

The City Council of the City of Charlotte, North Carolina convened for a combined Zoning and Business Meeting on Monday, May 14, 2012 at 4:04 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were Warren Cooksey, Andy Dulin, Claire Fallon, Patsy Kinsey, LaWana Mayfield, and Beth Pickering.

ABSENT UNTIL NOTED: Councilmembers John Autry, Michael Barnes, Patrick Cannon, David Howard and James Mitchell.

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INVOCATION AND PLEDGE

Mayor Foxx gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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EXPLANATION OF ZONING MEETING

Mayor Foxx said today is an interesting meeting, it is one that the first half of the meeting is going to be a Zoning Meeting and the second half of the meeting will be a normal Business Meeting, which we would typically do tonight. We are basically collapsing two meetings into one to enable those who are taking the Chamber trip next week to do so.

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DEFERRALS

Mayor Foxx said I'm going to ask Tammie Keplinger if she will walk us through the deferral issues so we can be educated on that before we vote on the deferrals.

Tammie Keplinger, Planning, said Item No. 3, Petition No. 2008-039 is requesting a deferral to September. This is the Grier/Rea House and it has been 30 days since the public hearing so the Council can vote on this if you would choose to do so. I know the Historic Landmarks Commission is working with the neighborhood and they are actually meeting with them tonight to come to some resolution or compromise on this rezoning.

Item No. 5, Petition No. 2011-065 by Chapel Cove at Glengate LLC, this is a petition that is sufficiently protested. Until earlier today we believed that we would not have a full Council at this meeting so the petitioner had agreed to defer to the May 29th meeting, as per Council policy. We discovered that we were going to have a full Council so the petitioner is now requesting a deferral to the June 18th normal Zoning meeting.

Item No. 6, Petition No. 2011-068 by Morehead Property Investments, LLC. It has been more than 30 days since the public hearing, however it has not cleared the Zoning Committee so you have three options on this request tonight. You can vote on it tonight once you have a full Council seated, you can defer it to June 18th which will be consistent with the roll-over of the Zoning Committee or you can defer it to September 24th which is what is consistent with the request of the petitioner.

Item No. 8, Petition No. 2012-010 by Crescent Resources, this is a sufficiently protested petition and until today we thought that this petition was going to automatically roll over until the May 29th meeting, however with the full Council present the petitioner has requested a deferral until June 18th.

Item No. 13, Petition No. 2012-024 by NRP Properties/Northlake Seniors, they are requesting a deferral until June 18th.

Item No. 17, Petition No. 2012-30 by Charlotte Mecklenburg Planning Department, this is a corrective rezoning on the Independence Boulevard and we are requesting a one month deferral until June 18th.

Under Hearings, Item No. 32, Petition No. 2012-048 by GCI Acquisition, they are requesting a one month deferral until June 18th.

I also have one petition which is Item No. 7, Petition No. 2012-009, Dave Ransenberg and Doug Levin, they have requested a vote tonight if a full Council is present. I know we have some Councilmembers coming in so if we do not have a full Council present when we get to their item we might want to ask the Petitioner if they still want a vote.

Councilmembers Barnes and Howard arrived at 4:11 p.m.

Councilmember Dulin said Item No. 1 we expect Councilmember Mitchell by 5:30. Item No. 3, Petition No. 2008-039, I was prepared to vote for that tonight. Why wouldn't we go ahead and vote? I know they are still meeting, what are some of the issues they are working through?

Ms. Keplinger said one of the issues they are working through is the possibility of developing the property as it is currently zoned, so the rezoning would not be needed.

Councilmember Kinsey said on Item No. 6, Petition No. 2011-068, it is a protested petition, but I think maybe all of you received a request to go ahead and vote on it tonight. It has been hanging around and deferred now for some time. The Dilworth Community Development Association did ask that we go ahead and vote tonight. I would like for us to do that if possible so I'd like to pull that out from this vote on the deferrals.

Mayor Foxx said Ms. Keplinger is the Petitioner requesting a deferral or are they requesting a vote?

Ms. Keplinger said the Petitioner requested a deferral until September 24th, however one of the options that you have is to vote tonight because it has been more than 30 days since the public hearing. As Ms. Kinsey correctly stated, it is protested so we would need to wait until the full Council is here to vote on it.

Mayor Foxx said is there a reason why they want to defer?

Ms. Keplinger said they were working on some issues related to building code.

Councilmember Fallon said we've had a letter and a phone call today stating they wanted it voted on. I received a phone call about 3:00.

Councilmember Howard said I wanted to make sure we were clear that the Petitioner has asked for that. The neighborhood is asking for something different. Just so we are clear the Petitioner is asking.

Ms. Kinsey said the Petitioner is asking for deferral until September.

Mr. Dulin said this particular one on Morehead Street, the neighborhood and the Petitioner has been working on it and in this situation I don't have any problem letting the guy continue to work on it. They are working through code and I think at the end we are going to end up having a better project than shoving a vote through tonight. It is a long summer for all of us so while we are taking our summer break they can be working on this and come back to us with a good project in September. I don't support rushing the vote tonight.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Dulin, to defer]
[Item No. 3, Petition No. 2008-039 until September; Item No. 5, Petition No. 2011-065, Item]
[No. 8, Petition No. 2012-010, Item No. 13, Petition No. 2012-024, Item No. 17, Petition No.]
[2012-030 and Item No. 32, Petition No. 2012-048 until June 18th.]

Councilmember Barnes said I apologize for being late, we were wrapping up the Transportation Committee meeting. I have a question about Item No. 8. Ms. Keplinger, that has been some talk about deferring that to May 29th and the Mayor just referenced June 18th. Could you explain the reason for the difference?

Ms. Keplinger said traditionally when there are is a sufficient protest petition the Council rules say that the petition rolls over to the next Council meeting if there is not a full Council present for the vote. Since we found out there is a full Council going to be present tonight the petitioner has the option to deferring to June 18th instead of automatically rolling over to May 29th and they chose June 18th.

The vote was taken on the motion to defer Item Nos. 3, 5, 8, 13, 17 and 32 and was recorded as unanimous.

[Motion was made by Councilmember Howard, seconded by Councilmember Dulin, to defer]
[Item No. 6, Petition No. 2011-068 until September 24th.]

Councilmember Howard said it has always been the petition is actually the Petitioners and if they need more time to get a better deal, it is one of those things that we allow the Petitioner to work through it so I'd like to give the Petitioner time to work through their problems.

Ms. Kinsey said as Mr. Dulin mentioned they have been working with the neighborhoods, the DCA. This is not a deferral to continue to work with the DCA and the neighborhood association feels like they are fine. They have made the adjustments that they can and they are willing to just go on and move on with it. It is not designed to continue to work with the neighborhoods so I will not be voting for the deferral until September. I might consider one until June, but not September.

Mr. Barnes said would the lady from District 1 like to make a substitute motion?

[Substitute motion was made by Councilmember Kinsey, seconded by Councilmember]
[Barnes, to defer Item No. 6 until June 18th.]

Mr. Howard said it will give them another month and if they need more time we can talk about it next month.

Mr. Dulin said is the City working on new codes?

Ms. Keplinger said I believe what the Petition was referring to was North Carolina State Building Code. I don't believe it was anything related to and I know it wasn't anything related to zoning ordinances. The Petitioner is here and you might consider asking him for more details.

The vote was taken on the substitute motion to defer Item No. 6 until June 18th and was recorded as unanimous.

Mayor Foxx asked Steven Rosenburg to introduce the Zoning Committee.

Mr. Rosenburg introduced his committee and said they will consider these issues on May 30th in the Government Center at 4:30 p.m. This will not be a public hearing. You can make input by going to going to our website charlotteplanning.org where you will have all the names of the commissioners listed and feel free to contact us, either by e-mail or by telephone.

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ITEM NO. 1: ORDINANCE NO. 4886-Z DESIGNATING THE DR. GEORGE E. DAVIS HOUSE AS AN HISTORIC LANDMARK.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes, and]
[carried unanimously, to adopt the subject ordinance.]

The ordinance is recorded in full in Ordinance Book 57, at Page 633-638.

ITEM NO. 2: ORDINANCE NO. 4887-Z DESIGNATING THE FIRE STATION NO. 2 AS AN HISTORIC LANDMARK.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Dulin, and]
[carried unanimously, to adopt the subject ordinance.]

The ordinance is recorded in full in Ordinance Book 57, at Page 639-642.

ITEM NO. 4: ORDINANCE NO. 4873 FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE REGULATIONS FOR OUTDOOR SEASONAL FRESH PRODUCE SALES BY RENAMING THEM OUTDOOR FRESH PRODUCE STANDS; EXPANDING THE ZONING DISTRICTS IN WHICH THEY ARE PERMITTED WITH PRESCRIBED CONDITIONS AND MODIFYING THE PRESCRIBED CONDITIONS.

[Motion was made by Councilmember Fallon, seconded by Councilmember Kinsey to approve]
[the Statement of Consistency and Petition No. 2010-080 for the subject Text Amendment by]
[Charlotte-Mecklenburg Planning Commission as recommended by the Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 582-590.

ITEM NO. 9: ORDINANCE NO. 4874-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .79 ACRES LOCATED ON THE NORTH SIDE OF CLEMENT AVENUE ACROSS FROM EAST 9TH STREET AND GENERALLY BOUNDED BY BAY STREET, LAMAR AVENUE AND EAST 8TH STREET FROM R-22MF TO R-5.

[Motion was made by Councilmember Howard, seconded by Councilmember Barnes, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-016 for]
[the above zoning by Charlotte Mecklenburg Planning Department, as recommended by the]
[Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 591-592.

ITEM NO. 10: ORDINANCE NO. 4875-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .67 ACRES LOCATED SOUTH OF INDEPENDENCE BOULEVARD ALONG THE EAST AND WEST SIDE OF CLEMENT AVENUE FROM B-1 AND I-2 TO R-5.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-017 for]
[the above zoning by Charlotte-Mecklenburg Planning Department, as recommended by the]
[Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 593-594.

ITEM NO. 11: ORDINANCE NO. 4876-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .26 ACRES LOCATED ON THE NORTH SIDE OF HAWTHORNE LANE BETWEEN EAST 7TH STREET AND EAST 8TH STREET FROM R-22MF AND O-2 TO R-5.

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-018 for]
[the above zoning by the Charlotte-Mecklenburg Planning Department as recommended by]
[the Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 595-596.

ITEM NO. 12: ORDINANCE NO. 4877-Z FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO REPLACE THE TERM, PLANNING COMMISSION WITH PLANNING DEPARTMENT WHEN REFERRING TO THE CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT STAFF.

[Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-020 as]
[modified, for the subject Text Amendment by Charlotte-Mecklenburg Planning Department]
[recommended by the Zoning Committee.]

The Modifications were:

1. Add "Charlotte-Mecklenburg Planning Department and Charlotte-Mecklenburg Planning Commission on the cover of the Zoning Ordinance.
2. Remove Planning Commission and Planning Department from Sections 6.103 and 10.904, which describes who can initiate amendments to the Zoning Ordinance. Both are considered to be non-owners which is currently covered in both sections.
3. Do not make any changes in Section 10.202, concerning the designation of Historic District Boundaries. Studies and reports prepared by the Historic District Commission are referred to the Planning Commission for review and comment.

The ordinance is recorded in full in Ordinance Book 57, at Page 597-616.

ITEM NO. 14: ORDINANCE NO. 4878-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.65 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF NORTH WENDOVER ROAD AND MARVIN ROAD FROM R-22MF TO O-1(CD) .

[Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-026 by]
[Thompson Child & Family Focus, for the above zoning as recommended by the Zoning]
[Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 617-618.

ITEM NO. 15: ORDINANCE NO. 4879-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.80 ACRES LOCATED ON THE EAST SIDE OF SOUTH BOULEVARD AT THE INTERSECTION OF SOUTH BOULEVARD AND HILL ROAD FROM R-4, R-17MF, AND R-22MF TO B-2(CD).

[Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-027 by]
[Keith Hawthorne Automotive for the above zoning change as modified, and as recommended]
[by the Zoning Committee.]

The modifications were:

1. Staff has rescinded the request to Amend Note 1(e) to either delete the last sentence or specify a maximum number of accessory buildings and structures.
2. Amended Sheet RZ-1 to clearly delineate the existing parking area that constitutes the grandfathered portion of the site.
3. Amended the legend to reference a Class B buffer and clearly delineate buffer areas to be reduced to a width of 56.25 feet.
4. Relocated the 56.25 foot measurement from the grandfathered portion of the site to the portion where a buffer is required
5. Removed reference to a required buffer on the portion of the site that is grandfathered. Stated that only a fence will be provided.
6. Possible location of storm water detention is shown and labeled.
7. Amended Note 6(d) to state that outdoor speakers, if provided will be directed toward South Boulevard and will not be directed toward the abutting residential uses.
8. Amended Note 3b under the heading of Access to state based on the proposed building layout, access to the site from Woodstock Drive or the extension of Woodstock Drive into the site is not required or proposed. However, should a modification to the proposed building layout require the Petitioner to submit a request for an Administrative Amendment and the revised building layout result in a building layout that may allow for the extension of Woodstock Drive as required by the Subdivision Ordinance, then access from the extension of Woodstock Drive in to the site may be required.
9. Outdoor speakers will not be allowed on the portions of the buildings that face (i.e. are oriented toward) the abutting residential uses. If outdoor speakers are provided on the portions that do not face (i.e. are not oriented toward) the abutting residential uses, the outdoor speakers must be directed toward South Boulevard and will not be directed toward the abutting residential uses.

The ordinance is recorded in full in Ordinance Book 57, at Page 619-620.

ITEM NO. 16: ORDINANCE NO. 4880-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.13 ACRES LOCATED ON THE EAST CORNER AT THE INTERSECTION OF COMMONWEALTH AVENUE AND MORNINGSIDE DRIVE FROM 0-2 TO R-22MF.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-028 by]
[Charlotte-Mecklenburg Planning Commission for the above rezoning as recommended by the]
[Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 621-622.

ITEM NO. 18: ORDINANCE NO. 4881-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .93 ACES LOCATED ON THE WEST SIDE OF DRIFTWOOD DRIVE NEAR THE INTERSECTION OF ALBEMARLE ROAD AND DRIFTWOOD DRIVE FROM R-17MF TO R-4.

[Motion was made by Councilmember Mayfield, seconded by Councilmember Barnes, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-031 by]

[Charlotte Mecklenburg Planning Department for the above rezoning change as recommended]
[by the Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 623-624.

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ITEM NO. 19: ORDINANCE NO. 4887-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.89 ACRES LOCATED ALONG THE WEST SIDE OF BRIARDALE DRIVE BETWEEN WALLACE LANE AND SHARON FOREST DRIVE FROM R-17MF TO R-8.

[Motion was made by Councilmember Fallon, seconded by Councilmember Barnes, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-032 by]
[Charlotte Mecklenburg Planning Department for the above zoning change as recommended]
[by the Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 625-626.

Councilmember Mitchell arrived at 4:22 p.m.

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ITEM NO. 20: ORDINANCE NO. 4883-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.11 ACRES LOCATED NORTH OF MONROE ROAD AND ABUTTING NORTH WENDOVER ROAD, MAYVIEW DRIVE, AND COLDSTREAM LANE FROM R-17MF TO R-4.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-033 by]
[Charlotte-Mecklenburg Planning Department for the above zoning change as recommended]
[by the Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 627-628.

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ITEM NO. 21: ORDINANCE NO. 4884-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .57 ACRES LOCATED ALONG FUGATE AVENUE NEAR THE INTERSECTION OF MONROE ROAD AND FUGATE AVENUE FROM O-2 TO R-4.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes to approve]
[the Statement of Consistency and Petition No. 2012-034 by Charlotte-Mecklenburg Planning]
[Department for the above rezoning change as recommended by the Zoning Committee.]

The vote was recorded as follows:

YEAS: Councilmembers Barnes, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering.

NAYS: Councilmembers Cooksey and Fallon

The ordinance is recorded in full in Ordinance Book 57, at Page 629-630.

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ITEM NO. 22: ORDINANCE NO. 4885-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.30 ACRES LOCATED ON THE NORTH SIDE OF NORTH

**DAVIDSON STREET BETWEEN EAST 36TH STREET AND PATTERSON STREET
FROM UR-3(CD) AND I-2 TO TOD-R.**

[Motion was made by Councilmember Mitchell, seconded by Councilmember Dulin, and]
[carried unanimously, to recuse Councilmember Howard from voting on Item No. 22.]

[Motion was made by Councilmember Kinsey, seconded by Councilmember Mitchell, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-042 by]
[TCB NoDa Mills, LLC for the above zoning change as recommended by the Zoning]
[Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 631-632.

HEARINGS

**ITEM NO. 23: HEARING ON PETITION NO. 2012-035 BY CHARLOTTE HOUSING
AUTHORITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.99 ACRES
LOCATED ALONG THE NORTH SIDE OF NORTH CALDWELL STREET AND
GENERALLY BOUNDED BY NORTH BREVARD STREET, NEW CALVINE STREET
AND EAST BROOKSHIRE FREEWAY FROM MUDD AND MUDD (CD) TO MUDD-O.**

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this petition is to rezone a property that is currently zoned MUDD and MUDD(CD) to MUDD-O. As you can see on the map a major portion of the property is zoned MUDD(CD) with only a corner that is zoned MUDD. The properties surrounding this site are mostly industrial along the perimeter and then some mixed uses and once you cross back over Brookshire Freeway you find residential, office and commercial uses. In terms of the future land use, it is calling for a mixture of uses for this site. The CAT Maintenance Facility is located in this location which is consistent with the industrial and that has been the most recent rezoning in the area. This proposal is for 112 multifamily units to be located in a building that is approximately four stories or 80 feet in height. There is an existing billboard on the site and that billboard is to be removed. The petitioner is showing a decorative fence around the parking area and parts of the building which will consist of a picket fence with brick columns. The elevations shows masonry veneer and fiber cement boards. They are asking for an optional to maneuver and park between the building and East 12th Street and North Caldwell Street and they are asking for a sign that is a maximum of 75 square feet with a maximum height of 10 feet. It is hard to read on the diagram, but the sign says Alpha Mill II. Staff is recommending approval upon resolution of the outstanding issues. It is consistent with the Optimist Park Neighborhood Plan, the Transit Station Area Plans. It provides a high density housing within a transit station area and there are no major outstanding issues.

Keith MacVean, 100 North Tryon Street, said Jeff Brown and I am with King and Spalding. are assisting NorthWood Ravin with this rezoning petition. With me is David Ravin with NorthWood Ravin, Sue Freyler with ColeJenest and Stone, Catherine Moore and Chuck Travis with the Housing Studio. Sue Freyler, Chuck Travis and Catherine Moore are the engineer and architect for the site. NorthWood Ravin will be purchasing this site from the Charlotte Housing Authority. I want to thank the Planning staff for their assistance with this petition. We have discussed the remaining outstanding issues with them and there are a couple minor issues that we will be able to fix fairly soon in terms of notes. As Tammie mentioned this site is zoned MUDD and MUDD(CD). It is approximately 2 acres and the site is currently vacant. This rezoning petition would allow the site to be developed with up to 112 residential units in a four-story building. The building would front on North Brevard Street and New Calvine Street. Vehicular access will be from 12th Street and there is an option to have an additional access point on North Caldwell Street if the petitioner desires. That is something CDOT wanted us to include in case at some point in the future there was a need to have access off that street. That is a fairly busy street and we at first didn't see a real reason that we need that so it is optional at this point. Pedestrian access to the building will be from the intersection of Calvine and Brevard as well as

from East 12th and North Caldwell and obviously from the parking lot. Streetscape wise, we are improving all the streets with 8-foot planting strips, 6-foot sidewalks and street trees. There will also be a decorative iron picket fence with brick columns around the parking lot and portions of the building. The optional is being requested because it is a four-side lot, has four streets, very hard for the site to be developed without having some parking between the building and the streets. In this case we chose to front the buildings on what really are the friendlier of the two streets, the less heavily traffic, the more neighborhood streets which are New Calvine and Brevard so the building orients there and access is off 12th Street which is the one-way street parallel to Brookshire Boulevard. The other option request is for a slightly larger sign at the intersection as Tammie mentioned. There is a billboard also on the site that will be removed. Again the request is consistent with the plans and policies.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Dulin, and]
[carried unanimously, to close the public hearing.]

Council's decision was deferred pending a recommendation from the Zoning Committee.

Councilmember Autry arrived at 4:30 p.m.

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ITEM NO. 24: HEARING ON PETITION NO. 2012-036 BY MICHAEL C. DROSSOS FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO (1) ADD TATTOO PARLORS AS A USE PERMITTED BY RIGHT IN THE UMUD, B-D, AND U-I ZONING DISTRICTS, (2) CLARIFY THAT TATTOO PARLORS ARE A PERMITTED BY RIGHT USE IN THE UR-C, BUSINESS, INDUSTRIAL, B-1, B-2, B-P, U-I, TOD, I-1 AND I-2 ZONING DISTRICTS.

The scheduled public hearing was held on the subject petition.

Sandy Montgomery, Planning said this is a Text Amendment to allow tattoo parlors while tattoo parlors are not specifically listed in the zoning ordinance, the Zoning Administrator has interpreted them to be a personal service use which is currently allowed in the UR-C District, B-1, and B-2, B-P the Business Park District, all the TOD Districts and the Industrial District. The petitioner originally submitted a text amendment to add tattoo parlors to the UMUD zoning district and discussions with staff, the petitioner has agreed to help staff clarify the regulation so we don't have to rely on the Zoning Administrator's interpretation. Specifically, this text amendment does list tattoo parlors as a use, allowing them by right in the same districts they are currently allowed in, the Business, Industrial, UR-C and TOD districts and also adding them to the UMUD district and for consistency to the distributive business zoning district and the Urban Industrial zoning district. Staff is supporting this.

