

The City Council of the City of Charlotte, North Carolina convened for an Action Review on Monday, February 24, 2020 at 5:13 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Matt Newton, Victoria Watlington, and Braxton Winston II.

**ABSENT:** Councilmember James Mitchell.

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## ACTION REVIEW

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

**Marie Harris, Strategy and Budget** said you have before you the questions and they were e-mailed to you late this evening. Does anybody have any additional questions?

**Councilmember Watlington** said I submitted mine earlier.

Mr. Harris said we are checking on whether or not the Council has the authority or not to require that for the Board.

**Mayor Lyles** asked if there were any staff deferrals?

Ms. Harris said Item No. 72.

Mayor Lyles asked if there were any Consent Items, which Council wanted to comment on of have for a separate vote?

There were none.

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### ITEM NO. 2: AGENDA OVERVIEW

**Marcus Jones, City Manager** said tonight what we have lined up is a continuation of the 2020 Legislative Agenda and that discussion will be led by Dana Fenton and both of the Co-Chairs of the Intergovernmental Relations Committee will also help us do that conversation. There was a question at the Annual Strategy Meeting about the Circular Economy so, we have a sustainability and resiliency update. There are several items that are on the agenda tonight that will be covered during that update. Then in April, you will have an ordinance before you that deals with Stormwater Pollution Control so, we through it would be good to at least introduce the concept to you tonight. If there aren't any questions, I can turn this over to Dana.

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### ITEM NO. 3: 2020 LEGISLATIVE AGENDA

**Dana Fenton, Inter-Governmental Relations Manager** said I am here tonight to present the proposed Agendas that are committed to you by the Inter-Governmental Relations Committee. The Committee approved the Agendas on January 27<sup>th</sup> and as you will recall just a few weeks there was a discussion here in the Strategy Session about those Agendas. Tonight, after the presentation during your Business Meeting the Committee is asking for adoption of the proposed Agendas.

Moving on to the Federal Legislative Agenda, the US Congress is at work now and they are focused on budgetary and infrastructure issues. Just a few weeks ago the President released his FY2021 budget recommendations and as usual, it is sort of a mix of the good and not so good. We will get into those in the next few slides. In the meantime, both the

White House and the Leadership of the House of Representatives have released their long-term infrastructure funding initiatives and we will talk a little bit about that and how those impact a few of your Legislative priorities.

The first recommended priority coming to you from the Committee is for affordable housing and this is the same position statement as was in your 2019 Federal Legislative Agenda. The Federal position focuses upon appropriations that you utilize to further the City's affordable housing framework of expanding and preserving the supply of affordable housing. I'm pleased to report to you tonight that last year the Congress did enact a budget that increases funding for both the Community Development Block Grant and Home Investment Partnership Programs by \$100 million each. That is about a three-percent increase for CDBG and eight-percent for the Home Program. That is good news. The not so good news is that the President is recommending that these programs be eliminated in their entirety in the FY2021 budget so, your voice will be needed again this year to keep those budgets intact.

The second position has to do with the Urban Area Security Initiative. This program prepares high density, high urban areas prepare for, mitigate against, and respond to acts of terrorism. The 10-county region around Charlotte, of which we are a part, of course, has received funding for this program every year since it was established back in 2004. We found out last year thought that our rankings relative to other metropolitan regions slipped and we were not eligible for any further funding. When we learned about this last year, we immediately set to work with our partner counties in the region, the State Department of Emergency Management. That is the North Carolina State Department of Emergency Management, the Federal Delegation, and of course, the Federal Emergency Management Administration had meeting, tried to get explanations as to why we slipped. We couldn't seem to get a lot of satisfaction so, we engaged our Delegation on that very issue and I learned today that the Office of Congresswoman Adams has made efforts to get this to be heard directly by the House Appropriations Committee instead of just her as one voice or just a few voices in the area trying to get satisfaction. It will now be a Committee responsibility. Another concern in this area, the President has proposed reducing funding for this program nationwide by 36%, more than a third. That is going to be an additional hurdle we will have to face this year.

Comprehensive Immigration Reform; this is proposed position for the program, and it has been greatly informed by the discussions you had last year with the Federal Delegation in Washington and also by the recommendations of the Immigrant Community Committee that several members of Council served on and Mr. Egleston served as Chairman of.

Finally, Transportation and Infrastructure; a few things here I would like to point out to you. The transit position is one that is also been adopted by the Metropolitan Transit Commission so, it is symbolic of the unity between the City, the Towns, and the County on the need to implement the 2030 Transit Plan. Airports, Highway, and Passenger Rail, the Airport continues working with the Federal Aviation Administration to secure funding for the fourth parallel runway. The last point modernized and sustainable infrastructure, I would like to point out that a lot of facets of what you find in the sustainable economy and smart city's initiatives are being incorporated into various infrastructure initiatives Bills that Congress is considering. I think we could see some action on some of those later this year.

Transitioning to the 2020 State Legislative Agenda; in about four weeks from now the General Assembly will reconvene and they are going to try to adjourn this year in June. Traditionally, the General Assembly has limited the type of legislation that can be considered in the short session for the pure and simple reason that they just want to get out of Raleigh as soon as they can and set to work on other things that are important to them. Those traditional limitations are in place for this session and due to those limitations, we have traditionally focused our Legislative Agenda on three things, finishing what was started in the long-session, playing defense, and relationship building.

The first position under the State Legislative Agenda is affordable housing. This is the same position statement as was used last year. There are two parts to this initiative, there are really two legislative initiatives here we are talking about. One is something we started last year; it was something that was put into a Bill, the Municipal Omnibus Bill that passed the House and is before the Senate this year. So, it is eligible, and this is the Bill that would enable you to provide relocation assistance and rental subsidies to persons of both low and moderate incomes. Again, that is before the Senate this year. The second one is an item that was brought to the Committee last week from two different departments, Planning and Design Development and Housing and Neighborhood Services. The intention is to incentivize private developers to incorporate affordable housing into their project plans by securing local authority for the General Fund to reimburse developers for some of their costs such as permitting fees and water and sewer connection and capacity fees. The rationale is that by reimbursing developers for some of these costs then the projects will become more financially doable. The second one here is local control; this is a statement that you discussed at the February 3<sup>rd</sup> Strategy Session. The intent here is to start a discussion with the General Assembly about this topic.

Moving on to Minimum Housing Standards and North Carolina Search and Rescue Teams; both of these were items that were in your 2019 Legislative Agendas. They are both eligible for consideration this year. The first one, Minimum Housing Standards, arose from the Lake Arbor situation where we do not have the authority to require the removal and remediation of mold. The second one has to do with funding for North Carolina Search and Rescue Teams. Under the Search and Rescue Teams, the reoccurring funding for this program was approved by the General Assembly in their budget however, it has been caught in the standoff between the Governor and the General Assembly over other parts of the budget or other things that are not in the budget. Just getting back to Minimum Housing Standards really quick, I neglected to mention that this legislation too is eligible for consideration in 2020.

The next steps; after adoption in two-weeks from now, you will be in Washington for the Congressional Briefings. We are working to schedule those for Wednesday, March 11<sup>th</sup> and the night before we will have a preview of those briefings with our Federal Lobbyist starting at around 6:00 p.m. We will get to you your briefing booklets and more information about the times of the meetings and things like that, especially when we need to start. Because of the Washington traffic the way it is; if you think Charlotte traffic is tough, Washington is that much tougher. So, we have everything timed when you need to be lined up to go.

The 2020 State Legislative Agenda; the Briefing has been scheduled with the Mecklenburg Delegation for Tuesday, April 14<sup>th</sup>. We will be holding that at the Mint Museum. Let me just say upfront, we are not going to incur any additional costs for having it there because we do have an agreement to be able to rent a room for the same as what we pay here. Finally, the General Assembly comes back on April 28<sup>th</sup> and we expect them to be gone sometime in June.

Mayor, I will be glad to answer any questions you may have, and I also have Department resources here with me in case you need to engage in deeper discussion.

**Mayor Lyles** said I want to recognize the Committee Co-Chairs Mr. Winston and Mr. Bokhari.

**Councilmember Bokhari** said thanks to everyone who has played a role in getting us to this point. A lot of different hands behind the scenes have created another great option for us from an agenda perspective. Two things I'd mentioned that have changed in recent times that you may or may not have heard of and they are both on the State Legislative Agenda. One, many of you may not have heard at all something that came to Committee for the first time if you are not on the Inter-Governmental Relations Committee. Last week it was a bit of an opportunistic timing topic where I think you saw it listed there. It is around affordable housing, actually, you only had it at a high level. The affordable housing one but, it was particular about going from 20% to 10% requirement that we have on the mix

of affordable units so that we have the ability to have more flexibility in finding the best deals that maximize the number of houses. While that was presented to us by staff last week, and after we voted it out of Committee, we've since learned that while still a good idea there are more conversations that need to be had on that with other parties, both locally and statewide that could be impacted. While we still believe that ultimately that is an outcome that would be more effective for us as a City and affordable housing, we do also believe that there are a lot more implications that could exist. Therefore, I spoke with staff today and they believe that us putting this in a parking lot for now and not putting it on the formal Agenda would be the best course of action given these conversations we need to have.

The other one and I will let my other Co-Chair discuss this as well, around the home rule item I would just mention that we received a note from one of our Committee members, again, the vote to get this out of Committee was three/two and Councilmember Mitchell, one of the three who still likes this conversation point has sent a note to the Committee saying he has had further conversations and while he can't be with us tonight, he doesn't believe this is the optimal time to move forward with that. So, again, it is here, it has been moved out of Committee at that point, but one of those three votes said that. I think that is the relevant information for everyone to know and changes that have occurred since we have spoken as a full Council.

**Councilmember Winston** said I think my Co-Chair did a great job of summing up the work that we did in Committee so, I will defer to any conversation the Council is going to have around the items.

**Councilmember Driggs** said has the full Council been briefed on the whole affordable housing issue? I'm not sure I'm aware of all the ins and outs.

Mr. Bokhari said that is a separate item that honestly, I need to just mention to staff. When we discussed this last week in Committee and we voted it out we said firmly that it was not acceptable for the rest of the Council to find out about this tonight for the first time. I know things have changed and we are now recommending to table it and not to move forward with it right now, but tabling that entire – are we just tabling that tonight?

Mayor Lyles said there are two sections of that.

Mr. Bokhari said just the second piece then. So, the first piece I think we've gotten some update; it is the carry-on support that we've done year over year. The second piece was not new. That won't be going forward, but everyone was supposed to have gotten an update last week on it. I don't know that that happened.

Mr. Driggs said what are we voting on tonight?

Mr. Bokhari said tonight we are voting on the entire thing, but I think the recommendation given the changes we've experienced over the last couple days and week would be to only push forth the first part of that, the part that is year over year the same. The second part would not move it forward and table that until the conversations are had that are necessary to bring to back.

Mr. Driggs said so, we will vote on a slightly modified version of this.

Mr. Bokhari said I think that would be staff and our recommendation based on what we've learned.

Mr. Driggs said local control; the only thing I will say about that is we have in here a couple of good examples, minimum housing standard of how we tackle the local control issue which is we identify specific areas where the existing state control of municipalities inhibits us from doing a particular thing, but the truth is we are dealing ruled state and it just feels to me, if I'm in the General Assembly and somebody walks in and says we want more local control, I don't even know how to react to that. I'm not sure what action that indicates.

I would prefer for us not to do something so fundamental that goes right to the sort of way the state is organized and to identify those particular things in local control that again, we need from them in order to accomplish what we want to do.

Mayor Lyles said let's take these one at a time because I want to make sure; on the affordable housing portion what I heard you say is the addition of the words "moderate-income persons" were inserted into that and that requires us to deal with starting at moderate-income persons for displacement assistance and gentrification mitigation was something that we have added that is different from the prior year. The second part of what I heard you say is that you are recommending that it be tabled, and my understanding is that we do want more tools to make it possible for our framework. We can't construct our way out of this issue that is growing every day. So, I would like to suggest that what we do is actually look at what those ideas are and ask the Committee on Great Neighborhoods to figure out how that works with the framework that we have that has already been referred to them for an assessment and evaluation. Two years ago, we thought NOAH's were going to be the easiest thing in the whole wide world. We would just go out and get them, renovate them and everything would happen. That has not happened and so, we need additional tools. I would prefer not to table, but to actually, if the Council is willing, to refer that section to the Great Neighborhoods Committee to determine how it might best work. We've got people that are coming in and they are saying if you would help us out, and this is kind of a new market for us. We don't have an antra into the market of people that are building market rate and they just perhaps need some encouragement for development to make something happen whether it is helping with their building permitting, whether or not it is helping with how we are zoning. Until we get the Comprehensive Plan that allows us to build duplexes or quadplexes, we need more tools. I would ask that the Council consider referring that to the Great Neighborhoods Committee to put it in a framework so that we can figure how that will work. It would also include having our advocates and other folks that perhaps to be able to come in and help us move this along, but we need the tools.

Mr. Bokhari said I just conferred with my Co-Chair, we are both in support of that idea as well.

Mayor Lyles said so, I think Mr. Driggs; what I would like to see is that we restate the affordable housing one in that context.

Mr. Driggs said Mayor; if I may, I'm all in favor of that. I just want to be clear about what we are doing tonight because we do have an action item tonight and again, we need to understand. I think that is a good idea because frankly, I'm not informed enough about the issues on that one to want to do anything about it tonight.

**Councilmember Egleston** said for the purpose of getting to where we are going tonight ultimately, we need to make individual motions for amendments to the draft agenda and then vote on the amended draft agenda.

Mayor Lyles said yes if everybody agrees to it that is the way, a motion with those amendments.

**Councilmember Watlington** said I just want to make sure as I'm reading this policy question here, does this open the door for us to have some other policy discussions about affordable housing as it relates to how we fund any partner whether it is the Land Trust or whatever it is. I know there is also this conversation around the source of income, discrimination elimination and there is work going on with that. My question is, this particular policy question, is it only specific to the language around lowering the threshold to 10% from 20%, or does this policy question encompass all of those potential?

Mayor Lyles said this policy encompasses everything that we've been doing and what we ought to try to do. She is referring to the referral that we've made on the assessment of our framework that is before you somewhere on your stack of paper and so that referral is being made.

Under Local Control, where do we stand? I'm just going to say I've got Mr. Mitchell's letter saying that he believes that it should be included. "It is my request to continue this discussion, but not include it in the existing adoption tonight".

Mr. Winston said just to actually clarify something Mr. Driggs said; actually, we have elements in this state of being both a home and a deal and ruled state. We are a home ruled state, we can do pretty much anything that we want, although what the Legislature can do is pre-empt and that is often what they do. The rights that we have are given by the Legislature so, in certain ways, we are tighter than deal and ruled state. We have elements of kind of all of the above which is one of the reasons why governing in North Carolina is a unique beast from other states and other municipalities. My intent around this item on putting it on the Legislative Agenda is sort of how we look at these big ideas. We keep going back to the Legislature to beg and plead for certain tools that we need to do the business of this City and it often relates to issues and items around local control and preventing this pre-emption. Also, knowing that we have a unique relationship in that we have a different level of scrutiny from Raleigh and the use of pre-emption is used in a different fashion than it is used in other 99 counties from around the state. My intent was to put this kind of micro idea on the page to say overall we need to look at getting more local control. We need to change the way our relationship is back and forth, the political capital that we put into doing the work, and the real capital that we have to do the work. We have items right now that relate to this. Our putting the issues around changing the minimum housing standard and other affordable options are issues of local control. Here is a list of some other items that we have had either on our Legislative Agenda or things that we have said that we want more local control on. Our lack of authority for the Citizens Review Board, to exercise subpoena power, our lack of authority to revise the good faith efforts, and establish veteran-owned business preferences in the Charlotte Business Inclusion Program. The lack of authority to require city contractors to pay living wages, the lack of authority to enact new sources of revenue to improve local roads, the lack of authority for local governments to enact or amend ordinances related to private employment practices, like living wages or working conditions or minimum wages and other public accommodations as was related in discrimination ordinances, etc.

What I'm suggesting is that we put this big idea on the Legislative Agenda. We say this is in the interest of not just Charlotte, but the state overall. And, what I would like to do is say we understand that we might not get this big change right here right now, but here are some common-sense things that we can agree on right now. We can put the two items that we actually have on a Legislative Agenda to show to folks that this is what we need, and these are the tools that we need. What we should use this Legislative Agenda for is to say okay, Legislators; how do we work together to go around the state and find the type of coalitions and have the type of conversations that we need to make this Legislative change? My position is that if we don't put these big ideas down on paper, we are not going to get the change that we actually need to deal with the problems of Charlotte. At some point in time, we have to be willing to say it and provide a common-sense pathway to getting it done. I think we can do that with this item.

**Councilmember Graham** said Mr. Fenton; how would this be received on the surface? What Mr. Winston said is correct and he mentioned action items, very tangible, very narrowly tailored action items without using the words local control. So, based on how it is written there how would that be received?

Mr. Fenton said it really depends upon the issue. Some of those issues are supported by some organizations and some other organizations might oppose them. You will get to another issue and you will have an entirely new set of people on both sides of the issue, supporters and opposers. Then, of course, the same thing will happen in the General Assembly; you will have some members either in support and they might be opposed to one of the other things on that list.

