is personal and business robberies and so if you are a resident of Beatties Ford Road and know that within a period of time in that corridors, we've had 17 robberies this year alone within the corridor. That plays in with the perception of potentially not being safe in an area and so these are numbers that we track in and combat daily. You look at the homicides and as transition throughout the presentation moving forward again, you see two for 2020, that is actually going to be an elevated number. It will be five because of the Juneteenth shooting and we will talk about that.

Talking about the violent crime victims by age; you can see that under 14, 71 people under the age of 14 were victimized with violent crime. You see the largest numbers 18 to 49, obviously, our folks within that range and then our older folks, and I'm nearing that age as well, but over 50, 135 times and unknown 18. These graphs show the breakdown of what our violent crime that is domestic related because a lot of people think it is all about just DVs, and I will say that DVs are one of the most volatile situations that your Police Officers face everyday because you don't know what you are going into. In another part of the country just this week in fact two officers were killed going to a domestic, so it is a volatile highly charged situation and something we don't take lightly, but 22% within the corridor were domestic related; 78% were not. If you look at the breakdown for gender, from 17 to 20 56% were males, violent crimes victims 44% were females, and again this is within the Beatties Ford Road Corridor. If you look at the racial breakdown, 88% of our violent crime victims were African American; five percent Hispanic/Latino; five percent white and a sliver there that is other or unknown. As you can see our response to the 31,000 residents who live in Metro involves folks who are victimized at a disproportionate level and that is something that every Police Officer and Supervisor and member of Command and Executive Staff up to the Chief of Police takes very seriously and look forward to developing further solutions that would enhance that opportunity.

Well, you say Dave; it all sounds like a lot of information but what are really the challenges? What I can tell you is that the challenges have to do with fear, and I mentioned the fear of walking down the street about a robbery, worried about being victimized for an aggravated assault or witnessing some horrific crime. I don't believe that people are afraid of us, I don't believe that, and I don't believe our Chief does either. What I believe are that people are afraid of retribution from within the community if they cooperate with us, and that is something that is difficult to overcome. It doesn't matter if it is a business, a business owner or a private citizen, and we do see quite a few times where people just don't want to work with us, and it doesn't matter how many food drives we do or how we get out there and try to shake hands, it just sometimes doesn't work out. We'll talk about that a little bit later. Misdemeanor enforcement; a lot of people complain

the most about things that are minor, drinking on the street corner, littering, broken windows theory, we have all heard about that. But, the truth of the matter is that it is tough for us because if we take enforcement action and arrest somebody, let's say for drinking on the sidewalk, often times they are back out of jail, walking right back to Metro before the Officer is even finished with his or her paperwork. That is difficult, and as I said at the top many local residents are just hesitant for fear of retaliation. Now, is that every single time? No, no, no and I want to say this, we've got good cooperation from a handful of folks who want to do better and want us to do better and hold us accountable. Again, to reference Councilmember Graham's meeting the other night, that was an opportunity to hear from absolutely the community leaders and residents who are holding us accountable, and those are the relationships that we covet and want to promote.

The other thing is we get a lot of complaints about bus stops and Spence touched on this a little bit. The issue is though how do you differentiate somebody who is waiting to go to the bus stop to wait for the bus to take them to their job or medical appointment or to school from those who are just standing around loitering? Again, that is when we need to hear from residents to tell us that and that is oftentimes difficult.

I realize that the next two events that we are going to talk about, there may be some questions and I'm certainly open to answering as much as I can about that. A couple of ground rules for us as Police is that the case and its entirety, the prosecution, the investigation, there is nothing about that that we would ever want to compromise. No matter what, and as much as we want to deliver every piece of information publicly and be as transparent as we can, there are certain things about that that frankly I'm not even privy to and don't have the authorization or the ability to speak on. With that being said, I want to give you everything that I can so there is at least a more firm understanding of what exactly these two events, and I am talking about the Juneteenth Father's Day shooting and also the 14-year old.

Starting with the Juneteenth Celebration, we looked at that as a, obviously, we didn't know at the time, but on Friday there was an authorized pre-planned, approved through the City, a gathering during the day for the Juneteenth Celebration that went off perfectly. There were no issues whatsoever, there were no calls for service. Throughout the evening the gatherings resulted in several calls for service that Officers responded to about vehicles blocking intersections, some fireworks, large groups spinning out tires, and that has been a big question and I would like to put that on the table right now, I've heard from several people that said why didn't you guys take action on that activity, and the truth of the matter is that we operate within a try to be reasonable in terms of what we do and how we do it. The reasonableness quotient for us is met when we can do things that seek to mitigate, block-off access to where numerous cars can't come down. Obviously, we had Officers within the vicinity that were there and were able to report back to us. We did have some shots fired calls in and around the area but anybody who knows anything about Charlotte, sometimes we get fireworks calls that are misinterpreted as gunshots and we have to navigate through that.

Saturday event; there was nothing sanctioned by the City to our knowledge at that point and the City is great about communicating with us about what that is. Officers responded to calls for service, numerous calls in fact where we went out and we took actions. There were drug sales, gunshots, too many people on the corner, calls that typically we would go out and handle and answer. There is a convenience store in the area that frequently calls our Metro Officers to the scene because of an overcrowding of the parking lot or the gas pumps. We've worked with that business owner trying to look for longer term solutions and just say hey, you need to close the business for a little bit and let's let people clear out and then we can live to fight another day. We've been unable, as I said earlier, cooperating in that regard is tough to come by sometimes. We did close Beatties Ford Road on Saturday, we closed it, now you are going to say wait a minute, you closed Beatties Ford Road so people couldn't leave. That is not true, there is literally a hundred methods of ingress and egress that we shut down Beatties Ford Road nearer to the Team Office and went down there at I-85 with opportunities for people to move around. Then as the crowd size decreased, we were able to open Beatties Ford Road again and to allow for traffic to move through there and pedestrians safely.

Sunday, Father's Day, a day that will stick with me forever in terms of my thought process along with how we looked at this day. Crowds had gathered along the sidewalks and the street. Now, mind you prior to this we had had no arrest, no CEU deployments, no riot control agents even if there was no TRO, there was no way we could have used them or would have used them because there was no reason to do that. This by all accounts for the Friday and the Saturday other than the calls for service for the most part was a very lawful and peaceful gathering. I would challenge anybody to help us dissect our response to that, not saying that we are or ever will be perfect, because we are made up of human beings, but I will say that our response was thoughtful and throughout in a way that was consistent I believe with our values and what we've heard from the community as to what the expectation is.

The convenience store was a problem again that night; we had received very few calls for service related to anything pertaining to the crowd that had assembled at Beatties Ford within the corridor where the initial medic call for service that came out about the pedestrian being struck by the vehicle. When we first got that call, we had Officers that were in the area who could immediately respond as they did and as they responded we heard several gunshots in the immediate area. As you have heard, as our Chief has stated before there were over 180 gunshots from multiple different caliber weapons causing the death of the people there. A total of nine people were struck by gunfire, four people are deceased, three were victims of gunshots and the one victim was hit by a vehicle. An additional four people were hit by vehicles suffering minor injuries and as I said recovered approximately 180 bullet casings from the scene. To date no arrests and no witnesses. It is easy to say well what are the Police doing, why are we making an arrest, why don't we have some headway or some resolution to this case and what I can tell you is that since that night, these Detectives, these Crime Scene Technicians, these laboratory folks have worked doggedly and worked around the clock to try and figure it out and make some sense of it. But I can tell you this too, what we need is cooperation and all the Crime Stoppers tips in the world don't help us if it is hearsay, they don't help us if it is something to the extent of so and so said so and so might know something because even though we run all that down, none of that to date has born fruit and how we iterate, to those who might be watching or interested, that Crime Stoppers is an invaluable way to stay anonymous and to pay for your information. 704-334-1600 Crime Stoppers and I will say it again is the life blood of what we do and that is why the cooperation or lack thereof is so critical to these investigations.

If you hear a little emotion in my voice, it's unintentional. I can't control it, but I can tell you that the fact that nine human beings were injured, four of whom died and the carnage out there for that, I don't think there is any Police Officer in the world, particularly in the Metro Division, that wants to stomach that or take that as a status quo. I can tell you that it is sickening to anybody who had worked in that area, a man like Lt. Cochrane who has given his whole career to that, it is not a good thing and we are not going to be satisfied until somebody is brought to justice on that.

The 14-year old shooting and I'll say this; I can tell you without equivocation I've seen a lot of stuff in my career, things that really nobody should see quite honestly, involving violence and death, quite frankly blood, things like that that really as Police Offices will tell you, never gets easy. The video associated with this senseless crime is one of those times that I really wish I hadn't seen it because I can tell you that what I see is chaotic, very rapidly evolving scene. Now you remember earlier in the presentation we talked about the 14-year old with the sawed-off shotgun. If anybody doesn't think that are kids out here in the streets carrying guns, there are and when we hear a 14-year old has been murdered we immediately go to what our picture is of a 14-year old child hanging out outside an arcade near a gas station and what that looks like to us or what that feels like to us and the emotion that comes with that. What I would caution everybody to do is to withhold judgement until the investigation has concluded and what I can tell you is that just like on the Juneteenth case, this case has not been stopped, this case had not been paused in any way shape or form in terms of how our Detectives and our investigators have worked. Obviously, if anybody knows a child or has a child you know that is something we don't take lightly. What I will say is there are circumstances involving this case and in particular this victim, and we've been in close contact with the victim's family

that indicate that there is more to this story and I wish we were 48-hours ahead so that I could tell you that we've had some resolution to this case. I believe we are close, and I believe we will be able to present our case very soon as to the judgement, certainly the presentation of this case to the District Attorney.

That was the case on June 30th at 1:30; it was a violent altercation that resulted in the death of the 14-year old and the shooting of an older male, the male that was transported, as we've said in numerous press releases down to West Trade by a private vehicle and then was picked up by Medic where he received treatment. He has survived. As I said with the case earlier, we need cooperation, we need that one break, that one piece of information that would help us bring this case to resolution. I've already talked about Crime Stoppers and I'm not going to bore you again or waste your time with that number, but that is where we are. Again, we pursue strong leads where they take us, we follow in the pursuit of truth and justice and for the justice and resolution for those folks most affected by this crime. If you have any questions, I'll be glad to take those and go from there.

Mayor Lyles said Mr. Jones; do you have anything before we begin the questions from Councilmembers?

Mr. Jones said no, we can go right into the questions Mayor.

Mayor Lyles said before we begin with those questions, it was really hard for me to come back into the office today because it reminded me of last summer just about this same time is when we really started talking about how do we actually do something about violence in this City and it is so many things that are similar from just a year ago. The painfulness of this in our community is destroying our history, our heritage, our ability for people to feel safe and welcoming in our City, for people to feel like they have an opportunity in our City, so while we are having this discussion I hope that we will not forget that what is behind all of this are people that have become victims and have lost their lives. They have always been someone's child, someone's father, someone's mom and that we can never forget that a City is made of people that feel like they can be together and if we can't figure out to take these steps together I think as a community we can build as many big buildings and eventually we will put fences around all of them because that is what would be required. I am really glad to hear that the Manager is working with the hospital system to have immediate support for people that are having gunshot wounds. I'm really glad that the Manager has been able to plan for us to put people in our neighborhoods that will address the questions of retaliation or the feeling that they can't do anything, that they are hopeless without these efforts, but at the same time we have some responsibilities that are beyond just the violence that we have going on. I say that because walking on Catherine Simmons Avenue, looking at those apartment buildings, speaking with Councilmember Graham today, thinking about those places where an owner will not close when a Police Officer says it is necessary. Just like all of us I think, we are committed to this and I hope that we will continue to think about this as every City Council Committee begins their work. One of the very first things, and we are going to talk a little bit about nuisance locations and how does that actually work with the idea of evidence-based strategies to reduce violence in our City, but not just doing it by buildings and strategies, but thinking always of the end gain is that person that needs to walk to the bus stop safely, get on a bus, go to work and come back home without fear for their lives. With that we are going to hear from the person that Beatties Ford Road is represented by, Councilmember Graham followed by Councilmember Eiselt.

Councilmember Graham said Chief Jennings; I want to thank you for that presentation Major Robinson and Lt. Cochrane. First, I just want to thank again Major Robinson and Lt. Cochrane and CMPD. For the last week and a half, I made a number of inquiries to them and to the Police Department for information and they have been really responsive to my request, so I want to say thank you for that. I also want to thank Major Robinson and Lt. Cochrane for joining me last week; we had about 35 neighborhood leaders on a web call where we discussed these incidents in total. The call was interesting, forward thinking and we were very transparent about what we felt and what we were feeling to a number of issues concerning Beatties Ford Road and I want to thank them for sitting there

with me and taking it along with me, but really for their professionalism and their response to what is going on there. I'll start there by saying we are all on the same page, we are all on the same team, we are all trying to solve the same problem.

I really don't have any questions Madam Mayor and Mr. Manager; because as you know I tend to do my work during the week, not at the Council dais, and so I had a number of conversations over the last week with the City Manager, the Mayor, Lt. Cochrane, Major Robinson, my neighborhood leaders about what happened on those two occasions. I think the presentation was appropriate and very transparent. There are some issues that we agreed that we disagree, community leaders and I, and I'm not going to rehash that because again, we've had those conversations last week with the leaders. One in particular again is the [inaudible] in the 60's and 70's and when it happens in our City in any part of the City it needs to be put out immediately. I'm not going to rehash that point; I hear the presentation and I understand the dilemma that the Police Officers were in and the decision that they made. Some of my neighborhood leaders understand that as well, others to not, but we are all moving in the same direction and I just want to give some highlights of that meeting from the outcome that I think represents where the citizens are on Beatties Ford Road. One, we want strong law enforcement that is fair and balanced on the corridor. We don't expect anything more, we don't expect anything less. We clearly understand about the misdemeanors of Major Robinson, how cumbersome that can be, but we also believe that somehow, you've got to fix the broken window and that we have to be intentional about cleaning up the corridor and that may mean providing and focusing on strong law enforcement that is fair and balance like I said before. It may mean more work for our law enforcement officers, just to see that same suspect walk the street an hour later, but it is important. It is also important that we believe, Mr. Manager; that we provide strong wrap around services for the corridor, that we like the violence interruption strategy that you are undertaking. We desperately need support for the homeless along the corridor, drug intervention; there are a number of housing issues that we need to resolve and again, there is mental health issues because when we do the strong law enforcement, as I believe needs to occur we need to make sure that we are providing services to those that we will be interacting with.

There is some nuisance on the corridor that we need to provide nuisance abatement, I know we are going to talk about that later, but we need to call it for what it is. We know the houses that are causing the problems on Catherine Simons Avenue, we know where the hot spots are on the corridor, we know where the drugs are being sold, and neighbors are just simply asking for again, fair and balanced law enforcement so the community can be safe and that we can prepare ourselves for economic development. A part of that also Mr. Manager and Madam Mayor; is strong code enforcement. I think Lt. Cochrane is absolutely correct, we need economic development activities on the ground wrapped around with code enforcement to enforce violations so that when we do prepare our public nuisance that there is not only a criminal report that we can refer back to, but a wide variety of code enforcements which will make our case that much stronger. We also believe that there needs to be investment in businesses along the corridor, those who are currently working on the corridor and those who are planning projects that they need support and I will just hope that the City would utilize the \$24.5 million to support those emerging businesses that have indicated a desire to work on the corridor. We also believe there is opportunity for place making along the corridor, one in particular being the Vest water plant and bus shelters, and these are all things that Lt. Cochrane has said over and over again that we have to do. We can't just do it for two, three or four months, we have to be very consistent over years even we face the bus shelters on Tuesday, we've got to be out there on Thursday to clean it up for the community.