Michael Drossos, 2307 Coatsdale Lane, said I've been a tattoo artist for about 16 years. I have a small business with just me as an artist. I submitted a request for a Text Amendment to allow tattoo parlors in UMUD. I am interested in opening a tattoo business in the old Ivey's Building which has already has four personal services, a hair salon, a barber, waxing and a photography studio. From conversations with staff I understand that tattoo parlors are allowed currently in the business, Industrial, Urban Industrial, Transit Oriented development as personal service without specifically naming tattoo parlors and at staff's request the amendment clarifies that tattoo parlors are permitted. I hope you vote favorably on my request.

Councilmember Autry said what would be your proposed hours of operation?

Mr. Drossos said 11:00 to 7:00 and it is not a stereo typical like street shop. I have clients from California, DC, Philadelphia, all over the country that would fly in, stay downtown, eat downtown and spend their money downtown so it is an appointment only type basis.

Mr. Autry said would there be any situations where you would have an appointment after 7:00 p.m.?

mpl

Mr. Drossos said sometimes it would carry over to about 9:00 p.m. but the client will be with me and escorted out of the building by me.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Dulin, and]
[carried unanimously, to close the public hearing.]

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 25: HEARING ON PETITION NO. 2012-038 BY CHARLOTTE PIPE & FOUNDRY COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.91 ACRES LOCATED ON THE SOUTH SIDE OF WEST MOREHEAD STREET NEAR THE INTERSECTION OF I-77 AND I-277 FROM MUDD TO MUDD-O AND I-2(CD).'

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this is a request to rezone from MUDD to MUDD-O and I-2(CD). The property is located over off of Morehead Street and West John Belk, I-77. In terms of the rezoning the portion that is proposed to be rezoned to industrial is the back portion to I-2(CD). The front portion is proposed to be rezoned to MUDD-O. In the MUDD-O the petitioner's application says they will have up to 10,000 square feet of office or museum uses and 80 multifamily units. I understand they may address that tonight and change that. In terms of optional they are requesting a gateway feature that is located at this intersection of Morehead and it will look similar to this and have a pipe on the top and show the Charlotte Pipe & Foundry location. The I-2(CD) portion of the site will be in the rear. There will be a Class B buffer along the perimeter with the MUDD and it varies in width up to 49 feet. They are proposing to do street improvements along the two streets which are Clarkson and Cedar Streets and again the entry feature. In terms of the rezoning staff is recommending approval upon the resolution of outstanding issues. The MUDD component is consistent with the West Morehead corridor revision and concept plan. The I-2(CD) is inconsistent with the plan, however it allows for the relocation of the facilities that is associated with the foundry due to the high speed rail maintenance facility going over on their site across from I-277. The mixed use, the buffer, the streetscape will all enhance the pedestrian environment and there are no major outstanding issues so we are supporting this petition.

Bailey Patrick, 214 North Tryon Street, said with Collin Brown I am representing the Petitioner, Charlotte Pipe & Foundry Company, a strong corporate citizen here in Charlotte for over 100 years. With us is its CEO Roddy Dowd, Jr. This petition was prompted by the need to relocate vital foundry operations being displaced by the proposed State Locomotive and Rail Car Maintenance Facility. The petitioner has worked very closely with staff and with the surrounding owners and neighborhoods, including Third Ward, Wilmore, Wesley Heights, Charlotte Center City Partners and the Panthers. In response to concerns raised, we have modified slightly our development standards to do two things, number one, to make the development standards more flexible for the MUDD and number two, to establish design guidelines for any development that takes place on the I-2 portion. Collin will now share with you several slides.

Collin Brown, 214 North Tryon Street, said I am Collin Brown, on behalf of Charlotte Pipe & Foundry. Many of you are probably familiar with Charlotte Pipe & Foundry. If you are not they were founded in Charlotte in 1901. They have operated at the Clarkson Street foundry which I will mention and show you pictures, and have been there for over 100 years. Charlotte Pipe is owned and run by the Dowd Family, been privately owned and operated for over 110 years. Charlotte Pipe & Foundry is the largest manufacturer of pipe and cast iron pipe in the US. A little bit about their employment impact, who they are to Charlotte, as I said they have been here for over 100 years, they employ 618 people in Charlotte, 454 of those employees are located at the Clarkson Street Foundry. Their 2011 payroll just for employees in the City of Charlotte was over \$51 million. All that, the largest manufacturer of pipe and cast iron in the US is located in uptown Charlotte. Most folks do not know that. This is a picture of Charlotte Pipe's foundry operation, most people don't see it because like I said, it is in the middle of town, but it is well

buffered and screened so many of u drive by it every day without knowing it is there. Charlotte Pipe has been nestled for all this time among some of Charlotte's oldest and well established neighborhoods. This is a aerial photo showing you the location of the foundry and its proximity to Wesley Heights, Third Ward, Wilmore, SouthEnd and West Morehead.

What is important to understand about this rezoning and I think there has been some misunderstanding, but we want to be really clear about it, this was not an effort of Charlotte Pipe to expand its operation. This was not Charlotte Pipe's idea to acquire the Beazer site to expand its foundry. It is important to understand that Charlotte Pipe & Foundry was contacted by the North Carolina Department of Transportation. I'm sure you are all familiar with what is going on in the Wilmore neighborhood, but the North Carolina Department of Transportation would like to establish a locomotive and rail car maintenance facility in the Dilworth neighborhood. Charlotte Pipe & Foundry is a member of the Dilworth Neighborhood. This is a memorandum that was distributed to the folks in Wilmore and this includes a map showing the proposed location of the facility. This map covers about 10 acres that is owned by Charlotte Pipe & Foundry. This is an aerial and this is Charlotte Pipe's main foundry location, this area south of Summit Street is an area that Charlotte Pipe uses for a drop lot, a product knowledge facility and some outdoor storage. This illustrates the impact of the taking by North Carolina Department of Transportation. They are taking property in addition to Charlotte Pipe, but at least 10 acres of Charlotte Pipe's land that is integral to the operation of its foundry facility. That is why we are here tonight. They were spurred by action by North Carolina Department of Transportation taking that property and Charlotte Pipe's only option to continue operating the factory is to find another location to put those operations so if you see this aerial that is outlined in blue, what I call the Beazer tract, most of you all know is located on Morehead Street, it is about 18 acres of land. Charlotte Pipe was able to acquire that land last November for about \$21.6 million. They are now the owners of the land as most of you all probably know, the last owner was Beazer Properties which intended to develop some multifamily homes on the site. Beazer exited the Charlotte market a few years ago. The site was in pretty poor shape and since that time Charlotte Pipe has made significant investments in the site to bring it in conformity with City standards for storm water, streets, erosion control. A lot of work has been done to reclaim the site. Charlotte Pipe now owns it, it is zoned MUDD for future development by Beazer and in order to relocate that drop lot, the outdoor storage, the product knowledge building, warehouse uses Charlotte Pipe needs to relocate we are asking to rezone a portion of that site to I-2, industrial zoning with conditions on it. I want to point out that Tammie did a very good job in the overview, approximately, almost 5 acres along Morehead Street will be essentially undeveloped, the area that is highlighted in green. That is going to be left in the existing MUDD zoning. Previously, we had some limitations on development that could occur there and we've recently removed those limitations in response to neighborhood concerns to say if you do want to develop or a developer comes and makes you an offer you can't refuse why are you shackling yourself to that, so we have taken that off. That is zoned MUDD as Tammie mentioned, and we have requested optional provisions to allow some enhanced signage for the gateway entrance monument and then the rear of that parcel between what is the MUDD property will be the I-2 zoning you can see a 50-foot Class B buffer. I want to point out that Charlotte Pipe has committed to install that buffer, significant trees and plantings before any development takes place on the I-2 property. If you have driven by the site you probably know that Charlotte Pipe has already done a lot of work out there to establish it, to prevent the erosion, to go out there and plant good grass. They have secured the site and as soon as we have good planting conditions, the plan is to go out and install the buffer between the two sites.

This is a significant piece of property between Morehead Street and the I-2 property that will remain in MUDD zoning. It will be attractive to properties across the street and provide a good buffer between the proposed I-2 uses and Morehead Street. We thought we were going to be under a strict 3-minute time so I condensed most of the presentation, but certainly here for any questions you may have. I understand there is a speaker in opposition so will respond to any concerns that are raised.

Councilmember Cannon arrived at 4:39 p.m.

Paul Simard, 942 West Hill Street, said I have a property at 942 West Hill Street so I am here in the capacity as an owner of neighboring properties. I am also here representing the
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homeowners association of Skybox Warehouse II and want to speak in opposition to this. A few years ago a lot of rezoning and gentrification efforts were made by the City of Charlotte to turn this area around from a blighted area to a nice area. Some very expensive condominiums and lofts have been built, commercial property has also been built in the lower portion of Skybox, all but one unit is occupied. All of the residential condominiums are also occupied. In the past five years that I've been there, however, on a day like today when the wind is coming from the south, there is an awful odor coming from the foundry. It has been there so there is not much we can do about it. Also they emit tremendous amount of soot. Every day if I open my door, windows upstairs the soot comes in. I wash the floor on a daily basis and get that soot out. Recently evidence was really clear when the homeowners association installed a new roof on the lofts on West Hill Street, a new TPL roof. Within days the white roof was almost completely covered with soot coming from the foundry. It would be nice if their facility did not emit, but it does emit. There has been a major effort to gentrify that area, West Morehead where they have developed brand new restaurants, we have 4 or 5 new restaurants on the street. Someone spent a lot of money putting in nice lighting, putting in nice plantings all the way down to far as Freedom Drive so the neighborhood is being turned around. We have a few blighted buildings still left to be torn down, they are for sale, but basically the place is starting to look like a really nice neighborhood. Now the expansion of this foundry might put a kink in this area. Also the homeowners are very concerned about the value of their properties. The economic downturn and the banking problems and the mortgage problems have lowered the value of some of these properties significantly and they are concerned that it will be lowered even further with the expansion of the foundry. We urge you to reject this petition.

In rebuttal, Mr. Brown said I want to point out that we have inserted a condition into the notes that indicate that no melting operations can occur on the parcel that is becoming I-2. That is just to relocate the uses I mentioned so there will not be any foundry smelting operations going on on the new I-2 parcel. We met with many, many neighbors and unfortunately I did not meet with this gentlemen, but David Wagner is the one who came to all of the meetings so I will let him speak briefly.

David Wagner, Wagner-Murray Architects, said I am an architect, and I am not a paid consultant of Charlotte Pipe & Foundry, however I am a neighbor. I own a building directly across the street from the suggested site and have been a neighbor for over 10 years. It is a commercial property and it is 40,000 square feet of a building that is on the national trust and we renovated the building in 1999. Now admittedly about 6 or 7 years ago we had learned that a developer had purchased the land and was intent on building some mixed use development projects. Obviously, it was an exciting thing for us because we are right across the street from it. Unfortunately, a few years later and to this day the land has been fallow and I believe as an owner and a supporter of this project that it is its last and best hope and here is the reason. I have been involved in architect and urban planning for a number of years in Charlotte and I see the potential of development that is cross fertilized with different uses. Here I think in this case, and I've watched this project closely as it was emerging, is the fact that the development standards in Charlotte, particularly in urban areas, are attempting to address the street front and what Charlotte Pipe & Foundry did was create a 200-foot buffer along West Morehead where future development could occur at street level, which is the way prefer to see the streets developed properly, much like the Morehead Building is on the corner of McFinch and West Morehead.

Councilmember Autry said Charlotte Pipe is not expanding any of its operations with this proposal. Is that correct?

Mr. Brown said that is correct. This is simply to relocate those operations that will be lost through the NC-DOT taking.

Mr. Autry said they are just trying to reclaim their loss from the NC-DOT take?

Mr. Brown said yes sir.

Councilmember Mayfield said just for clarification, I did have an opportunity and have been working closely with the Wilmore Neighborhood and there are two different conversations, but I did have an opportunity to take a train ride up early this past Saturday morning to help them, but

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has there been any discussion within Charlotte Pipe & Foundry since we know that this facility is not going to cause environmental impact, has there been any discussion where the residents off of West Hill Street that they are noticing that they think is coming from the Foundry?

Mr. Brown said I have not had a conversation with the gentlemen from West Hill. I am happy to meet with him. We met with the main associations and I've gotten a good education on the bag house that operates at Charlotte Pipe that captures those emissions and we would certainly be glad to meet with them and joined by folks from Charlotte Pipe that could answer those questions better than I can.

Councilmember Mitchell said I had a chance to meet with Mr. Brown and Mr. Dowd and sometimes we have an opportunity to help a local company expand. This particular case, one of our very own is moving and expanding all because of the State. I think we need to be very clear why we are here today is because of the State. Is there any time line the State has shared with you when they will start implementing this project?

Mr. Brown said what I posted was what the Wilmore HOA President gave me from a memo. In that memo they talk about possible construction starting in mid 2013. That sounds aggressive, but that is what we are operating off of.

Councilmember Fallon said does the foundry have some kind of an apparatus on top where their emissions come out that captures stuff?

Mr. Brown said yes ma'am.

Roddy Dowd, Jr. Chief Executive Officer, Charlotte Pipe & Foundry said I will be happy to address that question. We operate under the tightest regulations promulgated by the environmental protection agency. We are Section Five operation and we comply with all federal, state and local guidelines. Our primary melting is done in a cupola which is in the center of the photo where we take scrap metal, recycle it, melt it down, pull the hot gases off, cool them down, pull them across that large pipe and through this bag house which is essentially like a large filter. All the particulate is removed there. We furthermore have bag houses around our casting operations, all of which are inspected regularly by the EPA. We are in full compliance with all of that and operate a state of the art technology. We have been around for a long time and if you don't stay ahead of the environmental regulations you are soon out of business so we make it a practice to be a good citizen. We all live here and one of our associates grew up in Wilmore. We want to be good neighbors and tend to be good neighbors. I might add as I know more about the environment that I wish I did, one of the impacts on those neighborhoods come from its proximity to I-77 and I-277. If you are an automotive engineer or just a shade tree mechanic, you will notice that when automobiles and trucks have to break they have a break shoe and caliper that go together which immediately starts letting off dust. Unfortunately people still want to drive cars and as long as they are doing that there is going to be dust coming off the roads, but the cars can get away with and we can't.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and]
[carried unanimously, to close the public hearing.]

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 26: HEARING ON PETITION NO. 2012-039 BY MICHAEL T. WHITEHEAD AND ELIZABETH M. WHITEHEAD FOR AN INST(CD) SITE PLAN AMENDMENT, FOR APPROXIMATELY 2.7 ACRES LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION AT RAMA ROAD AND SARDIS ROAD.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this petition is an Institutional Site Plan Amendment. The rezoning originally was approved in 2005 for a conference center and a retreat center. The
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location is at the intersection of Rama Road and Sardis Road. You can see everything around the site is basically residential in terms of zoning. There is a little bit of multifamily and we have several churches, Sardis Presbyterian Church, Providence Day School and Sardis Baptist Church that are also in the area. In terms of the future land use map, it is very consistent with the zoning map. It recommends residential uses and it was amended for this property to Institutional by the 2005 rezoning. The proposed request is to basically not change anything on this site except to add weddings and wedding receptions as a permitted use. In 2005 the property owner agreed to preserve the existing home, build a 5,500 square foot retreat center and not to have weddings and wedding receptions. He has worked well with his neighbors and has since developed the property and now he is coming back in to request that the two items that were removed due to public opposition be added back and that is the weddings and the wedding receptions. Staff is recommending approval upon solution of outstanding issues. It is consistent with the South District Plan. All the previous rezoning notes will apply and as I said, allow weddings and wedding receptions as a permitted use. There are no major outstanding issues.

[There being no speakers either for or against, a motion was made by Councilmember Howard]
[seconded by Councilmember Fallon, and carried unanimously, to close the public hearing.]

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 27: HEARING ON PETITION NO. 2012-040 BY K & P DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY .65 ACRES LOCATED ON THE WEST SIDE OF PARK SOUTH DRIVE BETWEEN FAIRVIEW ROAD AND ROYAL CREST DRIVE FROM R-3 TO MUDD(CD).

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes $\frac{3}{4}$ of the Mayor and Council in order to rezone this property.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a request to rezone from R-3 to MUDD(CD). The property is located on Park South Drive on the west side. If you look at the zoning map you can see that we have basically residential properties back in behind the properties that front on Park South. On the east side of Park South we have office and along this section of Park South we have MUDD-O, R-22MF(CD) which is actually Brighten Gardens, which is an assisted living facility, the subject property and then The Ivey, which is an adult daycare that was rezoned several years ago and then multifamily. The future land use actually calls for single family residential for the majority of this property, but when you look at what has occurred in this area we have the rezoning for Brighten Gardens and also for The Ivey, it could make staff look at this particular piece of property, which was left zoned R-3 with a different flavor than what the proposed land use says. In terms of the proposed petition for 108 hotel rooms, the size of the building is 55,100 square feet, five stories with a 60-foot maximum height. There are 12 surface parking spaces and all the other parking will be under the building. The building will be made of brick, stucco/EIFS, glass and metal panels. It will be a 40-foot rear yard which is above what is required by the ordinance, a 27-foot Class B buffer and the lighting will be a maximum of 25 feet, so it will be shielded to protect the residential properties behind the site. This is a proposed elevation, looking toward the north, you can see the elevations of the site, and you have the front elevation of the building and the rear elevation of the building. This diagram shows you the grade change along Park South Drive. This is Brighten Gardens, which is assisted living and this is the proposed hotel and this is The Ivey which is located beside of it. Staff is recommending approval of this petition upon resolution of outstanding issues. It is inconsistent with the South District Plan, but it is consistent with the non-residential land uses that are in that area. It has an increased rear yard and undisturbed buffer and there are no major outstanding issues.

Linda Vaughn, 6026 Park South Drive, said I here tonight because the property owners for the property owners for the property in question is unable to be here. The property owners are K & P Development LLC and one of the managing members, who is Attorney W. J. Kellam, Jr. sent a letter for me to read and it was dated for today, May 14th, reference Petition 2012-040. It says,

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“Ladies and gentlemen, we are the owners of the property at 6026 Park South Drive which is the subject of the above referenced rezoning petition. We have owned this property for over 10 years and during that time we have had a number of potential buyers including some of the adjoining land owners who have contacted us about buying it. However, none of those buyers have a tendered a credible offer. The property is currently zoned residential and for that reason it has been difficult to sell. Being flanked on both sides by commercial buildings, it is highly unlikely that anyone would purchase the property and build a home on it. As a citizen and resident of Charlotte we feel we have every right to sell the property to anyone who develops it in accordance with the guidelines established by the Planning Commission. From what we have observed from the development plan our buyer has proposed, this projects meets that criteria and is in compliance with the adjoining ones fronting Park South Drive. In our opinion this will be an asset to the SouthPark area and we urge you to approve this petition.” This letter was submitted by Attorney Bill Kellam, Jr. who is also a member/manager of K & P Development.

Chris Adams, 6914 South Creek Road, said I represent ... Hotel which would be the developing company for this particular property. This company is no stranger to Charlotte and this will be out third new development. We actually built a Fairfield in 2010. We currently have a Home II that is currently under construction right now and is slated to open later on this year and then this proposed project that we are looking at now. We’ve been in talks with quite a number of upscale hotel development chains including Marriott, Hilton and IHG. All three of these brands have actually come and taken a look at this site and expressed support for the project that is actually being outlined to you. We are looking at contributing 35 jobs once this project is completed, but in the 18 months that we are looking at, the construction is indirectly going to bring about 100 to 125 jobs as this project is under construction. As it relates to tourism and the area, certainly it is going to bring about corporate travelers who are going to be shopping at SouthPark Mall, supporting area restaurants. We are bringing in other support that is going to be in support to the existing vendors where you have in the particular area. This would be the first hotel development project since 2001. I believe the Residence Inn was the last one that was actually built in this particular area. The last thing I want to bring to your attention would be the combined property tax, sales tax and occupancy tax. We are looking at being close to being a half million dollars per year and if we look at a 10-year period that will be an additional \$5 million to the actual base that we have. I think my colleague H. K. Patel is going to bring about some of the other concerns that have been brought up in meetings we’ve had with the community.