Mr. Graham said I agree with the spirit of the request. I absolutely agree with this spirit of the request but having served there for 10-years and chairing the Delegation for the last

two, it is problematic because it is not specific. It is general local control and I said this the last time this was presented, and I'll say it again, the eyeballs of the reader is going to go straight to local control and they are going to disregard all the other requests. So, I think the better approach for the Council is to be somewhat deliberate. It won't get addressed in the short session at all; they are not going to even touch it. If I was the Chairman of the Delegation, I wouldn't even refer it to my members to do any feelers out there to see if there is support for it because it is the nature of the body. It is the short session, that is a complicated issue, they are not even going to take it up. The Delegation will want to do something that they can deliver back to the City or the County or the Town. That is not an actionable item. Again, I agree with the spirit of the request I just think that knowing the history of the relationship, knowing the work that the City has done over the last three-years to repair bridges and hardships up there, I think as a community, as a body, we should probably play Chess versus checkers and be strategic about what it is that we want and spell it out what it is that we want, those items you listed when the Council is prepared to do that. But, to send a blanket request Local Control, it will certainly be misinterpreted by the readers. Even our own Delegation when I spoke to some of them about this item, they also smiled at me and said, "bless your heart". I think the work starts with making sure that even our own local Delegation who will be responsible for advocating on our behalf to move this forward accepts the challenge and I'm not sure they will do so. So, at the appropriate time, I don't know what the procedure is, I would want to kind of amend that as well except for everything that we want to do for the state and then take out the Local Control.

Mr. Driggs said I also agree with the spirit of it. I just want to point out having Chaired the Inter-Governmental Relations Committee and serving also on the League of Municipalities, this is not new. That tension between localities and the State Government and the level of local autonomy, call Rose Williams and get her to talk to you about the history and that is kind of why I think that we go in there and they go, sure everybody wants that. So, I think Malcolm and I are saying pretty much the same thing which is let's identify. You just rattled off a whole list of stuff; that would scare them and one thing they will tell you when you talk about that is, you know I might allow you guys to do that, I might be okay with that, but the whole state, wow, what are they going to do in such and such a place and what are they going to do in such and such a place. They have to think in general about the balance of their authority and the efforts that they make in order to achieve a suit in uniformity. I think we should work some more on trying to achieve what you are talking about. I think this is just a bad way to go about it.

Ms. Watlington said my colleagues have pretty much said where I was going with it. What I would like to see actionably is the removal of this general item, but I do like everyone has said, I think we are in agreement with the spirit of the law. I would like to see us in the Inter-Governmental Committee get real specific about the strategy which things are priority and which do we think we could have support for and then come back with a specific executable plan that is item by item versus the overall.

Mayor Lyles said I want to say this; being in the Legislature is one thing but going there with a way to approach something is really a requirement that they would see us having. I think the big idea, and I think all of us would agree in the spirit of what we are trying to do to get this in a way that is in some shape or form. I'm going to use a specific example all of us know that the repeal of House Bill, the Bill that repealed HB-142 is going to come up and you will be eligible to do that in December. Well, I go to the Mayor's meetings and we've had conversations with about 20 of us from the size of 5,000 all the way to where we are, and the conversation has been how do we do this together. I think to leave out other communities that are dealing with these tough issues and going at it alone really doesn't help build the kind of synergies that are necessary for us to be successful. And, in fact, it is not just us. I see Greensboro and Raleigh, all of them dealing with very tough issues like how much can we do for transit, how much can we do for housing. We are the largest, but we are not that unique in dealing with some of these issues. My approach has been to go to them and say how do we do this together, how do we write a case that illustrates the need for this kind of control? It takes longer, it is harder, but it is still the right discussion and I think that is what we are getting at Mr. Winston. I think we are really

trying to get at a discussion about how do we make this City and other urban areas in this state workable for the people that live here? There are other strategies; you've heard what Mr. Graham has said as another strategy. We could have a study group, we could develop papers on it, all of those things, but I think the most important one is to work with people in a collaboration to do things that will impact all of us to make this change happen.

Motion was made by Councilmember Winston, to defer the State Legislative Agenda to the first Business Meeting in April. There was no second to the motion.

Without a second, the motion was not considered.

Mayor Lyles said since this is on the agenda during the meeting, I think it would be more appropriate for us to do it at the formal meeting where it comes up on the agenda. This is kind of a review of what is coming up and forward. I think that is a motion that could be made and debated at that time.

Mr. Winston said it doesn't get a second, I will do it from the dais.

Mayor Lyles said alright, we will do it from the dais.

**Councilmember Eiselt** said Mr. Fenton; does that have any impact by deferring it or what are the implications of deferring the agenda item for approving the State Legislative Agenda?

Mr. Fenton said it was to defer it to the first Business Meeting in April, which I believe, correct me if I am wrong Madam Clerk, is Monday, April 13<sup>th</sup>. Tuesday, April 14<sup>th</sup> is when you meet with the Delegation to discuss State Legislative priorities.

Ms. Eiselt said that was the first part of my question. I'm just going to say for the record I don't know that anything is going to change for me going forward. I think that what my colleagues have said is really important. Having served on this body now going on five-years and understanding that when we want to get things done, being able to do it item by item basis and I take subpoena power as an example. We've made some progress on that issue, we have a long way to go, but in this current environment, I don't know that it is going to change anyway. I think timing is really important in the way you go about that. I personally wouldn't, just, to be honest, don't know that I would be willing to defer it.

Ms. Watlington said I agree with Ms. Eiselt; I don't know that there is anything actionable that we can do here that is going to change fundamentally the idea that I'm not willing to support Local Control as a general piece. When I think about the specific items that were mentioned I don't think any of those showed up in the long session prior to. I don't know that they will be successful in getting passed in the short session. So, for that reason, I don't know that there is anything that could look different with this being deferred that would change my position.

Mr. Graham said Madam Mayor; one of the things that me and former Mayor Foxx did when I was Chairman and he was Mayor, we sat down and separated wants from needs and we both agreed that we were going to focus on the needs, the things that we can get accomplished. Things that I can go and tell Becky or tell Kelly to run with this with the Senate, with the House, get the votes, bring it back so we can have some wins. Our goal, whether it is the federal package or the state package is to identify needs for the community. Those needs may be giving us more tools that would give us more local control, but I also have learned that it is all about the presentation and how it was presented. If it is presented the right way, and I hate to say it, but it is politics. You might want to see how the pieces on the Board look after November. Things might be a lot easier or maybe a lot harder.



Mr. Winston said we can continue this conversation downstairs but, I've heard a lot of well we haven't done this before, and again, this comes up time and time again. The way we've done stuff in the past has worked for a few and doesn't work for a lot of folks in our community. So, we have to change it and at some point in time, we're going to have to make decisions on doing things different. If it means doing more work, if it means other people doing more work, if it means being the political people that we are elected to be and figuring how to get it done I'm not afraid to do that work. We can continue to have this conversation, but this idea of looking where the puck has been versus skating to where it is going has been unsatisfactory up until this point in time and we have to change it. I hope at some point in time we get away from that excuse.

Ms. Watlington said I'm just going to speak for myself; I'm not a fan at all of spending energy doing work that we ultimately know is not going to deliver the result that we want. I think ultimately, we all want the result so, I think it is about being strategic for ultimately, we can deliver what we've intended. Is the motion still on the floor?

Mayor Lyles said no, there is no motion on the floor; there was no second to the motion. It will be on the agenda tonight and the motion will be made at that time when we have the agenda item.

**Councilmember Ajmera** said I have a question for Mr. Graham, even Dana about the process. Our Delegation when you are providing them the State Legislative Agenda, do they get together as a Delegation and say here are the things we are going to champion out this or is it everything that we have asked for. What is the process like?

Mayor Lyles said communication, communication.

Mr. Graham said the Delegation receives the information, the package from the City or the County, we sit around a table like we are doing now, and we look at what is doable.

Ms. Ajmera said so there is already under their filter that it is going through so, all the items that are put in our Legislative Agenda ultimately our State Delegation will decide what things they can accomplish and what things they cannot. If it is already going through another filter why don't we ask for more and then let's get them to decide what is going to be accomplished and what is not. I know we are trying to determine for them what is it that they can do and what is it that they cannot do, I think we should leave that up to them to decide what is it that they can do and what is it that they cannot deliver on.

Mr. Graham said conceptually that sounds great, let them make the choice. But we don't want to set them up for failure either and once it is out there, one you ring the bell Charlotte wants local control, the bell has rung. So, it is going to get around the building and it makes walking into Senator Burger's Office harder to talk about transportation or affordable housing or any other items when all he wants to talk about is local control which is not even on your agenda, but he has heard it in the hallways. Again, it is about the presentation and I will give one example and probably cause some people heartburn around the table. The Non-discrimination Ordinance, the City was right on the policy, wrong on the politics and I will just leave it there.

Ms. Ajmera said I hear what Mr. Graham is saying if we put it in our Legislative Agenda it sort of gets in the way of getting other things done. I understand, but I think us just discussing this is already out there. The media is here, it is not a closed session, it is already out there that this is what we want just like having on the presentation slide.

Mayor Lyles said it hasn't been voted on yet so, it does not mean it is what we want. It may be what some want, but until we have a majority it is not we. That is the difference here, we have to have a majority of Council willing to support it and get it done. We will vote on it and then we will make a decision.

Ms. Ajmera said didn't this come out of Committee already? This is the Committee's recommendation.

Mayor Lyles said yes, but then there was a letter after the recommendation if you will read, but it doesn't really matter. It did come out as a recommendation to the full Council so the full Council will have to vote and then make a decision on it.

I think we've gone through this with a fine-tooth comb; we've talked about the actual content and context as well as process now.

Mr. Bokhari said just as a point of procedure for tonight, I conferred with Pam Wideman and team and the proper motion on affordable housing based on what is inside our State Legislative Agenda for affordable housing is to put a period after moderate dash income persons period and take out for displacement assistance and gentrification mitigation and allow that piece to be referred to Housing Committee and that will accomplish everything on that front. Then of course whatever the decision is on including or not including Local Control.

Mayor Lyles said Mr. Fenton; I think we will be doing this again downstairs.

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#### **ITEM NO. 4: SUSTAINABILITY AND RESILIENCE UPDATE**

**Victoria Johnson, Assistant City Manager** said I'm going to do the overview of the Circular Economy Sustainability and Resilience Update followed by Sarah Hazel, and then rounding it out would be Amy Aussieker. I want to explain how Circular Charlotte and the Strategic Energy Action Plan work together to support our goal of becoming a low carbon city, highlight related items on tonight's agenda, receive a Circular Charlotte update from Envision Charlotte in order to give us an idea of how we are progressing in the different programs that we have brought along.

On tonight's agenda, we have the Duke Energy Green Source Advantage Program, the grant for solar power electric vehicle charging stations, and the lease at Statesville Avenue Landfill for Circular Wood Waste Program. Those are the three action items that you have for tonight that will be for this agenda.

The Mission and Value Statement from previous Councils continue to guide our strategy and actions. The City has been actively working towards becoming a more sustainable and resilient for many years. For example, Charlotte Water began a discussion with Duke Energy in 2008 about energy organization and potential use of bio gas. Those discussions eventually led to the creation of the combined heat and power facility at McAlpine Creek Station. These are by the numbers and just to give you some idea, there is a tremendous amount of work across the entire City inclusive of high-profile programs as well as small programs such as replacing gas-powered landscaping equipment like trimmers and blowers with electrical. Charlotte Airport will have two electric buses by the RNC and plans on having 40 more in the next four to five years. As you can see this is the progress that we've made throughout the City.

These are various programs that are more high profile that you may be familiar with. Some of them I will highlight is the LED street lighting conversion; through the Vision Zero initiative, Transportation is upgrading existing streetlights to LEDs on thoroughfares identified through the high injury network utilizing Vision Zero funding. Staff identified and prioritized 51 segments during the first phase which has been completed and we have identified 42 additional segments to be upgraded in phase two and they will be completed by the end of the year. Also, we have concrete and asphalt recycling. Street Maintenance, a Division of Transportation will be soliciting information from material crushing vendors to perform a pilot project for waste materials including concrete debris and asphalt milling. The pilot is intended to provide vision with information related to necessary equipment, space, quantity, and to perform the recycling of a recurring basis. This will allow them to try to figure out exactly what will be the ratio of using that recycled concrete along with the mixture in order to get a right to use that material going forward. As I stated before,

the combined heat and power system at McAlpine Creek Wastewater Treatment Plant, enough energy to power 615 homes. That project has reduced greenhouse gas emission from electricity use by approximately 11,314 metric tons. That is another program. The other one that Charlotte Water has is the biosolid. Charlotte Water's biosolid program removes solids from the wastewater treatment process and beneficially reuses them on North Carolina and South Carolina farms. Biosolids go to local farms that create crops not meant for human consumption. The program reduces the amount of biosolids that must be landfilled. Charlotte Water has completed a biosolid master plan and is exploring avenues for extending the beneficiary use of the biosolid in the future. Tonight, we are going to focus on two segments of the program, the SEAP, and Circular Charlotte.

The sustainability and resilience Charlotte by 2050 resolution goals strive to become a low carbon City by 2050, getting everybody down to less than two tons of CO<sup>2</sup>e per year, strive to assure 100% of the energy use in municipal buildings and fleet to zero-carbon sources by 2030. I will turn it over to the sustainability and resiliency expert Sarah Hazel and she will walk you through that.

**Sarah Hazel, Assistant to the City Manager** said I think one thing that I take away from Victoria's context is that we have a lot of work that is going on and we have a lot of work that has been going on that we can really build off of. Before I jump into this I want to highlight that we've been able to accelerate this work through the leadership of you, City Council and specifically I wanted to note Councilmember Ajmera's leadership with the SEAP and the Mayor's leadership traveling to DC this year, not only to talk about the leadership that we are taking but what is really needed to continue to advance the work. We have a lot of work to do and it is ongoing.

If we are going to hit our low carbon city goals it is going to take all of the initiatives that Victoria mentioned and much more. Two of our guiding documents are the Strategic Energy Action Plan which focused on transportation, energy building, workforce development, and then also our Circular Charlotte initiative. Amy Aussieker is going to speak a little bit about the report that was done a couple years ago, but I just want to make sure that everybody understands that these things work together and in coordination to help us achieve our low carbon city goals. With Circular Charlotte focusing on landfill dispersion and recycling and with the SEAP focusing on energy.

I'm going to be speaking more with you as well as colleagues from across the City about the SEAP when we get to our Budget Workshops. We are going to have some time to really dig into some of those items that really influence how we are moving forward our internal and external goals. I wanted to make sure that I let you know we will really have time to talk about that coming up.

I did want to take this opportunity since we have the forum to talk about an exciting grant that we have just recently applied for as a City. So, Charlotte had the opportunity to apply for a LEED for Cities Grant so you might know LEED and you think about energy-efficient buildings, but LEED for Cities is an opportunity for our City to start to collect information, not only the type of information that we need to understand how we are achieving our SEAP goals but a broad array of sustainability and resilience initiatives as a City. So, collect that information, develop a baseline that helps us look at where we need to go, and where we can prioritize, and that builds upon our SEAP work and also allows us to benchmark against other cities. By pursuing a LEED for Cities Certification, we would be doing just that. This grant pays for technical assistance to help us to that and to support a platform where we can do that type of data collecting. This is all in an effort to continue to build upon our work. I wanted to share this with you because we believe we have a very competitive application and we will find out the results very shortly. Now, I'm going to hand it over to Amy who is going to provide that specific update on our work around the Circular Economy.

**Amy Aussieker, Envision Charlotte** said I am going to give you a little update on some of the programs we are working on in partnership with the City around the Circular Economy. A couple of years ago we had Metabolic do a study where they analyzed our

waste stream to see what opportunities we had for diversion. The reason we did that is if you look at CO<sup>2</sup> gases and all the places they come from, 42% can be attributed to the extracting processing and disposing of waste. So, it is really important to start looking at diverting from our landfill. There is also the other side where we need to design out waste, we need less waste going into the system and some of the key findings were only about 11% of our waste is being diverted from the landfill. We also looked at what opportunities we had within the waste stream for job innovation and product development. There were five areas that they focused on so, I'm going to talk about some of the programs we have under those five areas. The five areas were plastics, textiles, concrete, organics and then the innovation center.

Under the plastics program we partnered with CATS; Coca Cola Consolidated, Send Me On My Way and several local partners to take a City bus that has been retrofitted and go pick up pure plastics, PET, aluminum and also Sealed Air's bubble wrap and air pillows, and we take it back to Coca Cola and Sealed Air. What those two organizations are doing is actually taking that product and putting it back into the materials that they create. Sealed Air is about to roll out a new product they have designed using some of the bubble wrap and air pillow that we have supplied to them. This is a great program, a lot of community members, it has been wonderful the education that we've had, and we've had 99.9% pure products going back to them. This is only growing with new partnerships coming on every day like Charlotte Motor Speedway and PNC. PNC wants us to come to every concert and collect all the bottles and cans for them so, this has been a very fun project.

Tomorrow we are rolling out three Litter Gitters in partnership with Stormwater, Coca Cola Consolidated, the City and the County. We are putting in three Litter Gitters in storm ways to collect debris and trash, especially after storms. What is really exciting about this, they will be cleaned out every week, all the materials will be analyzed to see what can be up-cycled, what can be recycled, and where it is coming from. Hopefully, we can backtrack and out the source for this pollution and stop it before it goes into the riverways. We will be tracking that so, we will have a lot of data around that. If you want to join us tomorrow at 10:00 we will be out there putting the first Litter Gitter in.