I didn't say a whole lot about the incident because we all know what happened. We all know that crime and balance is impacting our City and the last couple of weeks impacted Beatties Ford Road. I suggest to you that this is not a District 2 issue at all, it is a City issue, and everybody should be held accountable and my neighborhood leaders said that as well. Not only me and Lt. Cochrane and Major Robinson, but they held the Mayor and the At Large Representatives and everybody on Council for finally doing what is necessary to correct a wrong that has been going on for some 40-years in terms of lack of investment along the corridor, what some believe the lack of policing along the corridor

and folks have said they have had enough. I agree with them and stand ready to support them. Again, thank you Major Robinson, thank you Lt. Cochrane, Mr. Manager; thank you for working with me over the last couple of days. I know I've been annoying with the phone calls back and forth, but I think the meeting today we had was really, really productive and I hope that we can accomplish many of the things that we talked about.

Councilmember Eiselt said I would like to first of all thank the Manager for moving forward with Peer Violence. It is an organization that other cities have used, very much evidence-based, very much community-based. It is using the people in the community to help address the issue. I think it is a tool that our Police Department needs because Major Robinson, thank you for your presentation and I think that you really hit it on the head that if the trust isn't there you are going to be able to get the help that you need. I thank you and I thank Lt. Cochrane for all that you've done, but we have to recognize that as a community that we are in a very unique time right now. I've been in Milwaukie, as a lot of you know I had lost my family, so I'm in Milwaukie, and for all intensive purposes, I could be back in Charlotte. They are experiencing the highest homicide rate they've had since the 90's, since the crack cocaine epidemic, and they are talking about the same things that other cities are talking about, that inter-related forces that are going out right now that have disrupted people's lives; the Coronavirus, the economic downturn that in particular has hit neighborhoods and people of color, black neighborhoods, black residents, black workers the most and those that have had the worst health outcomes so there is heighten sense of tension, of despondency, couple that with the racial tension. So, this is going on in other cities as well and we've got to take measurers and steps that are dynamic and that are big and recognize that is isn't going to be something that will go away just by bringing the violence. The violence has done a lot of good but the cities like Chicago that have backed off on funding Peer Violence a couple years later, saw a spike in violence again. So, I hope that we are committed in the long-term to really address these issues and I hope that we will couple it with, for instance the \$24 million that we have in our budget this year for corridor improvements. When Peer Violence comes in, they will ask those neighbors what do you need to see to make your neighborhood safer and different neighborhoods are going to have different responses and I hope that we will really pay attention to that as we look at using our own resources to help those corridors. So, thank you all, thank you Mayor and Lt. for your work, thank you Mr. Manager and Mayor and for staff who did reach out Peer Violence who is working with them and with the Hospital Intervention Program. I hope it is the first step, but I hope we are committed to go the long haul with this as well.

Councilmember Mitchell said Major Robinson; I just want to give you kudos following Mr. Graham and Ms. Eiselt's comment and to Lt. Cochrane who I know has been in that corridor ever since I got elected in 1999. I appreciate your work and your passion. But Major; as always when situations arise I think we look and say do good or do better and so, on Sunday June 21st, I'm looking at the timeline from 10:21 when calls were made to 12:22. What would have you done differently, and correct me if I'm wrong, I think 10:21 is when the do-nut activity began and then 12:22 is when the shots rang out. Hine sight, lessons learned, any suggestions Major on things that will do better in the future?

Major Robinson said I think we have the luxury of hind sight and knowing now what we obviously had no idea that what happened when it did happen. What we did know was that on both Friday and Saturday we had largely peaceful assemblies and we've heard loud and clear from all members of the community that the Central Division is also within my purview and I can tell you that I've been uptown for the past two-months and I've listened to folks say that lawful assembly is one of the main stays of this country, and I couldn't agree more. We cannot take action against things that are lawful, and I know that sounds overly simple, but what I am saying is that there is nothing that we could have done to know that gunshots, particularly to the degree that it happened with the carnage that was left would have been part of that equation. We talked about when we had the store owner and there was no crime and you see in your briefing that at 12:22 we got the call, but at 10:21 at 2519 Beatties Ford Road we had spoken with the store owners, we talked with the store owner, I gave that store owner some options to shut down and those weren't heeded. Aside from it was not a treat, it was not an unlawful assembly, there were things about the assembly that you could call unlawful for sure, the spinning of the

tires and that, but breaking up something like that, our best option was to help block the street to allow for the peaceful assembly.

Councilmember Driggs said Major Robinson, Lt. Cochrane; I wanted to add my appreciation for the work you are doing and for this presentation tonight. I hope all of us on Council, having seen this will recognize the fine line that you are being asked to walk, and I think it is reflected in a lot of what you said. We are looking for better, more effective law enforcement and at the same time we are conducting this Reimaging of CMPD which could be interpreted by some to be a bit of an imposition so, I believe we are in a difficult place and I hope that all of us when we express our appreciation to you really mean it, and that we understand. I would mention too; crime prevention can't always be gentle or sensitive. There are times when you are dealing with violent people and they are going to harm other people and it just isn't necessarily as clean a way to handle that as it seems that some people, we are hoping we are going to find during our Reimaging. I hope you guys will keep up your fine work. I also wanted to mention that I agree with everything Mr. Graham said in terms of things that we should be looking at, etc. but in my mind, we are not going to make a lot of progress here unless there is an acknowledgement of some responsibility on the past of the community itself. We cannot fix this unilaterally so, when you have a situation where there is a shooting like there was on Beatties Ford Road and no witnesses come forward it just feels to me like the burden is being placed on CMPD and on everybody who is not a member of the black community is unreasonable. I don't know we can fix this unless there is a better spirit of cooperation and more engagement from within the black community to recognize these things and that to me is also symbolized by the emphasis that have been placed on Officer involved shootings in relation to the carnage that is going on as we just saw from the data in the last few years. Again, I'm all on board with attempts to work on our side and for CMPD to work, but I don't think we are going to solve this if we don't have a better partnership with the people we are trying to help.

I did have one question for you Major; was the 14-year old who was killed armed?

Mayor Robinson said that is something that is part of the investigation and as much as I would like to answer that question, I need to hold on that until a little bit more information comes out. I hope you understand.

Mr. Driggs said yes, I recognize that you may need to do that, but I would just mention that we should consider the thought that might have been a 14-year old with a weapon who got into an encounter and died as a result and that is a scary and dressing through. Any 14-year old carrying around a lethal weapon and spoiling for a fight, so I just get back to the same thing. I hope we can all participate in these efforts to address violence and not talk about this as if it was just a question of what the City needs to do.

Councilmember Ajmera said Major Robinson thank you so much for your detailed report. It is always great to hear from you, we miss you here on the Hickory Grove side and your service here but great to see you in another role. I have a couple of points to make here; when I see where witnesses are not coming forward it is two-fold; one is there is clearly lack of trust and that is something that is our responsibility as to how we can develop trust where witnesses feel safe enough to provide more information. Yes, community involvement is important, but we have seen where there is clearly distrust in our community and we cannot discount that. The second is on workforce development; I know Mr. Graham talked about this, but I think as a City we have done a great job of enabling economic opportunities in some parts of our City, but not all. I think that is where we have to take more aggressive and bold steps and I know we have some economic development initiative underway in the pipeline, especially in the Beatties Ford Road area, but we do have to take that aggressive approach to building economic opportunities in all parts of our City. I also want to talk about the nuisance abatement. I'm glad to see that you are finally seeing that. Other cities like Durham has done it, they have done it successfully and they have been able to get positive results of creating safer neighborhoods and I would like to see us get an update from our City Attorney, Mr. Baker as to what is the next step in the process? I know that we were given an introduction and there was a brief presentation on that last week or the week before but where are we with

that program, and is there anything that Council needs to take an action on for us to proceed with to address some of those problem properties?

Mayor Lyles said Ms. Ajmera; after the report on the June 2nd night or evening we are going to have Nuisance Abatement report as well this evening. As we are thinking about how you would look at these corridors, jot down your questions so that we can capture those when we have that report. That is a tool; it is one of the tools that we have so how do we best use it?

Ms. Ajmera said did you say there would be an update later today after this?

Mayor Lyles said in the Manager's Report following the report on the June 2nd protest activity, we are going to talk about nuisance abatement.

Councilmember Winston said good evening Major Robinson; do we believe the 14-year old was the intended target that day?

Major Robinson said the best way I can describe that is that it was an altercation between two people. Since Mr. Driggs' question earlier, and this a testament to the Police Chief and his desire to be fully transparent and to share as much information as possible, the 14-year old was armed with handgun and at this point we are piecing together how that altercation took place, but we believe that the chain of events that occurred based on evidence obtained from the scene, video and ballistic that he was armed with a weapon and took a violent action against a third party and ultimately resulted in the death of the 14-year old.

Mr. Winston said tough to hear; I thank you for sharing that. I have a question about the Father's Day event; it was mentioned on a previous evening that shell casings that were found at that scene matched ballistic evidence from other shell casings that had been made from around the City. Can you tell us more about those connections?

Major Robinson said I will speak in general terms Mr. Winston; Chief Putney, Chief Monroe and now Chief Jennings have been specific in our desire to expand our capacity within the Crime Lab so that everyday our Detectives receive reports that tie ballistic evidence from one case to another case. I saw one today from two Metro cases that were both assault with deadly weapon calls were the exact same pistol and ammunition was used about three weeks apart. So, we have evidence that puts that together, specific to this case I simply don't have that information. I haven't been privy to the Crime Lab [inaudible] reports or things that would indicate those weapons were the same or anything tied to anything else pertaining to that sir.

Mr. Winston said Mr. Manager; can you note that to Chief Jennings that I would love to hear more about those connections; how many of those connections there are and where those other incidences of evidence were found? Major; can you tell me in terms of statistics and in terms of the past year how many times has the community policing crisis response team been deployed or how many times has it been utilized in Metro Division and/or along the Beatties Ford Road corridor?

Major Robinson said I don't have that specific information, but I will have that information pulled this evening and get back to you as soon as possible sir.

Chief Jennings said if I can add in just a little bit; I believe off the top of my head the numbers for a full year of CPCRT not specific to Metro is about 3,700 calls for service that they've responded to. Also on the incident on Beatties Ford Road, you mentioned the shell casings and what cases they go back to, I know you've heard that information, however, as you can imagine with one and eighty something rounds it takes some time and it is very difficult to get through all of that evidence, but specifically I can't tell you what cases they do go back to; I can tell you that we are currently trying to link them back to as many cases as possible. We are working on that, but as part of the investigation specifically which cases might be entering into the investigation itself.

Mr. Winston said thank you Chief; I have a couple of follow-ups for our Major. Can you tell me a little bit about how you have deployed the CPCRT along the Beatties Ford Road Corridor over the past year and for those folks that are out there that are watching along, this is a new Police response Team that includes mental health professionals that City Council approved a couple years ago and came on line in the past year?

Major Robinson said yes sir, and specific to the information that you requested, we will get that to you.

Mr. Winston said anecdotally in your experience [inaudible]

Major Robinson said sir in broad terms it is a marvelous program; it is a program that has absolutely saved lives within this jurisdiction and will continue to do so as we grow it and expand it and cultivate it as we get better. Through the vision of Chief Putney, through Council, through Chief Jennings, those who were able to help us facilitate this program, we have Police Officers paired with mental health clinicians that go out into the community and specifically deliver resources to try and improve outcomes for those suffering from mental distress. So, for example, if we get a call from somebody, one of those 7,000 calls for service that I mentioned earlier, saying that someone is causing a disturbance and is exhibiting signs of mental distress, and again this separate from but parallel to the CIT trained, the Crisis Intervention Trained Officers that go out and upwards of a thousand of our Officers now are trained and we are rapidly getting others trained as well, but to go out and try to assess from a mental health standpoint what medical and humanitarian kind of resources we can provide rather than just coming in and arresting somebody and taking them to jail because they may be exhibiting a mental health episode or a substance abuse episode or maybe they ran out of their medication and they can't get to the Dr. to get refilled and that is what is causing it. These are folks who are trained to assess and to more acutely deliver those services and to get them to the proper medical personnel.

Mr. Winston said you just asserted that this has saved lives within the Metro Division; I'm assuming maybe possible along the Beatties Ford Road Corridor, but you just gave us a bunch of information about how more violent it has gotten in this jurisdiction in this concurring year. Again, I don't need numbers here, but your impression of being one of our leaders over there directly for CMPD, what is the disconnect? If we have this service that is helping why is it not helping more and how is it not having marginal impact that we might want it to have over this past year?

Major Robinson said I want to make sure I understand your question. I do believe that if one life is saved then it is worth every bit of it. I believe if one opportunity to engage with someone where handcuffs are not needed, where we can talk through a problem or we can align somebody with the mental health services that they need that is an opportunity that we take and that is one less negative outcome that could potentially happen. I believe that as we expand that –

Mr. Winston interrupted to say let me restate my question because I probably wasn't very clear there. I definitely hear what you are saying, and I agree with you. I guess there are only six of these folks on duty at any one given time when people make calls. If there was more availability of the CPCRT and concurring CIT training available in the Metro Division and along the Beatties Ford Road Corridor, do we think more lives could have been saved last year?

Major Robinson said yes sir, anecdotally yes, and in practicality absolutely. That has been something that has been proven to work yes sir.

Mr. Winston said Mr. Manager and Mayor and Colleagues I think if we have something that we know that is working and we have a problem, I think it would behoove us to see how we can ramp that up right now. These are things that we don't need to study that may refer to a solution that we have and know that is working, it just needs more resources and needs to be utilized further. So, is this something that we can do now without having to do a study or focus for anything like that Mr. Manager?

Mr. Jones said to your point Mr. Winston; I think it was in the fall of two-years ago when we started this and we started it on that, I don't want to even call it pilot basis, but that initial basis, so again, sticking with data, sticking with evidence based solutions, we know that this is a solution. So, directly to your question as we start to Reimagine Policing there are some things that we know work and work well and this is one of those, yes.

Mr. Winston said again, is this something that we can ramp up, it can save more lives and we need to save lives; can we ramp this up now, not like theoretically, will we in the near future? Will this be an action that will be taken?

Mr. Jones said I will talk to Chief Jennings. My believe is that this is something that works and should be ramped up, but as you know we have to figure out where we are with the budget, what we do differently to support it if the Council were to say tomorrow Marcus, this work well, see how we can expand it, we can do that now, see how we could expand it and come back to you and see how this could work.

Mr. Winston said are we just talking about; would the only problem be a budgetary issue? What else will be parameters that we will have to kind of check out, is it strictly a budget issue?

Mr. Jones said no it is not strictly a budget issue, but I just can't do this on the fly. I want to spend time with CMPD, I want to spend time with how this thing could be ramped up and that is just being fair.

Mr. Winston said I think we should do that; thank you very much.

Mayor Robinson said thank you; I'll be in touch with those stats' sir.

Councilmember Bokhari said Chief Jennings; can I ask you a question please?

Chief Jennings said yes sir Councilmen.