H. K. Patel, 6914, South Creek Road, said thank you for taking your time in meeting with us today and thank you for making Charlotte the vibrant city that it has become. We did have three community meetings and you are only required to have one meeting the community. We wanted to make sure we were great neighbors coming into SouthPark. We created one neighborhood meeting and we created a second meeting with the neighborhood’s adjacent property owners and at that meeting we did have our architect, our engineer there just trying to figure out what the concerns were and how we could address those concerns to make them better. We had a third meeting with the full neighborhood once again with the changes that were made to us by the neighborhood. We’ve been making adjustments and changes to the zoning plan as we’ve gone along to try to help address concerns for the neighbors. Per the letter that was stated by the owner, there has been adjacent property owners, Lynn Ivey that I’m pretty sure you will hear within a few minutes, against the project that has approached that owner next door to try to purchase that land. Whether they were able to come across in agreement with a price I’m not really sure, but Lynn had approached the owner several times to obtain this land. Before we did this meeting we actually met with Debra Campbell, Planning Director, because we wanted to make sure before we even put forward toward this project, that Ms. Campbell and the Zoning Department had support of this project, which they did show us. We were recommended this MUDD classification by the Zoning Department, it is not something that we came up with, that was sort of a good stitch for what we are doing here. The rezoning wanted to provide a 40-foot setback to protect the rear neighbors, which we did. According to the MUDD classification that we are under, there is a only a 10-foot setback that is required, but we were very concerned as developers that we allotted enough space for the neighbors in the back as well, so we did make a 40-foot setback even though it was not required. We also provided additional tree plantings as far as the rear of the building and the sides of the building to create a buffer between the neighbors. We also had a 27-foot undisturbed tree setback that we also created to prevent that

over occurrence with the neighbors or anything of that nature. We also met with C-DOT with reference to the trips that were allotted on the plan. There was 882 counts and actually spoke to them in detail and also met with the Engineering Service Manager. They told me how they came across that trip schedule and I think they take a national average and they also do an R-squared equation that they use to come up with that figure. They did mention to me that they do use a buffer so that 882 count may not be that high and may have a little bit of a buffer for any kind of new developments that may be occurring in the area as well. Our main concern here is safety. That is our number one goal as a developer and being a part of a neighborhood. Though the various meetings we heard from the neighbors that they were concerned about their safety. I've got a 9-year old and a 2-year old son and I know how children can be so we definitely took a lot of things into consideration that the neighbors were talking about. One large important thing was an above ground retention pond that the neighborhood was very concerned about. Even though this may cost us a little bit more money what we implemented was an underground facility. That means a detention pond underground so as far as the safety concern that I think most of the neighbors were concerned about, will be basically void. There will not be anything above ground. We also provided a 4-foot wall on the front side of the building to address concerns of neighbors to make sure that there is very limited guest and neighborhood interactions. We also provided a 12-foot coral around the trash cans because neighbors had concerns that maybe there be some headlights that might be in the area so we went ahead and took care of that issue as well. Neighbors were also concerned about trash pick-up times and any kind of noise that may occur. We mentioned back to them that we would easily be able to correct that situation by talking to the trash pick-up company and adjusting that time so that would not be a concern as well. There have been a lot of concerns and we have tried to address those with the neighborhoods.

Dale Halton, 1530 Queens Road, said I was born and raised here in Charlotte. I am a significant investor in and donor to The Ivey. The Ivey is a non-profit organization and I believe in its mission. As an investor in the original purchase and development of the land and building I supported Lynn Ivey and others, not only because of its mission, but because of the beautiful and dignified environment in which it was being constructed. It honored the long standing tradition of trees and green space for which Charlotte is known. I do not want to see this investment in Charlotte's future for seniors like me, be diminished or even worse destroyed by a hotel that has no consistency of mission or architecture with the surrounding neighborhoods and community. There is a greater vision for that piece of land that Lynn and a well-known physician, Dr. Chuck Edwards, are working to bring to life. This vision has been percolating long before the rezoning petition was presented, but did not have the legs needed to launch publicly. For years I have been encouraging Lynn and others to acquire that property, but the vision was not complete until now. Imagine a memory campus with bookends of adult daycare on one side and assisted living on the other with a mirror image of The Ivey as the center piece on that lot. The center piece would be a dementia health clinic for the citizens of Charlotte who are in the early stages of Alzheimer disease and other types of memory losses. Caregivers would attend a 12-week program to learn how to cope, manage and stay employed while caring for those loved ones. A well-funded foundation would be in place to allow all citizens regardless of their ability to pay to be served. Dr. Edward's vision is for this to be the finest dementia care center in the whole United States and an outstanding asset for Charlotte. I employ you to vote against the petition to allow a hotel on that small piece of land.

Matt Turner, 3324 Old Closeburn Court, said I live directly behind the petition site and here are some of the reason why I'm opposed to this rezoning. The petitioned site falls under the South District Area Plan and it is a 110-page guide. The plan stretches from south of uptown all the way down to Pineville and across to Matthews and encompasses 86 square miles. For the most part it offers extremely broad general views of land use for this area, remarkably though it does provide concise guidelines for a little stretch of land including this rezoning petition lot. As the SouthPark area continues to grow, pressure for non-residential redevelopment or commercial encroachment may occur in single family neighborhoods. These pressures should be resisted; in particular the small Closeburn/Glenkirk neighborhood where I live, located south of Fairview and west of Park South should be protected to insure that it remains a viable single family residential area. What were City Planners thinking about when they wrote this? On our street we have 18 kids alone and it is a wonderful place to live and raise a family. Like kids do, every night they are riding their bikes, climbing trees and just being kids. This Closeburn/Glenkirk neighborhood is just a remarkable place just as well as all of the other neat little neighborhoods

along Park South Drive. To protect the Closeburn/Glenkirk neighborhood future development should be limited to low density multifamily housing for the properties which front on Park South Drive, which this rezoning petition is, between Fairview and Archdale. Site plans should include any measures necessary to protect the single family character of the Closeburn/Glenkirk neighborhood. Here are two examples that architects have designed these buildings to mesh well with the fabric of our neighborhood. As you can tell the height of those buildings are similar to the height of a two-story residential house. The roofs are sloped and they are shingled to look like residential neighborhoods as well as there is a lot of open space and green space with these properties.

The SouthPark Small Area Plan was drafted several years later and it refined the South District Plan and is specific for the mall area and all the commercial businesses around the mall. When it was initiated it was in response to concerns related to the impact of all those offices and the high density going up in relation and how they should deal with the surrounding residential areas. Since day one of this rezoning petition the community has felt that the developer of CN Hotels has been trying to steamroll right over us. The information provided on the site plans has been both misleading and there has been a severe lack of communication with the community. As you can see on the picture on the right, for instance the site plan states that the building is going to max out at five stories and 60 feet. That may be true if you are looking at the building from the north side, but this building has four sides to it and three of the four sides are actually going to see six stories and 71 feet. Additionally at the April 30th community meeting we provided these written questions and concerns that we asked to be addressed in the community report and to this day we still don't have any responses to these requests. We are led to believe that the community meeting was just a show, but the main point for this slide shows the sheer magnitude of this structure in comparison to The Ivey. You could actually put three of the Ivey, one on top of the other and it would be about the same height as the proposed hotel. The residential components in the rear as well as Brighten Gardens and the Rollcrest Townhomes would all be drafted by this structure as well as all the mature trees. The South Park Small Area Plan also says that non-residential expansion must be limited to the existing study area, which is directly across the street where the Marriott and Panera Bread is and not to be permitted to encroach into the adjacent neighborhoods. Maintaining the integrity of the nearby neighborhoods is critical to the long-term viability of the SouthPark area. We have two plans written several years apart saying the same thing, protect the neighborhoods.

Here are a few other issues, the environmental impacts; they plan to bulldoze all of the trees down with the exception of the 27 feet in the back. 80% of the lot is going to be impervious to rainwater and it is going to be all concrete and the actual building. It is going to put a big stress on the Eastburn Storm Water Drainage System which is already under a lot of stress. C-DOT estimated 882 trips per day. The Ivey and the adjacent Brighten Gardens generate about 120 per day so it is a huge difference in the trips per day. The density, this thing is dense as several other buildings in center city Charlotte.

Lynn Ivey, 6030 Park South Drive, said as many of you know my business is The Ivey which was built as a tribute to my parents, my Mother who had Alzheimer and my father who was her caregiver. I'm here tonight to speak on behalf of another vulnerable population that is negatively affected by this proposed hotel. As a start to advocate for seniors, I urge each of you to consider the impacts of this perspective hotel very thoughtfully. Your family may be impacted now or not or maybe later with the hard of Alzheimer's disease and other related dementias. With no cure in sight and individuals under the age of 64 being diagnosed in greater numbers, it is a good chance that you might be affected as well. Mecklenburg County's aging population is growing exponentially and our city needs more choices for our seniors to age in place safely and gracefully in a home of their choice and with the care and assistance that they may need. This is the experience that The Ivey and Brighten Gardens provide today. This experience could change with a hotel shoehorned between the two. When you add Alzheimer disease or another dementia to the many physical challenges of aging tranquility, calmness, routine, social participation and meaningful relationships become more critical to a high quality of life. Charlotte has been my home for over 24 years in large part because of the beauty of its green spaces and the tasteful architecture. The Ivey was built with that in mind. As a residential neighbor, living on Park South Drive less than 500 yards from the proposed hotel, I personally am opposed to the extreme density and land use proposed for that slice of land. Finally I urge you not to disrupt one of the

last lushly green spaces left in the SouthPark area to allow for a hotel which could be built anywhere. Please don't disrupt the serenity and quality of life that seniors who attend The Ivey or live at Brighten Gardens now experience. Embrace the vision of alternatives for that property. In rebuttal Mr. Patel said we apologize if anybody felt we were trying to befuddle them or making any other excuses. I think we've done our due diligence in the fact that we have created three community meetings, trying to address as many concerns as we possibly can. Standing here before you will I be able to resolve every single issue, probably not, but I think we've done very detailed information with the architects and engineers on safety, being the biggest concern. We are putting that retention pond underground. We are looking at other venues as far as doing larger brick walls to deter any guest from heading behind the hotel, which I don't see why any corporate clientele would, but there have been concerns that the neighborhood addressed. I think we have resolved quite a few of them.

Mr. Adams said one of the biggest concerns that we really discussed at the last community meeting was the placement of a retention pond and there was some very detail conversation with regards to was there an alternative to that, and as Mr. Patel has indicated our plans will include an underground retention pond so we do not actually have a scenario where anybody, youth, middle age or older individually could actually come into that particular area and be harmed. I think the dialogue has certainly been very candied, I think we've had some very open discussions and I think that we have listened to the concerns and have actually re-done our plans in conjunction with some of the issues that were brought up before.

Councilmember Howard said one of the things I noticed in the write-up is that this is not supported by the South District Plan and I would like to know what the age of that plan is, as well as why is the staff supporting it in spite of that.

Ms. Keplinger said the South District Plan was adopted in 1993. When we looked at this petition we looked at first the South District Plan which did recommend the single family residential for the property. We also looked at the rezoning that has already occurred in the area, the one for The Ivey, the one for the Brighten Gardens, the one up on the corner that is for MUDD and we determined that this particular use fits in well with those types of uses. This is just a small piece of land that is R-3 surrounded by other institutional and multifamily residential districts so we felt like it was appropriate and the R-3 that was originally proposed there is probably not something that is going to happen for this site.

Mr. Howard said this is a center under the centers, corridors and wedges?

Ms. Keplinger said I believe it is.

Mr. Howard said does this geography fall into it and is this the kind of density that you would see in a center?

Ms. Keplinger said when we look at hotels we don't necessarily look at density per se unless you look at the floor area ratio and this will be consistent.

Mr. Howard said this is one of those things I think we will continue to have to address and that is kind of where centers fall in neighborhoods and what the edges of the centers feel like up against neighborhoods. This is not the only one we are dealing with tonight as there was another one that was pulled with kind of that same thing. How do we start to transition and we need to have some conversation about how we deal with that transition into neighborhoods because as long as we want centers to be dense we have to figure out how to deal with the neighborhoods that surround it. One of the things I heard a neighborhood person say was they had a list of questions that they were still waiting on some response. Between now and next month could you work with them to try to answer some of those questions?

Mr. Patel said let me explain and give you some clarification on that. During the community meeting I actually spoke to Penny Cothran and I submitted all the information which was a summary of what the community meetings were about. Matt Turner, who is here, actually submitted 7 requests to me. I sent an e-mail to Matt stating that I had given that to Penny Cothran and on my favor if you could make sure that it goes into the hands of whoever needs to

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look at those because those were requests to the city and we were just looking for some feedback from the city of what they thought of those requests. It wasn't that we were denying them or even supporting them, we wanted to get some feedback from the city about those requests.

Mr. Howard said those were requests to change the plan, not just questions?

Mr. Patel said yes, they were requests basically.

Mr. Turner said requests and concerns that the neighbors got together and presented to them on April 30th.

Mr. Patel said those were submitted to the city.

Mr. Howard said staff, will you make sure the neighborhood gets it?

Councilmember Autry said you mentioned several brand hotels, have you identified what brand this hotel would be operating under?

Mr. Patel said like we said before, there are three brands that we are working with currently, Hilton, Marriott and IHG. These are all three high level properties and we are very familiar with the SouthPark location and as far as the land cost and to make figures work we have diligently looked at what operation and what hotels we would be looking at and those are the three brands that we are working currently. To answer your question, have we locked a specific name, we have not, but it would be with the Hilton, Marriott or IHG brand.

Mr. Autry said you are going to have to do some excavation there. How far will you have to go down and what will be the accepted means to accomplish that excavation?

Zack Stroud, Architect said we proposing to go about a story below ground. The site slopes from left to right so the first underground level of parking would be partially submerged and visible on the opposite side. We are doing a full level below ground below that so it would be about one level below ground and possible means of excavation is somewhat undetermined at this point. We don't know what is under the ground as a soil test hasn't been done yet so that is something on our list.

Mr. Autry said Tammie, do we have any information about the substance of the ground there?

Ms. Keplinger said no sir we don't. That usually comes during the engineering phase and most of the time that happens after the rezoning because of the expense that is incurred.

Mr. Autry said do you foresee that you would have to blast?

Mr. Stroud said that is possible and some of the neighbors have expressed that concern that it is a possibility. Lynn Ivey is closer to the stream as possible, there is not as much rock on this site there is on hers. We just don't know at this time.

Councilmember Mayfield said Tammie you mentioned that there were no outstanding issues, but in our notes I'm looking at about 11 outstanding issues. Could I get some clarification on that?

Ms. Keplinger said there is no major outstanding issues and what I mean by that is that we don't see anything that would hold up the petition if those 11 issues are addressed. What we try to do for Council is to let you know if there are major issues. You will see one petition tonight that does have a major issue and we try to point those out, but if we think we can resolve them we just say there are no major issues.

Councilmember Cannon said Mr. Patel is this petition one that is going to be contingent with the three brands that you mentioned signing on with you or having a greater interest in moving forward with this? You have three brands that you are talking to, but none of which have committed it sounds like. Is that correct?

Mr. Patel said let me rephrase that. They are all three of support of this location yes.

Mr. Cannon said regardless of those brands this particular elevation fits with those brands and what they would agree to embrace?

Mr. Patel said yes and of course when you talk about brands there might be various changes, slight changes that may occur. We are working with the city to determine that as well as with the brand.

Mr. Cannon said what went into your thought process relative to blending with the fabric of the community overall?

Mr. Stroud said generally the overall feel of the architecture, the elevation, it tries its best to convey a residential feel as well as varying materials on the building. Parts of the zoning ordinance state five stories or more you have to accentuate the first level of the building to pull it off from the rest. We've done that as well as just a general mix in materials that kind of break up the elevation and not seem so massive.

Mr. Cannon said it is my hope that as Mr. Autry has flushed out, if there is some blasting that there is very little rock because certainly blasting any resident wants to have is a broken foundation.

Councilmember Barnes said how far will the building be from the closest single family residence?

Ms. Keplinger said I know it is 40 feet from the property line. I'm not sure how far it is from Matt's house. He might be able to tell us how far it is.

Mr. Stroud said it is 120 feet.

Mr. Barnes said just speaking for this vote, the idea of you blasting near somebody's house, that would be pretty upsetting so I don't know what technology you all could use if the petition is approved to avoid doing that, but I think that should be avoided. That is just too close to people's houses to blast in my opinion.

Councilmember Kinsey said public plans and policies, we know it is doesn't match with the South District Plan. The proposed rezoning is inconsistent with the adopted land use plan. Are you just saying the same thing twice about this?

Ms. Keplinger said yes ma'am, the adopted land use plan is the South District Plan.

Ms. Kinsey said that is what I thought, but I couldn't figure out why you were saying it twice. I rarely give an opinion at a hearing, but I'm really concerned about the height of this building. It just doesn't fit in and I'd much rather see, if I were a resident or neighbor out there, multifamily there rather than a 5-story hotel which looks to me like it is squeezed in. Perhaps it isn't, but that is what it looks like to me so I'm not real excited about this.

Mr. Autry said 108 rooms, and 125 employees you are estimating.

Mr. Patel said the 125 was referring to the amount of jobs that we would be creating for about a year and a half while the hotel was under construction.

Mr. Autry said okay, understood. Is there a process that you determine a need for a hotel, kind of like the process for determining a need for a hospital? Why there, why now, why that big?

Mr. Patel said we have done our feasibility study as far as that product is concerned and there is a show that there is a need for a hotel in SouthPark so there is a special study that we do.

Mr. Autry said do we have access to that information?

Mr. Patel said I can get that for you.

Mr. Austry said that would be helpful. Thank you.

Councilmember Fallon said if you look at the plans of The Ivey and The Brighten do you realize how out of scale and out of the general look this hotel is? It is so industrial looking and you are going to stick five stories that go 71 feet on one side and 60 on another in between these homes on a very small plot of land.

Mr. Patel said this is something that we submitted to the city as far as review was concerned. The actual physical architect of the building is not sort of set in stone so again going to Mr. Cannon's question, would there be any changes depending on if Hilton or Marriott would do that. We've also informed the community that if there were any changes of any sort that we would be more than happy to bring them in detail about the various changes if there are any at all.

Ms. Fallon said have you gotten any commitment from any of those three? Are they interested or is it just a supposition that they would say I could use this land?

Mr. Patel said we've had very good close contact with Hilton and Marriott and IHG, mostly Hilton and Marriott and they have looked at that product and that space in that location and they are very much in agreement with doing something with us.

Ms. Fallon said, but you have no signed contract with them yet?

Mr. Patel said basically what ends up happening is of course this is all contingent on rezoning as well, but with any franchise or before a use admit any kind of letter and lockdown a specific name, we want to be most prudent to make sure that the rezoning does occur.

Mr. Howard said where is the height measured from when you are looking at the front of a building and it slopes, at the high point or the low point?

Ms. Keplinger said the height is measured – you take any one given side and you take the points on each corner and divide it by two or you can take it at 5-foot intervals and then divide it by how ever many intervals you have to get an average height.

Mr. Howard said I just wanted to make sure that was taken into consideration.

Ms. Keplinger said Mr. Mayor, may I address an issue that the petitioner raised about the architecture of the building? With a CD plan the architecture of the building is shown and they are held to that. There are minor changes that can be made through the administrative process, but if the site plan came in and the elevations looked very different from what is shown and what would be approved, then staff would not be able to approve it and it would have to come back before the Council through a site plan amendment.

Stephen Rosenburgh, Zoning Committee said as a Zoning Committee we will look at land use. We have a number of hotels across the street and around the corner. We have a number of hotels not far away that are vacant quite frankly and suffering a loss. Have you considered the idea of a boutique hotel which would use a smaller footprint to address some of these land use issues that have been raised today?

Mr. Adams said I think the short answer to that is yes. As Mr. Patel indicated earlier we actually have a plan in place for a certain number of rooms and I think based on discussions that we have with the particular brands, we may have to look at a different sizing of the particular property. We have looked at some boutique types of properties, but as was indicated, we've got a very long standing relationship with Marriott and Hilton. There is an interest on both ends to actually bring one of those particular products into SouthPark. As I indicated earlier we have not actually had a hotel in this area since 2001 so the feasibility studies that we've done I think indicate that there is demand for another upper scale property in this particular area.

Councilmember Dulin said thank you to the petitioner for coming down and working hard and thank you especially to the neighbors that have come down. It is no fun coming down here and
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we appreciate you coming and your support and involvement. This Council makes tough calls all the time and we are not voting tonight, this is just the hearing and I've made a couple tough one where folks were upset with me about that, but I'm comfortable with those votes over time. This just doesn't feel right Mr. Patel. I've been there, I've seen it, I've walked it and I've been back and I appreciate the fact that you are trying to make an investment and you are trying to find a spot where you can enlarge your company in the SouthPark area. It is a good sign for our city that folks are trying to spend money and 35 jobs after you get open isn't anything to cough at either Mr. Patel. I just can't get comfortable with this the way it is now. I just don't feel good about it. We are doing some work on the corner and expanding our housing project on the corner. I think it is just too big of a building for too small a footprint and too much interruption and intrusion. You've worked hard on the backline, you buried the detention pond at additional expense if it were to go and I appreciate that. I think you've got a long way to go yet with your neighbors on both sides and behind before they are comfortable with it and right now I'm not comfortable at all. I've had very little conversation with my colleagues up here and they have mostly one by one come to the same conclusion which in this case I'm pleased about.

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and]
[carried unanimously, to close the public hearing.]

Ms. Fallon said what is the average size of the Hilton or Marriott and how many rooms?

Mr. Patel said usually we are looking at 100 to 125 rooms or more. Remember there are different variations, if you are looking at a full service Marriott, that could be larger of course, which is also located in the SouthPark area. If you are looking at a Hilton Garden you might be looking at 100 to 110, it depends on the location.

Council's decision was deferred pending a recommendation from the Zoning Committee.

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Mayor Foxx said I would like to go back to Item No. 7, Petition No. 2012-009. Our colleague Mr. Mitchell is not here presently, but I understand his vote will be recorded as a yes on this particular item.

ITEM NO. 7: PETITION NO. 2012-009 BY DAVE RANSENBERG AND DOUG LEVIN FOR A UR-3(CD) SITE PLAN AMENDMENT FOR APPROXIMATELY .45 ACRES LOCATED ON THE SOUTH SIDE OF NORTH DAVIDSON STREET BETWEEN HERRING AVENUE AND DONATELLO AVENUE, DEFERRED

A protest petition has been filed and is **insufficient** to invoke the 20% rule requiring affirmative votes of $\frac{3}{4}$ of the Mayor and Council in order to rezone the property.

Tammie Keplinger, Planning said the protest petition is not sufficient. There was one property that originally signed, made it sufficient, but that property owner removed their name so it is not sufficient.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Cannon, to]
[deny the subject petition. (Motion was later withdrawn.)]

Councilmember Kinsey said I don't know if it came in time for all of you to see it, but the NoDa neighborhood did sent us an e-mail this afternoon asking that we deny this petition as they are not comfortable with this development. That is why I'm asking for denial.

Mayor Foxx said they would break for dinner at this time and will vote on this item after dinner.