Tonight, you have this on your agenda, but this is a wood waste center. To give you a little inside knowledge about Charlotte, as you all know we have a huge canopy cover and we have about 80,000 pounds of trees per day that are downed, whether it is development, storms, all of that. If a tree falls in the woods by itself, it off-gases and photosynthesis takes care of the CO<sup>2</sup>. If you put a big pile of trees together all of that off-gases into the atmosphere and it is bad. What we are looking to do at the old Statesville Landfill is do a Wood Waste Center where we would take all of the wood that we can manage at that site to its highest and best use, whether that is lumber, firewood or other products that we can create at this center. This is a big opportunity to reduce our CO<sup>2</sup> in Charlotte. We actually could support four of these around Charlotte and there are other cities around the country already calling to ask how this is going because they want to implement it in their city.

The last one is the Innovation Barn. We are breaking ground next month and we will be opening later this summer. The Innovation Barn is going to be a place where you will be able to take waste and learn to make new products. We will have entrepreneurs there, but it is about job creation, innovation and education and awareness. We have several partnerships already within the Barn so we have Crown Town Composting; they will start attacking the composting by using soldier flies. Very exciting, don't worry though, the soldier flies will be contained, we will put a camera so you can see them. We also have 100 gardens so, we will have a hydroponic and aquaponic garden and a partnership with CMS to do field trips for that. Queen City Teaching Farm is a new business coming out of CMS (Charlotte Mecklenburg Schools) where they will be doing aquaponic garden over at Garinger and their goal is to supply all of the lettuce for CMS, which is about 7,000 pounds per week. They will be operating out of the kitchen that was donated by Electro Lux and doing teaching classes, teaching kids how to reduce food waste. It is a very exciting program. We have a number of large businesses that are partners out there that are supplying all kinds of donations from like I said the kitchen at Electro Lux. Phillips is

donating a full lighting system so we can look at reducing our energy use by using better lighting and sensors. We have Cisco going out there with all kinds of sensor technology for WIFI, blue tooth. Everything will be enabled, all kinds of power [inaudible] so, it is going to be a start of the art building and LEED-certified. We have National Gypsum donating drywall and Lowe's will also be a partner. Those are just to name a few. We will be having the ground-breaking next month. You are all invited in March.

Ms. Johnson said with The Innovation Barn it is going to be located next to the Solid Waste Building out on Ott Street. We are going to be retrofitting it and it is going to maintain BI building and Envision will be doing the programming and everything else. So, with the partnership where we have the building and we are doing the renovation and everything, but she is going to go in through the donations and everything else and they are going to be doing the programming and managing it for us once it is open and gets operational.

**Councilmember Winston** said how have we been approaching creating pathways for individual or small businesses, smaller organizations to partner with us around the Circular Economy? For instance, how we think about the Micro-Grant Program? We know that there are a lot of folks in our neighborhoods that are doing good work in this space and want to do more good work. If they had a bit of institutional support, they might not be 5013C's, they might not be viable business entities, but otherwise, they are doing good work. What kind of pathways exists for folks within our community like this to get into this City effort around the Circular Economy and if not partner with us start building that type of institutional support so they can put real live solutions in their communities today?

Ms. Johnson said in The Innovation Barn there will be an incubator space doing just what you are saying. It may be small companies or individuals that have an idea but don't have the 3D printer, any kind of thing that they need in order to do it to take it to the next level. They will be able to come in the incubator space and actually be able to the things to actually move that vision forward and possibly make it into a company and go out into the community.

**Councilmember Ajmera** said great job, Sarah, you've been providing great leadership. Could you go back to the Numbers slide? What is the timeframe of all these numbers? This is the first time I've seen this slide.

Ms. Hazel said it depends on which number you are talking about, but I can speak to a couple of them to give you some context. One of the first things that we did as a City when the SEAP was passed was to develop an operations team which has staff across City departments to get together and talk about what are we already doing, what can we do better, what can be built off of. When you look at the 60+ policies; one of the first things we did was an inventory of what are we doing and what are we working on. They range in things that are complete, recently completed to in progress to a little bit further down the line. We are even able to create a slide like this because we started to get together and think a little bit more strategically and together about it. If you look at some of the other numbers, electric vehicles, electric charging stations, we have those in place, but part of the purpose of having a conversation with Council during the budget process is to talk about where are we going. Some of this work is underway; a lot of this is already in place, but where are we going, I think it is a great opportunity to continue this conversation.

Ms. Ajmera said I think this is good because now we have the data so we can assess the progress that we are making to meet our 2030 and 2050 goals. If there is some sort of progress chart or something that shows how far have we come along, 10%, 20%, 30%? If we do this, this will be 10% so, are we tracking the progress? It is hard to translate this into the percentage for us to meet our goals because 2030 is just 10-years away.

Ms. Hazel said definitely noted and I will say on your Council agenda this evening we have an example where we have tracked what the Green Source Advantage Program

would bring to Council, which is a quarter of the way towards our 2030 goal. To your point that is a great point with all of our work.

Ms. Ajmera said for transportation, I know there was a conversation about having our enforcement vehicles going all-electric so, is that included in that number?

Ms. Hazel said this number is what we have today, not what we are planning for, for the future. We will be talking more about that as we are talking about the next budget cycle.

Ms. Ajmera said for this budget, is there an ask for the SEAP?

**Marcus Jones, City Manager** said the ask is of me so, what I am doing is I am going to present you a budget that takes into account what we are doing around vehicles and buildings with the SEAP. Understanding that in terms of the plan this is our first crack at it. A lot of it was gathering data.

Ms. Ajmera said so, there will be an ask coming later as part of your presentation?

Mr. Jones said yes.

Ms. Ajmera said if you could go back to Wood Waste Center; if you could elaborate on that. I'm not clear on the objective there.

Ms. Aussieker said some of it is being processed, but a lot of it is going into piles and not being processed. The idea here would be to take as much wood as the Statesville Landfill piece that we are looking at tonight, about 20-acres, can handle per day and then it will be sorted on-site to its highest and best use whether that is furniture, lumber, firewood or any of those items so it is not sitting in piles and it is being processed. The problem is the CO<sup>2</sup> being emitted from the piles of wood; we are trying to avoid that.

Ms. Ajmera said is this in partnership with the County?

Ms. Aussieker said no, the City.

Ms. Johnson said what you are talking about is the Compost Central where we take the yard waste from Solid Waste. That is generally mulch, but because the quality of the mulch is not that great it tends to sit at their facility, even though they sell it at a reduced rate and give it away free, it is still not its highest use because there is so much of it the piles get big. This is another component of using it at the highest possible use as opposed to just turning it into pure mulch.

Ms. Ajmera said for The Innovation Barn Amy; thanks to your leadership I see there have been more partners in terms of small businesses and large businesses. I think that is great. I know in 2018, I don't remember the exact timeframe when we originally approved the funding for this Innovation Barn; the timeline to open this Innovation Barn was sooner than what is currently being presented so, the concerns around the delay, have those been addressed and will there be an additional ask for funding?

Ms. Johnson said those have been addressed. We came up with some problems with the building because the building was retrofitted, even though everybody says a horse barn, horses were stored there, it was never a barn. It was a mechanic shop so, you had ground contamination, you have a gas tank in the back that is still in the ground. You have the roof issue; because of the way the building was used previously and what we are trying to do now, it was more of a challenge than what anybody could ever know until we got into it and started looking into it. After we did all that research and kind of say hey, this could end up being a \$10 million project, no let's look back and see what we can do for the money that we had already budgeted. So, half of the building is going to be renovated because of the fact that you have a big hole in that building that needs to be filled in. You have a lot of stuff that needs to be done, not to mention putting in an HVAC system into a building that wasn't meant for that use cost a lot of money. That is why we are doing in

phases in order to get the best possible use. As we get successes then we go to the next instead of trying to open the whole thing and trying to deal with that.

Ms. Ajmera said in terms of this initial phase will there be an additional ask for funding?

Ms. Johnson said no.

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#### **ITEM NO. 5: STORM WATER POLLUTION CONTROL ORDINANCE**

This item was postponed to a later meeting.

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#### **ITEM NO. 6: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

There were no Council Consent Item questions.

\* \* \* \* \*The Action Review Meeting was recessed at 6:30 p.m. to move to the Meeting Chamber for the regularly scheduled Business Meeting.

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### **BUSINESS MEETING**

The City Council of the City of Charlotte, North Carolina reconvened for a Business Meeting on Monday, February 24, 2020 at 6:32 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Malcolm Graham, Renee Johnson, Matt Newton, Victoria Watlington and Braxton Winston, II.

**ABSENT:** Councilmember James Mitchell.

**ABSENT UNTIL NOTED:** Mayor Vi Lyles

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### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Eiselt gave the Invocation followed by the Pledge of Allegiance to the Flag.

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### **PUBLIC FORUM**

#### **National Reading Month**

**Laura Gallagher, 415 North Church Street** said March is National Reading Month. We at Assistance League of Charlotte share our goal of the City to seek and implement both time-tested and innovative solutions to inspire readers to a love of learning. That inspiration will improve upward mobility in our City and prepare our children and their children to thrive in the future. Thousands of books are distributed by our non-profit organization each year, but books are not enough. Assistance League's multifaceted approach to feed, clothe, educate and minter represents a comprehensive approach that strengthens families and their children in our community. In 2019, our efforts made a meaningful difference to more than 10,000 children and their families in Mecklenburg County. Through our collaborative partnerships with Charlotte Mecklenburg School

District we are confident that we are reaching the children and the families who need us the most. We thank the representatives from CMS for joining us tonight, their support and advice is critical and appreciate.

Our vision is that every child has the opportunity and the resources to succeed. Assistance League's programs focus on all elements to change lives child by child. Each program utilizes processes with measurable goals and evaluations of effectiveness. Working with partners we tinker, we tweak, and we grow to meet the ever-changing need of the community. With a budget of nearly \$1 million our [inaudible] supporters and our 177 remarkable volunteers foster positive change. More than 80 cents on every contributed and earned dollar goes directly to our four programs.

As part of a national organization, we are volunteer-driven and with a social worker being our only employee. As we strive to strengthen families and inspire young readers we acknowledge and thank members of Assistance League, our partners and our contributors.

### **National Reading Month**

**Peggy Thomas, 5922 Carmel Road** said how do we do all that we do? Assistance League implements evidenced-based programs that are evaluated and updated to have the greatest impact on children and families. We cloth; Operation School Bell outfits 2,000 children from 27 elementary schools and new school uniforms, socks, underwear, shoes and even a warm coat. They also go home with new books. We are in year two of a program expansion to provide school clothes for middle school students. New clothing impacts confidence and school attendance and removes barriers to success. We also feed. Operation Check Hunger provides 18,000 take-home book packs of food. Hunger is a barrier to learning as we know. Mobile pantries held at high need schools allow families to select fresh produce, bread, meat, eggs and canned items and working with Second Harvest Food Bank we also provide 20,000 servings of beef or chicken to the community every year. We thank Cathy Helms from Second Harvest for being with us tonight. Our newest effort, Heart of the Home provides new Habitat for Humanity homeowners with \$500 of new kitchen items for their home. We mentor; since 1995 Teen Court has kept first-time offenders out of the court systems through creative sentencing for youth who admit guilt and take responsibility. These teens are tried and sentenced by their peers and complete sentences that include jury duty and community service. We educate; in 2019 we awarded over 50,000 scholarships based in part on community service to students attending North Carolina Universities and CPCC. And, an additional \$20,000 in scholarships provided arts education and summer camps for children this year. Our work is only possible through the support of our partners, our volunteers and shoppers at our Thrift Store.

### **Thank Council for Helping with Operation Check Hunger**

**Judith Sanford, 124 Altondale Avenue** said Assistance League has served Charlotte for nearly 30-years. A majority of our funding, nearly a half-million dollars comes from our Best in Charlotte Thrift Shop. Strategic planning, collaborative partnerships and the use of short and long-term goals insure our relevancy in the community. Our dedicated members are never satisfied with the status quo; that is why our efforts achieve continued growth in breadth, depth and impact. As Peggy outlined, we help children at risk of failing. We measure success by the numbers served and also the outcomes such as improved school attendance and staying out of the court system; but we are not alone. Our supporters, founders, faith organizations and Thrift Shop customers are all on board because we have a shared vision.

As we prepare for National Reading Month, we acknowledge our founders and partners who make it possible to address the pressing needs of our children. Speedway Children's Charities has been a continuous donor since 1992, our very first year of operation. George Kale is here representing Speedway. The [inaudible] Foundation is also a long-standing donor and they helped us purchase our center where we house our Thrift Shop and our



programs. Other major donors include the Leon Levine Foundation, Mecklenburg Bar Foundation, Blumenthal Foundation, the Phillip Van Avery Foundation, Publics, Uwharrie Bank, Barnes & Nobles, St. Gabriel, St. Peter and St. Matthew Catholic Churches. What can you do? Donate, shop, or join. Working together Assistance League, our partners and the City of Charlotte can and will change the trajectory of our families in need.

**Green Source Advantage Program**

**Steve Rundle, 4331 Eagle Lake Drive** said while I here to talk in support briefly of Green Source Advantage and we have a number of folks in the house who are here in support of Green Source Advantage tonight. What I want to really take the opportunity to talk about is the potential for green jobs in Charlotte, not companies from Durham working in Iredell on stuff, but the potential for literally using federal funds to kick start green jobs here in Charlotte. Because the Strategic Energy Action Plan calls for energy efficiency retrofits of up to 1,000 homes a month by 2030 and up to 5,000 homes a month in the out years, we really have a huge need for a green job's workforce here in Charlotte. We have an opportunity to take advantage of federal funding to kick start this residential home retrofit program and to get the thousands that we are going to need to really do this work in the coming years trained up on the job and put to work. The federal funding really comes from the first step act. I know Mayor Lyles has mentioned that we have 10,000 re-entering citizens coming back to Charlotte this year due to good conduct, early release. Many of them come with federal funding for training on the job experience and insurance and it is really away with some of the residential proposals we brought before staff. What we would like to do, these folks are coming out starting this year and we have a need to employ them. We have a huge need on the other side to get the work done to meet further SEAP goals and what we would like to do is be able to bring programs to you that are currently in front of staff to the Transportation, Planning and Environment Committee for review and ultimately before Council to see if we can kick start some of these programs that have been done in other states that are turn-key proven and come with their own funding models to finance the things. What we would urge is that staff complete the review that the external content groups at the upcoming design [inaudible], that this gets in front of them for review. Ultimately, once they get the nod and bring it before the Planning Committee and ultimately the Council.

**Mayor Pro Tem Eiselt** said we will make sure that we connect with staff and if they can get that before us and ready for discussion.

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**CONSENT AGENDA**

**Stephanie Kelly, City Clerk** said Item No. 72 has been settled and pulled from the agenda.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve the Consent Agenda as presented with the exception of Item No. 72.
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The following items were approved:

**Item No. 41: Resolution of Intent to Abandon a Portion of the Alleyway between Waverly Avenue, Pierce Street, and Kenilworth Avenue**

(A) Adopt a Resolution of Intent to abandon a portion of the alleyway between Waverly Avenue, Pierce Street, and Kenilworth Avenue, and (B) Set a public hearing for March 23, 2020.

The resolution is recorded in full in Resolution Book 50, at Page(s) 457.

**Item No. 42: Resolution of Intent to Abandon a Portion of Wallace Road**

(A) Adopt a Resolution of Intent to abandon a portion of Wallace Road, and (B) Set a Public Hearing for March 23, 2020.

The resolution is recorded in full in Resolution Book 50, at Page(s) 458.

**Item No. 43: Building Commissioning Services**

(A) Approve a unit price contract for building commissioning services with the following companies for an initial term of three-years: System WorCx, PLLC, RMF Engineering, Inc., Griffith Engineering, Inc., Affiliated Engineering, Inc., McCracken & Lopez, P.A., HEA Engineers, LLP, and (B) Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

**Item No. 44: Citywide Safety Shoes Cooperative Purchasing Contracts**

(A) Approve the purchase of safety shoes from cooperative contracts, (B) Approve a unit price contract with Cintas for the purchase of safety shoes for a term of one year under OMNIA Partners Contract R-BB 19002, (C) Approve a unit price contract with W. W. Grainger for the purchase of safety shoes for a term of one year under OMNIA Partners Contract 192163, and (D) Authorize the City Manager to extend the contracts for additional one-year terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.

**Item No. 45: Roadway Construction Services Fiscal Year 2020 C and D**

(A) Approve a contract in the amount of \$1,889,305 to the lowest responsive bidder Blythe Development Co. for the Specialized Roadway Construction Services Fiscal Year 2020-C project, and (B) Approve a contract in the amount of \$1,697,498 to the lowest responsive bidder United Construction Company, Inc. for the Specialized Roadway Construction Services Fiscal Year 2020-D project.

**Summary of Bids for FY2020-C**

Blythe Development Co.	\$1,889,305.00
United of Carolinas	\$1,966,800.00
OnSite Development LLC	\$2,155,752.50
Nassiri Development	\$2,237,620.00
Sealand Contractors	\$2,322,522.50

**Summary of Bids for FY2020-D**

United Construction Company, Inc.	\$1,697,498.00
OnSite Development LLC	\$1,849,952.50
United of Carolinas, Inc.	\$1,868,460.00
Blythe Development Company	\$1,889,305.00
Sealand Contractors Corp	\$2,332,522.50

**Item No. 46: Heating, Ventilation, and Air Conditioning Parts and Equipment**

(A) Approve unit price contracts for the purchase of heating, ventilation, and air conditioning parts and equipment for the term of three years to the following: Hawkins HVAC Distributors, Inc., Johnstone Supply Charlotte, and (B) Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

**Item No. 47: Planning Services for Valleybrook Storm Drainage Improvement Project**

Authorize the City Manager to negotiate and execute a contract in the amount of \$750,000 with ESP Associates, Inc. for planning services for the Valleybrook Storm Drainage Improvement Project.