Mr. Bokhari said you said something in your opening remarks that resonated with me and I just want to highlight it and then ask you a question. I think I heard you say that it was important for us to be able to do two things at the same time with equal passion, one is Police accountability which obviously is critical that we get that right, but the other is combatting violent crime which is something that is very high on our radar and has been for a long time. One part of that has really always frustrated me and that is the air time that some topics get, and I wake up every morning for one simple reason and look up at my dresser and I leave the funeral flyer of Darnell Harris who was killed unnecessarily at Steak and Shake and literally it got almost no air time. We didn't talk about it and it was something that shook me to my core and that to me is a crux example of something that is in violent crime. I think it is not the same topic and we don't need to defer or default to one versus the other, we need to address them both head on. So, I really liked the way you framed that and the need for us to do that, however, I just feel once again we are in this scenario where we are spending all of our time right now on the Police accountability side and how could the Police have done better at Beatties Ford Road that day, and what could we have learned on Sunday that you could have done differently, and I'm sure there are lessons to be learned there. But the one thing that jumps out to me is the fact that we still don't have leads and there were likely dozens of people on site, on scent that saw exactly what went down. Saw who had firearms and who that was and with the ability to identify them. So, everyone is asking ourselves right now, well what could we do to make sure this doesn't happen again, I think the number one item has to be we go find the murders the killers that are still on the street at-large and we make sure they are put away. I guess my question to you is right now is it still the case that there is only by a separate entity only a \$5,000 reward that is out there right now for this, and if that is the case would it be helpful if we ask the City Manager right now to go explore putting on a larger reward so that we can figure out how to identify these people and get them off the street, which has to be a huge factor in violent crime reduction.

Chief Jennings said let me start by saying that when we have a homicide in our City our Detectives, our Officers we take it personal. It is heartbreaking, especially when you start talking about the age group that we've been looking at over the past several days. Our Detectives work tirelessly; this week-end was something they stepped up to the plate to make sure that they followed every lead and investigate until it is over. Some of them haven't been home, some of them have worked overnight 24-hours, still working and they are trying to resolve this case. But, yes, \$5,000 reward is from Crime Stoppers; that is the limit that Crime Stoppers has, they have a limited amount of funds that they are able to distribute so generally what we see is a \$5,000 reward from Crime Stoppers and any additional on top of that could come from other entities, sometimes private agencies will step up and add money to that.

Mr. Bokhari said just to recap though, do you believe it would help your efforts in finding these murderers if we had more reward than \$5,000 no matter what source it came from?

Chief Jennings said let me say, I find it hard to believe that it wouldn't, given the fact that there were 300 to 400 people out there. Someone out there that has seen what happened and that knows first hand can tell us what happened that corroborates with the evidence that we have. Someone out there would be motivated by the money I believe, yes.

Mr. Bokhari said Mr. Manager; I guess my question to you now is, we are talking about making major investments in our community across the board, particularly in corridor revitalization, disparately needed, I don't disagree with that at all, and many other things that literally \$5,000 is a penny rounding era compared to these things. Is there a way that we can up this reward so we can get murderers off the streets?

Mr. Jones said Mr. Bokhari; I appreciate what you've said and even the passion with what you said. I just feel like we are starting to have a budget exercise tonight and I'm just being very careful that what we walk away with, so if it is being able to supplement Crime Stoppers, can we do that, absolutely. Can we take it out of corridor money, I'm just a little worried that as the night goes on what is the next thing that we will be discussing in terms of the Police budget, which I thought we were really working that through the Committee.

Mr. Bokhari said whatever the right process, locked in with the Committee, Malcolm with the corridor funds, whatever that might be I would humbly request that we can consider that and consider it quickly because \$15 - \$20,000 on top to literally find and resolve this unresolved issue seems to me like a good investment right now. I'll just make the call to the public sector, I think I heard you say Chief that other entities can do this as well. The private sector; if you are out there and you are passionate about bringing this person or people to justice, I encourage you to help match and find money so that we can do that.

Ms. Eiselt said I forgot to ask this question and Chief; I will ask it of you while you are sitting here; were there cameras on Beatties Ford Road that night that you were able to put [inaudible] to that camera, bank cameras, any private commercial business cameras? Was there any footage at all that you were able to identify?

Chief Jennings said there was some footage out there; I don't believe any of that footage was instrumental in identifying suspects. I believe we've had some vehicles that we've been able to try and locate, some vehicle descriptions, but I can say with 95% certainty that it did not lead to any suspect.

Ms. Eiselt said would having more cameras out there, is that something that you think would make a difference or does the community feel like that would make a difference?

Chief Jennings said I'm a big fan of technology so, yes, we walk a fine line when we talk about cameras and surveillance cameras because a lot of people don't want that. They feel it is an invasion of their privacy but, we've solved numerous cases with camera footage. We have homicides right now with camera footage that we are able to identify suspects and able to identify exactly what has happened. So, I'm an advocate for that, however I am sensitive to the fact that people do feel like it is big brother watching and

that they want to make sure that we are very responsible when it comes to surveillance cameras.

Ms. Eiselt said thank you Chief for that. The other question I had is Minneapolis had almost the same thing happen the night before at the exact same time and I'm not trying to be a conspiracy theorist, but I believe that at least one other city did as well, they were doing do-nuts, they were trying to stop and all the shooting began and as many as seven people were shot, I think one died. Is that something within police circles that sort of questioning if there is any connection?

Chief Jennings said within the police circles, we base it strictly on the evidence that we have and what the information that we are able to obtain, at this point, basically obtain through the physical evidence and some of the things that the Officers saw when they arrived. Unfortunately, we don't have information from the public that can lead us in the right direction on this, so to be able to say I hear you when you say there are some conspiracy theorist out there that have ideas about what happened and why it happened and how it happened, but again we can't go on that we have to base it on information that we are able to obtain based on the physical evidence.

Mr. Graham said more of a comment again versus a question and I really want to be really careful about how I say this, so I want to take my time. I believe community accountability is extremely important and that the Police Officers can't solve any of these problems without help and support and people coming forward and telling what they saw. I encourage that folks do that. We want to raise the reward for information, I think that is fine as well, but I just want to remind the Council and all public service individuals that we have the only balance where we get evaluated every day for what we do. The Mayor gets evaluated every day, the Councilmembers get evaluated every day and Police Officers get evaluated every day with the jobs that we do. I just think that no one is picking on the Police Officers or the Police Department. It is an evaluation based on what happened and I think that is important to note. I think it is also important to note that while no one has come forward formally yet, and I hope that they will, that when people are shooting 181 times in a round no one is standing around watching, people are running and ducking and that is important to note as well. A number of people were hit by the cars running and that is important to note. I just encourage anyone who saw something to say something, but I'm not sure we should beat up those who were there for not being able to give a proper identification because in some portions of town it can also lead to retaliation. I think we have to have a broad understanding of what is happening in certain parts of town.

Mayor Lyles said I believe this has been a very helpful and substantive discussion; Chief, Captain, Lt. and Deputy, all of you have just done a tremendous job to do this and have this conversation on the public with the goal that we are going to have these kinds of discussions, I just wonder Mr. Egleston if you would just remind the public of the virtual meeting that the Safe Communities will be having?

Mr. Egleston said we are finalizing, as the Councilmembers are aware, the Community Input Group that will provide various perspectives on the work that we are doing. That group is being finalized right now; those folks have been notified and we are waiting on their confirmations. They will be meeting later this week and discussing the items that will be on the agenda for the Council Committee on Tuesday, July 21st at 11:00 a.m. and has been the case recently, that will be a virtual meeting available on Facebook, YouTube and all the normal channels. We hope people will tune in then and that will be the first step in the work plan that was discussed at last week's Strategy Session.

Mayor Lyles said aside from having the ability to watch virtually and comment and provide comment; Mr. Jones, could we set up an e-mail just for the Committee so that people whenever they have a moment, be able to e-mail comments and questions in and that box can be checked and will have another way. This is so important we want every opportunity for every person in the City to comment and bring their suggestions and ideas and I hope what will be a very productive presentation. I do believe that we have to care enough about each other to participate in what we are doing to go and go forward with as

our safety strategy. It is not just about the safety of individuals, it is building our neighborhoods so every place could be some place that we are proud of and every person having the ability to participate in our process. I just want to caution that we have to remember that there is a lot of change going on on Beatties Ford Road and if we don't take the advantage of this moment in time, we may lose the opportunity. The streetcar is soon to be open in January; I hope that we will have something that is really effectively a corridor plan that has started to spend the money and meet progress coming from Center City from Sunset together so that we can do well by everybody out there and be inclusive in what we are trying to accomplish. With that we will go tour next report Mr. Jones do you want to introduce June 2nd?

Police Department Updates – June 2nd Uptown Demonstrations Walkthrough

Marcus Jones, City Manager said again last week there was a request to bring an update both on the incidents on Beatties Ford Road as well as the protest from June 2nd of this year. I will say that as we go back and think about the charges that were given to me as it related to the budget approval, not only the Councilmember Winston amendment, the resolution dealing with 8 Can't Wait as well as Councilmember Graham's three initiatives that he wanted to take place before the Council, one of them was a full update for the event that occurred on June 2nd. I will say that at this point because there are still a number of videos that are in the court system that have not been released the ability to do a full update tonight is somewhat limited because of that, but what you will get tonight is CMPD providing an update as well as showing what occurred during that evening and what was used during that evening. Specifically, for Councilmember Graham, I know that was one of your requests as the budget was passed and I just wanted to make sure that the Council wasn't overly frustrated and that there is some element to the June 2nd event that would not be provided tonight because they are still in the court system. With that said I'm going to take the liberty to turn it over to CMPD.

Chief Jennings, CMPD said hopefully we are going to move forward with this presentation again. We do wish we could finalize this with all the video that is still in the court be decided upon release. Deputy Chief Jeff Estes is going to come up and hopefully after this you will at least have a better understanding of the event surrounding and what the CMPD actions were.

Deputy Chief Estes, CMPD said tonight I hope to give you an overview of the four general topic areas; one is give you a general overview of the demonstrations [inaudible] activities that took place on June 2nd, reform that we have entered into since June 2nd and then the next steps. I would like to say right off the bat I would like to apologize the graphics that you see here tonight, the words that I say, the picture that I will try to paint will not be adequate enough to explain all the nuances of the confusion, the decision making that went into place of the Officers who had to make those decisions nor will it paint the picture of the protestors who were out there exercising their free speech nor of those protestors who were engaged in unlawful activities. We will do our best; I will admit the graphics aren't to scale, they are just to try to get an idea on geography and what was taking place and hopefully through my explanation you will at least get an understanding.

First, there were than 30 protests and demonstrations that took place, demonstrations that were peaceful including events with multiple thousands of demonstrators that went off without a hitch, very pleased at those outcomes. Again, as Chief Jennings said earlier along with Major Robinson, we absolutely honor and respect the public's ability to express themselves. It is part of the fabric of what makes America America. We did have riots that took place six days in a row; May 29th through June 3rd, had 17 Officers injured and you can read their injuries from explosives thrown at them, rocks, bricks, bottles. Their injuries included burns and cuts, loss of hearing, shrapnel to the face and their arms, stitches, concussions, broken ankle and broken hand. One hundred thirty-three arrest were made; we people were charged with weapon-related offenses; we seized 25 weapons; 16 firearms including an assault rifle. More than a dozen businesses were damaged and CMPD deployed Riot Control Agents or RCAs as I will refer to them later, several times to disperse on unlawful crowds to stop riotous behavior and activity and

ensure public and officer safety. We will talk about their use and how and when we use them later.

Overall, we experienced generally speaking peaceful demonstrations in large measure during the day; at night often times we had a shift to the unlawful assemblies and riotous behavior which just means violence and/or property damage. Went through the 2nd, overall, we had a peaceful, permitted protest with thousands of demonstrators. It is one of the largest demonstrations that I have seen in my career here. It ended around 7:00 p.m. without incident. During the evening hours there were at least 18 incidents of protestors throwing objects, launching explosives at Officers over a four-hour period. Now, I caution you here; often times I think we rush through the part that I just said about the protestors throwing objects, launching explosive and injuring Officers. Some how or another I think that we skip over that subconsciously to get to the part that we are talking about, but it is important that we recognize it. You must go through this door in order to get through the door of North Carolina General Statute 14-288.2 to get to the incident in question. That Statute just outlines what a riot is, what riotous behavior is and that is under the law in which we operate on a peaceful protest, lawful assembly shifts into violence and property damage. It becomes a different entity according to the law. During this evening we had nine dispersal order were issued and 16 protestors were arrested, and we recovered three guns including an assault rifle.

The crowds, as we've seen in a lot of these protest during the evening hours, and during the day, they were marches which means by definition they were on the move. When they turned violent their violence followed with them. Once a crowd becomes violent it is very difficult to disperse a crowd. Dispersal meaning that the crowd ceases to exist as an entity, not merely moving to another location. That is an important distinction. A group may exhibit riotous behavior, violence, property damage, move 100-feet up and they are still an unlawful assembly. I want to make a point here that protest policing is one of the most difficult things that we do. We have to coordinate large groups of Officers, mostly at night under very strenuous circumstances, smoke, confusion; you have a tight rope that we walk between free speech protections and violence of property damage while trying to keep Officers safe and doing so [inaudible]. I don't say that to shy away from the responsibility we have in doing that; we stand here before you in full confidence holding up the responsibilities that we swore to uphold. I merely point that out to provide context and the realities of what it takes to try to manage a protest once it becomes violent and we can talk about once a group becomes violent how much time elapses when they are not violent, is it still unlawful, but on this night this is where we were operating. The protestors became violent at 7th Street and College about 8:44 and the violence continued until about 1:00 a.m. in the morning. We had about 400 protestors throughout the evening.

I'll go to the next slide and I will show you some graphics and gain, we apologize; this is the best we could to try to give you some understanding. The times are approximate, but a 9:03 p.m. protestors tried to gain access to Independence Boulevard, our Bike Officers and the Civil Emergency Unit part of that is just our dual supports, we didn't have disembarked riot police with their suits on there, it was just bikes, and dual supports to stop them from moving onto Independence Boulevard. Very important to note, once protestors take an interstate which is a lot of times is a goal of theirs, it becomes very dangerous, not only for the motorists but also for the protestors themselves, as we've seen all across the country folks injured and killed by moving cars and also my a motorist being pulled out of their cars by protestors. It is very important, a matter of public safety they be stopped there. About 9:03 p.m., there about, protestors came towards the ramp as I said, the crowd grew lager and there is where it got violent. Specifically, an Officer was hit in the head with a rock, there were chemical agents that were thrown on the Officers, water bottles filled with urine and other things were thrown on the Officers there. And there we enter into the door of 14-288.2, North Carolina General Statute that regulates what is considered a peaceful protest and what is against the law. It further states that three or more people engaged an activity defined as a riot. There the Bike Officers began to get flanked, and what that means is the crowd grows to a certain point and where the line of Bike Officers are lined up they try to go around to achieve their objective and they began to push up on the Bicycle Officers and the support Officers and there were some small RCAs displayed and deployed to get the protestors off of the

Bicycle Officers and dispersal orders were given. Had we not used RCAs there I firmly believe and attest to you that there would have been Officers injured. Bicycle Officers don't have the protection or riot gear and Independence Boulevard would have been taken and I can't begin to speculate on what may have taken place there.