The meeting was recessed at 5:45 p.m. and reconvened at 6:10 p.m.

Mayor Foxx said because we are collapsing these two meetings it creates some logistical challenges so thank you for being patient. We were in the middle of discussion of Item #7, Petition No. 2012-009. There was a motion that was presented and seconded by Ms. Kinsey.

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Ms. Kinsey said I would like to withdraw the motion and ask the Council to allow for a one month deferral.

[Motion was made by Councilmember Kinsey seconded by Councilmember Barnes, and]
[carried unanimously, to defer Petition No. 2012-009 for one month.]

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ITEM NO. 28: HEARING ON PETITION NO. 2012-041 BY TRUE HOMES, LLC FOR AN R-3(CD) SITE PLAN AMENDMENT FOR APPROXIMATELY 28.31 ACRES LOCATED ON THE EAST SIDE OF STEELE CREEK ROAD BETWEEN SLEDGE ROAD AND HUNTINGTON MEADOW LANE.

A protest petition has been filed, however its sufficiency has not yet been determined.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this property is zoned R-3(CD) by a 1992 rezoning. As a part of that rezoning there was a road connection from Sledge Road that was supposed to go through this property and connect to its spine road. Because it was part of a CD Plan this is something that cannot be administratively removed by staff but the petitioner is wanting to look at alternatives to that connection. They are not proposing to remove connectivity to Steele Creek Road, but they are proposing different locations. One of the reasons is because of the environmental features. There is a creek here and this creek has been crossed many times with the development of this neighborhood and it will be environmentally better if we don't have to cross it again with that major road. In terms of the approval, staff is recommending approval. It is consistent with the Steele Creek Area Plan, environmentally sensitively designed. There is an additional dedication of land for a greenway. The current site plan shows four acres, the petitioner is working with Parks and Rec to make that 11 acres plus some areas for bike and PED connections. There are no major outstanding issues and I would like to state for the record that this rezoning petition does not have anything to do with the traffic signal that is proposed by NC-DOT at Sledge and Steele Creek.

Tom Waters, 1633 Shadow Forest Drive, said I am with Provident Development Group here in Charlotte. Our company has been doing residential community development for 21 years in Charlotte and I've stood before you 7 times in the past for some successful rezoning. I'm here tonight representing True Homes, LLC the future landowner of this property and the petitioner for this request. True Homes is one of Charlotte's top home building builders, building new homes from the \$100,000 to the \$600,000. They are locally owned and based in the Charlotte area. Mark Boyce, one of their principals is with us here this evening. We also have several residents of the community here supporting us as well. Our request is to allow True Homes to complete the Huntington Forest Community as originally designed by doing a site plan amendment to the 1992 zoning map that Tammie referred to for Steele Creek. We are specifically asking that the Sledge Road major collector connection into the Huntington Forest community be eliminated at the point shown and directed to a further north access which does not cross the creek. This would provide for the addition of only 60 homes or so in the community and we already have three in entrances and out of the community. The 1992 zoning map that shows this possible connection was based on having a major collector spine road constructed through the community and that was never built. The community was actually built with a series of local residential streets in the design with many intersections to calm the traffic flow. Huntington Forest is a family friendly community with several greenway access points, many sidewalks and many open areas. Even with all of the turns, the four-way stops and the caution signs that are in the community today, there are still many speeders which make their way through the community. In fact the residents have recently petitioned the city to install speed humps on several of the streets to help slow down the internal traffic.

True Homes is wanting to complete the Huntington Forest community as originally planned with homes in the 2,300 to 4,300 square foot range that will complement the existing homes and allow the existing dead-end streets in the community to be connected internally. The future owners of

these new homes then will add approximately \$26,000 worth of dues to the Huntington Forest Association annually. The new road improvement project being built by NC-DOT this summer at the intersection of Sledge Road and Steele Creek Road will bring much needed change to a very dangerous intersection. It will add a traffic light for increased safe movement. The new traffic light at Sledge Road will create gaps in the stop and go traffic to aid the Huntington Forest residents significantly as they turn left and right out of their main entrance onto Steele Creek Road. Also the removal of about 150 feet of sight line trees that are within the right-of-way on both sides of that entrance will help substantially even today. We fully appreciate the resident's concerns on existing the community and the thought that having a traffic light at Steele Creek Road and Sledge Road right now would help them on the short-term basis, but once the future connection is made at Choate Circle out at Highway 49 the broader Steele Creek community will quickly realize that this is a classic cut-through and will be using that for access to Highway 49 to Choate Road onto Carowinds and then on to I-77. The property is currently under contract to True Homes for development and owned by a local bank. The elimination of this road allows the opportunity for True Homes to bring in higher valued homes with more features that will complement the quality homes currently built at Huntington Forest. The bank must deal with this asset going forward and is very supportive of this quality of development.

As part of the conservation of open space in the area, protection of the creek and as a change to the petition that is before you, the petitioner desired to donate all of the remaining 11 acres bordering the creek to the greenway system of Mecklenburg County, rather than to improve it with roads and new homes in the future. I urge each of you to help us eliminate this unnecessary road connection for the long-term benefit of the community and let True Homes complete the streets in Huntington Forest without harming the creek and thus allowing them to donate the 11 acres of single family future land to be part of the public greenway system. Elimination of this connection is consistent with the Steele Creek Small Area Plan. At this time we have the full staff's support, C-DOT, Parks and Rec and the Steele Creek Resident's Association. A quick quote from the Steele Creek Resident's Association, "The Steele Resident's Association supports the donation of 11 acres along Steele Creek Road for permanent green space in the planned future greenway. The Steele Resident's Greenway Committee looks forward to working with Mecklenburg County Parks and Recreation and the local community on the development of the approved Walker's Branch Greenway adjacent to Huntington Forest. We want to thank you for your continued support of greenway through donations of land." Sincerely, Carl Frolick, President Steele Creek Resident's Association.

Mr. Waters said I have a few slides just to highlight the intersection of Choate Circle in the future. Choate Circle is designed to have a full movement intersection with a traffic light right in that area. There are two maps on the future plan that show that. It is also a major collector road map that shows this as well. These stub streets in Huntington Forest have been this way for about 6 years. Your truck structure actually having to back up all the way down in front of about 15 homes in order to get the trash every week. There are three stub streets there now that we want to complete. This is the intersection of Sledge Road, Steele Creek Road where the improvement is going to be made this summer by NC-DOT. This is a bad curve so this road improvement will be substantially helpful. This shows the main entrance/exit out of the Huntington Forest Community onto the Steele Creek Road. This is looking to the right and as you can see those trees are impairing the vision substantially. This is to the left and the same thing so we just want to remove some of those trees in the right-of-way to help with that visibility. This is a shot of the 2000 lineal foot of greenway along Steele Creek Road that we will be donating to Mecklenburg County for the greenway expansion. There is quite a few points of access to the greenway throughout the community. I've asked Mike Choma, as a resident of Huntington Forest to give a few comments in support of our petition.

Mike Choma, 13318 Ferguson Forest Drive, said I live right on the corner where that entrance was and the garbage trucks do back up there quite often, but the main thing is putting a cut through to 160 would be very dangerous for a lot of traffic going through. I have a 7-year old and there have been a couple accidents on 160 and people have tried to cut through by the pool area and the next thing you know it is like a little parking lot going on over there just with a little accident. If you put a cut through there I believe, not just because I have children, a lot of us have children over there and that could really hamper the way we are living right now. Choate Circle is a concern as well because that will go right into our development and will make it very

simple for someone to try to cut through by Bi-Lo and the Harris Teeter, they will try cut through that way and then they will have four entrances into the community which right now we have three. I'm definitely not for that road going in.

Mr. Waters said also the preservation of the trees and the common open space that we are going to dedicate would be substantial. Thank you for your time and consideration and we look forward to any concerns the Huntington Forest community might share with us in a few moments.

Elena Manfredini, 12710 Swann Branch Drive, said I am a homeowner in the Huntington Forest Subdivision. My husband and I purchased a home in 2006. At the time we obtained a copy of the approved plans for Phase II from the building department because we wanted to know what we were buying into. We purchased our home based on those approved plans. The currently proposed changes are truly not fair to the homeowners who purchased their homes, as we did, relying on the previously approved plan. Now 60 new homes will be built, but without the previously approved exit onto Highway 160 those new neighbors will add more than 100 cars to the traffic going through our quiet neighborhood. Currently we have just two exits from our neighborhood, neither with a light. The traffic on 160 already makes it hard to get out of Huntington Forest. The previously approved connector would be an important addition to managing the neighborhood traffic as a whole, but besides easing congestion and traffic inside our subdivision, the planned connector street to Highway 160 is important in other ways. Without it construction traffic will go directly through our established neighborhoods, potentially damaging city streets and endangering our children who play in the area and who wait at many of the bus stops. Without it more than 100 additional cars would be forced to drive through the neighborhood and frankly during rush hour it gets pretty crowded in there. The previous planned traffic light would be a great benefit to all members of the neighborhood, those residents on Sledge Road and the commuters on 160. For those of you who live in a neighborhood with an HOA, you know how hard it can be to get everyone to see eye to eye, attend the meetings or complete a survey. None the less this issue has united most of my neighbors. We met the deadline for the protest petition, submitting 32 signatures. We received another 43 signatures after the deadline. Having 75 residents out of the 372 homes is a record turnout for our neighborhood of busy professionals and in my mind it is proof the residents of Huntington Forest want the road as approved and as promised in the original plans over 7 years ago. It is also my understanding that if this connector does not go through, another connector road would at another point. Thank you for considering our position, my neighbors and I hope you will enforce the previously approved plan for our neighborhood.

Abbey Beech, 12841 Steele Creek Road said I own a large tract of land that butts up to the Huntington Community. My number one concern was not to have some buffer trees removed because they have been there for a very long time, but after talking with Ms. Manfredini and there is a site map that shows a little access road that goes onto my community and she has been told that if this cut through road does not go through then they are going to get an access somehow and the only thing that scares me is people with more money and more power than I do could somehow figure out a way to access my land without me giving them permission so I'm a little nervous about that. It does seem to be a little bit of a bait and switch since it was originally presented to the people before they bought their homes and it was originally approved, so it does seem to be a bit of a bait and switch.

In rebuttal Mr. Waters said the construction traffic concern can be limited to the very north part of the community when they build the homes and build the roads and would have a very limited impact on a few homes at that end. There might be even a possibility that we could cooperate with Ms. Beech and gain a right-of-way so that we wouldn't come in front of any homes. The marketing literature that the Huntington Forest community was developed with, which I did, showed this as a possible future connection. This road actually had a cul-de-sac here and said a possible future connection could happen. Yes, it is on the 1992 zoning map as an arrow and yes, it would be currently required if the property were to be developed in its existing state, but originally it was shown as a conceptual possibility. We met with Elena and Noreen and many of the Huntington Forest community several times and we really truly empathize with their situation, wanting to get out of their community and going to work in the morning and not able to do that. I really think that new NC-DOT improvement will make a substantial improvement

on 160 with these gaps, let them have an opportunity to turn left and also the tree removal will help with the sight distances. I'm concerned about the cut through traffic for them in the future. It will be substantial and it is hard to realize that right now because Choate Circle is not aligned at this moment. Short-term perceived benefit of another exit does not outweigh the long-term benefit in terms of restricting the cut through traffic. These streets have been sitting for 6 years, please let us finish the community and protect the environment at the same time.

Councilmember Mayfield said I am trying to understand why staff is approving to move forward if the previous plan that was approved, this seems like a conflict with closing off Sledge Road. Just looking at one of the e-mails that I received from a constituent that lives off of Huntington Forest, they are concerned that if this road is closed off then that is going to create a lot of traffic onto Huntington Forest Drive with people cutting through the neighborhood. I just want to get an understanding why staff approved.

Ms. Keplinger said from a staff prospective, like I said earlier, we can't administratively remove this connection, but through the subdivision process now with the adoption of the USDG and other policies, when it goes through subdivision and land development permit review we can get other connections. There will be a possibility for other connections over the Steele Creek Road, it is just this particular connection as it is shown on the site plan, because of the environment impact that it has is not in the best location and we want that opportunity to look at other locations through subdivision.

Councilmember Barnes said are the existing houses and the proposed 60 homes going to be consistent and compatible? In other words, will it look like a new neighborhood with different types of houses and such?

Ms. Keplinger said we may have to get Mr. Waters back up here to address that question.

Mr. Barnes said that will be fine or if the ladies know, whoever could tell me.

Mr. Waters said the commitment from True Homes is to build homes that complement the existing homes in a 2,300 to 4,300 square foot range of living space. They also want to add quite a few features in the home as standards. They will also do the 25% masonry fronts just like the other homes that are within the community. I think getting up to 4,300 is probably a little larger than some of the homes that are there now.

Mr. Barnes said I see some head shaking going on. Mr. Mayor could I have Ms. Manfredina or Ms. Beech come down?

Ms. Manfredina said first of all it is a different builder totally and in our covenants it states the homes have to have the brick front and until it was brought to their attention by the residents and board members, they were going to follow through with that. It is also our understanding that they are starting the homes at 2,300 square feet, but they are not limiting the amount of homes they will build at certain square footage. I live on Swann Branch and there are three homes. I have 3,800 square feet, my neighbor has 4,000 square feet so right next to it is the lot and can you put a 2,300 square foot home next to a 4,000 square foot home? Our question was would you limit those homes and they said they couldn't. It will look like another community.

Mr. Barnes said that is what I was asking about and I'm also going to make a statement and then I'll move on and let others speak. The experience I've had in my district has been that this particular builder has come in and bought distressed properties in other communities and once they get going the result tends to be where a community started in the \$250,000 and \$240,000 range is now starting in the \$130,000. That concerns me because I don't know whether it will happen there or not, but you've got people who bought houses before the great recession who are going to be realizing actual loss in value or feeling they have lost value and Ms. Mayfield, just in difference to you, I don't know what commitments have been made, but that is a concern that I have. Ms. Manfredina is there another statement you would like to make?

Ms. Manfredina said a statement on the pricing. We were advised that the homes would be from \$160,000 up to the \$200,000 range and most of us paid over \$300,000 for our homes. We all understand the real estate market and we know that changed, but if we have about 10 to 15

homes that are in foreclosure because the houses are under water so those homes can't sell. Now we are having a builder come in at \$160,000 it is going to be impossible to ever leave Huntington Forest.

Councilmember Cannon said Mr. Waters give us what the price point of what these will be. You have given us the square footage, what is the price point of your property?

Mr. Waters said you can't represent the exact price point because we are still probably 12 months away from bringing a product to market. This would be similar to other True Homes communities in the areas whose price range is generally \$170,000 to \$260,000 comparable communities in the area. On the topic, what True Homes wants to do is to bring some nice quality homes here that have a lot of the standards that used to be sold as options including in the home. Their intention is to bring a very nice product into the community and be successful with it. Everyone knows the real estate market has been extremely sour and yes there are probably 15 foreclosures in the community because of that. Values have all been reset but True Homes commitment at this point is to step in and complete this community that hasn't been finished because of market and build quality homes there.

Mr. Cannon said share with us your perspective relative to the comments made regarding you having to be brought up to speed on the utilization of materials. Was it your intent to use vinyl?

Mr. Waters said I'm not sure where Elena got that. The commitment from True Homes has always been to follow the architectural control for the community which talks about the masonry requirement in the front.

Mr. Cannon said it looks like there will be no additional trip generations that I can tell. It is 430 now that are generated with this proposed petition, it doesn't change it is still 430 trips that are generated. If it is opened up could one assume there will be additional trip generations going into the neighborhood, yes or no. I'm getting a shake to the head, left to right so that is a no, but can you state for the record please what that might be?

Ms. Keplinger said the answer to that is no, there will not be any additional trips.

Mr. Cannon said I think that is important largely in part because that is what this whole discussion has been about it seems like. I will wait for some other land issues that we will be mulling over in the next 30 days or so.

Ms. Mayfield said thinking about the experiences that Mr. Barnes has already had with this builder, do we have site plan commitments from True Homes. I recognize that today's discussion is specifically about whether or not we are going to close this road, but once this moves forward we are already zoned for the development so I do want to make sure that there have been conversations with the community along with site plan commitment to make sure that the build is comparable to what is already in the community.

Mr. Waters said if it is alright with Tammie and staff we can submit a letter along with the petition approval that would make it conditioned that the builder would build homes in the 2,300 to 4,300 square foot price range with elevations that complement the existing community, the brick masonry fronts and such as that if that is what you are talking about.

Ms. Fallon said have you worked out with Park and Rec the gifting of that land and is it on a site plan?

Mr. Waters said we have worked out the gifting of the land and they are very excited about it. We have done nothing else other than say it is going to be added to the greenway system.

Ms. Fallon said that will be put on the site plan so nothing could be put there other than the forest?

Mr. Waters said it will be donated so they will have control of that.

Mr. Howard said it is zoned now for a number of lots as it is so if you put the road in how many lots could it yield right now?

Mr. Waters said it is 3 to the acre times 28 acres, so whatever that math says, more than 80. Our commitment is to build no more than approximately 60 if the road is eliminated. We are donating the other 11 acres that would be single family to the greenway.

Mr. Howard said so the way it stands right now you could put in more units than you are going to put in with taking the road out?

Mr. Waters said the way it exists today we could put in three to the acre times 28 acres.

Ms. Keplinger said 84.

Mr. Howard said 84 and now you are going back with 60?

Mr. Waters said we are hoping to get 60, it may be 59, we are not sure yet.

Mr. Howard said I was just putting that out there for the homeowners association to take that into consideration. One you get the park space, two you don't get another interruption to the creek which is not good for the water and you get less lots.

[Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, and]
[carried unanimously, to close the public hearing.]

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 29: HEARING ON PETITION NO. 2012-044 BY THE DUKE ENDOWMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.76 ACRES LOCATED ON THE WEST SIDE OF EAST MOREHEAD STREET BETWEEN MYRTLE AVENUE AND ORIOLE AVENUE FROM B-1 TO MUDD-O.

A protest petition has been filed, however it has not yet been determined if it is sufficient to invoke the 20% rule requiring affirmative votes of $\frac{3}{4}$ of the Mayor and Council in order to rezone the property.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said the property is located along Morehead Street. In terms of the proposal Duke Endowment is proposing a maximum of 84,000 square feet of office and accessory uses. There is a two-level parking structure with an urban plaza on top of it. The building height varies from 68 feet to 80 feet depending on the property's grade. The building materials include blue stone, limestone, terracotta and standing seam metal roof. There is an optional on this request to allow parking between the building and the street along Myrtle Avenue and along Morehead Street. This is for a drop-off area. You can see the elevations, this is from Myrtle Avenue and this is from Oriole Avenue and this is the front and rear elevations. In terms of staff recommendation, we are recommending approval upon approval of outstanding issues and it is consistent with the Midtown/Morehead/Cherry Plan that was recently adopted. As I mentioned there is an optional for parking on this request. This is a pedestrian oriented design on a major urban corridor. There is one outstanding issue and that is related to the height transition. There is residential property immediately behind the site and staff would like to see a height plain that is low toward the residential and move up higher toward Morehead so that is a major outstanding issue for us.

John Carmichael, 101 North Tryon Street, said I am here tonight on behalf of the Duke Endowment. With me tonight are Mr. Gene Cochrane, Mr. Arthur Morehead and Mr. Charlie Lucas of the Duke Endowment, also Mr. John Gauden of Gensler Architects, the project Architect, Ms. Mary Hopper who is a long time resident of the Dilworth Community and lives

next to the site on Lexington Avenue. Before we get into the details I just want to share with you my belief that there are a lot of positive aspects relating to this rezoning request. I will share a few of them. First, parking would be located in a subterranean parking facility with green space and a pedestrian plaza located on top of the structured parking facility. There would be an abundance of open space, green space and landscaped areas, particularly for an urban development and due to the abundant green space the proposed development would result in a significant decrease in the amount of impervious area on the site as compared to existing conditions, likewise the resulting storm water impact generated by the site would also be reduced as compared to existing conditions. In other words this would be an environmentally friendly development.

Under the plan is site is limited to office uses and accessory uses. As a result the development proposed under this petition could have less of an impact from its traffic standpoint than other potential redevelopments of this urban infill site. Additionally because the site is limited to office uses and accessory uses, generally speaking the business hours will be your typical workday business hours and we think it will be a quiet user in Dilworth. The Duke Endowment will be a long-term stable owner and occupant of the site. This will be its home, the Duke Endowment seeks to make this site its headquarters. Mr. Gaulden will share with you in a moment the site plan and the building elevations, but I hope when you look at those you will agree that the design and quality of this development would be a real asset to the community. As noted in the prehearing staff analysis the Planning staff does consider this rezoning request to be consistent with many of the goals and polices set out in the recently adopted Midtown/Morehead/Cherry Area Plan. The Duke Endowment has agreed to reduce the height of the building by four feet from the current 68 feet to the rear, to 64 feet and as Mr. Gaulden will show you the site plan has been designed in a way to mediate the impacts of the height of the building. Mr. Lucan will give you a little bit of information now on the Duke Endowment.

Charlie Lucas, 100 North Tryon Street, said I am a Trustee of the Duke Endowment and I'm here with my colleague, my fellow Trustee Russell Robinson whom many of you know. For those of you who don't know much about the Duke Endowment, it was established in 1924 by James B. Duke as a perpetual trust to provide support to not for profit hospitals in North and South Carolina, Children and Family Services in North and South Carolina, the rural Methodist Church and four higher education institutions and the Foundation has given away about \$3 billion since inception in North and South Carolina. We have assessed the long-term needs of the endowment. We've been in downtown Charlotte since 1925 and we believe that owning our own facility can best serve the Carolinas and best serve our beneficiaries in addition to being a better and more efficient steward of Mr. Duke's resources.