**Item No. 48: Charlotte Water Miscellaneous Engineering Services**

(A) Approve unit price contracts with the following companies for engineering services for a term of three years: AME Consulting Engineers, PA (SBE), Black & Veatch International Company, Brown Y Caldwell, Inc., CDM Smith, Inc., CriTek Engineering Group, P.C. (MBE) (SBE), Gavel & Dorn Engineering, PLLC, (SBE), Hazen & Y Sawyer, P.C., HDR Engineering, Inc. of the Carolinas, Highfill Infrastructure Engineering, P.C., Jacobs Engineering Group, Inc., Mechanical Contractors, Inc., Southeastern Consulting Engineers, Inc., (SBE), Stantec Consulting Services, Inc., Sturgill Engineering, PA, Terracon Consultants, Inc., and (B) Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.

**Item No. 49: Charlotte Water Uniforms**

(A) Approve a unit price contract to the lowest responsive bidder, BrandRPM for the purchase of uniforms for the initial term of two years, and (B) Authorize the City Manager to renew the contract for up to three, 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**

Brand RPM	\$4,024.67
Baruu Advertising	\$4,943.50
Cintas	\$3,976.17
The Dunstan Group	N/A
Syng Marketing Group	N/A

**Item No. 50: Dairy Branch Tributary-Freedom Park Segment Sanitary Sewer Construction**

Approved a guaranteed maximum price of \$16,382,162.20 to B.R.S., Inc. for Design-Build construction services for the Dairy Branch Tributary-Freedom Park Sanitary Sewer Improvement Project.

**Item No. 51: McAlpine Creek Wastewater Treatment Plan Reliability and Process Improvements Construction**

Approve a guaranteed maximum price of \$6,544,653 to Garney Companies, Inc. for Design-Build construction services for the McAlpine Creek Wastewater Treatment Plan Reliability and Process Improvements project.

**Item No. 52: Upper Taggart Creek Outfall Replacement**

(A) Approve a contract in the amount of \$16,766,865.36 to the lowest responsive bidder Park Construction of NC, Inc. for construction of Upper Taggart Creek Outfall Replacement project, and (B) Approve contract amendment #2 for \$1,185,000 to WSP USA, Inc. for construction administration services for the Upper Taggart Creek Outfall Replacement Project.

**Summary of Bids**

Park Construction of NC, Inc.	\$16,766,865.36
Dellinger, Inc.	\$20,753,022.30
Oscar Renda	\$22,355,965.50
B.R.S. Inc./Sanders	\$22,799,582.35
State Utility	\$24,997,979.00

**Item No. 53: Wastewater Lift Station Improvements Phase 2**

Approve a contract in the amount of \$7,106,459.50 to the lowest responsive bidder State Utility Contractors, Inc. for Wastewater Lift Station Improvements Phase 2.

**Summary of Bids**

State Utility Contractors*	\$7,106,459.50
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\*Only bid received

**Item No. 54: Corporate Hangar License and Ground Lease**

(A) Approve a 10-year license with Davinci Jets for a corporate hangar at the Charlotte Douglas International Airport, (B) Authorize the City Manager to extend the license for up to two additional, five-year extension terms, (C) Approve a 10-year ground lease with Davinci Jets for the construction of a parking lot at Charlotte Douglas International Airport, and (D) Authorize the City Manager to extend the ground lease for up to two-additional, five-year extension terms.

**Item No. 55: Airport Federal Inspection Station Facility and Concourse D Renovations Design Contract**

Approve a contract in the amount of \$4,330,965 to RS&H for the Federal Inspection Station Facility and Concourse D Renovations project.

**Item No. 56: Airport Field Maintenance and Airside Operations Construction Contract**

Approve a contract in the amount of \$3,846,527 to the lowest responsive bidder, The Whiting-Turner Contracting Company for the Field Maintenance and Airside Operations Construction project.

**Summary of Bids**

A list of the bids is on file in the City Clerk's Office

**Item No. 57: Airport Fuel Farm Expansion Phase III Construction Contract**

Approve a contract in the amount of \$7,578,991.20 to the lowest responsive bidder NJR Group, Inc. for the Fuel Farm Expansion Phase III.

**Summary of Bids**

NJR Group, Inc.	\$ 7,578,991.20
Attaway Services, Inc.	\$ 8,251,100.00
Cherokee Enterprises Inc.	\$ 9,350,000.00
Bolt Construction, Inc.	\$ 9,416,000.00
Crowder Industrial Construction, LLC	\$ 9,714,223.20
Underground Construction Co, Inc.	\$11,553.025.00
Kinley Construction Group, LTD	\$13,757,348.00

**Item No. 58: Airport Passenger Loading Bridge Canopies, Parts and Materials**

(A) Approve the purchase of passenger loading bridge canopies, parts, and materials, by the sole source exemption, (B) Approve a contract with Hubner Manufacturing Corporation for the purchase of passenger loading bridge canopies, parts, and materials for an initial term of three 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.

**Item No. 59: Airport West Ramp Expansion Phase II Design Contract Amendment**

Approve contract amendment #1 for \$1,678,871 to Talbert, Bright & Ellington, Inc. for West Ramp Extension Phase II.

**Item No. 60: Refund of Property Taxes**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$582,328.73.

The resolution is recorded in full in Resolution Book 50, at Page(s) 459-474.

**PROPERTY TRANSACTIONS**

**Item No. 61: Property Transactions – Hampton Storm Drainage Improvement, Parcels #1, 4 and 8.**

Acquisition of 4,672 square feet (0.107 acre) in Storm Drainage Easement, plus 8,089 square feet (0.186 acre) in Temporary Construction Easement, plus 1,187 square feet (0.027 acre) in Utility Easement, plus 1,770 square feet (0.041 acre) in Existing Drainage

Accepted as Storm Drainage Easement at Myers Park Drive from Airlie Homeowners Association, Inc. for an amount to be determined, for Hampton Storm Drainage Improvements, Parcel #1, 4 and 8.

**Item No. 62: Property Transactions – Lakeside Drive 7134, Parcel #2**

Resolution of Condemnation for 696 square feet (0.016 acre) in Storm Drainage Easement, 86 square feet (0.002 acre) in Temporary Construction Easement at Lakeside Drive from Walter & Barrett, Inc., for \$575 for Lakeside Drive 7134, Parcel #2.

The resolution is recorded in full in Resolution Book 50, at Page(s) 475.

**Item No. 63: Property Transactions – Morehead at Caldwell Pedestrian Safety Project, Parcel #1**

Resolution of Condemnation for 533 square feet (0.012 acre) Utility Easement, 742 square feet (0.017 acre) Temporary Construction Easement at 453 East Morehead Street from JFW Realty, Inc. for \$23,375 for Morehead at Caldwell Pedestrian Safety Project, Parcel #1.

The resolution is recorded in full in Resolution Book 50, at Page(s) 476.

**Item No. 64: Property Transactions – Morehead at Caldwell Pedestrian Safety Project, Parcel #2**

Resolution of Condemnation of 33 square feet (0.001 acre) in Utility Easement, 117 square feet (0.003 acre) in Sidewalk Utility Easement, 574 square feet (0.013 acre) in Temporary Construction Easement at 501 East Morehead Street from Associates, LLC for \$9,850 for Morehead at Caldwell Pedestrian Safety Project, Parcel #2.

The resolution is recorded in full in Resolution Book 50, at Page(s) 477.

**Item No. 65; Property Transactions – Old Providence Road Sidewalk Project, Parcel #1**

Resolution of Condemnation of 4,162 square feet (0.096 acre) in Fee Simple in Existing R/W, 6,405 square feet (0.147 acre) in Sidewalk Utility Easement, 3,039 square feet (0.07 acre) in Temporary Construction Easement at 7000 Old Providence Road from Graham Partners, LLC for \$29,600 for Old Providence Road Sidewalk Project, Parcel #1.

The resolution is recorded in full in Resolution Book 50, at Page(s) 478.

**Item No. 66: Property Transactions – Tom Hunter Streetscape, Parcel #11, 12, 13 and 14**

Resolution of Condemnation of 12,448 square feet (0.286 acre) in Fee Simple in Existing R/W, 8,173 square feet (0.188 acre) in Sidewalk Utility Easement, 7,099 square feet (0.163 acre) in Temporary Construction Easement at 332 Tom Hunter Road from The Church/La Iglesia, INC for \$11,700 for Tom Hunter Streetscape Parcel #11, 12, 13 and 14.

The resolution is recorded in full in Resolution Book 50, at Page(s) 479.

**Item No. 67: Property Transactions – Tom Hunter Streetscape, Parcel #15**

Resolution of Condemnation of 417 square feet (0.01 acre) in Sidewalk Utility Easement, 877 square feet (0.02 acre) in Temporary Construction Easement at 6505 Northridge Village Drive from Francine Adams for \$6,075 for Tom Hunter Streetscape, Parcel #15.

The resolution is recorded in full in Resolution Book 50, at Page(s) 480.

**Item No. 68: Property Transactions – Tom Hunter Streetscape, Parcel #20**

Acquisition of 2,255 square feet, (0.052 acre) in Sidewalk Utility Easement, 3,924 square feet (0.09 acre) in Temporary Construction Easement at 118 Tom Hunter Road from George Anagnostopoulos for \$53,970 for Tom Hunter Streetscape, Parcel #20.

**Item No. 69: Property Transactions – Tom Hunter Streetscape, Parcel 25 and 32**  
Resolution of Condemnation of 663 square feet (0.015 acre) in Storm Drainage Easement, 9,537 square feet (0.22 acre) in Sidewalk Utility Easement, 15,597 square feet (0.358 acre) in Temporary Construction Easement, 323 square feet (0.007 acre) in Sidewalk Utility Storm Drain Easement at 2023 Canterwood Drive from MM MRA LLC for \$47,250 for Tom Hunter Streetscape, Parcel #23 and 32.

The resolution is recorded in full in Resolution Book 50 at Page(s) 481.

**Item No. 70: Property Transactions – Tom Hunter Streetscape, Parcel #31**  
Acquisition of 3,078 square feet (0.071 acre) in Sidewalk Utility Easement, 3,736 square feet (0.086 acre) in Temporary Construction Easement at 401 Tom Hunter Road from EADAH Properties LLC for \$14,625 for Tom Hunter Streetscape, Parcel #31.

**Item No. 71: Property Transactions – Water Oak Storm Drainage Improvements, Parcel #7**  
Acquisition of 1,068 square feet (0.025 acre) in Storm Drainage Easement, plus 964 square feet (0.022 acre) in Utility Easement at 4519 Water Oak Road from Nanakwasi Okrah and Lamonica Okrah for \$19,525 for Water Oak Storm Drainage Improvement, Parcel #7.

\* \* \* \* \*

#### **AWARDS AND RECOGNITIONS**

#### **ITEM NO. 10: CENTRAL INTERCOLLEGIATE ATHLETIC ASSOCIATION WEEK PROCLAMATION**

**Councilmember Graham** read the following Proclamation:

**WHEREAS**, the Central Intercollegiate Athletic Association (CIAA) will celebrate its 75<sup>th</sup> Men’s Basketball Tournament and the 46<sup>th</sup> Women’s Basketball Tournament; and

**WHEREAS**, the CIAA has secured over \$20 million in scholarship dollars for its member institutions over the past 16 years, averaging \$1.5 million annually; and

**WHEREAS**, the city of Charlotte will host the CIAA for the 15<sup>th</sup> consecutive year with 22 games and tens of thousands of fans and guests expected to attend over a five-day period; and

**WHEREAS**, this tournament provides an opportunity for the CIAA family to come to Charlotte to reunite with classmates, alumni, and friends in the vibrant atmosphere of Uptown Charlotte; and

**WHEREAS**, Charlotte is proud to be the CIAA Tournament Host City to showcase our world-class customer service and southern hospitality; and

**WHEREAS**, the CIAA tournament provides a positive impact for the City of Charlotte through economic benefits to hotels, restaurants, rental companies, services, entertainment venues, and temporary employment:

**NOW, THEREFORE**, I, Viola Alexander Lyles, Mayor of Charlotte, do hereby proclaim February 25 – 29, 2020 as

**“CIAA WEEK”**

in Charlotte and commend its observance to all citizens.

**Mayor Pro Tem Eiselt** asked [inaudible] and Tom Murray from CRVA to come down and accept the Proclamation.

Mr. Graham said on a personal note I just want to again thank the CIAA for their involvement in our community for the last 15-years. I've really enjoyed the opportunity of hosing them and I want to wish all the CIAA schools a wonderful week in Charlotte, especially this school that is on 100 Beatties Ford Road, wears blue and gold whose men's team finished first in the south, women's second in the south. I am a proud graduate of Johnson C. Smith University so, we hope the host, the home team does well, and we hope that the tournament goes off without a hitch and is very successful. I look forward to seeing you in three-years.

\* \* \* \* \*

## **PUBLIC HEARING**

### **ITEM NO. 11: PUBLIC HEARING AND DECISION ON MALLARD CREEK AREA VOLUNTARY ANNEXATION**

**Mayor Pro Tem Eiselt** declared the hearing open.

There being no speakers, either for or against, a motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to (A) close the public hearing, and (B) adopt Annexation Ordinance No. 9754-X with an effective date of February 24, 2020, to extend the corporate limits to include these properties and assign them to the adjacent City Council District 4.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 754-758.

\* \* \* \* \*

### **ITEM NO. 12: PUBLIC HEARING AND DECISION ON THE TOWNS AT MALLARD MILLS VOLUNTARY ANNEXATION**

There being no speakers, either for or against, a motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to (A) close the public hearing, and (B) adopt Annexation Ordinance No. 9755-X with an effective date of February 24, 2020, to extend the corporate limits to include these properties

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 759-763.

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## **POLICY**

### **ITEM NO.13: CITY MANAGER'S REPORT**

**Marcus Jones, City Manager** said what I have in front of you is the next 30-day report and it is consistent with the goal that we've had which is to use the Strategy Sessions as well as the Budget Workshops in order to give you information that you requested during the Annual Strategy Meeting. If there are no questions that is the end of my report.

\* \* \* \* \*

### **ITEM NO. 14: 2020 FEDERAL AND STATE LEGISLATIVE AGENDAS**

**Councilmember Bokhari** said I think we have covered this in our pre-Strategy Meeting; we have two Legislative Agendas before us, one is the Federal Legislative Agenda, the

other is the State. On the Federal Legislative Agenda right now we have sub-buckets right now for affordable housing, comprehensive immigration reform, Transportation and infrastructure and urban area security initiative. Then on the State level, we have affordable house, local control, minimum housing standards and North Carolina Search and Rescue, Teams. I believe we probably need to start with a motion. I think we discussed earlier what that motion might look like and then Madam Mayor Pro Tem you may call for a conversation before a decision. I think the specific wording would be with the exception of affordable housing under the State Legislative Agenda, to put a period after persons and then remove for displacement assistance and gentrification mitigation which will be a second recommendation and I think the other item was to remove local control.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to approve the Intergovernmental Relations Committee recommendation to approve the 2020 Federal and State Legislative Agendas. with the exception of affordable housing under the State Legislative Agenda, to put a period after persons and then remove for displacement assistance and gentrification mitigation and to remove local control.

**Councilmember Winston** said in the light that the General Assembly does not convene until April 28<sup>th</sup> and we are not going to present our Legislative Agenda until March 14<sup>th</sup>, as was said upstairs and the fact that two items on that Legislative Agenda still need work, I would like to make a substitution motion.

Substitute motion was made by Councilmember Winston, seconded by Councilmember Newton, to defer voting on our State Legislative Agenda until a later Business Meeting.

**Councilmember Graham** said as I said earlier today, I firmly believe in the spirit of the request and if I thought that within another 45-days or 30-days would resolve my immediate concern I would go along with it: I don't think it will. I'm asking my colleagues to defeat the substitute motion and to support the main motion on the floor which deletes the affordable housing as well as the local control language.

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

YEAS: Councilmembers Ajmera, Newton and Winston.

NAYS: Councilmembers Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, and Watlington.

**Mayor Pro Tem Eiselt** said that motion failed three to seven and with that, we go back to the original motion to accept the State Legislative Agenda with the exception of the affordable housing item as modified and the issue of local control.

Mr. Winston said for those at home and might not have been upstairs, one of the issues that came out of Committee recommendations for us to consider was requesting home rule, approaching it from a macro and a micro perspective. If you are not really a policy that you don't really understand what that means, I guess. We are a state that by which out General Assembly can pre-empt any decisions that we make down here from the dais. My request and the request that came out of Committee was to ask our General Assembly to work with our General Assembly for more home rule over the decisions that we need to make. Quite often we find ourselves in a very intensive process of going up to the General Assembly and begging and pleading for authority to deal with issues on our streets, issues around land use, issues around the way we regulate criminal justice reform in our City. My proposal and the proposal that came out of the Committee was to say hey, look, let's not do this every time. Let's try to make changes that modernize and get us to a place where we need to be. For instance, we voted on something in our



Consent Agenda this evening where we took back control over 7<sup>th</sup> Street and McDowell Street. Those are state-maintained roads, now we can make improvements to safety without going and asking for permission to the state. We already have a couple of items on our Legislative Agenda that deals with increasing the minimum housing standards as well as affordable housing issues. We've asked for this in the past in addressing a lack of authority for our Citizens Review Board to exercise subpoena power, a lack of authority to revise our good faith efforts and establish veteran-owned business preferences in our Charlotte Business INclusion Program. We have a lack of authority to require City contractors to pay living wages to their employees. We have a lack of authority to enact new sources of revenue to improve local roads. We don't have authority for local governments to act or amend ordinances related to private employment practices like living wages or working conditions, or public accommodations as was done in a non-discrimination ordinance a couple of years back.