Moving on from there the crowd moved and marched on and at about 9:19 p.m. a little while later, and I will show you graphics and show you where they are moving now. The protestors moved a barricade into the street to try to impede traffic at Alexander Street and Trade Street, near the Police Department and at 9:21 p.m. they began to throw more objects at Officers as they moved from the McDowell Street location up towards Fourth Street which is what we will talk about now.

At about 9:30 p.m. which is nine or ten minutes later, protestors marched down Fourth Street towards Tryon. Remember we are still operating under 14-288.2, marching down Fourth Street towards Tryon and again about 400 people. There at Tryon and Fourth Officers had formed a skirmish line at the top, RCAs were deployed, also gave dispersal orders there. You see that the red dot represents where RCAs were deployed. At that time, they began to move back down Fourth Streets towards College Street. Now at the bottom, and I'll go into the thought process, at the bottom you will see that some more RCAs that are given at the bottom part. This is the crux of why I'm here tonight to explain this and nuance of what happened, what we would have liked to have happened and what didn't take place. I remember and I keep reiterating 14-288.2, this crowd has not dispersed, still an entity, this is about 10 minutes later from the last unlawful activity that they have committed. Now, as the crowd begins to come down Fourth Street, or it is stopped, I should say up at Tryon, RCAs are deployed, they begin to move back towards where you see that pedestrian bridge. Now additional RCAs are deployed up Fourth Street from College Street, there were Bicycle Officers there, but as soon as those RCAs are deployed the Bicycle Officers immediately leave from College and Fourth leaving that area unblocked by Officers themselves. That is also important to notate.

Now, when the RCAs are deployed here is where the tactic needs to be plain. The tactic was once the crowd was dispersed, once we begin to get dispersal, in other words once we get movement from Tryon and Fourth and once, they begin to move down and enter into College and Fourth we would deploy additional RCAs to keep the crown moving to disperse. That didn't happen. What happened was we deployed the RCAs about 30 seconds too soon after the first deployment using this plan, second we deployed them too far east up Fourth Street and lastly we had, which we could not account for, a change in direction of wind which carried the second deployment of RCAs right up Fourth Street under the pedestrian bridge and not only did it deploy product onto the protestors, it also blocked their vision from seeing that there were two ways out.

At 9:32 p.m. they huddled under the bridge until the air cleared a bit and then they moved out from that specific area down College Street and down Fourth Street. I want to stop here to say one of the things that we are often asked is what would we do different. Clearly, we are an agency that prides ourselves on being able to learn different ways, better ways to employ tactic. In fact, we pride ourselves on being at the forefront of progressive protest policing, the use of RCAs and in fact you may be surprised to know that we are seen as a leader in the state in this particular area both on a professional level and on a tactic level. In fact, a lot of our people do teach this to other places, so it is in that vein that I tell you that we are and in fact one policies that changed is doing this. I neglected to mention; we had a lot of talk about two points that I would like to go ahead and make. One is the use of pepper ball from an elevated position. The explanation there is that the Officers who were in an elevated position, which is very common for us to do, it allows us to be able to see from a good vantage point what is taking place and we are able to communicate that to the man that is in the field, on the ground to be able to say hey, there is this person throwing this or crowd going this way or the crowd has stopped doing this or that or the other thing. Observers that we had included some pepper ball operators, they saw some people lifting up a garage gate to escape the RCAs and then deployed pepper balls on the wall above where the protestors were in order to deploy product downward.

Let me take a minute to educate slightly about the pepper ball and their use. Pepper ball is very similar to people who play paint ball at one of the places [inaudible] basically that is what it is, but it has pepper spray in it. Their design and manufacturer give you an area on the body in which you should aim for if and when deployed. Secondly a better way, we believe, is when possible we deploy either above the people and allow the product to come down without impact or we start at the feet and allow it to move upwards so they get the effect of the product without striking them and that is what took place up there during that incident. The second point that I would like to make here, you've heard a lot about this idea of corralling so, the intent, no matter how the outcome looked, the intent was not to corral I can assure you. The intent was to disperse. It is counter intuitive from our perspective to corral a group of people who our whole objective is to get them to go home so we can go home. I can assure you there is no point for us to keep people along Fourth between Tryon Street and College Street any longer than we absolutely had to. No-one wanted to go home worse that we did after having worked all those long hours and days and subjected to the verbal abuse and long working hours and being away from our families. So, the whole goal and objective was to get folks to go home. As I said, tactically we didn't operate in the best of manner; as I said threw them too soon, threw them too far up Fourth Street.

Now here is what we did about it; I want to outline one of the things that we could have done was taking great lengths to try to defend and explain and talk about tactics and whatever took place, but what we did was, as is our custom, we took an introspective look to see if there is validity to what is out there and could we perform our duties with those same goals and objectives [inaudible] which is under the strange chaotic circumstances could we keep our Officers safe and the public safe and the protestors safe by making adjustments. What we did was going back to that 14-288.2 North Carolina General Statute, we said if a dispersed crowd reassembles at another location after a lapse in time, additional dispersal orders must be given as an [inaudible] circumstance. But what we've said here is if we had a group under 14.288.2 that does not disperse but some time elapses, we will again stop, give additional dispersal orders to ensure that it is very clear what the group is considered and that they must disperse and give people time to leave. The second thing is the communication of those dispersals. When it is given, dispersal order and avenues of escape, will be audibly communicated repeatedly, loudly and clearly to the crowd. You know we use [inaudible] which is long-range [inaudible] device, they will put those out, that can be problematic to try to move up through crowds, particularly ones that may be violent so, even use of a bullhorn if we have to, we will make sure that it is given to the crowd so they understand. The next one is the corralling or containing crowds. Again, this is not in our play book to be able to pen people in to deploy product onto people for any reason. Again, we want them to disperse; that is the law we are operating under, crowd dispersal so that is the way we will do business so, we will not use RCAs to intentionally corral or contain crowds. RCAs are deployed during the same dispersal at a location and this points to exactly what I reiterated earlier, subsequent or simultaneous RCAs will not be intentionally deployed to hinder or prevent routes of egress from that location. So, just to say no longer will we even attempt to use multiple RCAs to get a crowd dispersed. They will be deployed basically one at a time.

There will be times if there if some exigent circumstances where Officers are being overwhelmed and assaulted in a crowd and not in a same area. We will use small RCAs to be able to get people away from, but we will not use subsequent dispersals using RCAs like is outlined for.

From here on out here is what is taking place; we continue to review our policies, procedures and our tactics to improve. The CEU of course conducts after action assessment following all major deployments. That is a culture within our agency. We analyze and critique operational plans to determine their effectiveness as well as to identify areas for improvement. Those three things that I gave you already, those are things that they themselves along with myself and Chief Jennings and the other leadership team has made changes, some of the next day, as quickly as we could to ensure that our tactics were razor sharp and whole point so that we could maintain the best practices possible. The last point, the Internal Affairs Bureau is conducting an investigation which is standard procedure to determine whether our policies and

procedures were followed during the June 2nd incidents as well as for all future deployments. Just a note here, I know we would all like to see those internal investigations be done and done quickly, but what we cannot do, and we will not do is jump to any sort of conclusions from the investigative perspective without having reviewed all the evidence and having interviewed all pertinent people. We are upwards of between 25 and 30 people that we have interviewed. All those interviews must be examined, written out, collated, approved by Supervisors and then examined before they go before the Board and that takes time.

The Body Worn Cameras mounts (BWC), we talked about. We have about 300 scheduled to arrive in August that was originally for the RNC, but we have done our best to make sure we got those as quickly as possible and we will deploy them as soon as we do. We are viewing our policy to make sure it aligns with our high standards of accountability and transparency. Our goal is to have everybody out there wearing a camera; it is to our benefit to be able to have evidence of what takes place because we already know through experience that the incidents are being recorded by the citizens themselves anyway. We have no problem with that, we welcome that, but without full context sometimes those can be misinterpreted, sometimes not. So, we are pushing very hard to make sure our BWC compliment is moving forward.

We petitioned the courts for the release of the Fourth Street and Tryon Street/College Street incident. It includes the helicopter, building cameras, body worn cameras and traffic cameras. The court still hasn't set a date for the in-camera review of the video, and then a hearing date will be set before a Superior Court Judge. The Judge will then issue an order granting or denying release of the videos.

The next slide which is the Q & A part, I went through that quickly, but I want to reiterate everything I say here and our feeble attempt at graphics does not adequately portray the fullness of what took place that night, but I do want to emphasize we are learning agency. We say that over and over, mean that, which means that where we can improve, we do, and we take pride in that. So, with that I'll do my best to answer any questions that I can.

Mayor Lyles said Deputy Chief Estes; I want to say thank you for your candor and your willingness to state that our goal is to have a common understanding about what happened that evening and that incident and how did it happen so that we can be able to respond to the changes that we need to have. I believe that you said you take pride in what you do and I believe that and I think when you have an organization like CMPD that is willing to say this is what happened, let's have a conversation about it, we will build a better organization and I want to say how much I appreciate that. With that, we have a couple who have questions or comments.

Councilmember Driggs said having been through military training I know that exercises involving a large number of Officers or personnel don't always unfold perfectly and it is only human. Although I applaud your efforts to improve the way you do things or look for ways to do them better, I think we also have to make some allowance to the fact that sometimes things happen, not exactly as intended and that is only to be expected under conditions like that.

A question I had for you was the law that you referred to apparently describes as a riot any situation in which three or more people are behaving violently. Is that correct?

Deputy Chief Estes said the 14-288.2 says a riot is a public disturbance involving assemblage of three or more persons which by disorderly and violent conduct or the eminent threat of disorderly and violent conduct results in injury or damage to persons or property or creates clear and present danger of injury or damage to persons or property.

Mr. Driggs said I think the difficulty that people have had is, it appears in many of these situations we had a group of people, the majority of whom were peaceful protestors and then there were some troublemakers in their midst. So, how do you go about trying to deal with the troublemakers and not punish the peaceful protestors? I realize that the peaceful protestors, as soon as they tell to disperse, are not longer completely blameless

because they are expected to disperse, but none the less I think there is a difference between somebody who is actually perpetrating violence and somebody who simply fails to obey a dispersal order. Can you comment on that at all?

Deputy Chief Estes said I can, and I believe you are hitting exactly on the crux of the matter. In this prima facie evidence, and I'm at 14-288.5; Failure to disperse when commanded is a misdemeanor and if you don't leave when given notice you are in violation of that North Carolina Statute. Just to reiterate what you said is, it is a violation of the law when you don't disperse upon given command. Let me say this, I have heard the comments about a few people being violent and spoiling it for the whole group, I understand that and that though seems simplistic it is very, very difficult in order to parse out who is violent at that specific moment and who is not in many, many cases. In fact, just know that the reason people are violent in groups like that is because of the anonymity of the group as a whole. Normally, as individuals these people wouldn't dare to of coming up to an Officer and throw a rock and hit him in the head as we saw. That door I took you trough of 14-288.2 when the Officer was hit in the head with a rock the person uses the very crowd to melt back into in order to take advantage of the anonymity. That is the whole idea and when people see that multiple other people over time do the same thing in order to afflict damage to Officers or property etc. Now, where we can, if we can isolate a person and take them into custody and we did some of this up at Beatties Ford Road the very first night when they went to damage the building, we do so. I want to remind you though, as I said down at McDowell Street we had just bikes and the motorcycles, the dual support. We were not in a good position to be able to take any offensive action at that time to be able to pull out the people who were violent and the people that were not. I don't believe it was one of two people there that were causing issues. In other words, even if it was, I wasn't in a position then to be able to pull out to have an arrest team as it were to be able to parse them out. Your question is the heart of the matter, we try to pull people out who are causing disturbance when possible, but just recognize that when it turns violent. Let me stop here to say on a practical matter, I don't want it to be as if the first time we take a half-filled water bottle with urine that we automatically say okay, it is unlawful. Our society I think these days recognizes or expects that we take some abuse, but whether or not you agree with that or whether or not I would agree with that is something else. I think the needle has moved and I want to be candid with you on much abuse we should be taking before we say something is unlawful. I hear people say you volunteered for it; I hear people say you have gear, etc. etc. and maybe that is the case, but I will say we give some deference and some leeway if somebody or an individual throws a bottle or whatever. We have had legitimate groups who were out protesting their rights and we've had some troublemakers come and throw one or two things and the group themselves rejected them, they self-police and that works great. We don't and have not determined the whole group to be violent, but in this case, it was at night, it was a different group, there were multiple things thrown including caustic liquids with urine and rocks and bottles, so I just want to paint this picture clear. I hope that answers your question.

Mr. Driggs said it does and I'm really just trying to highlight the fact that I think of attention that we are experiencing in these situations does come from that co-mingling of what I would call innocent people with guilty people and I think the guilty people are trying to exploit that and they are trying to take advantage of the fact that your reaction to the guilty people also affect what I would call the innocent people and that adds to the sense of outrage about the whole thing. I think it is a tactic to try to provoke the Police and therefore to create a situation where it is unavoidable that people that in my mind are innocent get caught in sort of a cross fire.

Deputy Chief Estes said I agree.

Mr. Driggs said another quick question and that is you talk about the injuries to all the Officers; do we have any sense of what injuries were sustained by protestors?

Deputy Chief Estes said I don't know of any serious injury to any protestor at this point. The RCAs are irritants and they are very, very uncomfortable; I do know that there have been some people who were hit with some of the pepper balls themselves where we tend

to deploy them at their feet or above, but as far as I know there have been no serious injuries at all. In fact, I will say this, we do our very, very best to make sure that we keep physical distance away from protestors if at all possible, without the use of RCAs. I do not know as a professional right now how we would do that.

Mr. Driggs said thank you; I appreciate your efforts to address these issues Chief, thank you very much.

Mayor Lyles said Chief; this is the Mayor and I just wanted to add a comment about injuries. Earlier during the week I had met with a group of clergy who also participated in that evening and the Associate Pastor of Caldwell Presbyterian Church did receive burns from whatever the RCAs were on his face and I very much aware that we don't keep records of what the protestors are doing, but I think it is only fair to assume that there were injuries with the positioning of this and it has been something that I think people take a calculated risk when you go out into a crowd because I think you are right, you don't know what is going to happen and unfortunately, in this case, someone that was walking with the idea of being a person that kept the peace ended up being injured when people that didn't care about peaceful happened. It is a difficult thing when you see someone trying their best and ending up in that situation.

Councilmember Watlington said I have a few questions and first I will start off by saying I did go through the report ahead of this meeting and I just want to comment and caution us, or CMPD rather, against editorializing the report. As you read through it, it definitely, for me, came off as more than just the facts and so I would say to preserve the credibility of the organization when we are giving these reports and these reviews let's be careful to present the facts and we will draw the conclusion. So, that is the first thing.

The second thing I want to talk about, first I want to remind us as well that the discussion here today is not generally for me about tear gas and crowd control. It is about the specific incident here of kittling, so I do want to make sure that is in the forefront of our minds here because there is a difference between using tear gas and what I saw on the video from June 2nd. My next round of questions if you will, and maybe even for the City Attorney, and it goes back to Deputy Chief Estes what you talked about with the General Statute being the crux of the matter. Because as I'm reading it, I want to understand a couple of things. The first thing I see the Section about disorderly conduct in regards to buildings and facilities, but I don't see anything about streets. Is that covered somewhere in this Statute?

Deputy Chief Estes said no, and if you are referring to that and being able to allow protestors to take the interstates, I would just point you to where it says imminent.