As you know the Duke Endowment was established in perpetuity and as Mr. Carmichael said we plan to make this our home. We are truly long-term investors. We don't plan on going anywhere anytime soon. We would hope that we could be the best neighbors that the Dilworth community could hope for and we would look forward to being part of that. We are a relatively small organization at 37 employees. We do have some flexible meeting space as Mr. Gaulden will tell you about, but those visitors would be limited to our purposes as a foundation specifically related to our mission. We appreciate the opportunity to present to you tonight and will be happy to answer any questions.

John Gaulden, 214 North Tryon Street, said I'm with Gensler and I'd like to kind of quickly walk you through the development of this particular site as we've worked through it. You can see from the exiting site that the entire site is currently impervious in nature. We would like to change all of that. We would actually like to take advantage of the sloping side from Myrtle to Oriole which is about 12 feet and use that to kind of neatly tuck the parking underneath. That allows us to get the required parking that is needed for the property, about two levels of deck and then continue with that, we would like to include open space on top of that deck so the deck is completely invisible and screened as an amenity both to the employees of the Duke Endowment as well as the neighbors around. For us as architects, we are interested in continuing the urban fabric that has been established on Morehead so as you come down the hill of Morehead, starting with the very tall buildings and ending of the Covenant Presbyterian Church, we'd like to position the buildings so that we could get a very urban structure. The building respects the Morehead setback, the three-story structure is actually situated so that it is three-stories and the

long side of the building is true north/south. That allows us to minimize the solar impact on the building and to really create a very sustainable building which the Duke Endowment very much wants to create. The one-story wing of the building at Morehead is reserved for the multipurpose room and actually has a green roof on top of it as well. Additionally the other piece was to move the building closer Myrtle, sliding the building and the parking structure further up the hill. That has allowed us to keep and leave open some space at the back end of the property closer to Oriole. For now that is being conceived as a public park. The only reservation to that is that potentially the Duke Endowment might need some expansion space and at such time would build another wing there. The building as has been stated, is indeed being clad in limestone and terracotta, a really elegant building with historical underpinnings. For us additionally even the kind of capping the building was really important. We have another view to the rear courtyard and you can see the capping for the building, a rear sloping mansard that is part of that as well. Then the one-story wing or the multipurpose building is here as well. The building is set up so that the ground floor is all multipurpose, conference and board rooms and the two upper floors are reserved for the staff offices.

Finally, the most important thing for us was to really find a building that was elegant that we could capture that would reflect and the mission of the Duke Endowment. Unlike most of my other commercial clients, they are not in the business to make money, they are actually in the business to give away monies. We wanted a building that reflected that spirit of generosity both through the materials that have been selected, the amount of open space that has been provided and some of just the graciousness that is part of the building.

Mary Hopper, 825 Lexington Avenue said as Mr. Carmichael mentioned, for the last 33 years I have lived adjacent to this building, have seen a lot of instability going on in this particular lot. You may remember that before I was on the Planning Commission I Chaired the DCDA during some rather tumultuous years including the founding of SouthEnd, but in many ways our greatest accomplishment was saving the historic Addition Building. That did set the stage for more urban fabric along Morehead and I will tell you that my block responded by building taller buildings and building to greater density and that block and the block near the Dilworth Crescent. Obviously, we are picking up more height along that area and while I take no pleasure in disagreeing with my neighbors, I ask you to put this in a broader perspective. Morehead is already dense, it already has height and our side of Lexington as I said has responded by building taller and denser developments in the residential area.

Nathan Craig, 809 Lexington Avenue, said I am speaking on behalf of the protest petitioners of which include four of the six owner occupied adjacent residence along Oriole Avenue and Lexington Avenue which abuts the proposed property to the east and to the west. As a resident of 809 Lexington Avenue, which directly abuts the property close in proximity to building A, I am opposed to the rezoning primarily due to the height of building A. The Midtown/Morehead Cherry Area Plan adopted by the City Council on February 27, 2012 designated this area as a Pedestrian Over Lay District. This designates and restricts the height of the building to provide an appropriate transition from the proposed non-residential buildings to their adjacent single family residential neighbors. According to the revised site plan the Duke Endowment is proposing building A to have a height of 68 feet as measured from Myrtle Avenue and 80 feet as measured from Oriole Avenue, which is 27 feet or 60% above the 41 feet allowed under the PED Over Lay District. The Duke Endowment may argue that several buildings along Morehead have a height 68 feet or greater, however several of those buildings don't have single family residences directly abutting the property line. Several of them are actually parking lots and then single family residence starts across the street. Furthermore the Duke Endowment hasn't provided any reason for needing a height of 68 feet for a building that is only 3 stories high, 68 feet seems overly excessive. Even though we feel the Duke Endowment will be a good neighbor we believe it is imperative that the City Council enforce requirements under the Pedestrian Over Lay District which expects to be adopted July 2012 and allowing this rezoning to go through as proposed will be a discredit to the recently adopted Midtown/Morehead/Cherry Plan and to the adjacent neighbors.

Steve Tholl, 805 Lexington Avenue, said I'm the property owner at 805 Lexington Avenue which is immediately adjacent to the planned development. First of all I would like to applaud the Duke Endowment for purchasing the land and coming up with a very attractive building,

design of the building and coming up with a lot of green space that will look pretty attractive in the neighborhood. I would also give them kudos for having two unofficial meetings with the neighborhood, the property owners that were adjacent to the property and I think they also had one official community meeting when I was out of town and couldn't attend. They have worked great with the community, but I would reiterate the concerns that Mr. Craig had as the height of the building. The parcel that I own is exactly pretty much where the highest part of the building is. A number of the adjacent property owners are where the park is, but you are transitioning basically from a 25-foot building to an area that right now is zoned for 40-feet and there is going to be a 49-foot building with a 15-foot roof, so it will be a total of 64 feet. Everything else the architect has come up with and Duke Endowment has worked with, it looks good. The main concern is just the height and to me it is not a good transition from the neighborhood.

Cynthia Schwartz, 409 Rensselaer Avenue, said I am Chair of the Dilworth Neighborhood Development Association Land Use Committee. The DCDA has been in discussions with the petitioner for several months and although we appreciate all the time and effort put forth and their effort to propose a site plan that will allow the Duke Endowment to be a good neighbor to the Dilworth residents, we agree with the Planning Department and the protest petitioners and therefore cannot support this proposed zoning due to the height proposed in excess of those allowed by the PED Overlay District. A considerable collaborative effort went into the PED Overlay District Urban Design Standards and the DCDA cannot support any rezoning that allows the petitioner to disregard the related height restrictions in proximity to single family residential properties. This view is consistent with that of the staff analysis and in support of the position of the protest petitioners. Further the DCDA is concerned about the precedent that this will set if the petitioner is allowed to rezone the property such that it allows for such a significant variance which is greater than 60% along Myrtle Avenue. To be clear we do agree that the Duke Endowment will be a good neighbor for our community. We only have one major concern but it should not be taken lightly. Please consider your decision carefully. The ramifications are not only significant to the Dilworth Neighborhood but also to the City of Charlotte as a whole, as the decision will set the precedent for all future rezoning in the PED Overlay District. I sincerely appreciate your consideration of our neighborhood's concerns.

Mr. Carmichael said I will ask Mr. Gaulden to clarify the building height.

Mr. Gaulden said we may have a drawing up here to help with that. You may recall that what we talked about with the building as it is clad in limestone, it is three stories tall. There is a parapet height of 49 feet and then I talked about a sloping mansard roof. That mansard roof is really a screen for mechanical equipment that is up above, but indeed it does have height and we certainly understand the neighbor's concerns but what we were trying to do was come up with a way that the slope of that would minimize that height and also give us some visual way of screening the clutter on the roof.

Mr. Carmichael said in terms of precedence I would offer the following. The PED hasn't been adopted yet. I know it is on track to be adopted in July, but I would also say that allowing a little greater height also allows the preservation of green space and open space. With a conditional rezoning, each petition is judged on its own merits. That has been my experience before this Board and I would just ask that you look at it from a big picture perspective. I understand the concerns of the neighbors and Ms. Schwartz is right they've worked very hard with us and we've had good meetings with those folks. I do think there are some benefits to this plan and I want to reiterate those if I could.

Councilmember Kinsey said in the proposed request details you say building A is limited to three stories and a maximum building height of 68 feet measured along the Myrtle Avenue frontage and 80 feet along Oriole Avenue frontage. Talk to me about the 80 feet. Why the 80 feet, what is happening there? Are we adding stories to it?

Ms. Keplinger said no ma'am, actually there is a grade difference and the building height will remain the same all the way across and you are not going to see a change in elevation. There is a slide in there that shows the side view and it shows how one side is higher than the other and on the lower end the building is going to be taller because of that, so it is 68 on one side and 80 on the other but all the same result.

Ms. Kinsey said it is even at the top, but you are actually adding a story because of the drop-off.

Ms. Keplinger said adding 12 feet because of the drop.

Ms. Kinsey said Mr. Gaulden do you have a statement you would like to make?

Mr. Gaulden said the intent, if you look at the slide we have up now, really the three-story portion of the building is closest to Myrtle so we measured from Myrtle and it is 68 feet to the very top of the roof screen at Myrtle. If you were to take that same height and measure it from Oriole it would equate to feeling like 80 feet, but really the bulk of the building is up at Myrtle.

Councilmember Pickering said the petitioner has addressed the height issue and that seems to be the only issue. It looks like a beautiful building, wish we could work out this height issue which is the only concern of the neighbors.

Councilmember Howard said PED is asking for 40?

Ms. Keplinger said the PED does ask for 40 but it does provide for you to go taller than that under certain circumstances. Again the PED is not in place here yet, it is something that was approved and we are coming back to you in June to adopt the PED for this area. It is not quite in place, but we are trying to get petitioners to comply with that.

Mr. Howard said what would be the exceptions?

Ms. Keplinger said some of the exceptions to the height would be if there was more green space, more open space on the site, if there was more distance between the residential buildings and the non-residential buildings. Just haven't seen that in this particular petition.

Mr. Howard said the green space they've talked about leaving on the current plan, is that the space in the back or is that parking?

Mr. Gaulden said if you have the site plan up and can see that, the top of the parking deck actually has about two feet of fill on top of it so it functions as a green space on top of the parking deck. Beyond where the parking deck ends to Oriole is all on grade and is being currently conceived as an open park so there is actually quite a lot of space and to the front of the building there is a lot of open space there as well.

Mr. Howard said that doesn't qualify for the open space requirement and you require more than that?

Ms. Keplinger said that is one thing that we have taken into consideration. I was getting verification on the height that the PED permits and it starts at 40 feet at the residential property line and goes up to 100 feet and it is one foot for every 10 feet, it is very flat height plain so that is what we are trying to accomplish.

Mr. Howard said where is the problem, on the back line up against the residential or on Morehead Street?

Ms. Keplinger said up against the residential.

Mr. Howard said so where is it up against the residential right now, what is the height?

Ms. Keplinger said the way the petitioner just modified it to 64 feet.

Mr. Gaulden said yes, at the top of the parapet it is at 44 and then goes up to 64.

Mr. Howard said so the equipment on top of the building, is that taken into account in the height? If they take that roof off so you could see the equipment is that part of the height and would be included in the 40?

Ms. Keplinger said it wouldn't include the mechanical equipment and it wouldn't be taken into account.

Mr. Howard said if they hide it you take that into consideration?

Ms. Keplinger said I don't believe that part of the roof is taken into account.

Laura Harmon, Planning said if we just had something screening the equipment, we wouldn't necessarily take that into account, but this is a full roof around so that would be part of the height of the building because it is part of all of the building. As we've been working with this petitioner, we've actually been trying to find something between what PED would require and what they are proposing because we think with their design they probably couldn't get to what the PED requirement would be. We have been trying to find some kind of middle ground.

Mr. Howard said they are at 44 usable space. When you go to the top of the top floor it is 44 and you want it 40?

Mr. Gaulden said 44 to the top of the parapet.

Mr. Howard said that is the top of the top floor?

Mr. Gaulden said yes sir.

Mr. Howard said so the rest of that height is hiding the equipment? It is not usable floor space?

Mr. Gaulden said no sir.

Mr. Howard said they are going to extra expense to hide equipment. It seems like we ought to be able to work something out. If not we just see a bunch of air conditioning units on top of the building.

Mayor Foxx said I agree this is something that we ought to be able to figure our way of out this and I'm sure we will by the time we get back.

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and]
[carried unanimously, to close the public hearing.]

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 30: HEARING ON PETITION NO. 2012-046 BY SUNCAP PROPERTY GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.5 ACRES LOCATED ON THE EAST SIDE OF RED OAK BOULEVARD NEAR THE INTERSECTION OF I-77 AND WEST ARROWOOD ROAD FROM B-D TO B-2.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is actually one tract of land that has dual zoning, B-D and B-2. The land is vacant and is part of business park that has been in existence for a number of years. It is a conditional request from B-D to B -2. Staff is recommending approval and it is consistent with the South West District Plan.

Jonathan Phillips, 6101 Carnegie Boulevard said I am the petitioner in this case. I really don't have anything to add beyond what Ms. Keplinger has said, but I'm here if you have any questions.

[Motion was made by Councilmember Howard, seconded by Councilmember Barnes, and]
[carried unanimously, to close the public hearing.]

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 31: HEARING ON PETITION NO. 2012-047 BY O'LEARY RESOURCE RECOVERY CENTER FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.30 ACRES LOCATED ON THE WEST SIDE OF IDAHO DRIVE AND GENERALLY SURROUNDED BY CENTRE STREET AND ODUM AVENUE FROM I-1 TO I-2(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this is a request to rezone from I-1 to I-2(CD). The property is located off of Brookshire Boulevard and Centre Street and Odum Avenue. The proposed request is to allow a resource recovery facility which is a facility that sorts and reclaims recyclable materials. Multiple uses within the I-2 district are restricted and they are noted in your agenda. Buffers will be in accordance with the zoning ordinance. The petitioner does reserve the right to abandon a portion of Darby Avenue and either abandon or extend a portion of Odum Avenue, depending on the development of the site. Staff is recommending approval upon resolution of outstanding issues. It is consistent with the Central District Plan. It adds a new type of recycling use to an appropriate location and there are no major outstanding issues.

Keith MacVean, 100 North Tryon Street, said Jeff Brown and I from our firm are assisting O'Leary Resource Recovery Center with this rezoning petition. With me tonight are Brian M. O'Leary and Jimmy Jones with O'Leary Group Waste Systems who will own and operate this site. I want to thank Tammie and her staff for their assistance. We have discussed the remaining issues and feel we should be able to resolve those fairly quickly. O'Leary Group Waste Systems is a company that was started in 2009 by Brian and his father Brian A. O'Leary, and prior to that time Brian A. O'Leary owned and operated Container Corporation of the Carolinas from 1970 to 1996. It was then sold to Allied Waste. This is a new company they have started and when Container Corporation of the Carolina was started in 1970 it was a small company and when he sold it in 1996 it had grown to over 300 employees and was actually the largest private hauler in North and South Carolina, serving both Charlotte, North Carolina and Columbia and Greenville, South Carolina. As Tammie mentioned, this is about a 6.3 acre site currently zoned I-1. It has a warehouse, service garage, offices and a single family house located on it. This rezoning petition would rezone it to I-2 to allow the site to be used by O'Leary Resource Recovery Center for its recycling operation. The site will also become the corporate headquarters for O'Leary Group Waste Systems. The company will be consolidating space that it currently leases on South Boulevard to this location. O'Leary Resource Recovery Center will concentrate on recycling materials collected from business users that generate waste that is predominantly clean and dry. By collecting and sorting this material, O'Leary Resource Recovery Center will be able to divert up to 70% of the material collected that would normally go to the landfill, they will be able to collect that material, sort it and recycle it and sell it to users that would reuse it and put it back into the new product stream. This is an evolution on recycling. The City does a lot of recycling for residential uses and this is recycling for commercial uses, office, office buildings and the like. The access is via Centre and Darby off of Brookshire. The materials are brought to the site and sorted in a building and then placed in containers. Those containers are on the site until they are ready to go and once the containers are full they are taken to companies that buy and reuse the material. The materials will not be stored outside on the ground. The storage on the site is limited to containers and trucks that operate from the facility. Since the materials on the site are clean and dry, there will be limited if any odors at all from the facility.

Councilmember Mitchell said Keith, I think you have done an excellent job with the O'Leary Group and thank you for looking at his part of District 2 to be your future corporate headquarters. At the community meeting they had at Lakewood, the Lakewood Neighborhood Association embraced it as well as Oak View Terrace. One thing they promised is that the trucks would not go through the community. I think part of this location has easy access to Brookshire and I-85 which will be very beneficial and they have a commitment to make sure they have a job fair and the local citizen can participate and work there. We saw the great architect and saw your facility in Rock Hill so we are looking forward to building it off Rozzelles Ferry Road.

Councilmember Mayfield said it is noted that the meeting is required but it has not been held. Was there a community meeting that was held?

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Mr. Mitchell said it was held.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, and]
[carried unanimously, to close the public hearing.]

Council's decision was deferred pending a recommendation from the Zoning committee.

ITEM NO. 33: HEARING ON PETITION NO. 2012-066 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO ADD DEFINITIONS AND REGULATIONS TO ALLOW BICYCLE-SHARING SERVICE AND STATIONS AS NEW USES ALLOWED WITH PRESCRIBED CONDITIONS IN ALL ZONING DISTRICTS.

The scheduled public hearing was held on the subject petition.

Sandy Montgomery, Planning said this is a Text Amendment proposing to allow some bicycle sharing facilities in all zoning districts with prescribed conditions. Bicycle sharing services is one that is operated and administered by a non-profit organization of the city. The function is to provide the general public with bikes that they can rent on a short-term basis.

Councilmember Howard said this is an issue that we talked about bringing forward quickly so we could be prepared to take advantage of the opportunity before September. I appreciate your support.

[Motion was made by Councilmember Howard, seconded by Councilmember Mitchell, and]
[carried unanimously, to close the public hearing.]

Council's decision was deferred pending a recommendation from the Zoning Committee.

BUSINESS MEETING

AWARDS AND RECOGNITIONS

ITEM NO. 35-A: NASCAR MAY RACE TO EDUCATION PROCLAMATION PRESENTATION.

Mayor Foxx said here with us tonight is Marcus Smith, Charlotte Motor Speedway President and General Manager who will receive the May Race to Education in Motorsports Megafest Proclamation and share information about the grant program. This is a wonderful event and I will turn it over to David Howard to talk about what he went out and did on our behalf.

Councilmember David Howard said about a week ago I had a chance to go up to the Speedway and actually participate in what I think is a real exciting opportunity for the cities across our region and actually across our state. We had an opportunity to go up to the Speedway where we were hosted by both Marcus and Bruton Smith and they put up a board like Wheel of Fortune and you pulled a name and whatever name you pulled that became the driver that represented the City. Actually I think we did pretty good. We got Kyle Busch and I'll let Marcus tell us more about him, but I hear he has a pretty good winning record. On top of that they gave us all t-shirts and the point of the whole situation is, if he wins the All Star Race the school system here in Charlotte will get \$20,000 and if he goes on to win the Coco Cola 600 there will be another \$20,000 for a total of \$40,000 for our school system. I just want to tell you guys thank you, I had fun, it was really competitive and I enjoyed representing you and I got some goodies including nice car and this hat that you cannot have.

Marcus Smith, President and General Manager, Charlotte Motor Speedway, said Councilmember Howard did an excellent job representing you Mayor Foxx at the luncheon and in fact he pretty much gave my whole speech, so thank you very much. At that paring's luncheon we launched what we call the May Race Education Challenge and it is to pare up North Carolina City Mayors with a NASCAR Sprint cup Driver and as Mr. Howard said the winning driver pared with the winning City will be able to deliver a \$20,000 check to that city and to their educational system. I would love it if whoever is there to represent the city will go down to Victory Lane with the winner of the All Star race this Saturday night and have a Victory Lane size check for you to present right there with Kyle Busch if he is the winner. Then of course the following week, which is definitely not unheard of, the Coco Cola 600 next Sunday and it is very possible that the same driver could win again which we will also have another \$20,000 check to the kids and the educational system of Charlotte Mecklenburg and we are very proud of that.

Mr. Howard said one of the things you mentioned about Kyle is that he has the most wins in the Sprint Series?

Mr. Smith said nationwide. He is an excellent driver and it is fitting that it is a black hat because he has that black hat kind of character. He is kind of the bad guy if you will, but he likes to put the pedal down to the floor and likes to win. He does not like to lose. It is very fitting for the competitive spirit. I want to say thank you for letting me come in tonight and tell you about our May Race to Education Program and secondly I wanted to let you know that this is the kick-off to the NASCAR All Star week in Charlotte. We are real excited and will be having a big party out at the Speedway for the next few days. We've already got over 1,000 people camping on site who will be enjoying the NASCAR Hall of Fame and spending a lot of time in uptown Charlotte and all the NASCAR Race Team Shops in the area. We're going to be hosting over 300,000 people over the next two weeks in our region and I know they will all love it here because we do a great job of rolling out the welcome carpet for them and we have been doing that for the last 53 years, longer than any other sports team in the city. We employ over 2,500 local residents throughout the year and many of them work for us to raise money, actually volunteering on behalf of their local churches or sports groups or other civic organizations. We're excited to be able to host the 10 days of May racing in Charlotte and appreciate all the support we get from you all and look forward to seeing you at the races as well. In addition we have a foundation called ... Charities that is celebrating its 30th year this year and in that 30 years we've been able to give away millions of dollars to local organizations and we are thrilled to be able to do that again this year. The May Race Education Program is part of that and we thank you for your time.

Mayor Foxx said we thank you for your commitment to the community and we love having those races in our area, not only for the great fans but the tremendous economic impact that it brings to this region.