Upstairs everybody agreed around this dais that this is a good thing, that we want to do this, but there is a fear of putting more work on our Legislators or taking on more work to explain this and build coalitions around the state to do this. There is a fear that we might offend somebody by trying to do the right thing for our people of Charlotte and therefore, that is not good politics. There was a fear that this had never been done before quite like this so, why should we try something new now in moving forward. I would suggest that if we are truly trying to change the way things get done in our City, in our state, and in our nation, we have to actually try to do things differently. I hope that we will not vote this down, but from what I can tell we are, but I hope that we can actually express courage from behind the dais on doing the right thing and taking common-sense approaches to change the status quo of how we do business.

**Councilmember Ajmera** said for all the things that my colleague, Mr. Winston has mentioned why we need a change in the way we operate; this is the item that was approved at the Committee level, hence it came in front of us as a full Council and I said to let our Delegation decide what they can deliver and what they cannot deliver. I know when we were upstairs in Room 267, we talked about the process about certain things that our Legislators cannot champion or they cannot deliver on, but I don't think it is our job to decide. I think we've got to ask for everything that we need to be successful to address issues that our residents are facing, but at the same time, we have to ask for things now rather than just waiting. I would say this is something we have to put on the plate of our Delegation and let them decide whether this is something they can accomplish or not. We shouldn't be doing that filtering process here because we are [inaudible] what goes in the agenda. I am in full support of the motion that was made by my colleague Mr. Winston.

**Councilmember Watlington** said first, I think it is very important that we are not mischaracterizing our position. Obviously, we were all a part of the conversation upstairs and I want to make it very clear that the sentiment that I expressed and that my colleagues expressed was not a sentiment of fear. We are not afraid to go and fight for what it is that we know that we need as a City. The question is not if we want it, it is a question of how can we be most effective. Activism has its place, so does strategy and so does diplomacy and to eliminate those two in favor of activism is not courage, it is a lack of wisdom. Our role is to understand what specifically and actionably we need to be able to present to our Delegation so that they can actually get it accomplished so that we can deliver results for our constituents. We can be strong and we can be wrong or we can allow ourselves the time and the information that we need to be able to deliver an effective, strategic and tactical plan to deliver results and that is the position that I hold and that I heard many of my colleagues hold and that is the position I plan to vote for tonight.

Mayor Pro Tem Eiselt said I would like to make a comment; Ms. Ajmera mentioned the Committee has pasted this out of Committee and Councilmember Mitchell, who couldn't be here tonight, is on that Committee. He initially voted to send this to the full Council, but he submitted a letter to all of us that stated, "Colleagues, since our last Inter-Governmental Committee meeting, I've had additional conversations about home rule. Although I voted to support it, I now feel that additional discussion is needed prior to its

inclusion in our Legislative conversation this year. In my absence I ask that you honor my request to continue our discussions on this very important topic.”

Mr. Graham said I was going to just vote, but I can't let that stand. I'm not afraid of anything, but sometimes I think you have to play chess and not checkers. We have to be strategic about what we do and not just make a move for making a move since. I also understand, having served in Raleigh for 10-years, having been the Delegation Chairman for two, that we have to separate aspirational goals and wants versus needs. Our job as a Council is to identify the needs for our community and give our Delegation actionable items. None of the items that were listed that we could do was listed in our program, none of those things. None of them! Zero. Home rule, that was it so, if there are some actionable items that I can take and vote on I'm willing to do that, but for a broad statement of home rule, understanding the political environment we are in, I think as a community we should be playing chess and not checkers.

**Mayor Lyles arrived at 7:06 p.m.**

**Councilmember Driggs** said in the same vein I want to emphasize that everybody around this dais has a passion for our City and for the people of our City. There are times when we don't necessarily agree on what the best way is to advance the interest of the City, but I served as Chairman of the Inter-governmental Relations Committee for four years, I'm on the Board of North Carolina League of Municipalities and there are certain things that work and certain things that actually can blow up in your face. So, we need to engage and not confront when it comes to dealing with Raleigh. I think that is what those of us who are, I think about to take this action, are about. I just want to make sure everybody appreciates, and we do have our differences, but we are united in wanting what is best for our City and for our people.

Mayor Pro Tem Eiselt said I would just like to comment that I appreciate Mr. Graham's comments having served in the General Assembly for 10-years as a State Senator. I think that is valuable information and helps us.

Mr. Driggs said he wins for sure, but I just wanted to make the point.

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

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

NAYS: Councilmembers Ajmera, Newton and Winston.

Mr. Winston said if we don't try to change things, things are always going to remain the same.

Motion was made by Councilmember Graham, seconded by Councilmember Bokhari, to approve the Federal Legislative Agenda. The vote was recorded as follows:

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

NAYS: Councilmembers Ajmera, Newton and Winston.

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**ITEM NO. 15: AMEND CITY CODE OF ORDINANCES CHAPTER 3 – ANIMALS**

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, to approve an amendment to the Animals Ordinance.

**Loren Hart, 5105 Split Oak Drive** said I am here to speak in favor of strong animal protection and a ban on wild animals in the circus. I am a progressor voter, I vote in primaries and I'm happy to say that everybody I voted for in the last election is currently serving on the Charlotte City Council. I appreciate all the good work that all of you do, I appreciate that you are leaders on a variety of issues. I try and speak up for a variety of issues; animal issues are not my only issue, it is one of many things that I care about. I want to see Charlotte become a compassionate City across the Board and that includes in terms of animal protection. The thing I would like to contribute tonight is just to expand on what has already been noted in these discussions about our peer cities who have already enacted bans and restrictions on the use of wild animals in circuses to point out that there are actually dozens and dozens of cities and counties, states and nations across the world that have passed restrictions and bans. I submitted those, but just to list a few before my times runs out, countries include Australia, Belgium, Bolivia, Columbia, Costa Rica, Croatia, Denmark, Ecuador. Seven US states have full or partial ban including New Jersey, Hawaii, California, Illinois, New York, Mississippi. They are also nine other US states that have legislation in the works.

**Rick Carpenter, 1030 Fairway Ridge Drive, Concord** said thank you for the opportunity to speak to you not an issue that is very important to me. I urge you to enact an ordinance to prohibit the use of wild animals and traveling exhibits. Bullhook bans do not address the cruelty endured by other wild animals that are used in the traveling shows. In numerous places that have passed bullhook bans, elephant handlers have simply carried something else such as a piece of pipe in the same way they would carry a bullhook. Any [inaudible] uses a weapon once an animal has been taught to fear the device and in order to instill fear. I could stand here and read you fact after fact and give you every reason to pass a ban on traveling exotic animals, but when it comes down to it you know it is the right thing to do. Please stop listening to those who profit from the abuse of these animals and listen to your heart and listen to your conscious. You know these animals need to be heard, you need to recognize that taking the animals out of the circuses won't stop the circus. It won't stop the entertainment, but what it will stop is the torture and the abuse of these animals and the suffering at the hands of these greedy individuals. Charlotte should follow the trend of many cities that are currently passing these ordinances to prohibit the use of wild animals in traveling shows. I really believe you know it is the right thing to do.

**Andrea Gunn, 5015 Doris Avenue** said I am the Executive Vice President of an International Animal Protection organization called the Humane Link. At the Cherokee Bear Zoo, four grizzly bears have lived their entire 20 plus year in barren concrete pits without shade or vegetation. Numerous attempts to improve their welfare have failed because their conditions are in compliance with the Animal Welfare Act. In 2016 researchers at the University of Missouri poured acid into the eyes of puppies in what has been known as one of the most troubling experiments on dogs in modern memory. The study was in compliance with the Animal Welfare Act. In 1999 employees of Ringling Brothers filed complaints of elephant abuse, though USDA investigators found evidence of inappropriate use of bullhooks the case was closed with no action against Ringling. The Animal Welfare Act is the only federal law that directly regulates the use of animals in circuses. It provides vague, very minimal standards and inconsistently enforced. There is no legal definition for the extent to which the misuse of a bullhook violates federal law. When circuses are found in violation the only punishment is a fine and no matter how many violations these circuses receive or how severe, the USDA approves any and all requests for future licenses. In the 80's zookeepers at the San Diego Wild Animal Park disciplined an elephant by chaining her feet, pulling her down to her knees and repeatedly smacking her on top of the head with the handle of an ax and the wooden end of a bullhook. One keeper described the blows as home-run swings. Because this was legal under the AWA no criminal charges were filed. In 2016 California's new law banning bullhooks made it a misdemeanor crime.

**Karen Moyer, 2719 Selwyn Avenue** said I am a citizen of Charlotte; I am here today because I am broken-hearted about the way that wild animals are treated in traveling circus shows. Wild animals such as elephants have a strong bond with their families and

females spend their whole lives with their mothers. They have a sophisticated means of communication and a type of intelligence beyond our own in many ways. Elephants in the circus will never know this life. It is a sad story that begins when elephants are torn away from their mothers and forced to start training for circus performances. There are videos showing terrified baby elephants being stretched out, gouged with bullhooks and shocked with electric prods. They scream, cry and struggle to be forced into painful positions necessary for circus tricks. The amount of suffering these animals endure to entertain anyone's five-year-old for 15-minutes is a crime. Several groups and individuals have sent you detailed information documenting the abuse of these animals at the hands of circus trainers. Have you watched the videos documenting this abuse or have you turned a blind eye to their suffering? Have you read the answers that we have provided to the questions you have raised and the concerns you have voiced about enacting an ordinance? It seems impossible that one could watch these videos and read the documentation and still not feel that a ban is needed.

**Jenna Pesantez, 12675 Bluestem Lane** said I appreciate this opportunity to address you tonight. As a citizen of Charlotte, I support a full prohibition on the use of wild animals in traveling exhibits. Such an ordinance will promote animal welfare and protect public safety. Simply banning bullhooks is not sufficient, not only because it will not truly protect animals, but because it does not take into account wild animals including tigers, bears, primates, who also endure the miserable conditions to life on the road. All wild animals used in circuses and other traveling shows are cruelly trained and are subjected to months of extreme confinement and grueling travel. They are also denied everything that is natural to them. There is ample documentation that these animals suffer and that existing laws do not sufficiently protect them. Animal exhibitors are required to be licensed by the US Department of Agriculture which enforces the Federal Animal Welfare Act, but the Act's guidelines are extremely minimal and widely acknowledged that it is poorly enforced. Yet, with poor enforcement of weak regulations most exhibitors, including those who have appeared in Charlotte have been repeatedly cited for serious violations of the Act. Prohibiting wild animal displays altogether would also be much simpler to enforce than the bull hood ban. Law enforcement officials cannot be on-site 24/7 when a traveling show is in town which is exactly what would be needed to adequately enforce the bullhook ban.

**Martha Levick, 824 Academy Street** said I have been a resident of Charlotte since 1992; I'm in District 1 currently, Mr. Egleston's District. I am here to support a change to our City's ordinances to prohibit devices that inflict pain on exotic and wild animal performances in Charlotte. This has been on the agenda for a few months now and I guess at this point what more do you need to convince you that this ban is needed for Charlotte in 2020? By now you have received numerous e-mails and heard from other concerned Charlotte residents on why wild animals have no place in performing acts. Attending a circus or other performance is often a family tradition and holds cherished memories of a new and exciting experience. There are many successful circuses now that still capture the excitement and awe with amazing and diverse talent and leave the outdated practice of torturing animals out of it and allows to educate younger generations on compassion and kindness to all living beings. As evidence of Ringling Brother's closing in the many cities, states and even countries, banning performing wild animal acts are growing and dynamic city needs to be on that same path. Please support the ban.

**Lauren Males, 1810 Shumard Lane** said I am here as a resident of Charlotte to urge you to forgo the idea of a bullhook ban and instead take the progressive and compassionate step of prohibiting traveling exhibits with wild animals altogether. I want to bring to your attention some compelling information provided by Ed Stewart, co-founder of United States first elephant sanctuary. He notes that in order to circumvent laws prohibiting the use of bullhooks some circuses are using other implements to control elephants during performances in the state. While the devices used to dominate elephants may change circuses are not changing their training practices. They continue to use the same negative reinforcement method just with different devices. These devices carry the same sociological impact as a bullhook. In fact, they must have the same impact otherwise they would be ineffective in controlling an elephant. He further notes striking an

elephant with a PVC pipe or a wooden cane on or around the ears, chin, eyes, annas or other sensitive areas will cause pain. A cane can have a hidden nail or other shape metal objects attached to the bottom of it and can be used to stab an elephant during training and performances. This has been seen before in circuses. He also expresses concern that handlers may use powerful electric shock devices to teach elephants to associate devices other than bullhooks with pain.

**Meggan Beltran, 3291 Woodchuck Drive, Kannapolis** said I am here to propose the ban of circuses. Circuses that use wild animals claim that their animals are well cared for, that they are trained using positive reinforcement methods and the animals are happy and threatened. The universal circus has stated that they have a no-tolerance policy towards animal abuse. Since universal has no animal welfare license, they rent their animals from exhibitors, many of whom have repeated sited for violations of the Animal Welfare Act, including failure to provide animals with veterinary care without a quick space or sufficient barriers between public and wild animals. One universal exhibitor was fined \$6,000 for two tiger escapes that took place while touring. In February of 2017 a universal was performing in its home city of Atlanta, a county in which a bullhook ban is in place, by the way, an inspection found that elephants were made to stand on concrete despite their bruised feet and had no water. Both elephants had wounds and wonder dust, a gray powered blood [inaudible] used to hide wounds inflicted by trainers had been used on their injuries. A zebra and camel both had large wounds and the camel had an infection that needed to be drained. In March of 2016 to zebras escaped from Universal's performance [inaudible] and ran through city streets. In August of 2015 the City of Dallas prohibited universal from using two elephants that had tested positive for tuberculosis. In July of 2013 the USDA cited Universal exhibitor in Missouri for keeping tigers and cougars in tiny cages 24-hours a day for six weeks while on the road. There are eight more pages of violations, but I don't have the time.

**Benjamin Johnson, 230 Peachtree Street, Atlanta, GA** said I am with the Universal Circus. We are here because the language of the ordinance was published on Friday, late morning. We have done our best to review it and send out some alternative language to all of the Council. I have had the pleasure to meet with some of you and talk to some of you about that. Our concern is that the language is too broad and too vague in terms of what it says. All we are asking is a chance to have a dialogue to come up with language that would be fair to all the parties. We have done our best over the years to represent the good actors in the business and for us to be thrown into a pool of bad actors with legislation like this is not fair at all. What we are hoping to do again, is have a dialogue with the Council so that we can reach a conclusion that would allow us to continue to come to the City of Charlotte to do the work that we've been doing here for 20-years. As we tour the country, please note that on dozens of occasions throughout the year, every year that we tour we are seen by multiple veterans, we're seen by multiple animal control inspectors, we are seen by multiple officials.

**Ceres McMillion, 2400 Kimway Drive, Matthews** I brought you all a gift. I am a mother of two and Charlotte has been my home for 22-years. I'm here to request a ban on traveling wild animal acts. I only have 90 seconds to state my grievances, so I respectfully ask you to please give me your attention. These acts are not conservation. At the convention and trade on endangered species, last year over 30 African nations pled for an end to lions, elephant trade for western entertainment. Their passionate arguments blamed rich westerners for stealing their heritage. They quoted an African elephant specialist group who said they believed only appropriate and acceptable destinations for live wild elephants are an intent to conservation programs within their wild natural range. Forty-six nations have banned traveling wild animal acts including by birth country Brazil. All of these nations comprise a wide spectrum of social-economic cultural diversity around the world. People of all cultures, people of all colors and economies are turning away from this torture. Universal is positioned to thrive without their animal acts. Universal is known for its fantastic music and wonderful human performances.

**Thomas McMillion, 5016 Split Oak Drive** said I am 16-years old; I am here to support a ban on traveling wild animal acts. This is not education or conservation. These acts

misinform the public and portray wild animals as poised which harms animals, humans and wild populations. The Federation of Veterans of Europe declared, and I quote "this is little or no educational, conservational, research ore economic benefit derived from the use of wild animals and traveling circuses that might justify their use." Parents buying tickets for their kids should take photos of tigers or to ride on an elephant's back have no way of knowing the animal history, training, escape risk, triggers, injury, or illness. Wild animals are not playthings. They will seek to be free and to follow their natural even predatory instincts. To use wild animals as pets is especially disturbing as so many are stolen to be sold for the pet trade and are forcefully bred at unnatural rates. True conservation demands that you teach future generations what animal really is and that is not a leached prop for photo opts or entertainment. No valid conservation, education program does this. Science proves and shows that the best and most efficient conservation occurs in the wild. Kids are inheriting a planet from this generation as filled with challenges. We face climate change and extinction.

**Carolyn Solan, 5104 Reagan Drive** said thank you for listening to me this evening. I also would strongly urge you to think about banning exotic animals in circus acts. It is all about the exploration of these animals. They have strong feelings, they are stolen basically out of their natural habitat, taken away from their family, their mothers and then brought into this horrible upheaval. I don't know, it is just crazy what happens to them; they have to stay in cages constantly in cold weather and the heat. They are abused backstage or probably right in front of people at the circus. Yet, again, it is all about exploration and how much money they can make off of these animals. It is wrong, it really is, and the circus could still go on without these animals. That is just it, they don't need them. Put them back where they came from with their families. That is really all I have to say, and I hope you will look into your heart and have a heart for animals. Thank you for hearing me tonight.