Ms. Watlington said no, I'm talking about streets in general, in this case I'm not talking about the interstate, but I just want to know about the language of the Statute itself.

Deputy Chief Estes said yes ma'am, that is what I am pointing to under Section A, a riot is a public disturbance involving the assemblage of three or more persons which by disorderly and violent conduct; and here is the point I'm highlighting, or the imminent threat of disorderly and violent conduct, which in my mind, and I don't want to editorialize too much, but I think we've seen all across the country when people take interstates and streets what could happen there, and in our view that is the sole purpose of taking over an interstate where there are pedestrians and a public safety issue and we believe that is imminent and that is the reason why we took the action at 5th and McDowell to prevent an entrance onto that thoroughfare which is the same reason we do it for 277 and the rest of them. I was involved in the 2016 incident where they were able to take over the interstate and burn things and cause property, etc. and so that is fresh in my mind what we are talking over these issues.

Ms. Watlington said my question is actually not about the interstate in particular. I'm actually thinking more about 4th and College but that is why I want to understand where streets are covered. I understand that you interpreted imminent for the interstate, but I just want to know from a legal standpoint. They called out buildings and facilities here,

are streets captured somewhere else in the General Statute when it relates to the definition of disorderly conduct? If that answer is not available right now, we can circle back on that one and I will move on.

Deputy Chief Estes said I'm not sure I understand your question fully so, I will circle back with you ma'am and get you a good answer.

Ms. Watlington said my next question is around the reassembled group because as Mr. Driggs and you have already talked about, the statute doesn't talk about when a riot is no longer classified as a riot. So, what I'd like to understand is when a group is reassembled because you mentioned that the crowd had been out for six hours from 7:00 p.m. to 1:00 a.m. and there were continuously committing violent acts. My question becomes at what point is this individual versus a group of people and how are we identifying that these people are the same folks from six hours ago that were committing violent acts?

Deputy Chief Estes said on slide 5 Ma'am; I don't believe I said continuously. I said during the evening hours at least 18 incidents of protestors throwing objects and launching explosive at Officers over a four-hour period.

Ms. Watlington said no; I'm talking about where you called out 7:00 p.m. to 1:00 a.m. Is that slide available?

Deputy Chief Estes said I've got it; the protestors became violent at 7th and College at 8:44 p.m. and the violence continued until 1:00 a.m. That doesn't mean it was continual, it just means that there was violence in the streets from 8:44 p.m. at different intervals until 1:00 a.m. In other words, the reason why we put that there is that the violence didn't end after this incident that took place on 4th Street. It continued on.

Ms. Watlington said that is what I'm asking about continual violence and my question is are you attributing that violence to the same people over that period of time when you say protestors?

Deputy Chief Estes said yes, the same group, and I think this is the area where we are treading; 14-288.2 if we say disperse and you don't you are in violation. If you continue to operate as an entity, in other words you do not disperse, you are still a group, you are still in violation of 14-288.2. Now, if that group let's just say, and this is why we changed our policy to say to give deference for time which I think is where you are headed. Just to say if we have a group that commits acts of violence, they move, they don't commit acts of violence for some specified period of time then we will start all over, recognizing that you we know there could be other acts of violence that continues, but I think that is where we are headed. I think that is where your question is and we recognize that in order to try to give the protestors benefit of the doubt after some folks, let's just say where violence [inaudible] place, when they move and they are not violent anymore at another time then we will start all over with fresh dispersal orders if necessary.

Ms. Watlington said yeah, that's where I'm going so my question then becomes if they dispersed initially and have started all over, it may even be a whole new crop of people with different signs, with the same message. My question then becomes what causes additional dispersal orders when you say start all over if they haven't committed any new violent acts, why did they then get dispersal orders?

Deputy Chief Estes said I've got you now so, this one main point, you said if they dispersed, well if they dispersed the game is over. They go home and we've had that where a group dispersed and then later, even some members of that group went to a park or somewhere else, they decided they wanted to march again, well that constitutes another group. Then they are allowed to march and do what they need to do and protest again, until the triggers of 14-288.2 are met and then we would deem them an unlawful assembly and start the process all over again.

Ms. Watlington said okay, I just want to make sure that I'm clear about my question. You covered a little bit of one so, I'll move on. Before I move on I would like to say then from

the Intergovernmental Committee, I would like to request that we ask for some revision and perhaps it is a moot point given who is in office, but I do think it is worth lifting up this particular statute 14-288.2 in regards to how a riot is defined, when it ends and what we do when there is a crowd that has come back together or is no longer exhibiting violent acts. I think that is something that we can take forward for clarity or update to the General Statute. Specific to this situation I do want to ask about a particular slide where you've put together an illustration of College and 4th, and I recognize that it may take a minute for that to come up, but I trust that you've got it.

Deputy Chief Estes said I've several of that; they are labeled one, two, three, four, five, I think.

Ms. Watlington said the one with the clouds representing the RCAs. Okay, this will work; Slide #4 or #5 will work; this is where I'm struggling on this one. I'm looking at the Officers that are on Tryon Street that have deployed RCAs and I'm looking at the Officers on College Street that have deployed RCAs; my question then becomes where are the pathways out on this slide?

Deputy Chief Estes said to say that you really have to up to Slide #2 because what I've said and I'm sure I didn't do it very well, is one point to understand is that no where in any of these slides will you see, after Slide #2, once RCAs are deployed you will not see Officers blocking the street. As soon as the other RCAs, and we talked them being thrown too early, too far north, and we had wind that absolutely create unintended consequences which it went up towards where the bridge were and that is what you saw on the video. If you see where it says exit path, go back to slide #4, you see exit path which is College Street and 4th Street. Two things happened because they were deployed, we're talking 30 seconds too soon, and a little bit too far up 4th Street. The idea was that once they started moving down 4th Street from Tryon Street and once the group got down into College Street, we would force them going down College Street and try to get the other group to go down 4th Street, split them at least to try to facilitate the dispersal. That was the general goal. Of course, as I said, we are not pleased with the tactic we changed our policy in order to do that, but that was the goal. The path was clear, but you couldn't see, but for RCAs they couldn't see it.

Ms. Watlington said so it wasn't clear at all then.

Deputy Chief Estes said well, if you are speaking of what I'm speaking of which is clear of Officers is what I should have said. Clear meaning, we didn't have Offices blocking people where they couldn't move, we just had RCAs that blocked the (a) visually and (b) because it is an irritant. Yes ma'am, that is what took place and that is what we have corrected.

Ms. Watlington said two more questions as it relates to this particular event. The Officers that were at elevated vantage points; are those the Officers that were – well let me ask it differently. I recognize you've got to different platoons here; were they talking to each other?

Deputy Chief Estes said Officers don't communicate radio to radio individual Officers. Once you can imagine you have multiple units there with hundreds of Officers, there is only one radio and you can only talk one at a time. Commanders talk to each other of course. Now, I think one of the things that I tried to outline is to say that communication is key so, there are times when anytime any of these plans are put into place, the confusion and communication if it is not on point, particular in a case like this, things don't go accordingly. So, Commanders that were over folks who were on an upper visual platform were absolutely communicating.

Ms. Watlington said okay, then the last thing I will say is not a question, but on the policy reform piece, the word "intentionally" gives me pause because as we all understand it is not about out intention so much as it is about the outcome. So, I would like to see that language anticipate the result more, something more along the lines of we will not do something that we can anticipate may have a particular result. It is about risk mitigation,

right, and you are not going to be able to see that all the time in every instance, but you can certainly see where the risk is greater so, rather than that being driven by the intention of an Officer I would like it to be more based on likely outcome. Does that make sense?

Deputy Chief Estes said maybe; I just want to say when we are talking about wording, I know where you are headed, but just to say there are times where we will not be able to know every outcome and every variable that is in a place, particularly where if Officers are separated, there is no communication, if they are being assaulted or whatever so, there may be an instance, and I'm just adlibbing here, which I probably shouldn't, there may be instance where we deploy an RCA to try to get people off of them which unintentionally restricts the pathway of another group coming another way. I see and I understand where you are headed, I just want to be very careful about what words we use. The spirit of it I think we are both headed in the same direction, I think we could probably work with the Attorneys, which clearly, I am not, to be able to get the words correct.

Ms. Watlington said thank you so much, that is all for me.

Councilmember Winston said thank you very much Deputy Chief Estes. My understanding from what I heard is when this crowd perceived that they were going to enter into Independence Boulevard they violated this Section 14 rule which triggered the desire for CMPD to disperse the crowd and since that crowd never dispersed, that was considered the same crowd that CMPD encountered on 4th and Tryon. Is that correct?

Deputy Chief Estes said that is correct. And just to say also, the same crowd that moved the roadblocks and threw things at Officers on their way up there so, absolutely yes.

Mr. Winston said why did CMPD decide if the crowd hadn't moved significant amount of distance from Independence Boulevard back up to North Tryon, why did CMPD decide to stop them from continuing to advance up 4th Street or down Tryon Street as they had been doing?

Deputy Chief Estes said as I said from the beginning, the goal was dispersal. Remember, I am trying to get us to understand that through the lens 14-288.2 the group had been ordered to disperse, which means no longer exist as an entity, still did. To further that point they had moved barricades and tried to block streets, they had thrown things after they left McDowell Street. Now, about nine, I think nine to 10 minutes, again I'm adlibbing which get me in trouble, but nine or 10-minutes later is when we encountered them up 4th Street which is where we blocked them. The goal was to get the group to disperse.

Mr. Winston said so you encountered protestors at 5th Street and McDowell and dispersed RCAs at 9:04 p.m. and then they walked up until 9:31 p.m. when they were encountered on Tryon and 4th Street, that is according to what CMPD provided us in our packet. So, my question is why at 9:31 did you decide to impede the advancement of the group. They had been walking for 20-minutes, so why at that point in time did you decide to stop the group?

Deputy Chief Estes said let me reiterate, if we can't provide this to you then I apologize, but at 9:19 at Alexander and Trade they moved the barricades into the street to try impede the traffic of people and then at 9:21 they threw move objects at Officers at 4th and Davidson so, I follow your logic, but there are two other times of disorderly conduct that took place in that 31-minutes or 21-minutes that you stated in between those two. So, from 9:21 until 9:30 yes, you are correct, they had walked up 4th Street which gave us a time to move some resources that we didn't have in place at 5th and McDowell up to a point where we could stop and get them to disperse. It is not very easy to move large numbers of Officers around who have gear on, and it takes logistically a minute to get them to move into place, so from 9:21 to 9:31 you are correct, they marched up 4th Street until we could block the street up at 4th.

Mr. Winston said so, what I'm hearing is that as the group continued to move you continued to observe Section 14 violation and then at Trade and 4th Street it was

determined that it was behavior that needed to disperse and you were at a place where tactically you had the right amount of force there to do what you felt had to be done.

Deputy Chief Estes said correct.

Mr. Winston said was that tactic successful in dispersing the crowd?

Deputy Chief Estes said well, ultimately it wasn't. We were able to reduce the number of the crowd by a good bit, but as I talked about earlier there was violence later with at least portions of that group we believe later on up until 1:00 in the morning.

Mr. Winston said so those tactics were not successful that happened on Tryon and 4th, not successful in dispersing the crowd, just had the same effect as what happened at 5th and McDowell. Is that correct?

Deputy Chief Estes said well, it depends on what you mean degrees of success. So, on a tactical level it wasn't successful because the whole crowd didn't disperse. On another level it wasn't successful because it calls into question our intentions that night. It calls into question of trust, we have a community and it calls into question a lot of other things that we would have liked to have avoided including that we were anti-protestors or any of that first amendment sort of deal. So, as far as that goes it was not successful. A lot of the crowd did leave, but not all.

Mr. Winston said when did the crowd actually end up dispersing that night?

Deputy Chief Estes said I think somewhere around 1:00 in the morning I think, maybe a little after, I don't have those specific notes with me.

Mr. Winston said the last report of anything that we had was at 12:57 a.m. so I imagine it was after that. Do you know who was ultimately successful; what was the ultimate successful tactic in dispersing the crowd that night?

Deputy Chief Estes said the people did their civic duty and went home after they were told to. Voluntary compliance in an issue like this is the beset outcome. When a citizen is exercising their first amendment rights and under the outlines of 14-288.2, when that is being an unlawful assembly, when a citizen hears that, exercises their civic duties and does disperse, and that is the success. Someone mentioned earlier the good folks with good intentions were out, not to be violent and not to cause property damage, we would prefer that they not be interfered with and affected by folks who do want to cause property damage and violence so, when it is ultimately in large scale, I think you know this very well, the people themselves when they self-police or they do their civic duty and disperse that measure is success.

Mr. Winston said is it true that ultimately the tactic that was employed to get this group that was in violation of this Section 14-288.2 violation, the ultimate tactic was voluntary dispersal for this crowd.

Deputy Chief Estes said I'm sorry I don't follow that. Let me restate my answer earlier.

Mr. Winston said from the answer that you just gave it sounded like you said what ultimately led to this groups dispersal that was being tried from 9:00 that night was voluntary dispersal at sometime after 1:00 a.m. in the morning.

Deputy Chief Estes said I think there is mischaracterization; really what I was trying to say, let me say it like this. Every time we have an unlawful assembly, I think everyone recognizes that when we have hundreds of people in the street or 50 people in the street, very difficult to arrest them all, right. So, yes absolutely, this one ended like all the other ones we have deployed RCAs on or ones that we didn't, people have voluntarily complied and went home so yes sir.

Mr. Winston said thank you. How many members of the Command staff were present at 4th and Tryon that night when RCAs started to be dispersed on to College and Tryon?

Deputy Chief Estes said I don't know, first I don't know what you mean by Command staff, it is Lieutenants and above. One of the things we make sure we have a Command at every juncture. I don't know the number who we had but we absolutely have Commanders on the ground all the time.

Mr. Winston said how often does CMPD change operational policies, especially for [inaudible]. You said the policy was changed the next day, correct.

Deputy Chief Estes said let's just say again, I was adlibbing a little bit, but it was changed very quickly afterwards. I can tell you this, we change policy all the time, particularly, as I've said there are things that I'm sure Council may not be aware of that we've changed. There are tactics we don't employ on our own early, the use of different types of emission, the use of [inaudible] all these other things that people do that we don't, we change those early and often so, as I tried to state earlier, we are a learning agency, we take pride in that so yes sir, we change policies regularly to thread the needle between keeping Officers safe and keep the public safe and then making sure that people can express their freedom of speech and then also the ability to disperse crowds under 14-288.2.

Mr. Winston said thank you very much Chief.

Deputy Chief Estes said yes sir.

Councilmember Newton said I think that my colleagues have made a lot of excellent points. I want to start by thanking you Deputy Estes for your hard work and presenting this to us and I want to thank CMPD Officers. It is a difficult job and I think it is something that we all as Councilmembers do appreciate and value. I wanted to say that up front. I have a couple of quick questions here; I wanted to ask Deputy Estes about the definition of dispersal. I'm going through the Statute so I'm not seeing an exact definition for the word dispersal in the North Carolina General Statutes. At the same time, I don't know if that exist in CMDP policy. You had mentioned so I had written down the words "no longer exist as an entity". Is that an exact definition that exist in itself somewhere?

Deputy Chief Estes said no. Where that comes from is if you will reverse, again I'm not an attorney, but if you reverse what it takes to make an unlawful assembly or assemble a riot, and if you do that in reverse you get a riot no long exists.