Mayor Foxx read the Proclamation and presented it to Mr. Smith.

Councilmember Dulin said Mayor, if we were going to put together a Pit Team I think we will have to make Mr. Howard the gas man. He is a big man and those gas cans weigh a lot.

Mayor Foxx said and what would you do?

Mr. Dulin said I'd be rolling the tires out.

Mayor Foxx said that would be an interesting question to figure out what all of us would do on a NASCAR Team.

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ECONOMIC DEVELOPMENT AWARD

Councilmember Kinsey said it was my pleasure to represent the City at the Counsel of Government Meeting last Wednesday night and our Economic Development Department, a Division of Neighborhood and Business Services won an award and I want to tell you a little
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about it. The charlottebusinessresources.com represents a unique collaboration of 14 community partners to make the Charlotte area the premiere place for small business growth and investment and to do that they have developed a website, a single comprehensive portal for businesses to connect to local, state and federal resources available to help them start, grow and overcome obstacles and succeed. The charlottebusinessresources.com is one of the first of its kind in North Carolina and the commitment of the partners has been recognized as innovative and worthy of replication around the state. I was able to receive this award and I want to call Mr. Mumford who is Key Business Executive of Neighborhood and Business Services, and present this award to him to share with our Economic Development staff.

Mayor Foxx said today is a very special day as Assistant City Manager, Julie Burch celebrates her 25th year with the City of Charlotte.

Mr. Howard said out of fairness and I hate Marcus left, but they also donated 500 tickets to school kids for different event going on for the next two weeks as well as 50 tickets to give to teachers for the All Star Race.

Ms. Kinsey said Mr. Mayor, Brad Richardson just came in and he is actually in charge of Economic Development. Brad, did you get your award?

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ITEM NO. 34: STATE TREASURER'S GOVERNMENTAL AWARD FOR EXCELLENCE IN ACCOUNTING AND FINANCIAL MANAGEMENT.

James Burke, Assistant Director of the State Local Government Commission said It is a pleasure to be here and present this NC Treasurer's Award for Excellence in Accounting and Financial Management. The City of Charlotte was initially recognized for this award on March 8th at the North Carolina Governmental Finance Officer Association spring conference, however, it has been decided to continue the tradition of presenting the award at a full Board meeting. The State Award for Excellence in Accounting and Financial Management Award has been in existence for 22 years. Completed entries were sent to the North Carolina Association of CPAs where they were evaluated by the members of the Governmental Accounting and Auditing Committee in January of each year. Entries include a description of improvements made in a local government accounting or financial management program, systems, methods and procedures during the previous fiscal year. Hopefully the entries represent service improvements and/or cost savings for local governments submitting those entries. The NC CPA is pleased to be a part of the program. The program is extremely competitive and making decisions as to which entries are winners is a tough one each and every year. Winners are recognized on a state wide basis and also at local board meetings such as this one. We are pleased that the City of Charlotte was chosen by the committee to receive this award in the category of municipalities with a population of 25,000. The State Treasurer Janet Cowell is deeply committed to North Carolina local governments and the efforts made to improve their accounting and financial management systems. In establishing the award, the Treasurer saw two objective of essential components, first the individual recognition of award winners at Board meetings such as this one so that local governments working to improve their financial management practices could receive the recognition for their hard work. The other component is the information about the successful efforts of the winners of the awards program is communicated to local government across the state so inquiries can be made regarding the winning entries. As a result local government can benefit for learning their efforts such as the ones from the City of Charlotte. Mutual sharing enables local governments to leverage their efforts for the benefits of North Carolina citizens. The City of Charlotte was selected to receive this State Treasurer's Award based on the impact of the executive level risk management task force under this plan Worker's Compensation Wage Replacement Payments were now charged back to the departments where the employees work rather than being charged to a self-insured risk management fund. As a result Worker's Compensation wages were reduced 58% for the fiscal year 2010-2011. Also a policy was created which delineates a process by which these employees injured on the job can be assigned to other modified duties or projects outside their regular departments which resulted in a significant reduction in the number and duration of absences due to work related injuries. The City of Charlotte is fortunate to have folks like Greg Gaskins and his staff on board, as well
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as you the Board should be commended for a job well done. It is with great pleasure that I present this 2011 State Treasurer's Accounting and Financial Management Award to Greg Gaskins.

Finance Director, Greg Gaskins said I just want to say a couple of words about this. There is a lot of money that we saved for this program. The City Manager has talked to you about the fact that we want to reduced our risk losses and that we were going to put in programs to reduce our risk losses. Dan Pliszka and his staff came up with these ideas but Curt appointed a panel of senior representatives of our department to come together. Eric Campbell led that group and they are the people that endorsed this concept and made it work. In addition to the 58% we are talking about, we have continued to save money with this program since the time that we filed for this award. This is still paying off for the citizens of Charlotte so I accept it on behalf of all the many people that worked on this.

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CONSENT AGENDA

- [Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, and]
[carried unanimously, to recuse Mayor Foxx from participating in Item No. 60.]

- [Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the Consent Agenda as presented with the exception of]
[Item Nos. 48, 51, 65, 66, 72 and 75. Item No. 79-G, 79-K and 79-Q have been settled. Item]
[No. 42 has been pulled by staff.]

The following items were approved:

- 47. Contract to the low bidder, W. M. Warr & Son in the amount of \$196,138.23 for the Ashley Road/Tuckaseegee Road Sidewalk Project.

Summary of Bids

W.M. Warr & Son, Inc.	\$196,138.23
Carolina Cajun Concrete	\$210,138.95
Showalter Construction Co.	\$259,133.60
D Washington Group	\$278,169.10
United Construction Inc.	\$310,619.10

- 49. Contract to the low bidder Bullseye Construction, Inc. in the amount of \$923,125.94 for Milhaven Lane Sidewalk Project.

Summary of Bids

Bullseye Construction Inc.	\$ 923,125.94
Carolina Cajun Concrete	\$ 999,306.55
Sealand Contractors Corp	\$1,005,561.15
Blythe Development	\$1,005,933.50
W.M. Warr & Son, Inc.	\$1,081,267.00
Ferebee Corporation	\$1,137,249.41
Morlando Construction, LLC	\$1,191,435.08
Blythe Construction Inc.	\$1,218,116.54
United Construction Inc.	\$1,259,219.40
Triangle Grading & Paving	\$1,290,100.90

- 50. Contract to the low bidder, Morlando Construction, LLC in the amount of \$383,477.92 for the North Graham Street Sidewalk Project.

Summary of Bids

Morlando Construction, LLC	\$383,477.93
Showalter Construction Company	\$495,514.20
United Construction, Inc.	\$527,769.55

Carolina Cajun Concrete \$616,242.00

52. Contract to the low bidder, Edison Foard Construction Services, Inc. in the amount of \$396,600 for the Police 7 Fire Training Academy Backup Data Center project.

Summary of bids

Edison Ford Construction	\$396,600.00
DE Brown Construction	\$470,662.00
TK Browne Construction	\$483,288.00

53. Approve payment to Duke Energy in the amount of \$131,750.43 for the installation of pedestrian lights for the Commonwealth Avenue/The Plaza Business Corridor Project.
54. Contract with Wildlands Engineering, Inc. in the amount of \$250,000 for professional service for Wetland mitigation project identification and prioritization.
55. Budget Ordinance No. 4888-X appropriating \$125,000 in private developer funds for pedestrian improvements and traffic calming.

The ordinance is recorded in full in Ordinance Book 57, at Page 643.

56. Resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to support transit-planning activities for the Mecklenburg-Union Metropolitan Planning Organization.

The resolution is recorded in full in Resolution Book 43, at Page 654.

57. Contract to the low bidder Automation Direct in the amount of \$200,000 for the purchase of Programmable Logic Controllers and related supplies and equipment.
58. Agreement with Duke Energy in an amount up to \$775,748.77 for the installation of a new transmission substation and temporary power feed associated with the Irwin Creek Waste Water Treatment Plant Improvements and upgrade project.
59. (A) Amendment to five-year reimbursable contract with Liberty Healthcare Properties of North Carolina LLC for the Crooked Creek Pump Station, and (B) contract in the amount of \$240,129 with Stantec Consulting, Ltd. For engineering services including detailed design and construction administration, for the proposed Crooked Creek Pump Station and associated sewer lines.
60. Five-year contract with Goodyear Tire & Rubber Company to provide bus tire leasing for a first year amount of \$827,047.13 with annual increases of approximately 5% in subsequent year for a total contract amount of \$4,542,599.23.
61. (A) Purchase of radiation detection equipment, as authorized by the sole source exception of G.S. 143-129(e)(6), and (B) contract for an amount up to \$300,000 with Thermo Fisher Scientific for the purchase of radiation detection equipment and accessories.
62. (A) Purchase of a robot for hazardous material responses as authorized by the sole source exception G.S. 143-129 (e)(6) and (B) contract for an amount up to \$200,000 with QinetiQ for the purchase of the robot and related accessories.
63. (A) Purchase of Urban Search & Rescue equipment, as authorized by the federal contract exception of G.S. 143-129(e)(9a) and (B) purchase of USAR equipment from Western Shelter Systems in an amount up to \$150,000.
64. (A) Purchase of air monitoring equipment as authorized by the sole source purchasing exception of G.S. 143-139(e)(6) and (B) contract for an amount up to \$400,000 with Industrial Scientific for the purchase of air monitors and accessories.

67. (A) Contracts for temporary staffing services for an initial term of three years, in the aggregate estimated annual amount of \$1,750,000 with the following service providers:

Abacus Corporation
Advantage Personnel Solutions, LLC
Allegiance Staffing
AppleOne Employment Services
Epic Placement Service
GoodWork Staffing (a division of Goodwill Industries)
Integra Staffing
Jennifer Temps, Inc.
Premier Staffing Resources
Solutions Staffing
TECHEAD
Trojan Labor

(B) Authorize the City Manager to extend the contracts for up to two additional one-year terms, to amend the contracts as needed from time to time to add job categories as may be necessary to support City needs, and to implement price adjustments as authorized by the contract.

68. (A) Approve the purchase of communications equipment and software, as authorized by the sole source exception G.S. 143-129(e)(6) and (B) contract with Motorola to upgrade the Cabarrus County Radio System to version 4.1 at a cost of \$1,057,388.
69. (A) Contract with Motorola for communications equipment technician support for three months for an estimated amount of \$30,000, and (B) Authorize the city Manager to approve up to four renewal options for approximately \$30,000 each as authorized by the contract.
70. Amendment to an existing contract with Motorola Solutions, Inc. to allow the purchase of digital, public safety radios and related software, firmware and accessories to advance the migration of City users from the current analog radio network to the Motorola Solutions, Inc. P25 digital network in an estimated amount of \$5,997,691.20.
71. Approve a 24-month extension to the contract with Call Coverage, Inc. for the continued provision of the City's CallXpress voice mail system and related services in the estimated amount of \$172,800.
73. (A) Approve a license agreement with New Cingular Wireless PCS, LLC (AT &T) for the use of the distributed antenna system (DAS) (B) approve a license agreement with Cellco Partnership, a Delaware Partnership, d/b/a Verizon Wireless (Verizon) for the use of the DAS, and (C) approve an agreement with DPJJ, LLC d/b/a Wireless Services in an amount up to \$361,111.63 for the monitoring and maintenance of the DAS for five years and authorize the City Manager to approve one renewal option for five years with price adjustments as stipulated in the contract.
74. Change Order #1 in the amount of \$247,083.85 to Blythe construction, Inc. for additional work on the entrance road bridge over Norfolk Southern Railroad.
- 76-A. Ordinance No. 4870-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3902 Marietta Drive, Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood.
- The ordinance is recorded in full in Ordinance Book 57, at Page 579.
- 76-B. Ordinance No. 4871-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2557 Hemphill Street, Neighborhood Statistical Area 2 – Pinecrest Neighborhood.

The ordinance is recorded in full in Ordinance Book 57, at Page 580.

- 76-C. Ordinance No. 4872-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2636 Mayfair Avenue, Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood.

The ordinance is recorded in full in Ordinance Book 57, at Page 581.

77. (A) Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$648,515.21 and (B) Resolution authorizing the refund of business privilege license payments made in the amount of \$5,030.00.

The resolutions are recorded in full Resolution Book 53, at Page 655-661 and 661-A and 661-B.

78. Lease renewal with Eastway Holdings, LLC for office space for Charlotte-Mecklenburg Police Department Eastway Division office located at 3024 Eastway Drive.

- 79-A. Acquisition of 30,500 square feet in Permanent Access easement, plus 9,583 square feet in Temporary Construction Easement at 2303 Westinghouse Boulevard from York Crossing, LLC for \$118,188 for Steele Creek Police Station, Parcel #4.

- 79-B. Acquisition of 4,346 square feet in Storm Drainage Easement plus 3,798 square feet in Temporary Construction Easement at 1501 West Boulevard from Kyong Su Kim for \$16,775 for Brentwood Place, Parcel #180.

- 79-C. Acquisition of 12,141 square feet in Fee Simple, plus 1,371 square feet in Existing Right-of-Way, plus 48 square feet in Utility Easement, plus 4,953 square feet in Temporary Construction Easement at 6315 Rumble Road from Like Wen, Kevin Fu and Ming Fai Yu for \$13,150 for City Boulevard Extension - Phase III, Parcel #2.

- 79-D. Acquisition of 7,722 square feet in Fee Simple, plus 146 square feet in Utility Easement, plus 4,255 square feet in Temporary Construction Easement at 8223 Idlewild Road from Patricia D. Dowdy for \$15,275 for Idlewild Road Roadway Improvement Project, Parcel #4.

- 79-E. Acquisition of 19,916 square feet in Fee Simple, plus 15,252 square feet in Existing Right-of-Way, plus 169 square feet in Utility Easement, plus 12,549 square feet in Temporary construction Easement at 8401 Idlewild Road from Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte, NC for \$34,244 for Idlewild Road Roadway Improvement Project, Parcel #13, 14, & 22.

- 79-F. Resolution of condemnation of 5,680 square feet in Existing Right-of-Way, plus 1,003 square feet in Utility Easement, plus 5,418 square feet in Temporary Construction Easement at 5704 Beatties Ford Road from Clinton R. Douglas and Any other parties of interest for \$2,200 for Beatties Ford Road Widening, Parcel #89.

The resolution is recorded in full in Resolution Book 43, at Page 662.

- 79-H. Resolution of condemnation of 189 square feet in Sidewalk and Utility easement, plus 50 square feet in Utility Easement, plus 1,338 square feet in Temporary Construction Easement at 3701 Rogers Street from Carolyn J. Helms and any other parties of interest for \$500 for Enderly Park Neighborhood Improvement Project, Parcel #33.

The resolution is recorded in full in Resolution Book 43, at Page 663.

- 79-I. Resolution of condemnation of 46 square feet in Utility Easement plus 1,445 square feet in Temporary Construction Easement at 3501 Glenwood Drive from Roger L. Green and wife, Connie C. Green, Trustees for Prayer and Deliverance Ministries, Inc. and any other

parties of interest for \$400 for Enderly Park Neighborhood Improvement Project Parcel #47.

The resolution is recorded in full in Resolution Book 43, at Page 664.

- 79-J. Resolution of condemnation of 1,633 square feet in Sidewalk and Utility Easement, plus 717 square feet in Temporary Construction Easement at 3331 Tuckaseegee Road from Tom P. Moore, IV and wife, Julie Austin Walker and any other parties of interest for \$1,900 for Enderly Park Neighborhood Improvement Project, Parcel #63.

The resolution is recorded in full in Resolution Book 43, at Page 665.

- 79-L. Resolution of condemnation of 1,508 square feet in Storm Drainage Easement, plus 87 square feet in Sidewalk and Utility Easement plus 474 square feet in Temporary Construction Easement at 3112 Mathis Drive from Frank Shropshire, Et. Al and any other parties of interest for \$2,925 for Enderly Park Neighborhood Improvement Project, Parcel #88.

The resolution is recorded in full in Resolution Book 43, at Page 666.

- 79-M. Resolution of condemnation of 461 square feet in Sidewalk and Utility Easement, plus 2,661 square feet in Temporary Construction Easement at 3700 Glenville Avenue from Heirs of Rufus Franklin Inman and any other parties of interest for \$575 for Finchley-Purser/Shamrock Hills neighborhood Improvement Project – Phase 1, Parcel #6.

The resolution is recorded in full in Resolution Book 43, at Page 667.

- 79-N. Resolution of condemnation of 974 square feet in Temporary Construction Easement for a sidewalk at 3930 Glenville Avenue from Bank of America, N.A. and any other parties of interest for \$600 for Finchley-Purser/Shamrock Hills Neighborhood Improvement Project – Phase 1, Parcel #18.

The resolution is recorded in full in Resolution Book 43, at Page 668.

- 79-O. Resolution of condemnation of 160 square feet in Sidewalk and Utility Easement, plus 926 square feet in Temporary Construction Easement for a sidewalk at 3843 Foxford Place from Santavius McBride and any other parties of interest for \$225 for Finchley-Purser/Shamrock Hills Neighborhood Improvement Project – Phase 1, Parcel #104.

The resolution is recorded in full in Resolution Book 43, at Page 669.

- 79-P. Resolution of condemnation of 720 square feet in Temporary Construction Easement at 2130 Jennie Linn Drive from Leonard Burch and wife, Ruby Doris Burch and any other parties of interest for \$100 for Finchley-Purser/Shamrock Hills Neighborhood Improvement Project – Phase 1, Parcel #158.

The resolution is recorded in full in Resolution Book 43, at Page 670.

- 79-R. Resolution of condemnation of 1,169 square feet in Fee Simple, plus 1,154 square feet in Temporary Construction Easement at 8222 Idlewild Road from Inayat Ur Rehman and Samima Rehman and 2004-0000337, LLC and any other parties of interest for \$3,375 for Idlewild Road Roadway Improvement Project, Parcel #7.

The resolution is recorded in full in Resolution book 43, at Page 671,

- 79-S. Resolution of condemnation of 21 square feet in utility Easement, plus 200 square feet in Temporary Construction Easement at 8431 Alicia Brittany Lane from Hector D. Hernandez and Antonina Lara and any other parties of interest for \$625 for Idlewild Road Roadway Improvement Project, Parcel #18.

The resolution is recorded in full in Resolution Book 43, at Page 672.

- 79-T. Resolution of condemnation of 127 square feet in Sidewalk and Utility Easement, plus 3 square feet in Utility Easement, plus 1,045 square feet in Temporary Construction Easement for a sidewalk at 9125 Parkhurst Lane from Valentin Perez and wife, Longina Consuelos and any other parties of interest for \$2,175 for Idlewild Road Roadway Improvement Project, Parcel #48.

The resolution is recorded in full in Resolution Book 43, at Page 673.

- 79-U. Resolution of condemnation of 333 square feet in Fee Simple, plus 694 square feet in Storm Drainage Easement, plus 1,139 square feet in Temporary Construction Easement for a sidewalk at 9419 Idlewild Road from Brenda Roddy and Jacqueline Levister and any other parties of interest for \$3,400 for Idlewild Road Roadway Improvement Project, Parcel #67.

The resolution is recorded in full in Resolution Book 43, at Page 674.

- 79-V. Resolution of condemnation of 3,824 square feet in Fee Simple at 9127 Idlewild Road from Bertha M. Presson and any other parties of interest for \$975 for Idlewild Road Roadway Improvement Project, Parcel #78.

The resolution is recorded in full in Resolution Book 43, at Page 675.

- 79-W. Resolution of condemnation of 281 square feet in Sidewalk and Utility Easement, plus 891 square feet in Temporary Construction Easement at 2921 Markland Drive from Daisy Miller Hampton, Frank Hampton, Jr., Oliver Hampton, Cassandra Miller and Francedia Miller and any other parties of interest for \$225 for Ponderosa Neighborhood Improvement Project, Phase 1 and Markland/Wedgefield Sidewalk Project, Parcel #15.

The resolution is recorded in full in Resolution Book 43, at Page 676.

- 79-X. Resolution of condemnation of 1,273 square feet in Temporary Constriction Easement for a sidewalk at 2725 Kenhill Drive form Mohammed Moujahid and wife, Lalla Alaoui and any other parties of interest for \$150 for Ponderosa Neighborhood Improvement Project, Phase 1 and Markland/Wedgefield Sidewalk Project, Parcel #51.

The resolution is recorded in full in Resolution Book 43, at page 677.

- 79-Y. Resolution of condemnation of 1,496 square feet in Temporary Construction Easement for a Sidewalk on Mayfair Avenue from The Hidden Valley Rehabilitation Project Trust, Sky Mikesell, Trustee and any other parties of interest for \$275 for Ponderosa NIP Phase 1 and Markland/Wedgefield Sidewalk Project, Parcel #54.

The resolution is recorded in full in Resolution Book 43, at Page 678.

- 79-Z. Resolution of condemnation of 790 square feet in Storm Drainage Easement, plus 694 square feet in Temporary Construction Easement at 6120 Lake Forest Road East from The Bank of New York Mellon Trust Company, National Association and any other parties of interest for \$750 for Robinhood/Dooley Storm Water Capital Improvement Project, Parcel #20.

The resolution is recorded in full in Resolution Book 43, at Page 679.

- 79-AA. Resolution of condemnation of 964 square feet in Storm Drainage Easement, plus 507 square feet in Temporary Construction Easement at 6101 Lake Forest Road East from Mozaffar M. Tehrani and any other parties of interest for \$1,650 for Robinhood/Dooley Storm Water capital Improvement Project, Parcel #25.

The resolution is recorded in full in Resolution Book 43, at Page 680.