**Charles Robinson, 1324 Mt. Kisco Drive** said thank you for having me tonight. Real quick we want you to just listen. Our constituents are utilizing the circus, our kids and our families are going to the circus and as you've heard the animals are covered and protected by folk coming by and so this circus is operating within the law. We start thinking about the law, we just want to make sure the verbiage protects those animals and protects the circus and make sure we can keep the circus in Charlotte. This is one of the circuses that my community has the opportunity to take many kids and has done so for many years, even when we couldn't afford to get the kids when they first moved to Eastland Mall, this circus gave Hidden Valley an entire show for free. These are kids that are at risk, the ones you talked about when we first came in. We start thinking about liberty. This company should be free to come into this place as long as they operate within the law. If they are not breaking any law, let them come back. Change the verbiage so that you guys can do your job and that allows them to do their job while they are here, which is we are just asking for everybody to simply be fair, not about our feelings, but about the law. The law says this and if we are going to operate within the law, now how we feel, then we should do so, if not then we shouldn't write this at all. Let's just cut it all up and say let's just ban all animals. That is not the law.

**Diana Brogan, 401 Walnut Point Drive, Matthews** said I have been involved with animal rescue my entire adult life. I have supported Elephant Air International, the Elephant Sanctuary and Shelter of Wildlife Trust; I am also affiliated with the Sheltered of Wildlife Trust. I urge banning the use of bullhooks and whips in circuses in the City of Charlotte. I ask you, the progressive and enlightened leaders of our great City to consider the following: In the wild size determines who is the boss. This is especially true of lions, tigers and elephants. A human being is only able to dominate these animals through the animal's fear of pain and the consequence for disobedience. The bullhook is an instrument used to goad an elephant to do things it would never do naturally. An elephant does not stand on its head, twirl nor sit on a tub unless it is prodded to do so. An elephant's skin is paper thin in certain areas well known to elephant handlers. For example, behind the ears, the annas, the mouth and underarms. Consider then an elephant's feet, mouth and truck are particularly sensitive. Elephants have no escape from the pain of the full hook. Circuses use a substance called wonder duck to cover up the marks left by

bullhooks on the elephant's skin. An elephant or wild animal has likely spent many days in a train car or a semi-truck prior to arrival in Charlotte. Upon exiting the vehicle elephants are immediately jabbed with bullhooks to force them to climb down and walk to the destination.

**Megan Peterson, P. O. Box 2879, Indian Trail** said I am an animal behavior specialist. I have my degree in Zoology, and I specialize in Ecology, which is animal behavior. I am here to speak about how wrong it is to exploit any animal for the selfish purpose of money, momentary entertainment and zero education of the true essence of these animals. This is done at the expense of a lifetime of a spirit taken from these creatures. To use force is a sign of ignorance and in this case greed. We have come a long way over the years understanding childhood development and how to raise a calm, happy, positive human. So, I ask why is it still acceptable to use barbarous torturous methods to break any animal for the humans we are trying to raise peacefully? Does that set a good example? These animals are put through so much abuse, abusers would try to call this training. This would be extremely incorrect. Using force, pain, fear and intimidation and torturous devices is only breaking an animal into an estate we call learn helplessness. These animals are forced to perform, and they only do this being broken and done out of fear, not to mention the habitat that they are kept in. The word habitat is not correct actually, it is more comparable to a prison.

**Bryan Monelle, 216 Panorama Drive, Oxon Hill, MD** said I appreciate the opportunity to speak on this issue. I've actually worked in the circuses; I was an elephant handler. My job was to water, feed and clean up after the elephants and I've been there in the training sessions. Part of my job was to apply the wonder dust and pack bleeding wounds with wonder dust and mud. [inaudible] Elephants and animals are beaten to perform, there is no getting around the fact. I know people who say they've been in circuses for years and never seen it. We don't show it, this is all done behind the scenes. I'm not stupid, I've seen elephants beaten with bullhooks, baseball bats. I've seen this myself. We've seen multiple elephants electrocuted with prods and the [inaudible] in every part of their body while chained up. When TB tests were faked, the veteran dropped off the vile and we couldn't get it from certain elephants, so we just collected multiple samples from another elephant. When the USDA showed up, the USDA is not there to see the training, the USDA has never seen an actual training of an elephant. I'll guarantee you they have never seen it and they have told me that themselves.

**Rachel Harris, 424 East 36<sup>th</sup> Street** said it is a pleasure to be participating in this process. I would urge the Council to revisit the language in section 3.73. It is overly vague from a legal standpoint, it is almost negating itself in what it is requesting of the circus to be. It is also very subjective and since it goes beyond the laws that are already in place while there is definitely a need to make sure that the animals are not harmed, you have to balance that with this is the livelihood for people. A balance between the two would be nice. There is a lot of accusations of animal cruelty. Are they specifically targeting this particular circus or are they making a generalization? It seems to me like the Council should restrain itself and not have the proposed change.

**Julius Bishop, P. O. Box 621831** said tonight we are here to talk about the circus first of all. Tonight, when we first opened-up we spoke about children and we talked about community, correct. The next thing we did, we prayed for at-risk youth. I am the owner of Positive Youth Transformation which provides free touring for elementary school kids here in Mecklenburg County. This circus brings kids' incentive, this circus brings families together. For low-income families, I'm sure everyone sitting in these seats right here can afford a Panther's ticket. Low-income families cannot, but what they can afford is a circus ticket in order to bring their families to the circus. A family of four, you are looking at probably \$250 or more to an NFL football game. We are talking about a zoo and a circus and speaking of the zoo as well, if you are going to ban circuses, we should ban all North Carolina Zoos as well. Let's just put everything on the line. All animals are being trained. You are an animal, I'm an animal, we all were trained by parents. The next thing is communities; we've got communities that are coming out to these events, whether it is the east side, the west side, south side or north side, communities are coming to this

event. It is national reading month with the American League. That is a wonderful thing, but when we give incentives to kids and they learn from these incentives and they are bringing their families to the circus, we are bringing families together and that is the most important part.

**Blanche Penn, 2207 Century Oaks Lane** said I am Dr. Blanche Penn and I am a researcher and I want to talk about protecting this circus. I hear what they are saying over here but at the end of the day, it is about our families being apart and connected together. Now yes, you need to look at the language of a lot of this stuff we've got going on, but our families are important. We talk about homeless, we talk about housing, we talk about all this stuff, but then we have all these people talking about animal cruelty and all this in wild animals. But, guess what, every time I take my 13 grandchildren there those animals are treated well. Now, do we be a part of the training no, do we go back there and see it, a lot of us, no, but they have laws that they need to make sure that everything is decent and in order. So, I understand what they are saying because of research, I do research too, so, I tell you what at the end of the day we ought to make sure that we keep the circus here, the Universal Circus is a good thing for our family. I'm not sure how many of them have been to the circus and seen that particular act and everybody talks about money, money, money, but it is about what our children enjoy. They enjoy this and I worked at a recreation center and trust and believe that those kids enjoyed what was going on and yes, I saw dogs, I saw elephants, I saw horses and there are many horses that run around Charlotte, North Carolina, but I don't hear anybody talking about that.

**Freda Hendley, 1227 Joannas Court** said I am here today, probably one of three or four people in the room that has traveled with the Universal Circus. I have seen first-hand the training as well as the treatment of the animals, but I'm not here as a fan and I'm not here as an employee. I am here as a mother of a son with autism. My son has autism and his first trip to the circus where I took him to see some old friends of mine, he wasn't necessarily able to articulate what he saw for a whole year. When my child was able to explain to me what he saw and how he saw it, the very next year we partnered together and they gave the Just Us Group, me and probably 20 or 25 other families free admission to come and see the animals up close. These animals that these children or my son look at and he has never been able to see up close because we can't necessarily afford to travel a couple of hours and go to the zoo. We can't necessarily afford to go to a lot of the games and the big activities here, but this circus, the Universal-Soul Circus puts people to work in our City. They put me to work right after college and they also give an opportunity and a relationship between the autism community and the black and brown community. I just hope that everyone in this room holding signs and everyone in this room fighting for certain animals. Keep the same energy when black and brown men and women are being murdered on the streets of Charlotte and being murdered on the streets of North Carolina. This is circus is needed. This particular organization is helpful, it is needed, and they partner with my organization and autism community every city, as a matter of fact, we are going to Birmingham. Have a great day.

**Robin Woods, 8909 Belle Bragg Way** said I am here in support of the Universal Circus. I have an organization called Drills of Hope, March in Thunder. They allowed us to actually perform at the circus and be a part of the great time that we offer for the families. They also afforded us tickets to where our families would not necessarily afford to go to the circus. I am just saying I know there are a lot of facts that have been laid out regarding the animals, but I do not believe that abuse is being given to the animals during their training. I think that we should vote no on the ban so that we can have the circus to come back to Charlotte.

**Councilmember Egleston** said I just want to point out to the folks that came and have signs that say protect the circus, I'm going to support this and I think it is going to pass. No-one is attempting to ban the circus. I think even some of the folks who spoke in favor of this stronger language pointed out that some of the best parts of the circus don't even involve animals. I just don't want anybody who attends the circus, works with the circus or whatever, think we are trying to be antagonistic towards the circus. I think we are just



trying to put in language that better protects the animals that are a part of the circus. So, we are not banning the circus, I want that to be clear because I'm not sure that it is.

**Councilmember Newton** said I was going to start by mentioning the point that Mr. Egleston just mentioned. This in no way shape or form should ban the circus. We had asked about two weeks ago, our City staff to put in the research and the time to draft an ordinance for us here tonight. They did that by reviewing at last 55 ordinances across the United States. This language is actually language that was taken from many of those ordinances. Ordinances that were and are enforceable and at the same time locations where the circus regularly still occurs. The idea of us adopting this, particular light of the greater way of the evidence would somehow ban or prevent the circus from existing just isn't supported by the facts. Having said that, allowing animals to be harmed or tortured for our pleasure and enjoyment is wrong and it is not educational for our children. Unless we want to teach our children that these majestic animals, elephants, tigers, bears are subservient toys, not worthy of human conditions, conditions outside of course of their natural habitat and exists to give us rides which as we heard tonight can be dangerous and perform tricks for us. That harm, that torture, that discomfort rather than positive reinforcement for the purpose of training and performing can be done in a number of ways that includes bullhooks, electric prods, and whips which are all specifically addressed in the language of this particular ordinance before us here tonight. They can also occur via prong [inaudible] muscles [inaudible], other instruments that we might not even be aware of today. That is why the language here includes all that as well. Of course, the best way to address all of this and I think what we've heard tonight and what we've heard literally over the past five months or so, plenty of opportunity for everyone to be engaged, be involved, give their opinions. Of course, what we've heard is the best way to address all of this, including humanness, public safety, the health of our citizens here in Charlotte is by eliminating exotic animals from traveling acts altogether and in so doing, not eliminating circuses. But, short of that making sure that the exotic animals are treated humanly is the absolute least we can do. Particularly when we know that the Animal Welfare Act has not been effective for a number of reasons. We all received information that really broke down the ineffectiveness of the act and the need for the strengthening of provisions in our City. This isn't something outside the ordinary. Let me clear about this, we've only looked at 55 other cities, it doesn't mean it ends there. There are plenty of other cities and we've also heard the fact that there are plenty of nations across the world that have implemented very similar measures.

Our staff did look at 55 cities; this was in our direction. We told them to do this a few weeks ago. I would ask my colleagues that we stick to the commitment we made two weeks ago. We did receive a proposal to strike some of the language from the ordinance that we are considering tonight. There was no substitute language provided to that, simply put that proposal was an attempt to render the entirety of this provision in front of us ineffective. The language put together by our staff is not vague, it is not ambiguous; it is what exists elsewhere. Striking our language would allow the inhuman means listed in the provision to be sued to have animals perform and to handle or train animals in an inhuman way. I think that the facts are clear. If we are concerned as animals ourselves and how we were raised, I can tell you this, we were not raised with bullhooks or whips and if we were you know what, the people that did that, they would be in jail. I feel like the facts are clear, I support this, and I would ask all of you to support it as well.

**Councilmember Ajmera** said I struggled with this decision. I had to do a lot of research on this. I grew up going to circuses because that is all my family could afford. I've been part of a culture that had elephants at the weddings, that is part of the culture. At the same time, I was raised as someone who is vegetarian, but at the same time caring for animals. So, this is a very difficult decision for me. I have certainly been to Universal Circus and I've enjoyed going to circuses and all the contributions that the circus makes to our community, which is very important. This is an important decision for me because we have a responsibility to speak for those who cannot speak for themselves. Growing up [inaudible] was a personal hero of mine and he said that greatness of our nation can be judged by the way animals are treated. I'm here knowing that I have gone to circuses, I have been to weddings, I have ridden elephants and I have enjoyed it, but at the same

time having done the research and how they are being treated and how they are trained with bullhooks and other tools that harms animals I cannot support this. So, I will be supporting the ordinance, but at the same time, I want to tell Universal-Soul Circus that we appreciate the work that you do in providing tickets to those who cannot afford to attend the other events. I know you make that possible for many, many of our youth in our community and we appreciate that. This is not a ban for the circus, this is a ban to the abuse that we are seeing. It may not be that you are treating your animals' certain ways, but I think this places important protection in our ordinance to ensure that not just Universal-Soul Circus, but anyone cannot treat animals that harm in away. We have a responsibility to protect them and we have a responsibility to care for them, so, I will be supporting this.

**Councilmember Winston** said I've had a lot of questions on why we are even talking about this. This is not on our priority list around affordable housing, economic development, transportation and other things as well. I will tell you why, because we live in a representative democracy. One thing when I go around the City and around the region, I tell folks that the government is a tool that is open for all folks to use and we as representatives have to be responsive to the voices that come to us and tell us about the City that they expect and want. It is our duty when we have organized voices coming to us again and again to at least consider the things that they are bringing to us. This group around circus abuse, around circuses, around dog tethering, has been highly organized over months and months and what we are considering right now is not everything that they wanted to have on the table, but that is why we are here today. I congratulate our citizens for organizing and using government as a tool that is supposed to be. I also would like to commend my colleagues and our staff for being the tools that we all signed up to be in considering this.

I would like to call out a couple of hypocrisies in both of our actions in these past couple of months. This organization, this body, we continue to purchase chemical weapons for the use against people despite organized efforts against it. This body, City Council has given away its oversight ability over Police purchases of weapons to be used on people. This body, City Council has resisted examining and critiquing internal policies around the use of force on actual human beings. I will also say that the organizing around the issues that I just mentioned often fall on the shoulders of young black and brown people. It will be very helpful if some of these middle-aged white faces would show up with the same sustained civic vigor that has been displaced over the past few months around this important issue. I will be voting in support of this, I think this is common sense, but I would like us to think about the hypocrisies that we all have exhibited throughout this process.

**Councilmember Johnson** said I was one of the ones who had the pleasure to speak with Mr. Johnson, the CEO of the Universal-Soul Circus. What he was proposing and the language that he is asking to be tweaked, we've not been working on for five months. We asked for on February 3<sup>rd</sup> and it was just drafted I think last week. So, I think it is a fair ask to allow the subject matter expert because we are not, and the subject matter expert to at least weigh in on what the language says. This language is not banning animals, it is not going to make everyone happy. If you noticed when they mentioned let's ban the zoo, there was a pause for that. So, this ban is not going to make everyone happy and it will harm the Universal-Soul Circus. I think we need to be careful with that. We all went to the 75<sup>th</sup> celebration for the CIAA, we are losing that, we've lost the battle of the bands so, I think we need to be very considerate when we are thinking about this ban and if they are asking for time to weigh in on the decision then I think that is a fair ask. So, if that is not an option, I will be voting against the ban tonight.

**Councilmember Watlington** said I actually agree with Ms. Johnson for the simple reason that she suggested. I do think that it is our responsibility to do due diligence and given that the language was released last week and that a proposal has been made. And, even as I sit here and read this and I see things like further the use of bullhooks, electric prods, whips, or other devices, which is unnamed and extremely vague to me, to handle, train, or otherwise interaction with elephants. None of that directly says anything that has to do with specific interactions that cause the suffering. That is saying you can't use a flashlight

to interact with an elephant. I think that is too broad for where we are and I think we need to take some time to really comb through the language from a policy standpoint, particularly because I agree with the points that the speaker over here addressed. With that I would like to offer a substitute motion.

Substitute motion was made by Councilmember Watlington, seconded by Councilmember Johnson to defer. to give us time to actually comb through the language and come up with something that is going to be reasonable that addresses animal abuse, but also is something that we can enforce and that would allow time to really understand the impacts to the industry.

Mr. Egleston said I can appreciate the comments from my colleagues, but I think we should keep in mind that every week we keep putting off decisions on things like this is a week that we don't spend putting the appropriate time behind things like housing and transportation, economic mobility. This has taken up an obscene amount of our time already; I think there is general agreement on which direction to move here. I don't think this is over-reach. Frankly, I'm not sure how much would change by kicking the can another two or three weeks. I think there are other things we need to be working on and I had rather put this to bed tonight.

**Mayor Lyles** said I would like to ask the City Attorney about the wording in the ordinance that has been prepared and you've heard some of the comments by folks. I think the question has been around how concise and forceful it is so, I would really like to hear from the City Attorney if there is room for improvement or if this is just the way it is always done and everybody kind of gets it.