Mr. Newton said I think there is worth to having something in writing on that. I think some of the confusion I've had because we keep hearing about an incident that occurred at McDowell and 5th or McDowell and 7th.

Deputy Chief Estes said 5th and McDowell.

Mr. Newson said yes sir, so at McDowell and 7th and I think for many people that sounds somewhat insinuated or separate from the incident at 4th and College and 4th and Tryon and the two seem to be conflated in the story that is being communicated and I think many people would say with lack of [inaudible] you asked what constitutes dispersal that moving along for them they would intuitively thought constituted dispersal. I wanted to ask you about order to disperse because there is a process and so if there is an assemblance of violation of 14-288.5 there is a process whereby dispersal orders are given. Were dispersal orders given at the intersection, did you say it was 4th and McDowell?

Deputy Chief Estes said 5th and McDowell there were dispersal orders given.

Mr. Newton said okay, were there dispersal orders as well at 4th and College and 4th and Tryon intersections?

Deputy Chief Estes said there were dispersal orders given there. I don't have the times with me but 9:31 p.m. I believe there and there were multiple dispersal orders. I do want

to make one quick point. I think you are headed where Mr. Winston was headed as far as two separate groups so let me just explain the issue. I understand where that comes from, but I do want to point out once again that there were incidents of disorderly conduct at 9:19 and at 9:21 at a different location than when the initial dispersal order was given. You have to shorten up your time period from 9:21 to about 9:30 or 9:31. So, just to say there was about a 10-minute window where we don't have disorderly conduct and violence. Now the problem lies, when we try to say that a group may never be considered to be in violation of 14-288.2 simply because they moved location. Let me give an example; there may be a time when, there again, hypothetically speaking, let's say we hear at 5th and McDowell that the group, they are violent, we tell them to disperse, they say hey, let's go tear up the Post Office, let's just say and we hear that and it is a distance away or some other government building. If we were to say that they are no longer in violation just simply because they moved from one location to another without committing the same acts in between the two locations, I think we need to understand and be aware of the consequences when we say never. But what we have tried to do is try to say in policy to say when there is a reasonable separation of time between one group who we've given dispersal orders that has moved to another location without creating further violations of 14-288.2 then we will start the dispersal process over again if more violence is seen. I hope I'm explaining that correctly.

Mr. Newton said I think so and I really appreciate the proactive way in which you have addressed this issue and restructuring and redrafting some of our Department's policies. Now, there was one policy that, and I'm paraphrasing here, I don't have the presentation up in front of me either, but there was one policy change where the use of RCAs from different locations or different angles is going to be prohibited. Is that correct, am I understanding that as a policy change correctly?

Deputy Chief Estes said this is where myself and Councilmember Watlington were talking earlier about the wording. So, what we are saying is we won't use RCAs to intentionally corral or contain crowds, that is first. The second part is when they are deployed during the same dispersal at one location at the same location subsequent or simultaneous RCAs will not be intentionally deployed to hinder or prevent routes of egress. So, yes, what we've done, we've put in policy to say we won't make the same tactical error that we did during this incident. It is exactly what the reform is aimed at.

Mr. Newton said it sounds like there is a qualifier to that where you are saying to hinder progress or did you say egress or progress, is that correct?

Deputy Chief Estes said yes.

Mr. Newton said the reason why I ask is that something because if we are talking Officers being stationed in elevated position, like say in a parking deck shooting down, even if their intention is to shoot above the head of a person or may at the person's feet. I've seen the video of people, actually there was a gentleman who had been struck in the neck. That is a different angle for the deployment of an RCA. Is that something because it wasn't necessarily, I think you can make the case there were instances where that type of deployment of an RCA doesn't meet the strict definition of that policy provision because maybe it doesn't hinder egress or progress. Under that provision are we saying that could still happen where we have these elevated positions shooting down on people?

Deputy Chief Estes said again, words matter so down on people, they were at a second floor shooting laterally. I saw the video of the gentlemen where he had the mark on his neck. I don't know where he was struck, perhaps he was and I'm not here to say he wasn't there, but I also see the video, maybe he was. But, in my mind it absolutely does because the first point says intentionally corral or contain crowds so, again, here is a caution. If we have Officers at another point; let's just move it to the, and the reason I'm introducing the real- life variables is because with every policy change that we make, we have to go through these variables to ensure that there are no unintended consequences that takes place that can measure twice and cut once. So, let's move it to the Epi Center, we had people who were protesting, let's say when an event comes and they protest, we are up on the stairs of the Epi Center, they are throwing rocks and bottles and assaulting from a

position a few feet below. There may be an occasion where we may need to use RCAs at the feet of those people from a position higher than they are. There could be a need for that so that we don't have to go down into the crowd and use physical force to move them from coming up into the Epi Center. More to your point, when we use RCAs in conjunction with each other from different locations the first point is we won't corral or contain so, that means to say that we won't do it on one end and won't do on the other. That is the first one. The second point is simultaneous RCAs won't be deployed to hinder or prevent routes of egress. There may be a time where somebody is committing abject violence where an RCA is absolutely necessary to stop a third party from being injured an Officer from being injured or entry into some business or looting of whatever else. So, we have thought of that very, very carefully and so I just want to explain some of the potential eventualities that we need to think about.

Mr. Newton said I guess my concern [inaudible] from what I believe the spirit of what we are trying to accomplish is, which is to make sure measurers of dispersal are one, tactically effective and efficient, two, also ethical and I think that I do have my own questions concerning elevated positions and the firing of RCAs from an additional position from that elevation, fully understanding that in the incidence that we have a frame of reference for, which was the June 2nd incident, there were pellets that had struck the ground in the video I had seen and also had struck at least one individual, possibly more and so just endure that that type of tactic isn't employed again. I don't know if the policy inasmuch as you described actually does that so, that is something I just want to raise and say I believe is worth of re-reviewing. Once again, thank you so much Deputy Estes; I did want to ask you about radio transmission, the radio traffic. So, we have petitioned the court to release the video, but does that include radio traffic? Is radio traffic included I suppose in that greater bundle of communications that can't be released or is radio traffic separate from just the videos?

Deputy Chief Estes said I think it is different. I will have to defer to the attorneys to say. I believe that is different but again I'm not sure, but I will find out for you.

Mr. Newton said I would appreciate that because I think to the extent that we could be educated as a Council and we don't violate law it sounds like those radio transmissions would not be a violation of the law, they could otherwise be provided to us.

Chief Jennings said I think that I can answer that real quick. Radio traffic is a public records request, it is not based on a court order so any public records request could result in the release of that radio traffic.

Mr. Newton said thank you both for all you do, and I also want to thank all of our CMPD Officers; we know it is a difficult and dangerous job and I just want to say I appreciate it.

Councilmember Ajmera said my questions were addressed by my colleagues so I'm good.

Councilmember Bokhari said so on June 2nd the group that is in question here became an unlawful protest. I think that is crystal clear; there were told to disperse multiple times, they did not. Police used tear gas to push the crowd's movement down 4th Street and then disperse them at College Street. The SBI report comes back and arrived at no conclusion of policy non-compliance. So, now we are able to answer several of those questions we were all pondering that week after June 2nd. Did the initial viral videos look bad, yes. Could tactics have been slightly improved upon, yes. We heard from Deputy Chief Estes tonight on ways minor, some ways that might have had different outcomes in that visual view of the video that could have been better. Were those tactics out of compliance with policy, no. Did we learn there was more to the story than we initially saw, just like the Manager, the Attorney and the Police Chief, all separately told us in the days following June 2nd, yes. Then we explore changing our policy and tactics and is it possible that we might be able to find ways to minimize or even stop using tear gas altogether, sure, I think that is possible. Can we understand that were the tactics used on June 2nd effective? I think this is a critical question, were the tactics that were used, not were they in compliance with policy, were they effective, yes. Eighty percent of the unlawful

protestors dispersed within 60 seconds and there were not significant injuries, and for those that defied to state after nearly a dozen dispersal orders, whether they were there to keep the peace or to hurt a cop, they are taking their lives into their own hands because they are putting the lives of our men and women in uniform at risk. So, why didn't you do more on Beatties Ford is one line of questioning we get or why didn't you do less on 4th and College? We have spent hours tonight putting CMPD on public [inaudible] and many have earned their Jr. Lawyer Badges and we spend under two minutes talking about how to bring the shooters from Beatties Ford to justice. Under 60-seconds talking about how to make the death of Darnell Harris from the Steak and Shake murder last year not have happened in vein. It bothers me to my core when I hear you critiqued for not providing just the facts tonight without editorializing. We editorialized the days after June 2nd without the facts at all. It is not their finest hour; no-one can be proud. I hope that now we've reached our conclusion we apologize and spread the truth with as much vigor and passion as we threw you all under the bus. I will end with a question to Deputy Chief Estes, how do the rank and file of CMPD feel right now when they watch this body pander to appease the crowd like they did the week after June 2nd without the full story that they knew they didn't have or when we had inquisitions for hours like we have tonight? In your personal opinion what does that do to moral?

Deputy Chief Estes said it is a question I'm reluctant to answer.

Mr. Bokhari said you don't have to answer that.

Deputy Chief Estes said I will answer it two ways; I feel like it is important to. I'll answer it first in my official capacity as the Deputy Chief of Police of CMPD and I'll say that we are resilient, we have men and women who do the bravest of acts every day that aren't captured on video and they sacrifice some of their family time, holidays, week-ends, put themselves in harms way, they run to the sound of gunfire. They will continue to do so to a point. Personally, I'm going on approaching 30-years here. I have never seen Police Officers have to endure what they have had to endure by the public in general, casting a very wide net on all law enforcement and then ironically, men and women who have received awards for bravery, received awards for their help with community members in the communities that they serve and receive community awards were some of the very same ones that were spat upon out at the riot. It is very hard for me as a career Law Enforcement Officer to stomach, particularly when the level of [inaudible] that we saw from the general, a lot of the public, not all, so I just want to say we are resilient, we carry on but personally it is very difficult times, as tough of times as I have ever seen it in my nearly 30-years of a career and we are doing our very best to make sure that we communicate to the Officers that these times are trying, but we will get through it and do everything we can to make sure we support them professionally [inaudible].

Mr. Bokhari said Deputy Chief; I just want to say thank you for your commitment, your passion for everything you've done. I think I will add; I know you are not perfect, I know the Department is not perfect. You've said so yourselves, you are a learning organization, we have to get better. We have to find ways to get better. I'm committed to working with you, not doing things to you, but with you to figure out a couple questions that we don't need to Task Force this City to death for three-years on. To Councilmember Winston's point last week, we know the questions; they've told us do we have to use tear gas. What are the ways that you guys interact with the public on calls and different scenarios and is it optimal? These are fair questions that we need to balance accountability of Police [inaudible] of Police so I don't want to give the impression that I'm not for both of those things, but that is the point, you can be for both of these things. I know you personally Deputy Chief, I know you are, I know the Chief is, I know the rank and file is so, I just want you to know I'm there for that but I also want you to know that in my opinion this has been unfair since June 3rd in the way that we've responded and I will personally apologize, I am sorry, I am sorry that happened. But, just know this, no matter what is said around here or how loud some voices are and that you guys are the bad guy, there was a silent majority in this community and across this nation that will activate at some point to show you they believe in you and they know you put your lives on the line and it is as important as the concepts that are being espoused by the protestors. Not more important and not less, as important. Thank you.

Ms. Watlington said well first of all I have to say I'm so impressed with how my colleague, Councilmember Bokhari manages to talk out sides of his neck. It is amazing to me that you could sit here and use [inaudible] like silent majority and think that we don't recognize you creating a division. We've all in one way or another have said we are for accountability within our Police Department and continue with improvements and we are also for addressing violence in our community so for you to sit here and assert it as if the rest of us can't walk and chew bubble gum at the same time is absolutely ridiculous. I'm glad you walked your apology for yourself because I don't make an apology because I asked for the facts tonight and I asked for the facts on the front end. You can go back and see that Councilmember Watlington never went out and said that Police Officers had done this or that because I was waiting for the facts. What I will say tonight and I'm sure if we listened to the same conversation, Chief Estes very clearly said as is evidenced by the fact that the policies have been changed, that there were some tactical errors. That is what a lot of people said from the beginning, weather or not it violated our policy is inconsequential. Our policy should reflect our values and the fact that they have been changed tells us that something needed to be done, which is exactly what many people have been saying from the beginning. So, I don't understand the smugness as if you walked away with some kind of victory. You did not. We all learned something today including our Police Officers. My question as a follow-up to Chief Estes is in regard to the policy. Mr. Newton mentioned similar to what I want to understand. The policy has changed in regard to will not be intentionally blocking egress, but I want to understand exactly how that is different from the tactic that was used on June 2nd. I'm hoping that you are not articulating that the egress was intentionally blocked, but I'm asking you to clarify that. What does this new language in the policy actually change from what would have happened that night?

Deputy Chief Estes said nothing. Very quickly, as it is written on Page 17, I think, when RCAs are deployed during the same dispersal at a location subsequent or simultaneous RCAs will not be intentionally deployed to hinder or prevent routes of egress from that location. So, we want to make sure that any route of egress is not intentionally hindered by the use of RCAs so people can see where they are supposed to go and go that direction.

Ms. Watlington said and so that was not on the books on June 2nd, [inaudible] I conclude that you all were not intentionally blocking the egress because if that is not the conclusion then that would affirm that you all were trying to trap the protestors, which I don't think you are trying to assert and that is why I'm asking the question.

Deputy Chief Estes said I'm sorry, I'm not following that whole line.

Ms. Watlington said I will restate it. With the policy being what it is now that you will not intentionally block egresses, but before that was in place on June 2nd, was the intent to block egress?

Deputy Chief Estes said I'm sorry, I thought I covered this. I apologize. My very first one or two slides I wanted to say, if I didn't, that the whole intent and whole purpose behind those was dispersal. The second part to answer your question is the whole corralling part which would indicate that the intentionally wanted to corral people in there is absolutely not the intension. As I said the whole idea was dispersal and lastly, I said we tactically deployed that 30-second too soon and also a little further up 4th Street than we should have. We then wrote that into policy to say we would not do that again. That is as plain as I can be that the intension was to disperse the crowd, not to corral anybody in or block people from being able to leave, that wasn't the intension.

Ms. Watlington said thank you.

Mayor Lyles said thank you Chief Estes, Chief Jennings and all of you that have worked with us tonight. Mr. Bokhari; you don't have to apologize for me for what I say because I speak with both my head and my heart and I want you to know that I have worked with our Police Department, our Officers from top to bottom with respect and dignity and when I say that none of us were proud of what happened on June 2nd I believe that because I

don't think anyone takes pride in an incident where people are harmed or cause harm or in any way or manner felt that they weren't given the opportunity to protest, but also other that keep themselves safe. So, it is easy to be talk radio, but I don't need that because I walk my steps and I say the words that have meaning to me. So, I appreciate that no apologies necessary on your behalf for anything that I ever say.

City's Nuisance Abatement Process

Patrick Baker, City Attorney said I wanted to talk to you again a little bit about Nuisance Abatement Actions and I will start by again introducing the specific topic and I believe that the Police Department will then follow-up on a particular consideration or action that they are looking at right now.