79-AB. Resolution of condemnation of 480 square feet in Storm Drainage Easement, plus 28 square feet in Utility Easement, plus 10,283 square feet in Conservation Easement, plus 1,993 square feet in Temporary Construction Easement at 1180 Robinhood Circle from Robinhood Circle, LLC and any other parties of interest for \$6,300 for Robinhood/Dooley Storm Water Capital Improvement Project, Parcel #60.

The resolution is recorded in full in Resolution Book 43, at Page 681.

79-AC. Resolution of condemnation of 21,780 square feet in Conservation Easement, plus 711 square feet in Temporary Construction Easement at 1221 Robinhood Circle from David W. Stewart and any other parties of interest for \$9,650 for Robinhood/Dooley Storm Water Capital Improvement Project, Parcel #67.

The resolution is recorded in full in Resolution Book 43, at Page 682.

79-AD. Resolution of condemnation of 8,384 square feet in Conservation Easement at 1215 Robinhood Circle from Barbara W. Stewart and any other parties of interest for \$3,825 for Robinhood/Dooley Storm Water Capital Improvement Project, Parcel #68.

The resolution is recorded in full in Resolution Book 43, at Page 683.

79-AE. Resolution of condemnation of 333 square feet in Storm Drainage Easement, plus 11,069 square feet in Conservation Easement plus 805 square feet in Temporary Construction Easement at 1249 Robinhood Circle from Karen G. Czarnecki and any other parties of interest for \$9,600 for Robinhood/Dooley Storm Water capital Improvement Project, Parcel #82.

The resolution is recorded in full in Resolution Book 43, at Page 684.

80. Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of February 27, 2012 Business Meeting, February 29, 2012 Budget Retreat and March 19, 2012 Zoning meeting.

ITEM NO. 48: CONTRACT TO THE LOW BIDDER, FEREBEE CORPORATION IN THE AMOUNT OF \$1,001,583.62 FOR THE W. T. HARRIS BOULEVARD/PLAZA INTERSECTION IMPROVEMENT PROJECT.

Councilmember Barnes said I just wanted to make folks aware this is a little over a million dollar contract for major road improvements at W. T. Harris Boulevard and The Plaza, an area that I share with Councilmember Autry. It will provide for significant improvements to that intersection and I wanted people to be aware that for those who travel the area that we will working on resolving some of the congestion and traffic difficulties that you may experience in the area.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the subject contract.]

Summary of Bids

Blythe Construction, Inc.	\$1,414,866.44
Blythe Development	\$1,219,740.50
Carolina Cajun Concrete, Inc.	\$1,080,327.29
Ferebee Corporation	\$1,001,583.62
Sealand Contractors Corp.	\$1,145,749.31
Showalter Construction Co.	\$1,528,614.40
United Construction, Inc.	\$1,370,317.85

ITEM NO. 51: CONTRACT TO THE LOWEST BIDDER TRIANGLE GRADING & PAVING, INC. IN THE AMOUNT OF \$10,992,337.45 FOR THE REA ROAD WIDENING PROJECT.

Councilmember Howard said this is not something I normally, pull a consent item, but this is a situation I thought was important just to stop. It is for the widening of Rea Road, it is a \$10.9 million project and what we are doing is putting money in a part of the city that often talks about not having investment and I thought it was important to point that out. That is \$10 million going to the widening of Rea Road and another great thing is the SBE goal was 8% and contractor is going to exceed that by .03% as well.

[Motion was made by Councilmember Howard, seconded by Councilmember Barnes, to]
[approve the subject contract.]

Councilmember Cooksey said as long as we are talking about it, it is worth noting that the planning work began 10 years ago on this and it is going to take 12 years all together to do this project and it originally was intended to be on the 2006 bonds, but that got changed at the last minute and got pushed back an additional two years so what began in 2002 is going to take 12 years to complete which is something I think we should all think about when looking at capital projects.

Mr. Howard said and yet is still a \$10 million project.

Councilmember Barnes said it is \$21 million and change and I would also note that prior to the arrival of Anthony Foxx and myself to this Council there was no leadership in place to fund this project. So thank you Mr. Mayor for your leadership.

Councilmember Cannon said we were doing other things in that area.

Mayor Foxx said I share some of your concerns Mr. Cooksey about the rapidity of these projects actually getting done, but the fact of the matter it, it is getting done so if you are saying you had rather not have it get done.

Mr. Cooksey said I'm not saying that at all. I wish it had been done sooner.

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

Summary of Bids

Triangle Grading & Paving, Inc.	\$10,992,337.45
Blythe Development Co.	\$11,055,847.00
Sealand Contractors Corp.	\$11,113,738.41
United construction, Inc.	\$11,452,024.96
Blythe Construction Inc.	\$11,458,810.00
DeVere Construction Company Inc.	\$12,178,859.55
Rea Contracting	\$13,583,640.65

ITEM NO. 65: PURCHASE OF AUTOMATED LICENSE PLATE READERS AND RELATED EQUIPMENT FROM AN EXISTING UNIT PRICE CONTRACT WITH NDI RECOGNITION SYSTEMS FOR \$606,871.

Councilmember Fallon said is that a license plate reader in the Police cars?

Major Johnny Jennings, CMPD, said no these are actually for fixed locations. We do have some that are on the vehicles that are currently running. This is an expansion of the program that we currently have.

Ms. Fallon said are they legal? I thought we were not allowed to have them or is that something different?

City Manager, Curt Walton said speed cameras.

Ms. Fallon said will we know where they are?

Major Jennings said I'm not sure how to answer that but we have some strategic locations throughout the city that we've identified that we will be putting these tag readers up.

Ms. Fallon said are they above ground?

Major Jennings said they are above ground and will be similar to some of the C-DOT cameras, the video surveillance cameras and they are not hidden and will be on different power poles, mask arms of traffic signals and things like that.

Ms. Fallon said what is the difference between these and the ones that were found illegal that we couldn't have that were up on lamp posts at crossing all over the city?

Major Jennings said these are not speed cameras and they are not intended to capture information that would send a ticket or anything like that. The license plate readers will alert to any vehicles that are wanted through nation crime information center or any other data bases that we are looking for vehicles that are wanted. We will give an alert immediately or its investigative purposes for vehicles that we are searching for.

Ms. Fallon said have these stood up in court?

Major Jennings said we haven't been challenged in court with them here in Charlotte at this time. It is something that other metropolitan areas such as DC, New York, they do utilize these and are probably most popular in London and the UK area.

Mr. Walton said the issue with the speed cameras was where the revenue went. The cameras themselves weren't illegal, but the state changed the law so there is not enough money left to operate the program. The revenue had to go to the school.

[Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and]
[carried unanimously, to approve the subject purchase.]

ITEM NO. 66: ORDINANCE NO. 4889 AMENDING THE PASSENGER VEHICLE FOR HIRE ORDINANCE (CHAPTER 22) TO ELIMINATE THE VEHICLE AGE LIMIT FOR ACCESSIBLE VEHICLES, EFFECTIVE JULY 1, 2012.

Councilmember Dulin said I pulled that but I've had my questions answered by Mr. Campbell.

[Motion was made by Councilmember Dulin, seconded by Councilmember Cannon, and]
[carried unanimously, to approve the subject ordinance amendment.]

The ordinance is recorded in full in Ordinance Book 43, at Page 644-646.

ITEM NO. 72: (A) AMENDMENT TO THE CONTRACT WITH TANDUS FLOORING IN THE AMOUNT OF \$140,000 FOR THE PURCHASE OF CARPET FOR THE AIRPORT'S LOADING BRIDGES, AND (B) AWARD THE LOW BID CONTRACT OF

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\$326,155.98 WITH MODULAR DESIGNS FOR INSTALLATION OF CARPET IN THE AIRPORT'S TERMINAL AND CONCOURSES.

Councilmember Dulin said this is a contract for the carpet at the Airport and oddly enough I've been learning how we maintain our carpet at the Airport and I'm just curious as we've had some talk about cleaning our carpet at the Airport with water and soap or dry cleaning process without having to put water and soap on them. I've been told it keeps the carpet cleaner and less worn so they last longer. Do we know anything that type of thing Mr. Orr?

Aviation Director, Jerry Orr said dry chemical cleaning gets the carpet cleaner and does less damage to the carpet, making it last longer. In lighter use situations and the kind of use we have it simply doesn't get the carpet very clean so we normally use the wet cleaning method.

Mr. Dulin said it is a big deal because it is a lot of money, but I have been studying and have been told that the dry cleaning method can and would work for us out there if we were to give it a good shot. I know we've had some folks had a meeting about trying to get a carpet cleaning contract out there.

Mr. Orr said we've used the dry cleaning method several times over the last 30 years.

Mr. Dulin said very good, I just want to make sure we are making good purchases and we are doing a better job of stretching out our dollars as tight as dollars are.

[Motion was made by Councilmember Dulin, seconded by Councilmember Cannon, and]
[carried unanimously, to approve the subject contracts.]

Summary of Bids

Modular Design	\$326,155.98
Garmon & Company	\$351,588.00

ITEM NO. 75: (A) ONE-YEAR CONTRACT EXTENSION WITH PARK, INC. FOR THE MANAGEMENT OF THE CURBSIDE AND BUSINESS VALET PARKING OPERATION AT THE AIRPORT AND (B) ONE-YEAR CONTRACT EXTENSION AND AMENDMENT WITH EJ SERVICES, INC., D/B/A BALANCE STAFFING SERVICES IN THE AMOUNT OF \$1,900,000 FOR PROVIDING PARKING CASHIERS AND SUPPORT.

Councilmember Dulin said Mr. Orr you might have been the first one in the nation to put a valet service out there. I've never used it, but the folks I've talked to love it. I've also talked to some folks who have a better parking solution for us for the valet and I would like to have some forward momentums of some meetings, matter of fact you and I met with the gentlemen one time about trying to get some automatic stacked parking solutions. It takes less land, cars can be parked closer to where they are dropped off, etc. None of this in our write-up is about the parking obviously, it is just the service. I would really like to see us try to add to our service out there by possibly saving us some real estate by discussing parking solutions.

[Motion was made by Councilmember Dulin, seconded by Councilmember Howard, and]
[carried unanimously, to approve the subject contracts.]

ITEM NO. 37: MANAGER'S REPORT

City Manager, Curt Walton said I don't have a report.

[Motion was made by Councilmember Howard, seconded by Councilmember Cannon, and]
[carried unanimously, to recuse Mayor Foxx from participating on Item 38-B-1.]

ITEM NO. 38: (A) APPROVE THE FY2013 TRANSIT OPERATING BUDGET AND PROGRAM WHICH WAS APPROVED BY THE METROPOLITAN TRANSIT COMMISSION ON APRIL 25, 2012 AND (B) APPROVE THE FY2013-2017 TRANSIT CAPITAL INVESTMENT PLAN WHICH WAS APPROVED BY THE METROPOLITAN TRANSIT COMMISSION ON APRIL 25, 2012 WHICH INCLUDES:

- I. \$79.5 MILLION FOR THE PROCUREMENT OF BUSES**
- II. \$12.6 MILLION FOR THE REPLACEMENT OF OTHER REVENUE EQUIPMENT**
- III. \$85.3 MILLION FOR ASSET MAINTENANCE, TRANSIT AMENITIES, SAFETY, TECHNOLOGY, AND OTHER**
- IV. \$991.6 MILLION FOR ADVANCING THE LYNX BLUE LINE EXTENSION**
- V. \$22.5 MILLION FOR SOUTH CORRIDOR RETRO-FIT**
- VI. \$2.5 MILLION FOR THE RED AND SILVER LINE PROJECTS**

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve A and B.]

ITEM NO. 39: APPROVE THE HOUSING AND NEIGHBORHOOD DEVELOPMENT COMMITTEE RECOMMENDATION TO ADOPT THE REVISED ASSISTED MULTI-FAMILY HOUSING AT TRANSIT STATION AREAS POLICY.

Councilmember Kinsey said this has been before us several times so I'm not going to go into very much detail, but I'm going to ask Council to defer this for further study. We've pretty much reached agreement on most of the issues in this particular amendment and we already have a transit oriented policy on the books, so we are not hanging out there without something. The one issue that we really need to do some work on is the one building within a multiple development that could be 100% assisted. There are some other issues that I think we will want to look at as well.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Mayfield, to]
[defer this matter for further study.]

Mayor Foxx said do we want to put a parameter around it coming back?

Ms. Kinsey said there was some discussion about that and with our summer schedule I think it will be fall before we get back to something like this. We do have a few things happening in September that we probably will need to care of.

Mayor Foxx said how about the first Business Meeting in September?

Ms. Kinsey said that will be fine. We may want to sort of use our Dinner meeting as a discussion before we try to make any kind of decision. I think we can make that and September is a good month.

Councilmember Cooksey said we've had discussions about how citizens comment and we had a separate public hearing on this particular policy last month. Is this a topic that we have to have a separate public hearing on before we vote at a separate meeting and if so how much change would trigger the need for another public before a separate meeting that we voted on it?

City Attorney, Bob Hagemann said State Law does not require this item to be sent to a public hearing. That was a Council decision and you retain the discretion as to whether to hold another public hearing based on changes. It is your call.

Mayor Foxx said one of the reasons this is a wise thing to do is because some of the commentary at the public hearing actually suggested to a lot of us that maybe this needed to be thought through a little bit more, particularly on the tax credit issue. I actually agree with taking some time. I also think that between now and the time it comes back we would be wise to maybe create a workshop around the topic of affordable housing. I'm hearing some concerns among Councilmembers as well as people out in the community, as well as in other places about where we collectively are on the housing policy. I think it would be wise for us to take some time to figure that out so that we can be on point with everyone. If I could ask as part of the motion that we agree to do some type of workshop between now and September on this topic that would be really helpful.

Ms. Kinsey said I agree.

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

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ITEM NO 40: (1) APPROVE FINANCIAL COMMITMENTS FOR THREE TAX CREDIT DEVELOPMENTS: WESTERLY OAKS SENIOR APARTMENTS \$840,000, CATAWBA SENIOR APARTMENTS \$760,000 AND WESLEY HEIGHTS SENIOR APARTMENTS \$400,000 FOR A TOTAL OF \$2,000,000. (2) APPROVE FINANCIAL COMMITMENTS FOR THREE SUPPORTIVE HOUSING DEVELOPMENTS: MOTHER TERESA VILLA \$225,000, CENTER TERRACE EXPANSION \$1,400,000 AND TYVOLA CROSSING PHASE II \$1,720,900 FOR A TOTAL OF \$3,345,900 AND (3) APPROVE FINANCIAL COMMITMENTS FOR ONE RAPID ACQUISITION DEVELOPMENT: THE SUMMIT HOUSE FOR \$375,000.

Councilmember Barnes said I want to comment on #3, the acquisition of property called the Summit House in my district. I've had a number of conversations with staff and communicated with Hope Haven, Ms. Harrison who I believe is here. The challenge that I have with this particular item is that the neighbors who are in this NSA do not know about the project. It is in the Harris Houston NSA and to be quite frank with you I don't believe that would happen in Ballentyne or other parts of the city where people are asking for city money to buy property for a special needs use. It is easy to be vilified and demonized for questioning these things, but it is my job to do so and the fact of the matter is I think it is only right that people are aware of what their representative is being asked to do. One of the ways that we got some of the special needs projects that are now in District 1 that were in District 4 was because people weren't paying attention and said okay or they found out at the last minute. Unfortunately with this particular request I found out about 3 or 4 weeks ago and it was at the HAND Committee meeting about 2 weeks ago and we are up for a vote tonight and apparently they need to close or get a commitment tonight in order to begin closing tomorrow. Is that correct?

Councilmember Kinsey said I had not heard that.

Mr. Barnes said is Ms. Wideman here?

Pam Wideman, said Mr. Barnes you are correct for the Summit House. The option will expire tomorrow.

Mr. Barnes said the position that puts us in is to say yea or nay to something and have the impact of them either losing the opportunity or the opportunity becoming more expensive and none of that is fair to me as a district rep and it is not fair to this Council as voters on this particular project. I sent you all an e-mail asking for your consideration of a deferral to have some conversation with the neighborhood and I still feel that way because I cannot sit here in good conscious and say yes I voted to support this acquisition. You didn't know about it and I didn't know about it until four weeks before the vote. It is not what I've done for the last 7 years in District 4 and it is not what I intend to start doing tonight. That is my challenge and I don't know if there are any additional things you learn Ms. Wideman that you wanted to add. I'd love to hear it and there was some conversation earlier about what the previous use of this house had been. Do you know anything about that?

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Ms. Wideman said to answer your first questions Mr. Barnes, I have not received any additional information since my conversation with you earlier today about the opportunity for Hope Haven to extend their options so I don't have any more information on that. In terms of the prior use of this facility, it is my understanding that it was originally built and used as a fraternity house and it has since been used as a group home. I would again point that Ms. Harrison is here and I don't know if you all want to hear from her about what the use was prior to her trying to take possession of it, but that is the information that I am aware of.

Mr. Barnes said Ms. Harrison would you confirm what Ms. Wideman just indicated?

Ms. Harrison said thank you for the opportunity to do that. It was Summit House and it housed 20 women and their children as an alternative to incarceration prior to our being able to get an option to buy it. I have talked with the apartment complexes on both sides and both of them are approving of our being there. I talked with the property managers and they were going to get letters from the owners also saying they approved us. I have talked with Sylvia Nance with College Downs and she sent a letter approving us and I have talked with Mary Negley who is with Harris Houston and she said she personally felt fine about it. She could not speak for Harris Houston but we were not in their association area. They are in a horse shoe area and we are not included.

Mr. Barnes said I think you are in their NSA and you are on the other side of I-485, but I think you are in their NSA.

Ms. Kinsey said if this were deferred tonight what would happen? Do you have a back-up?

Ms. Harrison said no, we don't have a back-up. Tomorrow the house will go back on the market. It will be for sale for probably this same amount, however we have a concession that they will pay for up to \$10,000 in repairs. The repairs come to a total of \$13,000 so I am sure even if we are able to go back and get it before someone else does, which we may not, they will take out the \$10,000 concession so it will cost us another \$10,000. I think it is important to say that we do have a lot fewer people that are at the facility.

Mr. Barnes said Ms. Wideman I don't know if you can answer this question but could you speak to this issue of timing and the fact that we are essentially being asked to vote on this the day before their option expires.

Ms. Wideman said you are being asked to vote tonight and their option as we just heard will expire tomorrow. This was brought forward as you indicated earlier, Mr. Barnes, at your April 25 Housing Trust Fund Committee Meeting where we presented all the projects to you. All the projects being a tax credit recommendation that you see, the supportive housing recommendations and then this acquisition, so our goal as a staff was to bring you all of the housing trust fund projects requesting funding for this year at one time.

Mr. Barnes said I understand, but do you think though that making us aware of these opportunities and by the way you told me just in passing around that time, but do you think that there should be a better process in place for making us aware of these types of request?

Ms. Wideman said I think that we can strengthen our Housing Trust Fund guidelines Mr. Barnes. Heretofore we have encouraged developers when they are requesting Housing Trust Fund dollars to reach out to the District Rep and also to the neighborhood so we have encouraged people to do that as we discussed we will write that in our Housing Trust Fund guidelines going forward. I would suggest to you that I think most of what you have in front of you, most of the developers have done that. You have a new gentlemen that we will talk about a little bit later and this is his first time developing in Charlotte so he probably didn't understand the importance of doing that. Other communities probably don't ask people to do that and this is Ms. Harrison's first time coming forward to request rapid acquisition funding.

Mr. Barnes said I know they do good work. As a part of this at some point and the Chair person and I have talked about in the past, the relationship between the housing locational policy and the special needs exemption is something that some of us would like to revisit. At some point

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tonight I'd like to make a referral to the Housing and Neighborhood Development Committee to discuss that.

Councilmember Mayfield said my comments are with regards to #1 and looking at the proposal for the Senior Center and Westerly Oaks. I share some of the concerns that Mr. Barnes has as far as learning in a very short turn around period that this development was going to happen. Thankfully we were able to have a conversation with the neighbors of the Westerly Hills community so they have been able to be a part of this dialogue but I am concerned because this falls into that exemption as a senior development that is identified as affordable, but it is in a challenged neighborhood, opposed to if it was being built in a stable neighborhood. There is a big difference as far as making sure that the neighborhood is going to be okay. I have received numerous calls as well as e-mails from constituents in the immediate area that will be impacted. I'm trying to understand and hopefully Ms. Wideman you can help to explain this, how this area is identified since we have an exemption when it comes to the locational policy when we are looking at challenged versus stable areas.

Ms. Wideman said I would answer that by saying that senior housing is exempt in the newly revised housing locational policy and you all will certainly have an opportunity to review that once it is referred back to the committee, but that is one of the exemptions that is in the newly approved housing locational policy. Those developments can go anywhere in the city, based on the housing locational policy.

Councilmember Cannon said Ms. Wideman relative to notification that goes out, there is no level of notification that would go out to some of the surrounding areas of people that might be affected by what might be going up in some of these areas throughout the city that we are talking about tonight. Is that right?

Ms. Wideman said you are correct Mr. Cannon. If it were going to be a private market rate development, if the area were properly zoned there would not be a notification going out. One of the reasons that we will strengthen our housing trust fund guidelines and that we encourage developers to contact the District Reps and the neighborhoods is because they are requesting public money. In private developments as you know there is no public money being requested.

Mr. Cannon said I'm very conscious and sensitive to what the District Reps are putting on the table today about not being brought up to speed earlier, however there are a lot of issues that come before us each and every week, many that we voted on tonight in the Consent Items as well as other related issues, but it seems when we get to some of these "not in my backyard issues" we want to bring them forward and shine light on them which light should be shined because in a lot of respects we are trying to bring about a product that would mean this community hopefully, some good. The question becomes where does it make sense and that is where we have this tug of war and we get into wanting to defer it only to bring it back and to still make a hard leadership decision about how we move forward or not. We need to find a way if it is something the Council wants to do, to bring about some sort of notification process to make sure the communities and the surrounding areas are aware, otherwise we are going to find ourselves right back here in another few months going over another item dealing with the same issue and it will never end. At some point we need to make a real call on what we want. Seriously we need to find a way to come up with something folks because this is a hard decision, well not for me to make. I think this is a pretty straight forward decision. I know what these folks are capable of doing, they've done it for a very long time. It has always been good for the community as far as I've seen so I would hope that everybody would get behind this and find a way to do something.