**Patrick Baker, City Attorney** said to answer that question I would say that there is always an opportunity to be more precise in a certain language, but I also two-weeks when we were asked to come up with this language, we were given the outcome of the Council desire, at least by a majority of you. So, that is the language that has been put together. I did get a chance to review the Universal recommendation, but I did not get that until 4:00 today so, I have drafted a couple of things to make it a little bit tighter. Again, based on what I've heard from Council, the focus has been on animal abuse. I'm happy to either work with Universal and bring something back or I can read what I've put together into the record to see if we can find agreement. I hate doing that on the fly, but it is really up to you all.

Mayor Lyles said so, we've heard from the Attorney that he had a chance to review the Universal-Soul Circus letter of materials and there is room for more precision.

Mr. Baker said the precision, let me be clear for the body and for the audience, is being precise to the prevention of using any devices to abuse or to injure the animals. That is the precision that I'm talking about, not going backward, but to be very specific to not using any of these devices to abuse the animals.

Mayor Lyles said the City Attorney has just handed around a copy and because you have sat here, I'm going to say what it says. I'm sorry, this is the dialogue around the dais. I'm either going to ask the City Attorney to read it or I will read it. Mr. Baker; would you please read the ordinance as you have said.

Mr. Baker said there are four sentences in the proposed Section 3-73. The first sentence and the last sentence, Universal hasn't objected to. It is the second and third sentence that they have put together some suggestions and I could just read the original and then my proposal may be easier just to go to the point. The second sentence, the original that we proposed is "in addition to meeting these minimum standards no permanent or transient animal, exhibition or circus shall induce or encourage animals to perform through the use of chemical, mechanical, or electrical or manual devices in a manner that is likely to cause physical injury or suffering". Universal has objected to the language "induce or encourage animals to perform through the use" and "in a manner that is likely"

they would like that tightened up. What I am proposing is language that reads “in addition to meeting these minimum standards, no permanent or transient animal, exhibition or circus shall cause physical injury to or suffering of its animals through the use of chemical, mechanical, electrical or manual devices”. So, getting away from language of “induce or encourage animals” because we were focused on the training of the animal and to get the animals to do that is where the injuries have occurred. But if Council is interested, we can just focus on creating injury to the animal as opposed to worrying about the training aspect of it.

The third sentence in the original reads “further the use of bullhooks, electric prods, whips or other devices to handle train or otherwise interact with elephants, felines and primates when they are on display, performing or being trained is prohibited.” Universal has objected to the language of “or other devices to handle, train or otherwise interact with”. So, what I have proposed in the revised language is “further the use of bullhooks, electric prods, whips or other devices to cause physical injury or suffering to elephants, felines, and primates when they are on display, performing or being trained is prohibited.” Now, there is still the language about “or other devices” and for the reasons that Universal objected to that use in the first place, I would like to leave it in here because I don’t know what devices they could use to injury the animals. So, we’ve listed specifically full hooks, electric prods, whips, or other devices, but again, now we are just focused on using objects to injury the animals so, I would suggest you leave or other devices in there.

Mayor Lyles said I’ve asked the staff if they can get the revised language on the screen so that you can see. We hope to make that happen so you will have a chance to see it as well.

**Councilmember Eiselt** said I would like a point of clarification from Mr. Baker. The way this proposed language would say, it would still allow bullhooks, electric prods, whips or other devices to be used unless they are causing physical injury.

Mr. Baker said or suffering, yes.

Ms. Eiselt said I would like to point out to the Council; what else does it do if you use a bullhook on an elephant. I’m not comfortable with this language because I don’t know how you use a bullhook and electric prod or a whip and do anything but cause physical injury or suffering. I don’t know where we go from here but when we had this discussion two-weeks ago we specified these instruments and I don’t know how we got so far away from it. I don’t like other devices because that just leaves it wide open, but it is not fair to say we just got this. We got the exact language on Friday, but we’ve been having this discussion for weeks. I’m frustrated that we are this point; I hate, as I have said before, I hate having to make a decision at the dais under this kind of stress where everybody is having to think, wait a minute, what is this saying. This clearly is not the language that we all said we were going to move forward with, with regards to particular implements.

Mayor Lyles said I’m not so sure that all of us; I just want to make sure as we are going through this. I remember the bullhooks and electric prods being the two that were addressed.

Mr. Newton said I would agree with Ms. Eiselt on that point and I think the exact motion was other devices that could lead to physical injury or harm of the animal suffering, etc. That is why I think that language incorporates a number of things that could extend. I think we heard some of these earlier, some of the instrumentalities that could extend beyond just the bullhooks, electric prods or whips, or anything we might even know about today. We talk about that a lot, we talk about the future and what may arise that we are just not aware of today. I like the original language. When I look at this language I actually think that this language makes it a little bit broader. We are not talking about the specifics of the training or anything to force the animal to perform, the types of things that I think you are going to find with these instrumentalities being used. From the standpoint of being able to kind of injury, I think it is one thing, but the suffering might be a little hard for us to

see. I think kind of nailing it down to where we were before, to Ms. Eiselt's point, is actually much more specific.

Ms. Watlington said I'll say that I disagree with that statement simply because again, when you talk about using devices to handle, train or otherwise interact, I think that would assume that any type of handling, training or interaction would lead to physical injury or suffering, which may be fine if you now that bullhooks or electric prods do that. But when you leave these other devices, I think that opens it. However, I do think that the amended language, though it leaves other devices is very specific to causing physical injury or suffering. Based on what I've heard here, that seems to be what the issue is. With that, if I may amend or withdraw my motion, whatever the process needs to be, I would rather consider this updated language.

Mayor Lyles said when we have a substitute motion, I'm going to ask the City Attorney for my recall is right, when we have a substitute motion, we always deal with the substitute first?

Mr. Baker said that is correct.

Mayor Lyles said what Ms. Watlington is asking is can her substitute motion use the language that you've placed before as her substitute motion, and I don't know the answer to that.

Mr. Baker said I'm sorry, say that again.

Mayor Lyles said may she take the language that you've just distributed to us and make that a part of her substitute motion?

Mr. Baker said certainly, the maker can modify the motion.

Mayor Lyles said I believe the City Attorney has ruled that you can modify your motion.

Ms. Watlington said I would like to modify it from deferring a decision to voting on the amended language.

Councilmember Watlington amended the substitute motion from deferring a decision to voting on the amended language. Councilmember Driggs seconded that modification.
--

Ms. Johnson said again, I spoke with Mr. Johnson and keep in mind that he said that he is a good actor so, if he is taking the time to speak out against this ordinance then it is something as the subject matter expert that we should consider. His concern was that one of the words was manual device and during an inspection, an inspector could consider any manual device that someone is using to train an animal could cause likely physical injury or suffering. He is not proposing to injure animals or have them suffer, he just wants very specific language. Keep in mind we have an ordinance that talks about abuse of animals, Section 3.62 that is specific. My understanding of his request is he is asking for more specificity than less. When you talk about the manual device, what does that mean? No. we don't know devices can be used to hurt animals, but we also don't know what is used to train them. Again, I would ask that we are very deliberate in considering what he is asking for. It has been in our community for 20-years, it has helped a lot of our residents and I just think I want to stand up and do what I can to keep it in the community.

Mr. Egleston said in the name of getting this done, I have proposed to Ms. Watlington and she, I think is amenable to this. I think it satisfies Ms. Eiselt's concern and Mr. Baker can make this sound smarter, but further the use of bullhooks, electric prods and whips will be banned. As well, other devices when used to cause physical injury or suffering will be banned. Essentially saying, like the three things that Ms. Eiselt pointed out, really have

no altruistic use. We are banning them explicitly, but we are saying other devices, which are not necessarily as binary and whether or not they are used to abuse animals or not are not prohibited, but it is prohibited to use them to cause injury or suffering. Does that make sense to everybody? Again, we can make that sound more technical, but I think that it addresses both Ms. Watlington's point and Ms. Eiselt's.

Mayor Lyles said we have a few other items on the agenda tonight so, we could go ahead and finish those and have this written so that everybody could see it in a way that you phrased it. Mr. Baker; would that be okay with you? Then could we get it up on the screen?

Mr. Newton said I just have one more point of clarification. That sounds good, having said that, it is my understanding that the original language was adopted from other cities and I'm assuming it was vetted through our Legal Department. Now having said that, there is a portion that instead of referring to exotic animals which we have already pre-defined, it limits the language to elephants, felines and primates. I wanted to ask the City Attorney about that, the reasoning for that and whether my colleagues would also entertain the idea of, which makes sense to me, of including exotic animals there? I think that is what we are talking about here.

Ms. Eiselt said we are starting to rewrite the whole thing now.

Mr. Baker said I don't think there was a specific reason; I know that this language came together, the combination of other places, but certainly, if Council would like we could just keep it as exotic or wild animals, which is the point of this piece and just leave it as exotic or wild animals.

Mr. Newton said I would ask a friendly amendment.

Mayor Lyles said no, we are not going to do that. We are going to hear from Mr. Graham and then we will come back.

Mr. Newton said when we are done with Mr. Graham; I would ask that we include that as well within the motion.

**Councilmember Graham** said obviously, there is a lot more work that needs to be done. That is obvious to me. I know that my colleagues are wary of the issue, I am too. I know my colleagues are wary of the e-mails, I am too. But I think this is the exception and should not be the rule of how we deliberate, and we are actually making policy on the fly and I think we can do a lot better than that. I don't know where we are with the motion, I kind of lost track about 20-minutes ago. I think we need to maybe take a step backward to move forward.

Mayor Lyles said we still have a motion on the floor that has to be dealt with. The amendment as revised has been accepted. I'm going to give the City Attorney a few minutes to get this put together and then we will come back to it. We are going to go to our Business Agenda items; we are going to table this, go to our Business Agenda and come back to this when we have something that is written that people can read and see as well. We are going to go to Item 16.

Mr. Newton said we are going to return?

Mayor Lyles said we are going to come back to this after it gets written down and people can see what we are talking about. We are going to have some transparency about this discussion.

Mr. Winston said I have a question about that. So, if we are going to be presenting to the public a new piece of ordinance, are we going to have another public forum so they can comment on that?

Mayor Lyles said I don't think the distance between; it doesn't change the context of what people have addressed and said.

Mr. Winston said shouldn't the public be able to weigh in on that.

Ms. Watlington said that is the point of a hearing so we can get their feedback and we made an adjustment based on that feedback.

Mayor Lyles said I think this is actually in reaction to the public. It may not appear that way to everyone. Can we go to Item No. 16?

\* \* \* \* \*

#### **ITEM NO. 16: AMEND CHAPTER 8 – FIRE PREVENTION AND PROTECTION ORDINANCE**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, to approve an amendment to the Fire Prevention and Protection Ordinance.

**Councilmember Winston** said can we get an explanation on what this actually is?

**Mayor Lyles** said the purpose of this change is simply to remove the Mission Statement from the Ordinance so there is Administrative flexibility in the future to update or improve the Mission Statement based on organizational needs. The City is also making a few updates to the Ordinance to be consistent with the updated 2018 North Carolina State Fire Code language.

Mr. Winston said what does that mean in laymen's terms?

**Cynthia Bonham, Deputy Chief** said basically every five years we go through a strategic planning process that involves the citizens as well as our internal stakeholders. We look at our Mission Statement and review it to see if it is still applicable or for something we could change. What we found is the Mission Statement actually is in Chapter 8 so, it is in Code. What we are wanting to do is just remove that out of Code so that we can change it every five years if it is applicable. While we were in there, there were a couple of changes to the Fire Code; I think dormitories and some other items don't apply anymore so, while we had it open if you will, we just wanted to update that part too.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 764-770

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#### **BUSINESS**

#### **ITEM NO. 17: APPROPRIATE PRIVATE DEVELOPER FUNDS**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to (A) Approve developer agreements with Berewick Venture, LLC; QuickTrip Corporation; Matthews Multifamily Investments, LLC; Scaleybark Partners, LLC; Lidl US Operations, LLC; and Profile Homes – McDowell Crossing, LLC for traffic signal installations, and (B) Adopt Budget Ordinance No. 9757-X appropriating \$485,075.25 in private developer funds for traffic signal installations and improvements.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 771.

\* \* \* \* \*

**ITEM NO. 18: NC 27 ROUTE CHANGE REQUEST**

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, to adopt a resolution endorsing rerouting a portion of NC 27 along 7<sup>th</sup> Street, McDowell Street and Morehead Street to I-277, between the Freedom Drive access ramp and Independence Boulevard, and support the North Carolina Department of Transportations' amendment to the official United States and North Carolina highway system maps accordingly, and (B) Approve a Municipal Agreement to reimburse the North Carolina Department of Transportation up to \$40,000 for rerouting signage.

**Councilmember Winston** said I would like to point out that this is an example of getting more local control of our roads. This was a six-month process that staff had to embark on to get control over 7<sup>th</sup> Street, McDowell Street and Morehead Street around I-277. Again, I think it is onerous to try to get control over our roads in a six-month process every time we want to do something to improve the infrastructure that is necessary for our growing dense urban City.

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

The resolution is recorded in full in Resolution Book 50, at Page(s) 411

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**ITEM NO. 19: DUKE ENERGY GREEN SOURCE ADVANTAGE PROGRAM**

**Mayor Lyles** said earlier today we had an update on what I call our Climate Change Plan, we call it the SEAP for a lot of reasons, just quicker, but I think this is a step towards the idea that we would create solar energy for our buildings and look forward to seeing some good results here.

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to (A) Authorize the City Manager to negotiate and execute a service agreement for solar energy generation with Duke Energy Carolinas LLC and Olin Creek Farm Solar, LLC and their respective subsidiaries and affiliates for the city's participation in Duke Energy's Green Source Advantage Program, and (B) Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.

\* \* \* \* \*

**ITEM NO. 20: GRANT FOR SOLAR-POWERED ELECTRIC VEHICLE CHARGING STATIONS**

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to (A) Authorize the City Manager to accept a grant in the amount of \$245,147 from the North Carolina Clean Energy Technology Center for the purchase of electric vehicle charging stations, (B) Approve a contract with Envision Solar International, Inc. for the purchase of mobile solar-powered electric vehicle charging stations, (C) Approve the purchase of mobile solar-powered electric vehicle charging stations by the sole source exemption, and (D) Adopt Budget Ordinance No. 9758-X appropriating \$245,147 from the North Carolina Clean Energy Technology Center for electrical vehicle charging stations.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 772.

\* \* \* \* \*



**ITEM NO.21: INTERLOCAL AGREEMENT FOR THE LAKEWOOD WATER QUALITY IMPROVEMENT PROJECT**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to Adopt a resolution approving an Interlocal Agreement between the City of Charlotte and Mecklenburg County for a reimbursement of up to \$2,500,000 to the County for construction costs of the Lakewood Water Quality Improvement Project.

The resolution is recorded in full in Resolution Book 50, at Page(s) 412-428.

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**ITEM NO. 22: LAND ACQUISITION FOR TREE CANOPY PRESERVATION PROGRAM**

Motion was made by Councilmember Egleston, seconded by Councilmember Watlington, and carried unanimously to (A) Approve the purchase of approximately 0.135 acre parcel (parcel identification number 125-233-16) located at 409 Eli Street for a purchase price of \$320,000, (B) Approve the additional expenditure of up to \$900,000 over 12 months for land acquisitions and (C) Authorize the City Manager to negotiate and execute any documents necessary to complete these transactions.

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**ITEM NO. 23: LEASE OF CITY-OWNED PROPERTY AT STATESVILLE AVENUE LANDFILL TO ENVISION CHARLOTTE**

**Mayor Lyles** said again, we heard about this earlier today with the idea of having 20-acres of the closed Statesville Avenue Landfill to Envision Charlotte, non-profit that deals with clean air. This is the idea for dealing with wood waste.

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to adopt a resolution approving a three-year lease agreement with one three-year extension option between the City of Charlotte and Envision Charlotte, a nonprofit organization, for the use of a property located at 3600 Northerly Road (parcel identification number 077-181-01).

The resolution is recorded in full in Resolution Book 50, at Page(s) 429-430.

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**ITEM NO. 24: TRANSFER OF CITY-OWNED PROPERTY ON JOHNSTON OEHLER ROAD**

Motion was made by Councilmember Egleston, seconded by Councilmember Johnson, and carried unanimously to adopt a resolution approving the transfer of property on Johnston Oehler road (parcel identification number 029-303-49) consisting of 1.2 acres of vacant land to Charter Properties, Inc., for the development of affordable housing.

The resolution is recorded in full in Resolution Book 50, at Page(s) 431-432.

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**ITEM NO. 25: DONATION OF LABORATORY EQUIPMENT TO THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE**

Motion was made by Councilmember Johnson, seconded by Councilmember Egleston, and carried unanimously to adopt a resolution to approve the donation of one retired organic sample preparation and cleanup system to the University of North Carolina at Charlotte for research and educational use.

The resolution is recorded in full in Resolution Book 50, at Page(s) 433-434.

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**ITEM NO. 26: LYNX BLUE LINE EXTENSION CIVIL A CLOSEOUT AGREEMENT**

Motion was made by Councilmember Egleston, seconded by Councilmember Watlington, to approve contract amendment #6 for \$1,097,510.24 to Balfour Beatty Infrastructure, Inc./Blythe Development Company, Joint Venture for civil construction in Segment A of the LYNX Blue Line Extension.

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

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

NAYS: Councilmember Winston.