As I mentioned the last time the Nuisance Abatement Action that we are talking about, separate and a-part from Code Enforcement; this is Civil Nuisance Abatement that is governed under Chapter 19 of the General Statute. Back in 1995, the Statute, although it had been in existence for over 70 or 80-years was amended to allow cities and counties to initiate Civil Nuisance Abatement Actions in the name of the State of North Carolina. Prior to that it had only been allowed by the Attorney General or District Attorneys or private citizens and this really changed the way that local government could address these chronic problem hot spots in their community that are engaged in particular types of crimes and civil disturbances and criminal disturbances in the communities when traditional methods of law enforcement just don't seem to be moving the needle in that regard. Nuisance properties can be commercial, or they can be residential and not all criminal activity will be used to support a nuisance abatement action. The state needs to find evidence specific to prostitution, gambling, illegal possession or sale or alcoholic beverages, illegal possession or sale-controlled substances or breaches of peace such as homicides, assaults, possession of dangerous deadly weapons, discharging firearms etc. Due to the language of the statutes which you are looking for in terms of activity on these properties is repeated disturbances, not just a single disturbance will support a nuisance abatement action and there is no magic number in terms of how many need to occur. Often times it is seen as the quality, and I'm not using quality in a positive term, but the quality of the disruption or the problem may require a fewer number of disturbances. For instance, if they are gunshots, murderer, etc. etc. along those lines I don't think you have to wait for 50 or 100 of those to occur or as a noise ordinance complaint. Those types of violations of the peace may require additional actions before a civil nuisance abatement action would be appropriate. But again, there is no magic number.

I do want to point out that this is really an action against the property, although it is against the property owner. It is about actions that are occurring on the owner's property, so it is not enough to say that these activities were occurring in the general vicinity of a property, they have to really target the specific property to be able to successful support a nuisance abatement action.

Here in Charlotte we do have, and I think some of the Councilmembers may be aware of this, a nuisance enforcement strategy team. This is a group of Officers that focus on these nuisance abatement actions and in particular when you are getting those calls for service and documented reports supports those calls for service, those are the types of things that really need a coordinated effort across the entire organization to make sure that the Police Department has all the information that they have and that the various Officers that are addressing some of these properties are communicating with each other so that everyone is on the same page and that you can see those chronic hot spots as opposed to just dealing with them one at a time and not connecting those dots. This team and certainly Chief Jennings and other can speak more clearly about that, but this is the team that connects those dots as we are preparing for these actions.

One thing to bring to folk's attention is the need for assistance from the public. A little bit unusual in some of these cases is that reputation evidence can be brought by members of the community. So, if there is a reputation of a particular property for these bad or illegal acts the community certainly has a substantial say so to the form of affidavits that

they would file state their understanding of the reputation of the community. Now there is an assumption that they live in the community and are speaking from a place of authority, and by authority, I mean they know what it is they are talking about and they know this particular property. But this is a community driven effort, not just the Police Department taking a civil nuisance abatement action, but this can really be a community process as well to address and hopefully remove these problem properties. I mentioned the last time the drastic measures or the drastic remedy of it this is because its successful conclusion will not only end up with a easily permit injunction on the property, limiting the property's use to certain functions that are not producing the criminal activity, but the ultimate remedy is the forfeiture of the property and the taking of the property by the government and handing the property owner a bill for our troubles.

Again, I would call it the law enforcement tool of last resort. It is something that shouldn't be taken into lightly because it is lower pays statute. If the City wins it is the property owner that has to pay our legal bills, but if the City loses, we would have to pay as well. It can be effective when the Police Department and the community are able to work together to address and really focus down on some of these problem properties and those that are producing the types of criminal reports that are necessary to sustain a nuisance abatement action. With that I will kick it back to the Police Department to speak to a particular issue.

Mr. Jones said thank you Patrick; I believe there were a series of addresses from Councilmember Watlington and I'm not sure if the document that went out addressed your questions or whether or not you would like somebody from CMPD to speak to those.

Councilmember Watlington said they addressed my questions. I sent back a follow-up question just wanting to know what next steps needed to happen and what role, if any, that I needed to play in making sure that the ball kept rolling.

Mr. Jones said we're good for you right now in terms of the addresses.

Ms. Watlington said yes, those are exactly the ones.

Mr. Jones said Mayor; I'm not sure if there are any more questions from Council.

Mayor Lyles said are there any more questions on the nuisance abatement process; I realize it is rather late and we've got a number of things on our agenda. I know Mr. Graham wants to speak to the item.

Councilmember Graham said thank you Patrick for the orientation and update. I'm where Ms. Watlington is, the orientation was good, I clearly understand the parameters of what we are asking for, but specifically on Page 4 there are a number of questions about [inaudible] meeting that I think deserve immediate action. I clearly understand that is a process, but every process starts with the first step and I'm ready on behalf of the citizens of District 2 first step on a number of properties that we identified. Obviously, it is a fake city and these complaints are heavily concentrated in those hot spot areas that we talked about are about [inaudible] should have a long-term strategy of identifying properties that are a nuisance to our community and begin the process of making those properties either divest themselves from the current owner to a different owner or the City to take immediate action over a period of time. I'm leaning towards the City Manager and the City Attorney in conjunction with the Police Department to take first step on those properties that have identified on the corridor. In addition, as we begin to think about violence interruption as a strategy, public nuisance is part of that play book that we utilize, understanding that some of these things will take over two-years. I just use for an example, it took me four-years to get comprehensive and legislation passed statewide, two-years for me [inaudible] one council terms and if we can identify properties where they are a nuisance for our community, I think we need to take that first step tonight on a number of them. I just hope that this is more than just an orientation or a conversation that we are really putting strategy behind what the Council is asking for.

Mayor Lyles said Mr. Graham; you have given me a great Segway here and we have been talking about the idea of how we look at community safety and safe community and neighborhoods as every part of our Council has a role to play. With this one on the nuisance abatement I would actually like to ask the Intergovernmental Committee to look at the what the regulatory rules are, the regulations are and to determine if there are any that we can request for change in our ordinances or in ordinances that apply from the state and any other area. The other thing Mr. Graham; on our Great Neighborhoods, I would like to actually ask us how do we deal with the consequences when we have these nuisance areas that are maybe in housing, what are the opportunities and challenges and consequences of dealing with that? I told you last week that we would have a list of the Committee charges since we were transitioning from the Task Force to the Committee work so I will have a charge written up to both of those Committees around nuisance abatement for building great neighborhoods, but also what regulations help or harm our ability to make these changes through Intergovernmental.

Councilmember Winston said would the nuisance abatement process be an appropriate tool to use against these businesses that seem to be in violation of protective orders for this COVID pandemic. There is a lot of evidence of clubs with dozens if not hundreds of people in violation of the County and the City's orders spreading a lot of potential disease all around the region. Would that be an appropriate tool?

Mr. Baker said I have not seen the statute used in that situation. Again, the statute actually lists the types of crime so, I just have not looked at it that way. I'm happy to take a look at that, but just in looking at my, and I wrote bullet points of the types of activity, that is likely not going to be a Chapter 19 nuisance abatement issue, but I will look at the statute again with your question in mind.

Mayor Lyles said should the question be that we have a problem and what are the rules under the Governor's orders that would allow us to enforce or look at those issues? Maybe we can turn the question of nuisance abatement to what do the orders allow Mr. Jones on the policy group.

Mr. Jones said that did come up today with the policy group; the concept of late-night alcohol sales and whether or not the City of Charlotte, Mecklenburg County and the Towns limit alcohol sales to and I what was thrown out this morning was to 10:00 p.m. So, while Mr. Winston, that doesn't address your nuisance abatement question, it is something that is being discussed at the policy group and I can tell you right now it is not universally received, but it is something that is being discussed.

Mayor Lyles said Mr. Jones; I guess I could tell the Council that if the policy group, not even the majority, I think for our community and what we've seen on social media in a number of the way, that if the policy group recommends that I would be willing to sign that order. When we had the face coverings, I think it was Matthews, Charlotte and Mecklenburg County and what I think will result if we said no more alcohol served after 10:00 p.m. that we would likely have some of the other Towns join us but not all, but for the Council I would plan on signing that order.

Mr. Graham said I understand the Committee referrals and I agree with that, but what about immediate action on those properties without further research and problem solving?

Mayor Lyles said I wasn't trying to do problem solving in Committee, I was trying to say what are we going to do with people; let's just say you have a nuisance action that is residential so, I was looking at it more from the consequences from the neighborhood perspective and just having does that make it a priority for us if we find a nuisance how do we rebuild in the neighborhood. I'm going to give you an example; there is a convenience store and you know a lot of convenience stores will allow you to just charge for items on a monthly basis until you get your check or whatever and if that is taken away because we consider it a nuisance, what are the consequences that we need to provide to that neighborhood? So, in a way I see it as the impact of not necessarily the opportunity and challenges it presents and how would we be prepared to address it as a policy. Does that make sense?

Mr. Graham said no.

Mr. Jones said it a both and so yes sir, what you said we will immediately look at those properties period, and then the Mayor wanted to do something broader that is just looking at nuisance abatement in general to those two Committees, but that will not stop us from the task that started last week.

Mr. Graham said point well taken, I just think there is an expectation, at least on Beatties Ford Road, and throughout the community for the Council to be decisive and I will just leave it there.

Mayor Lyles said I agree with you; decisive around some of these issues is very important right now, but I think sometimes we are decisive and then we are left with a gap and I'm asking the Committee to look at how that gap would be filled and what would be our responsibility for filling that gap. There are lots of reasons because nuisances are not just businesses, they can be nuisances running an apartment complex and things like that so how would we deal with people if they had to move out or relocate just by policy that says what we are doing so that we are not left with oh, my gosh, we are now going to take this action, what's next for the people engaged with it? I would agree with the Manager, it is both, that we need to move decisively, but also be prepared for some policy about how to deal with these long-term.

Councilmember Mitchell said Mayor; if you don't mind, still on the City Manager's Report, City Manager can you address premium pay is scheduled to end this week, but with the virus still active; can you give Council an update on that please?

Mr. Jones said yes, thank you Councilmember Mitchell. So, when we started off premium pay and I think there was a discussion in the spring about it that we would do a couple of things; one would be take it as far as the Governor's original order which I believe ended sometime or was scheduled to end sometime late May or take it to the end of the fiscal year, which ever one was longer. So, the team decided to go beyond the fiscal year, but we tried to see what could we tie it to and it was, and I believe some of the jurisdictions are looking at it this way, tying it to going into Phase 3. I can't project what the Governor will do in terms of going into Phase 3, I just know the data that we are seeing and I'm not sure premium pay would end at the end of the week if that is your question. We tried to tie it to something, but again I don't see conditions changing here in Mecklenburg County that we would be at a full-blown Stage 3.

ITEM NO. 8: FISCAL YEARS 2021-2025 CONSOLIDATE PLAN AND FISCAL YEAR 2021 ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously to adopt the Fiscal Years 2021-2025 Consolidate Plan and Fiscal Year 2021 Annual Action Plan for h Housing and Community Development.

ITEM NO. 9: AMENDMENTS TO STREETS MAP FOR TRANSIT-ORIENTED DEVELOPMENT ZONING ALONG THE BLUE LINE

Motion was made by Councilmember Eiselt, seconded by Councilmember Egleston, and carried unanimously to adopt minor amendments to the Streets Map for Transit-Oriented Development for the Blue Line.

BUSINESS

ITEM NO. 10: FY 2020 CORONAVIRUS EMERGENCY SUPPLEMENT FUNDING PROGRAM GRANT

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, to (A) Authorize the City Manager to accept a 240month 2020 Coronavirus Emergency Supplemental Funding Program grant in the amount of \$1,818,071 from the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and (B) Adopt Budget Ordinance No. 9831-X appropriating \$1,181,071 from the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the 2020 Coronavirus Emergency Supplement Funding Program grant.

Councilmember Ajmera said Mr. Manager can this funding be used for premium pay? I know that the CARES funding we got, the \$120 million plus could not be used for premium pay for Water and Solid Waste employees, but could this funding be used for the premium pay for those employees?

Marcus Jones, City Manager said it could not, it could not be used for anything that is not public safety.

Ms. Ajmera said okay, so this is just in addition to the funding we had gotten a couple of months ago, so the use of the funding would stay the same as the CARES funding we had received?

Mr. Jones said yes; we did specifically hear for N-95 masks, cloth masks, face shields, gloves so we just made sure that we wrote out what we would use these for in the paper in front of you. But it had to be specific to policing.

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

Mayor Lyles said I do want to mention that several of our National Organizations, the both City and Mayor's Conferences are looking at the potential for increased federal action with additional funding coming to cities and people are working on that and I've been asked to coordinate letters to the various Mayors across the State to coordinate that effort so that we could make our position known that we would like to continue it since COVID is continuing as well.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 188.

ITEM NO. 11: MEMORANDUM OF UNDERSTANDING – 7TH AND NORTH TRYON REDEVELOPMENT PROJECT

Mayor Lyles said I know there has been a lot of discussion around this and I want to say I really appreciate the analysis that everyone has been doing and the questions that are asked.

Motion was made by Councilmember Mitchell, seconded by Councilmember Watlington, to (A) Authorize the City Manager to negotiate and execute, in coordination with other landowners involved in this project, a Memorandum of Understanding for the 7th and North Tryon Redevelopment Project with the Master Developer, BP-Metropolitan NC, LLC, and (B) Approve the use of Capital Investment Plan and Tax Increment Grant dollars as a source of public funding to be negotiated in the Memorandum of Understanding.

Councilmember Egleston said I am excited for all of the good things that will come from not only this specific project, the investment in my District, the investment in our Center City and the larger vision for the North Tryon Corridor and this is just a piece of it. There are a couple things that gave me some pause on this that I think are worth pointing out and one of those is I'm disappointed that INLIVIAN will be doing, formerly known as the Charlotte Housing Authority will be doing their own things adjacent to this site as opposed to what had originally been envisioned that they would be part of this redevelopment. I'm disappointed that it is starting to sound like what they might be doing at 8th and Tryon corner of this block. It could involve [inaudible] Historic Barringer, Hall House that made that [inaudible] before and will continue to do so as long as that building is still standing there. I think that the project would have been better for those two entities to have stayed united and working together on this so I'm disappointed that they went their separate ways.

There is a thing that I think several of us have talked about and I think they bear a unique circumstance. I understand that were we to have an opportunity in certain parts of town that are disconnected from transit or have other things that make them unique and different from this site there might be the need for the City to ask for or encourage the inclusion of more parking than maybe the market would build on its own. I think in this case I would have preferred to see us not doing that. I think with the proximity to the Blue Line and other modes of transit I think we've got to be pushing in the other direction, particular in Center City, particularly along transit corridors, but less parking. If we feel like we are not quite at a point yet where we can put maximums on parking, and I think that many people do feel that way. I think we should at least not be encouraging more than the market would produce on its own. I think that going forward I would hope that the City would not include that in an RFP, would not encourage the developer to include additional parking. Despite those qualms I also think kind of philosophically, I believe there is a bit of an obligation for us as this current Council and for future Councils to acknowledge, particularly in a system of government where we only have two-years terms, which are problematic for a number of reasons, one of them is that a lot of the things the scale of this project take multiple terms and multiple Councils to see them through. The work on this started I think at least five-years ago and probably longer and most of us weren't on Council at that time. So, I do think that for this Council and for the City of Charlotte Government to have the trust it needs to negotiate with private businesses and work with these public/private partnerships I do think there has to be some deference given so the work that is done before we arrived on City Council. I think if every time new Councilmembers come in, we were to highjack the groundwork that had been laid on projects like this before we got here, I think it would erode people's trust and faith that they can negotiate with the City and expect it will be seen through to the finish line when every two-years there is likely to be new folks on Council. There are a lot of good things in this which I think Tracey will probably touch on so I won't belabor the things that are to like about this, which are plenty, but I do hope that as a City we start trying to figure out how we can better push in the direction of being less car centric and not more. I know that this parking will support a lot of our cultural amenities, a lot of places beyond just the site that it will sit under, but I think at some point the dynamic has to change. We just talked about an apartment complex which would have essential no parking and I think a number of us are really intrigued by that sort of thinking, so I don't want us to be talking out of both sides of our mouth as we invest in transit, but also encourage more and more parking. I hope that going forward that would not be the type of thing we would ask for in an RFP and I hope that the separation of INLIVIAN from this project doesn't yield a lesser outcome than what could have been accomplish had they stayed united. I do think there is a huge opportunity here for jobs and investment and things that will benefit the community, so I will be supporting it.