Ms. Wideman said what I would share with you if I might is the tax credits recommendations that you see before you, those are three of the highest scoring tax credit developments based on North Carolina Housing Finance Agencies Site Scoring process. Those developments are scored based on the development team's strength, the proximity to amenities. There are a number of categories or indicators that they are scored on so not only do we feel that they are quality projects, but the Housing Finance Agency is going to provide tax credits and have suggested that they are quality projects as well.

Councilmember Fallon said I feel steam rolled because the first I heard of that was when I got an e-mail today from a Hope Haven Trustee Board member. I knew nothing about it and you are asking us and I feel steam rolled because I don't want anybody to lose the \$10,000 and I also have sympathy for women who have had a problem, but really fairly we should have had a time to discuss it at dinner or between the District Rep and myself because it is my area too. It makes the decision very hard because on one hand you lose money and an option and on the other hand it is not fair to the community not to know.

Ms. Kinsey said in response to what Mr. Cannon said I think that probably be rolled into all of this discussion about affordable housing or subsidized housing. I think that is all a part of it and I think you are right we need to decide what we are going to do and let everybody know it and then the expectations are there to be notified or whatever we decide, but I think that is something we've got to study.

Mr. Cannon said how far out is that?

Mayor Foxx said we just committed to do it between now and September so probably it will be one of those after the summer unless you want to do it sooner. Do you want to do it sooner?

Mr. Cannon said no, I'm fine with that schedule.

Ms. Kinsey said I know there has been discussion and I know that there are several projects on this list that the District Reps are fine with. I know Mr. Autry is and I'm not sure if Ms. Mayfield has gotten all the information she needs and she is okay or not, I guess what I'm wanting to know is, can we move ahead with this tonight. Is there anybody that is going to ask for anything to be pulled except I know Mr. Barnes had indicated that he was concerned about his.

Councilmember Mitchell said I'm okay with my two in District 2.

Mr. Barnes said I don't see that there is any reason to defer it. Ms. Harrison indicated that she has reach out to the Harris Houston NSA. I'm going to vote against it because of the history of things trailing north and east in the city, but I don't see any reason to defer it.

Ms. Mayfield said I share the concern of the community and I'm ready to move forward.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Cannon, to]
[approve the subject matter.]

Mayor Foxx said can we break it up to 1 and 2 and have a separate vote on 3? We've been talking around it tonight, but I really see four big issues that we are facing on this issue and it all revolves around having some clarity around the policy. We have a policy today, but it is a policy that has been adopted over previous councils. We have a different council that has some elevated concerns, not only about housing the poor, but also about where the poor are housed in our community. I don't think those concerns are illegitimate concerns, they are concerns that do need to be aired out and I don't view this conversation and I've not heard anybody up here say that they are against people who really need a roof over their heads to have one. I don't think that is what this is about. I think this is about trying to figure out how to best strike the balance between getting roof tops but also getting roof tops in such a way that the entire community can benefit long-term. I think the locational policy needs some teeth. I think the policy that we passed a year ago affects how Housing Trust Fund dollars are allocated, but it says nothing about the private markets at all and I think until we either incent or even go further than that, we are going to continue going around and around on this issue. The second issue is our funding model which is the Housing Trust Fund. I think there are legitimate questions about whether that model is a good model for the times. Back in the early part of 2000 when you had a go go real estate market, you had developers that were running to do these deals with the Housing Trust Fund and the market isn't as strong as it once was. There is housing stock that is out there so one question is do we try to take advantage of the housing stock that is out there and change our approach to meet that model. The third issue is who are we really trying to house? Is it workforce, is it 30% and below, what is our goal and we've really got to take a deep look at this because there are people at every extreme on that continuum from 60% all the way down to the person who is

homeless who need help. Someone is going to get that help and someone isn't and what is the tradeoff we are comfortable with. Finally I want to remind us that we do have some very committed people, not only around this dais but in our community who have lots of institutional knowledge and lots of knowledge or real estate markets and lots of knowledge of our community outside the expertise that is around this dais. I think we should be taking advantage of every single person that wants to help us with this, including the Coalition and others. I think we've got a lot to talk about on this subject, but if I were outlining the topics that I think we need to take up later in a Workshop those would be the ones I think we need to address pretty squarely.

The vote was taken on the motion for Items 1 and 2 and recorded as unanimous.

The vote was taken on the motion for Item 3 and was recorded as follows:

YEAS: Councilmembers Autry, Cannon, Cooksey, Dulin, Howard, Kinsey, Mitchell, and Pickering

NAYS: Councilmembers Barnes, Fallon, and Mayfield

Mr. Mitchell said Pam on the tax credit recommendation schedule wise, when will we know if they actually were approved?

Ms. Wideman said we will know in August if they were actually awarded.

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[Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and]
[carried unanimously, to recuse Councilmember Howard on Item Nos. 41 and 42.]

ITEM NO. 41: AGREEMENT WITH THE TOWN OF HUNTERSVILLE FOR THE CITY OF CHARLOTTE TO PROVIDE POLICE DISPATCH SERVICES TO THE TOWN OF HUNTERSVILLE.

[Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and]
[carried unanimously, to approve the subject agreement.]

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ITEM NO. 42: AMENDMENT TO THE ELIZABETH AVENUE DEVELOPMENT AGREEMENT WITH PROVIDENCE ROAD LAND PARTNERS, GRUBB PROPERTIES, NOVANT HEALTH, AND EAST PARK LLC, EXTENDING THE PARKING FINANCING COMMITMENT DATE FOR UP TO 1,000 PUBLIC PARKING SPACES FROM SEPTEMBER 15, 2014 TO SEPTEMBER 15, 2020.

City Manager, Curt Walton said today the development partners, Novant, Grubb, East Park called and asked for a deferral of this item. They are still working on it and it will be back.

[Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and]
[carried unanimously, to defer the item.]

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ITEM NO. 43: CONCLUSION OF CONSENT AGENDA

This was done at the end of the Consent Agenda.

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ITEM NO. 44: APPOINTMENTS TO BOARDS AND COMMISSIONS

A1. Neighborhood Matching Grants Fund Review Team – The following nominees were considered for one appointment for a business representative for a two-year term beginning April 16, 2012:

Wofford Boyd, nominated by Councilmembers Fallon and Pickering
Jeffrey Chen, nominated by Councilmembers Autry, Barnes, Kinsey and Mayfield.
Jason Tuttle, nominated by Councilmember Cooksey.

Results of the first ballot were recorded as follows:

Wofford Boyd – Appointed to the Team in another category later in the evening.
Jeffrey Chen, 8 votes – Councilmembers Autry, Barnes, Dulin, Fallon, Howard, Mayfield, Mitchell and Pickering.
Jason Tuttle, 2 votes – Councilmembers Cooksey and Kinsey
None of the above, 1 vote – Councilmember Cannon.

Jeffrey Chen was appointed.

A2. Neighborhood Matching Grants Fund Review Team – The following nominees were considered for two appointments for neighborhood representative for a two-year terms beginning April 16, 2012:

Jeffrey Chen, nominated by Councilmembers Barnes and Cooksey
Jenifer Daniels, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering.
Karen Labovitz, nominated by Councilmembers Autry, Fallon, Kinsey, Mayfield and Pickering.
Clair Lane, nominated by Councilmembers Cannon and Howard
Jason Tuttle, nominated by Councilmember Mitchell

Results of the first ballot were recorded as follows:

Jeffrey Chen – Appointed in the previous category.
Jenifer Daniels, 10 votes – Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Fallon, Howard, Mayfield, Mitchell and Pickering.
Karen Labovitz, 4 votes – Councilmembers Fallon, Kinsey, Mitchell and Pickering .
Clair Lane, 1 vote – Councilmember Barnes
Jason Tuttle, 1 vote – Councilmember Dulin

A second ballot was taken between Karen Labovitz and Clair Lane and recorded as follows:

Karen Labovitz, 6 votes – Councilmembers Autry, Dulin, Fallon, Kinsey, Mayfield, and Pickering
Clair Lane, 4 votes – Councilmembers Barnes, Cannon, Howard, and Mitchell

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ITEM NO. 45: MAYOR AND COUNCIL TOPICS

Councilmember Howard said I would like to commend staff for their work with a very a very successful event that we had in our city last week. We actually had the ULI spring forum here in Charlotte and if you didn't get a chance to get down to it, it was at the convention center. We had a total of about 3,200 participants and just to tell you a little bit about ULI, I've been involved in ULI probably for about six or seven years it is actually where the brain trust for the development community comes together to talk about a range of issues everything from TOD to inner-city development, you name it and to have that level of expertise in Charlotte along with that level of access to capital I think was great thing for the City. We got raving reviews from all the participants. They talked about our arts facilities. They got a chance to have a reception out in front of Bechtler and everyone just talked about how wonderful and how clean and how
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convenient our city was. Thank you Ron Kimble, thank you Jim Schumacher who's not with us anymore participated in that along with a range of other people so thank you all for helping to make that a success.

Councilmember Kinsey said I know we are all concerned about what is going on in Greer Heights that is a District One neighborhood. I have spoken with the police captain out there, Captain Bosier. They have extra police in the area; they know exactly what is going on. I would encourage the citizens who live there to please call 911 if see anything funny or uncomfortable. I went to their neighborhood meeting last week and the leadership is very comfortable with what's going on with the Police. They work very closely with each other, but I wanted to let you know that we are, that the City is on top of it. Police and Code Enforcement work very closely. I asked the captain if there was anything I could do or if there were other City services that would help. She said she felt very comfortable with what the City was doing and knows that we are very supportive so I just wanted to let you know that our police are doing a terrific job out there.

Mayor Foxx said thank you very much and I share your sentiments and appreciate your efforts on that.

Councilmember Cannon said thank you to the district representative for being on top of it. I had a conversation also with the police chief and he assured me of pretty much the same things. It was one level of requests with regard to having foot patrols or bicycle patrols, but based upon the nature and the types of activity that's going on within the community it purely warrants an ability to have vehicular units going through that area and they have stepped up and continue to step up. The level of community involvement over there has been really good. The issue that we are facing is that a lot of people know one another and it's really hard for police in any part of the city to deal with issues where people know each other because that is when at least at domestic homicides they are right at each others' homes or wherever it might be. These aren't random situations that are going on in Greer Heights nor in other parts of the City so again I want to thank the Councilwoman for her leadership as well as CMPD for doing what they are doing and I think there is an event this Thursday there as well, Ms. Kinsey, I don't have all the particulars about it but I know they are coming again to talk about what's going on there so thank you to the community for your level of involvement.

Councilmember Autry said a couple of things, the last two weeks in Charlotte we've been celebrating Bike Charlotte and I had the opportunity to participate in three of their rides that they conducted and even had a lunch meeting with Councilmember Fallon that I rode my bicycle to meet with her and I'd like to say that Ken Tippet was a key player in organizing this entire event and I think he did a great job. He actually led one of the rides that I went on and I wanted to say how much I appreciated the City's support of that. Also Dick Winter from the county side of the activity was very beneficial to it. It was a great time and just get out there and ride that bicycle, it's good for you.

Secondly, I want to pick up with what I left on on last Wednesday during our budget meeting in the Eastland property situation. I would ask that we could get Council to approve to free staff up to pursue potential partners for a solution to that property, bring them to the table, vet them, whatever they need to do to shake the bushes, see what falls out, but let them be a little more proactive instead of just what their direction is now which is to sit back and just consider proposals that come their way. I would ask for Council's support in moving that forward please.

Councilmember Cannon said question, are there any potential leads that are out there already that might be considered that staff might know about or that you as the district representative are able to lead them to?

Mr. Autry said there are potential discussions that could be fleshed out a little bit better I think. I don't think it's a barren landscape, but there is nobody beating a path to it. I would just like to be able to let staff use their creative brain trust and leverage that ability to pursue something that would be more productive than what we have there now.

Mr. Cannon said that's good and I'm glad to hear you say that there is maybe something potentially out there because the one thing I wouldn't want staff to do is get out there and begin running around in the dark and you don't know what you are able to hit or miss, but if there is something that might be out there that potentially has the opportunity to shake down from a tree, great. Let's go for it because we certainly need a shot in the arm out there really bad.

Councilmember Pickering said I just wanted to mention very quickly, reemphasize something that was said as we go into our budget process. It was something that the City Manager mentioned as he presented the budget to us and that is this notion that we, we, we, everybody out there, watching, not watching, we are all in this together and I would suggest that we already, but that everybody we, continue to think about that and think about how we can bring ourselves together as a city. I've been concerned about this, everybody knows that, since day one where we heard from the east side and the west side were very concerned now we are hearing about the south side as well so I think it's important to emphasize we are all in this together. We all sink or swim together and I think everyone should just be asking that question, is there something I can do?, what can I do to foster bringing this city together?. So I want to thank the city manager for mentioning that. I think it's important. I think it ought to be a theme for us. We are all in this together.

Mayor Foxx said I want to connect back to what Mr. Autry said. I want to make sure that we don't leave that hanging. He's made a request to have a change in the approach from the staff level as directed by Council.

Mr. Howard said if that is a motion that he's making them I will second it.

Mr. Autry said consider that a motion made please.

[Motion was made by Councilmember Autry seconded by Councilmember Howard to allow]
[staff to pursue potential partners for the Eastland property and to allow staff to be more pro-]
[active and creative in their approach to finding a solution for the Eastland Mall property.]

Councilmember Dulin said I think we do a lot of this stuff already and Eastland Mall, gosh knows I'd be more than happy to participate in helping get Eastland redeveloped and get the east side redeveloped and help with home values over there and help with people being able to stay in their homes over there and help neighborhoods come back. I am afraid we are getting ready to tax them eight something percent more it's going to hurt the east side. It's going to hurt Eastland Mall. Eastland Mall is privately owned though, we don't own it and I'm concerned about turning our economic development group into real estate marketers with them having the ownness to go out to find somebody to develop it or buy it or to move forward. We have packages, we respond to inquiries, we made a run at it a couple of years ago with what I thought was a fair offer. It was not taken. A developer came in from Texas he made a run at it and found out he couldn't afford to do anything with it. It is a big piece of property and a heck of a project site for somebody, but I think we've done a lot of things that have made it harder for Eastland Mall and the east side to be redeveloped and as I've said I'm going to be spending all eternity on the east side I'm down with making it better, but I'm concerned that we are turning Neighborhood & Business Services into Neighborhood & Business Services Real & Estate Brokers and I don't think that's their role. I want to see them working on neighborhoods.

Councilmember Mitchell said I'll just be very brief I don't want to interpret what John commented. John, you just want staff to be creative, to look at opportunities and to be more proactive and we have in the past, but I do think that staff has done a great job. I give you a prime example. The Greenway Business Park, they were very creative and came up with a solution and I think that's what John just asked for staff to be very creative not to turn into a real estate and market Eastland Mall, but see if it's possible to make things happen. I'm okay with that because staff, I guess if you get to the point that it's too many hours they would bring it back to this body and we could make a decision to move forward or not so let's be proactive and let's give John what he needs to be successful.

Mr. Dulin said for clarification I think Mr. Autry, and you can clarify it please because I certainly don't want to talk for you. I think he wants our folks going out and looking for somebody to re do Eastland Mall.

Mr. Autry said I don't know if that's the real direction that I'm talking about here. I'm talking about, let them be unfettered in their approach to a solution to that property not become a marketing firm at all, but just free it up.

Mayor Foxx said who knows what comes up at Mayor and Council Topics and this is actually becoming a fascinating discussion.

Mr. Howard said I think the thing that bothers me about this conversation so far is doing nothing can't be an option either. I mean what we do if we do nothing is we wait for it to become one of those items that goes in the back of this book and then we are talking about tearing it down. I mean the idea of just sitting back and doing nothing can't be the solution to how we approach something as important as that huge piece of dirt. So I mean the idea of just kind of waiting for deals to come to us doesn't seem like the most creative approach to figuring out something that could potentially become an even bigger eyesore and problem for us. I don't want to wait til we have to condemn it and tear it down and take care of that expense I want to figure out if there is something creative that we can do ahead of time. I am not supporting the idea of just sitting and doing nothing I think Mr. Autry's asking for us to if in fact it is making a deal I guess I'm not like everybody else I think they've done a wonderful job of making deals in the past and who better to know how that works that City staff. They all know what our participation should be. We have criteria already set for it. I think if they make a deal god bless them. Something should happen over there, but the idea of doing nothing can't be our strategic approach.

Mr. Barnes said I am sensitive to part of what Mr. Dulin is saying. I do recall some extremely painful meetings in the back three years ago and a little bit longer on this issue, but I do want to support Mr. Autry in his efforts. Let me ask you this. Mr. Autry do you think it would be possible / appropriate / advisable to give a six month authorization in order to address some of what Mr. Dulin is talking about. Or an eight month whatever that time frame might be. Would a time frame be advisable in your opinion in order to allay his concerns?

Mr. Autry said I can see where that approach would apply to most situations, but a situation like this with a piece of property this big and in the condition it's in, it's location. If that is the way it has to go, yes I can work with that. I just think the thing is to free the staff up to use their creative, intellectual capital, to apply to looking at what kinds of solution might be beneficial to the entire city for this property.

Mr. Barnes said if you don't think a time frame is advisable I wouldn't push for that. I was just asking if that might help allay Mr. Dulin's concerns and if so what the time frame might be, but if you don't think that's advisable I understand.

Mr. Autry said I don't think it is going to make any potential partners come to the table that much faster because we have a time limit on it.

Mayor Foxx said Mr. Dulin do you want to respond?

Mr. Dulin said no sir I can fix the problem with less regulation and less tax, but that's, we'll start that battle when this is over.

Mr. Cooksey said I'll throw two things on this one. One of the things that just kind of popped into my head about the nature of this motion is that it strikes me, in a way, as being an amendment to the Economic Development Focus Area Plan because we are essentially asking staff to do something of an economic development base. Mr. manager do you think the economic development staff has the bandwidth, the capacity to take this on in addition to what we have already put on the plate with the focus area plan?

City Manager, Curt Walton said yes but I think it's broader than economic development because it really does impact so many neighborhoods over there so it goes over into the neighborhood side so it is a very large animal, but I am comfortable with Mr. Autry's request.

Mr. Cooksey said the second thing to try to work this splitting of the difference between sympathizing with Councilmember Dulin's correct issues and with Councilmember Autry's correct concerns is I come back to a debate we keep having more and more of the reality that votes approved sixteen million dollars worth of bonds to do something about Eastland Mall. They are sitting on the shelf they are not being issued they are not being talked about, so one of the way's I'm interpreting, and I don't know what kind of spin this has with the staff or with the rest of Council, one of the ways I'm interpreting Councilmember Autry's motion is perhaps staff winds up coming back to us with a suggestion about how to spend that sixteen million that the voters told us to spend on Eastland. That I think is a perfectly reasonable thing to do given what the situation on the ground currently is. That is my two cents on it. Thank you Mayor.

Mr. Cannon said Curt you are the person to answer this question I think, isn't Kent Winslow still sort of, involved, with the City?

Mr. Walton said we contract with him from time to time on property transactions.

Mr. Cannon said maybe there's a role for Mr. Winslow to play, to some extent, with regards to this. Obviously he is on that real estate arm. We have a real estate department, but maybe there's a tie in where we cannot tie up too much staff time if that makes sense.

Mr. Walton said right I agree and they really do have the expertise. We are talking about so many property owners in this case so I agree Mr. Cannon.

Mr. Cannon said I will say Mr. Autry that if we let staff just kind of go outside of the realm a little bit and loosen themselves up, you know, loosen the reigns up and go after somebody like Kent Winslow and others that can help us with trying to get to your end goal, all of our end goal I believe.

Mayor Foxx said a lot of very robust discussion on this topic. Let me just say first of all thank you Mr. Autry for bringing it back up. what's interesting to me is, listening to this conversation, you know, we have some parts of the City, and god love this City it's a great City and we are fortunate to live in a place that is as wonderful as Charlotte is, but if we focused all of our attention on places where there was a line of people waiting to go do a project we would increasingly find ourselves dealing with a smaller and smaller and smaller span of space. I think the issue is for those parts of the City that need some type of special attention how do we most effectively target that attention and therefore confer a benefit to the entire community by raising property values and bringing amenities and other signs of economic life to those areas. In this situation I think Mr. Cooksey's right that part of what I hear Mr. Autry saying is maybe the reason why those funds haven't been put to work is because we've put a little constraint on staff to say staff if a project comes to you, you can smoke it over and come back to us, but we're not asking you to go actually try to help make something happen out there so I think maybe, this may work. I am comfortable with the action and why don't we go ahead and have a vote. I think the motion has been made and seconded.

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

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ITEM NO. 46: CLOSED SESSION

[Motion was made by Councilmember Kinsey seconded by Councilmember Cooksey and]
[carried unanimously, to go into closed session, pursuant to NCGS 143-318.11(a)(4) to]
[discuss matters relating to the location of an industry or business in the City of Charlotte,]
[including potential economic development incentives that may be offered in negotiations.]

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Meeting recessed into closed session at 8:55 p.m.

ADJOURNMENT

The closed session was completed at 9:39 pm and the meeting was adjourned at that time.

Ashleigh Price, Deputy City Clerk

Length of Meeting: 5 Hours, 35 Minutes
Minutes Completed: August 10, 2012