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**ITEM NO. 27: BOND ISSUANCE APPROVAL FOR EVOKE LIVING AT WESTERLY HILLS APARTMENTS**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to adopt a resolution granting INLIVIAN's (formerly known as the Charlotte Housing Authority) request to issue multifamily housing revenue bonds, in an amount not to exceed \$18,100,000 to finance the development of an affordable housing development known as Evoke Living at Westerly Hills Apartments.

The resolution is recorded in full in Resolution Book 50, at Page(s) 435-441.

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**ITEM NO. 28: BOND ISSUANCE APPROVAL FOR NORTHCROSS TOWNHOMES**

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to adopt a resolution granting INLIVIAN's (formerly known as the Charlotte Housing Authority) request to issue multifamily housing revenue bonds, in an amount not to exceed \$13,500,000 to finance the acquisition and rehabilitation of an affordable housing development known as Northcross Townhomes.

The resolution is recorded in full in Resolution Book 50, at Page(s) 442-448.

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**ITEM NO. 29: BOND ISSUANCE APPROVAL FOR SPRINGBROOK APARTMENT HOMES**

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to adopt a resolution granting INLIVIAN's (formerly known as the Charlotte Housing Authority) request to issue multifamily housing revenue bonds in an amount not to exceed \$28,500,000 to finance the development of an affordable housing development known as Springbrook Apartment Homes.

The resolution is recorded in full in Resolution Book 50, at Page(s) 449-456.

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**ITEM NO. 30: APPOINTMENTS TO THE CHARLOTTE BUSINESS INCLUSION ADVISORY COMMITTEE**

The following nominees were considered for one appointment for a two-year term for an At-Large representative beginning March 1, 2020, and ending February 28, 2022:

- Charity Kimmel, nominated by Councilmembers Bokhari, Driggs, Egleston and Eiselt
- Vernetta Mitchell, nominated by Councilmembers Graham, Johnson, Newton, Watlington and Winston

Results of the first ballot were recorded as follows:

- Charity Kimmel, 2 votes - Councilmembers Bokhari and Egleston
- Vernetta Mitchell, 7 votes - Councilmembers Ajmera, Eiselt, Graham, Johnson, Newton, Watlington and Winston.

Vernetta Mitchell was appointed.

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**ITEM NO. 31: APPOINTMENTS TO THE CHARLOTTE INTERNATIONAL CABINET**

The following nominees were considered for one appointment for a partial term for an At-Large representative beginning upon appointment and ending June 30, 2021:

- Juan Euvin, nominated by Councilmembers Bokhari and Egleston
- Elyas Mohammed, nominated by Councilmembers Johnson and Winston

Results of the first ballot were recorded as follows:

- Juan Euvin, 3 votes - Councilmembers Bokhari, Driggs, and Egleston
- Elyas Mohammed, 5 votes - Councilmembers Ajmera, Johnson, Newton, Watlington and Winston.

**Councilmember Driggs** said I'm prepared to support Elyas Mohammed to get the appointment done; I don't think I did before.

Elyas Mohammed was appointed.

The following nominees were considered for two appointments for a partial term for Charlotte Regional Business Alliance representative beginning upon appointment and ending June 30, 2022:

- Sven Gerzer, nominated by Councilmembers Bokhari, Driggs, Egleston, Eiselt, Johnson and Watlington

Results of the first ballot were recorded as follows:

- Sven Gerzer, 4 votes - Councilmembers Bokhari, Eiselt, Egleston, Johnson and Watlington

Sven Gerzer was appointed.

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**ITEM NO. 32: APPOINTMENTS TO THE CHARLOTTE TREE ADVISORY COMMISSION**

The following nominees were considered for one appointment for a partial term beginning upon appointment and ending December 13, 2020; one appointment for a partial term beginning upon appointment and ending December 13, 2021, and one appointment for a three-year term beginning December 12, 2019, and ending December 13, 2022:

- Sara Gagne, nominated by Councilmembers Ajmera, Egleston and Newton
- Sarah Hart, nominated by Councilmembers Ajmera, Bokhari, Driggs and Newton
- Stephen Johnson, nominated by Councilmembers Bokhari and Driggs
- Guy McBride, nominated by Councilmembers Ajmera, Egleston and Newton
- Chris Steude, nominated by Councilmembers Bokhari and Driggs
- Nate Negrin, nominated by Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, Newton Watlington, and Winston

Results of the first ballot were recorded as follows:

- Sara Gagne, 4 votes - Councilmembers Ajmera, Driggs, Egleston and Johnson
- Sarah Hart, 3 votes - Councilmembers Ajmera, Johnson and Newton
- Stephen Johnson, 0 votes
- Guy McBride, 2 votes - Councilmembers Driggs and Egleston
- Chris Steude, 0 votes
- Nate Negrin, 10 votes - Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Watlington and Winston.

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to appoint Sara Gagne to the term ending in 2021 and Sarah Hart to the term ending in 2020.

Sara Gagne was appointed to the term ending in 2021  
Sarah Hart was appointed to the term ending in 2020  
Nate Negrin was appointed to the three-year position ending in 2022.

\* \* \* \* \*

**ITEM NO. 33: APPOINTMENTS TO THE CITIZENS REVIEW BOARD**

The following nominees were considered for one appointment for a partial term beginning upon appointment and ending July 31, 2020, and then continuing for a full three-year term beginning August 1, 2020, and ending July 31, 2023:

- La Becky Roe, nominated by Councilmembers Bokhari, Graham, Johnson, Newton and Watlington
- Brigit Taylor, nominated by Councilmembers Driggs, Egleston and Eiselt
- Faith Watson, nominated by Councilmembers Ajmera, Driggs and Egleston

Results of the first ballot were recorded as follows:

- La Becky Roe, 10 votes - Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Watlington and Newton
- Brigit Taylor, 0 votes
- Faith Watson, 0 votes

La Becky Roe was appointed.

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**ITEM NO. 34: APPOINTMENTS TO THE COMMUNITY RELATIONS COMMITTEE**

The following nominees were considered for two appointments for partial terms beginning upon appointment and ending June 30, 2022:

- Michael Baker, nominated by Councilmembers Johnson and Watlington
- Lucy Brown, nominated by Councilmembers Ajmera and Newton
- Monifa Drayton, nominated by Councilmembers Ajmera, Graham, Johnson, Newton and Watlington
- Renee Johnson, nominated by Councilmembers Bokhari and Winston
- Stephanie Tyson, nominated by Councilmembers Driggs and Graham
- Gary Leake, nominated by Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Johnson, Newton, Watlington and Winston

Results of the first ballot were recorded as follows:

- Michael Baker, 0 votes
- Lucy Brown, 1 vote, Councilmember Ajmera
- Monifa Drayton, 4 vote - Councilmembers Driggs, Graham, Newton, and Watlington
- Renee Johnson, 0 votes
- Stephanie Tyson, 1 vote - Councilmember Graham
- Gary Leake, 9 votes - Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Newton, Watlington, and Winston

Motion was made by Councilmember Newton, seconded by Councilmember Watlington, and carried unanimously to appoint Monifa Drayton.

Gary Leake and Monifa Drayton were appointed.

\* \* \* \* \*

**ITEM NO. 35: APPOINTMENTS TO THE DOMESTIC VIOLENCE ADVISORY BOARD**

The following nominees were considered for one appointment for a partial term beginning upon appointment and ending September 21, 2021, and one appointment for a partial term beginning upon appointment and ending September 21, 2022:

- Bishop Anderson, nominated by Councilmembers Ajmera and Newton
- Stefania Arteaga, nominated by Councilmembers Ajmera and Newton

Results of the first ballot were recorded as follows:

- Bishop Anderson, 4 votes - Councilmembers Ajmera, Driggs, Newton and Winston
- Stefania Arteaga, 3 votes - Councilmembers Ajmera, Newton and Winston

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to appoint Bishop Anderson to the term ending in 2022 and Stefania Arteaga to the term ending in 2021.

Bishop Anderson was appointed to the term ending September 21, 2022  
Stefania Arteaga was appointed to the term ending September 21, 2021.

\* \* \* \* \*

**ITEM NO. 36: APPOINTMENTS TO THE HOUSING APPEALS BOARD**

The following nominees were considered for one to appoint for a partial term for an At-Large representative beginning upon appointment and ending December 31, 2021:

- Michael Bridges, nominated by Councilmembers Graham and Johnson
- Clarence Gadapati, nominated by Councilmembers Ajmera and Newton

Results of the first ballot were recorded as follows:

- Michael Bridges, 5 votes - Councilmembers Driggs, Egleston, Graham, Newton, and Winston
- Clarence Gadapati, 2 votes - Councilmembers Ajmera and Watlington

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to appoint Michael Bridges.

Michael Bridges was appointed.

One appointment for a three-year term for a City within a City Tenant member beginning January 1, 2020, and ending December 31, 2023:

- Regina Tisdale, nominated by Councilmembers Ajmera, Driggs, Egleston, Graham and Newton

Results of the first ballot were recorded as follows:

- Regina Tisdale, 9 votes - Councilmembers Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Watlington and Winston.

Regina Tisdale was appointed.

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**ITEM NO 37: APPOINTMENTS TO KEEP CHARLOTTE BEAUTIFUL**

The following nominees were considered for two appointments for partial terms beginning upon appointment and ending June 30, 2021:

- Charlie Lunan, nominated by Councilmembers Driggs, Graham, and Winston
- Lily Taylor, nominated by Councilmembers Ajmera and Newton
- Edieberto Torres, nominated by Councilmembers Ajmera, Driggs, Graham, Newton and Winston

Results of the first ballot were recorded as follows:

- Charlie Lunan, 3 votes - Councilmembers Ajmera, Driggs and Johnson
- Lily Taylor, 5 votes - Councilmembers Ajmera, Graham, Johnson, Newton, and Winston
- Edieberto Torres, 4 votes - Councilmembers Driggs, Graham, Newton, and Winston

Motion was made by Councilmember Newton, seconded by Councilmember Ajmera, and carried unanimously to appoint Lily Taylor and Ediberto Torres.

Lily Taylor and Ediberto Torres were appointed.

\* \* \* \* \*

**ITEM NO. 38: APPOINTMENTS TO NEIGHBORHOOD MATCHING GRANTS FUND**

The following nominee was considered for one appointment for a partial term for a Non-Profit Sector representative beginning upon appointment and ending April 15, 2020, and then continuing for a two-year term beginning April 16, 2020, and ending April 15, 2022:

- Randella Davis Foster, nominated by Councilmembers Ajmera and Driggs

Results of the first ballot were recorded as follows:

- Randella Davis Foster, 7 votes - Councilmembers Ajmera, Driggs, Graham, Johnson, Newton, Watlington and Winston.

Ms. Foster was appointed.

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**ITEM NO. 39: APPOINTMENTS TO THE TRANSIT SERVICES ADVISORY COMMITTEE**

The following nominees were considered for one appointment for a three-year term in the Local/Express Service Passenger category beginning February 1, 2020, and ending January 31, 2023:

- Noah Gabriel Cartagena, nominated by Councilmembers Ajmera, Driggs, Eiselt and Johnson
- Lawrence Hillibrand, nominated by Councilmembers Bokhari, Driggs, Eiselt, Egleston, Newton,

Result of the first ballot was recorded as follows:

- Noah Gabriel Cartagena, 2 vote - Councilmembers Ajmera and Winston
- Lawrence Hillibrand, 5 votes - Councilmembers Bokhari, Driggs, Egleston, Eiselt and Newton

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to appoint Lawrence Hillibrand.

Mr. Hillibrand was appointed.

One appointment for a three-year term in the Express Service Passenger category beginning February 1, 2020, and ending January 31, 2023

- Daniel Macrae, nominated by Councilmembers Ajmera, Driggs and Johnson

Result of the first ballot were recorded as follows:

Daniel Macrae, 2 votes - Councilmembers Ajmera and Driggs.

Since no nominee received at least six votes, this appointment will be considered at a future Business meeting.

**Councilmember Egleston** said I would remind Council that we have now twice received a memo from that Board stating that they would prefer to see different people on the Charlotte Area Transit Advisory Board. There are two Transit groups and he was on one of them, this is the other and they said they would prefer to have different voices on those voices on those instead of the same people on them. That is why he was not recommended for reappointment. I don't think we should move forward with that one.

**Stephanie Kelly, City Clerk** said bring it back in April; we have more.

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### **CONTINUATION OF ITEM NO. 15: AMEND CITY CODE OF ORDINANCES CHAPTER 3 – ANIMALS**

**Marcus Jones, City Attorney** said the City Attorney is still working on language and I've heard a lot from the dais tonight and I'm not sure if that is where you would like to be right now as opposed to either working with the original language or waiting. I don't know if it is good for the body as Patrick is trying to put together language now.

**Councilmember Ajmera** said so we have two options; one is to move forward with the original or to defer it?

**Councilmember Watlington** said is my motion still on the floor?

**Mayor Lyles** said yes, your motion is still on the floor.

Ms. Watlington said given where we are, I would like to amend my motion to defer until the City Attorney has time to complete the language.

**Councilmember Egleston** said a different meeting; I think that is what you mean, I'm just trying to be clear.

Ms. Watlington said unless there is another option to do it sooner, I'm fine with that too.

Mayor Lyles said I think what the Manager is saying if you've got someone writing something in the moment that usually doesn't turn out well for laws and wills.

Ms. Watlington said we can defer until the next Business Meeting.

The vote was taken on the motion to defer until the next Business meeting and recorded as follows;

YEAS: Councilmembers Bokhari, Driggs, Graham, Johnson, and Watlington

NAYS: Councilmembers Ajmera, Egleston, Eiselt, Newton, and Winston

The vote ended in a tie therefore the Mayor voted with the affirmative; the item is deferred to the next Business Meeting.

Mayor Lyles said I don't believe that we ought to be having this kind of last-minute discussion of anything in a meeting. We work so hard on citizen engagement, we work so hard on trying to be open to what we are trying to do, but it is the Council's vote. I would vote for deferral until we can have the materials in front of us by which to do that.

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**ITEM NO. 40: MAYOR AND CITY COUNCIL TOPICS**

**Councilmember Watlington** said two things; first of all, I had the pleasure of having our first Neighborhood Showcase in District 3 last week and I just wanted to say thank you to staff, particularly Housing and Neighborhood Services and the Office of Constituent Services and all of the partners who participated and other City Departments that came out. So, thank you for that, you were amazing. The second piece is next month, March 19<sup>th</sup> at 6:30, location to be determined, we will be doing our Steele Creek Transportation Town Hall.

**Councilmember Johnson** said just a reminder that on March 23<sup>rd</sup> the City is going to be observing Brain Injury Awareness Month. We are going to have a resolution so, I invited all survivors of brain injury, acquired brain injury, that is a stroke or any sudden brain injury, I would like you to come to the March 23<sup>rd</sup> meeting to speak if you would like or just to show the prevalence in the community. There are studies that say one in two homeless individuals have a brain injury; it is prevalent in the Criminal Justice System and in the courts so, we are really asking you to come out.

**Councilmember Winston** said just a reminder that we are still in early voting period so, for the folks out there that are watching, voting is one of our most basic, but one of our most important civic duties that we have. We live a Republican democracy and we need people to participate and not enough people do participate in our democracy, therefore it is in trouble. If you have not registered to vote and you live in Mecklenburg County, you can register at your early voting site. You cannot register and vote on the same day on election day. If you are currently 17, but you will turn 18 by November 3<sup>rd</sup>, which is our national election day, then you can participate in next Tuesday's primary. If you have been convicted of a crime, a misdemeanor or felony and you have completed your debt to society, meaning that obviously, you are not incarcerated at this moment, you are not on probation, or you are not on parole. If you have completed all of those things you are eligible to vote automatically in Mecklenburg County. You do not have to fill out a form; your voting rights are restored. You do not need to present a photo idea. That is not just this primary, but as of right now that is indefinitely. So, I encourage you to get out to the polls regardless of who you vote for. Our democracy is fragile so, don't just take yourself, bring a friend, bring a family, bring somebody that you don't like, and parents especially, bring your children so we have a next-generation that exhibits the civic virtue that we all need to make this experiment in self-governance truly successful.

**Councilmember Ajmera** said I second everything that Mr. Winston said. Make sure you go out and vote.

**Councilmember Newton** said I wanted to take a moment and remember a 24-year old young man who was recently struck and killed bicycling home on Harrisburg Road. His name was Franklin David Lill. I think this underscores the need, particularly in areas on the outskirts of our City to make sure that we pay attention to infrastructure and transportation-oriented concerns, particularly as we review the rezonings that come before us. I would call, and certainly, this is not unique, we have a program right now that was implemented, adopted by this Council about two-years ago called Vision Zero and the idea is to completely eliminate tragic circumstances like this, death on our city streets. I would ask my colleagues, particularly the name of Franklin David Lill, that we not forget that as we move forward in areas where much like Harrisburg Road, we may have two lanes, no lights, no bike lanes, and limited infrastructure and no plans for the future because as we allow development to continue to happen in those areas, there could be tragic results. I also wanted to mention too, it is early vote and when you go out to the polls you can go out to Hickory Grove Library, which is an early vote site this year. I just voted there today so, I don't want to be the only one. So, everybody get on out to Hickory Grove Library if you are in that area and certainly get out to early vote because the early vote is easy to vote. No lines, go right in, go right out. We have colleagues here that are on the ballot.

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**ADJOURNMENT**

Motion was made by Councilmember Johnson, seconded by Councilmember Watlington, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 8:51 p.m.



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Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 38 Minutes  
Minutes Completed: March 26, 2020