Councilmember Graham said I won't belabor the point; I will be supporting what is on the table. Not very often do you have the opportunity to create an edge City and I think that is what we are about to do on the northern side of North Tryon Street. Certainly, the investment in the parking will support a number of organizations in that corridor. The North Tryon Plan calls for us moving in that direction and I think it begins the synergy necessary to create the same momentum that we have on South Tryon Street. North Tryon needs a facelift; I believe this project moves us in that direction to begin the

realization of the North Tryon Plan. Certainly, the affordable housing piece makes a lot of sense as well. That is something that I as Chair of the Great Neighborhoods Committee will be closely watching, that more than words on paper that these projects are shovel ready to go throughout out City [inaudible] so, I'm excited about the momentum that this project will bring. It goes without saying that the investment that we make in uptown, both from public perspective as well as the private perspective also helps keep our tax rate low and it offsets some of the expenses that we make in other parts of the City by having a healthy and vibrant uptown. I think this is yet another project that will help make that case moving forward as well. So, great project, obviously, a lot of moving pieces, but I will be supporting it.

Councilmember Watlington said just a brief comment; I agree with much of what my colleagues have already said. One thing that I wanted to point out that I am particularly excited about on this project, and the reason that I will be supporting it is the workforce development component. [inaudible] of the developer have put in to set targets for and prioritize our graduate of our Good Will Opportunity Campus going through a number of our community partners. That is one thing that I have heard from my constituents is that we really like to see in addition to the tax revenue and [inaudible] that Mr. Graham mentioned, how can we in other Districts, particularly in District 3, be a part of prosperity we see in Center City when we are participating in these large projects. So, I'm very happy with the work that the group has done on the workforce development end and I look forward to supporting the project.

Councilmember Johnson said I wanted to know if Pam Wide is in the room.

Mayor Lyles said Ms. Wideman is virtual as well.

Ms. Johnson said I wanted to know about the tax credit properties that will benefit; I'm talking about the 581 units that are off site, I wanted to ask about those. I wanted to know if this funding was in the initial planning for the financial [inaudible] was this funding a part of it?

Mayor Lyles said if I got it right Ms. Johnson ask if the gap funding was a part of the funding for those projects that we had already listed as being approved. Is that correct Ms. Johnson?

Ms. Johnson said yes.

Pam Wideman, Director of Housing and Neighborhood Services said what I would say Ms. Johnson for that is the projects already approved, the funding was anticipated in the capital stack. I will point out, for example, the YWCA, they are in a funding raising campaign for that particular project so, this funding while they may be anticipating it in their capital stack, you have not yet reviewed that development yet because you've not been asked for anything from the City Council, a Housing Trust Fund [inaudible]

Ms. Johnson said my concern was the RFP process and I did speak with our City Attorney and I would like him to elaborate for the public because the RFP when the specifications changed, I wanted to ensure that it was legal and ethical that we did not have to send out an amendment for that. But according to Mr. Baker this is acceptable or standard so Mr. Baker, can you speak on that please?

Patrick Baker, City Attorney said a qualified bidder to provide that service for you or in a situation where you are buying things. An RFP process is really the opportunity to seek concepts and ideas and you are looking for a proposer that has hopefully worked in the business and has developed a project that you are interested in and helps the entity gets some ideas about what can happen on a particular piece of property is usually how it comes about. The RFP process isn't as finite, and you are not subject to those bid laws. Now, price does come into play typically, but it is not necessarily the outcome of the [inaudible] in terms of like it would be in a bid process where the lowest responsive bidder would win that process. The parties essentially in the normal RFP process would come together, you would identify a proposer that you want to work with and then you further

refine the project specifically to what you want. There are times when the project doesn't go anywhere because you can't really get agreement or you just make a determination that it is just not feasible to make that project work for your particular community, but it is sort of a process where you continue on and it is not unusual for some changes to be made and ultimately that is going to be a call for Council to make in terms of the amount of change that has occurred. Certainly, we've reviewed this particular process and as I have stated to you from a legal perspective, I don't have any concerns going forward as it relates to the process being fair from a legal perspective that would disqualify the process from moving forward. From a legal perspective we certainly support the project.

Ms. Johnson said thank you; that was a huge concern, the transparency and the accountability to the public for public dollars, but we have your blessing on that. We are gaining 110 units uptown, although they are separate projects, so we are getting those and in addition we are getting the gap financing or the support of the additional 581 units. So, for that I will be supporting it and I look forward to the jobs and the gateway to uptown and look forward to the project.

Councilmember Bokhari said I would just like to say that there has been a lot of frustrations around this from a lot of parties. I think this is one of those things where as we look back there are some lessons learned from the City's perspective that sometimes less is more and we could kept things a lot simpler with the involvement that we had had in the beginning and allowed the other parties who were carrying a lot of the load of this to really define and dictate a lot of the requirements. However, since then a lot of people have worked really hard for years now to put this back onto the rails. I am very supportive of it now despite those initial frustrations of where we ultimately have arrived so, I'm going to support it. I also want to say there is a lot of people to say thank you to, but Tracy Dodson and the entire team, you guys have worked tirelessly to put this back on the rails and make it happen and I think you guys deserve a round of applause.

Councilmember Driggs said I don't think it is a big secret where I stand on this because I've told everybody and I will just note this has migrated a lot from where it started and some of the changes were not what we would have hoped for, and we were in a position of having to decide whether this proposal instead of the one that we started out with or that we hoped for was something that we should do. I think there were well intentioned people who raised questions about how the housing had evolved in the project, so what we needed to do here was just reach a decision about whether this thing as offered was something we should do, recognizing that if we didn't do this the alternative was probably disarray and probably years of delay. There is a lot to like about this and so I studied it for a while with myself and decided that I really felt that it would be a bad thing for us not to proceed because there were so many advantages here and that we should not allow the way in which this thing came to us to cause us to make a bad decision about it. I hope we will learn some lessons from this whole experience because we were going to vote on this thing a couple weeks ago at a time when there was definitely some confusion about it and there were some concerns about the funding and we need to get to a level of clarity and have Council on board throughout the process and not feeling that we are suddenly in a position of having to either approve this or deal with the consequences from not approving it. I'm happy that we appear to be arriving at what I consider to be the right place and I certainly am going to vote for it myself.

Mayor Lyles said as a follow-up to Mr. Driggs, I think he did a really good job on his analysis and I'm going to do a Committee referral on the use of our TIG'S and have a better definition for it and so we will be taking that up as the Council Committee.

Councilmember Winston said thank you for that recommendation; Mr. Driggs and I have spoken a couple of times over the past couple weeks as well as Ms. Johnson and I have. I've liked this project from the beginning, but I think we have a policy problem. I think our TIG policy in particular is contradictory to the priorities that this Council has set specifically around mobility. I don't think government should be in the parking structure business; I understand this is a relic of the past as Mr. Egleston said before, but I think we need to take this recommendation to Committee seriously and really dive into this TIG policy and change it. I would also say that not only do we need to clarify what it should and should

not be used for, we need to get Ms. Wideman into this conversation and figure out how this can be a tool that might be able to incentivize the type of development that we want to see on a smaller scale, not just for when we have these huge billion dollar transformational projects, but how can we use this scaffold like within our neighborhoods to get the type of development that we need to happen in our community in a quick amount of time.

Councilmember Mitchell said I've been a big supporter of this project from the very beginning and I had kind of five reasons why; number one, the job creation of over 4,000 jobs in the Center City. Number two, I think we send a strong message to the public when private sector and government can work together. I think P-3 is always good for our community; the MWSBE participation over 35% and I have to echo Councilmember Watlington and give thank to [inaudible] Associates for working on a workforce development program that is going to look at our high unemployment zip codes and allow our citizens to have some jobs and gain some job skills on this job. Last, but not least, is the 581 affordable housing units that will now be developed in our community. I would like to thank Tracy Dodson and Pamela Wideman for working tirelessly to get us where we are tonight. I'm going to be a big yes vote on this project.

Councilmember Ajmera said I echo my colleagues here. I will be supporting this transaction, not because it is perfect, but it enables affordable housing development for 691 units for a City \$12 million investment. If one does the math that is about \$17,266 per unit which is a pretty good investment from our perspective. Also, this transaction, our contribution comes from the TIG and not our Housing Trust Dollars which enables us to continue to build more affordable housing from our Housing Trust Fund because this is funded by the TIG. As someone who champions SEAP, the Strategic Energy Action Plan, and aggressively sets our goals to reduce our carbon footprint, it is troubling to see that our contribution is going towards parking, especially when the Blue Line is nearby, and we had opportunity to reduce our carbon footprint. So, I'm not pleased with the situation but we are having to choose between our two priorities and hence I appreciate some of my colleague's comments on how we need to review our TIG and its purpose and have that align with our priorities of our transportation, our SEAP goals, workforce development, affordable housing so that we are not putting the situation in. Last, but not least, also I want to thank Bank of America's significant contribution towards affordable housing. Without their contribution this transaction would not have been possible so, thanks to the entire team for working around the clock to garner Councilmember support.

Councilmember Eiselt said I first want to say that this project has been five-years in the making and I certainly appreciate that, especially in this environment that we are in right now, the COVID environment. A lot of cities are seeing tremendous possibility of economic downturn and we are fortunate enough to have a good uptown development on our hands that will create good jobs and provide jobs. I'm also grateful that we have civic partners, civic minded companies like Bank of America here in our hometown that stepped up and are donating valuable uptown land in this project that is ultimately helping us get closer to our goal of affordable housing, especially uptown. I want to thank the County for their contribution, and we recognize that we as a City are not the main players in this deal. I think a lot of you know that I've really struggled with this, especially as the Chair of the Transportation, Planning and Environmental Committee because we talk about our goals in that Committee and it just strikes me that we've got to do a better job of aligning our goals and priorities and planning with economic development. We say that we want to have a livable City that provides equitable mobility options and we want to be less car centric, we want uptown to be more accessible for everyone, for pedestrians, for cyclists and then we agree to use public money to building parking decks uptown without any effort to address the inevitable increase in traffic congestion that this will bring. So, that to me is a cycle that the public is bearing the cost of that additional car infrastructure and then trying to figure out what to do about traffic congestion. We just haven't been willing, we, when I say us, the City Council and staff to address that conflict. If we are going to do this in the future, I agree we need to look at how we use our TIG and TIG is essentially giving up future tax revenue that could be used for things like buses or not, that is our issue. That is not on the private sector, we have to decide what we are going to do with that. So, if we are going to do that going forward and I'm not against

parking, I do believe that when the data shows that it is needed it needs to be provided because we don't have a great public transportation system that anybody can hop on a bus or light rail and be at work efficiently. So, I'm not trying to say that we should just jump to that point, but if we are going to use our future tax revenue to build uptown garage then we also have to simultaneously implement strategies to get our civic partners to help us relieve congestion and that might be in the way of helping to provide bus rapid transit, infrastructure for parking and for light rail. With that, I'm not going to vote against it, but I do think that it is a very good project, it accomplishes a lot of important goals, but we need to have a serious conversation about this kind of thing. We also need to talk about our uptown zoning, that being U-MUDD where you can have unlimited parking. I can't say that I really even know what our parking needs are for the next 10-years uptown and that is the kind of information that we have to have and get serious about taking big bold steps to address.

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

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ITEM NO. 12: PHILEMON AVENUE AND DAVE MCKINNEY AVENUE EXTENSIONS INFRASTRUCTURE REIMBURSEMENTS

Motion was made by Councilmember Egleston, seconded by Councilmember Watlington, and carried unanimously to authorize the City Manager to negotiate and execute Infrastructure Reimbursement Agreement with developers in an amount not to exceed \$12.8 million for the design and construction of the Philemon Avenue and Dave McKinney Avenue Extensions.

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ITEM NO. 13: AMEND THE INTERLOCAL AGREEMENT WITH THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, and carried unanimously to adopt a resolution amending the Water and Sewer Interlocal Agreement with the Water and Sewer Authority of Cabarrus County to implement and jointly fund the Rocky River Regional Wastewater Treatment Expansion Study.

The resolution is recorded in full in Resolution Book 50, at Page(s) 731-732.

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ITEM NO. 14: APPROPRIATE PRIVATE DEVELOPER FUNDS

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to (A) Approve developer agreements with Apex SouthPark SPE, LLC; Park Charlotte Declarant, LLC; Rogers Builders Inc; C4 Cstore Holdings II, LLC; and Lennar Carolinas, LLC for traffic signal modifications, and (B) Adopt Budget Ordinance No. 9832-X appropriating \$153,855 in private developer funds for traffic signal installations and improvements.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 189.

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ITEM NO. 15: RESOLUTION TO CLOSE AN ALLEYWAY OFF WEST HILL STREET

Motion was made by Councilmember Driggs, seconded by Councilmember Watlington, and carried unanimously to adopt a resolution and close an alleyway off West Hill Street.

The resolution is recorded in full in Resolution Book 50, at Page(s) 733-735.

ITEM NO. 16: DECISION ON THE BUTLER HOUSE HISTORIC LANDMARK DESIGNATION

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to adopt Ordinance No. 9833-X, with an effective date of July 13, 2020, designating the property known as the "Butler House" (Parcel identification number 07910501) as a historic landmark.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 190-195

ITEM NO. 17: DECISION ON THE DERITA HIGH SCHOOL GYMNASIUM HISTORIC LANDMARK DESIGNATION

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to adopt Ordinance No. 9834-X with an effective date of July 13, 2020, designating the property known as the "Derita High School Gymnasium" (parcel identification number 04704312) as a historic landmark.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 196-200.

ITEM NO. 18: DECISION ON THE FORD MOTOR COMPANY ASSEMBLY PLANT HISTORIC LANDMARK DESIGNATION

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to adopt Ordinance No. 9835-X with an effective date of July 13, 2020, designating the property known as the "Ford Motor Company Assembly Plant" (parcel identification number 07903105) as a historic landmark.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 201-206.

ITEM NO. 19: DECISION ON THE NEVIN SCHOOL HISTORIC LANDMARK DESIGNATION

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to adopt Ordinance No. 9836-X with an effective date of July 13, 2020, designating the property know, as the "Nevin School" (parcel identification numbers 04528106 and 04528111) as a historic landmark.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 207-211.

ADJOURNMENT

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

The meeting was adjourned at 12:09 a.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 7 Hours, 04 Minutes
Minutes Completed: August 4, 2020