

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, April 28, 2014 at 4:03 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Ed Driggs, Claire Fallon, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Clodfelter said the first thing we are going to do is get any questions that you need to get answered on the Consent Agenda items. Do we have any Consent Agenda item questions that we need to ask? There were no Consent Agenda questions or items pulled.

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ITEM NO. 2: REVIEW OF THE ZONING AGENDA

Tammie Keplinger, Planning said Albin is passing out the Rezoning Agenda updates for tonight and I'm going to briefly review those for you. First I would like to go over the deferrals that we have tonight. Item No. 3, Petition No. 2013-102 by Wajahat & Syed (Decision) is a one month deferral; Item No. 4, Petition No. 2014-013 by Hawthorne Retirement, LLC (Decision) is a one month deferral; Item No. 5, Petition No. 2014-014 by Sam's Real Estate Holdings, Georgia LLC (Decision) is a one month deferral and is noted in your agenda as having a sufficient protest. Item No. 7, Petition No. 2014-021 by The Charlotte Mecklenburg Planning Department (Decision) is a one month deferral; Item No. 11, Petition No. 2014-027 by The Charlotte Mecklenburg Planning Department (Decision) is a two month deferral and Item No. 12, Petition No. 2014-003 by George M. Macon (Hearing,) is a one month deferral for the hearing and has a protest petition that sufficiency has yet to be determined.

Councilmember Mayfield said Tammie, just trying to get an idea for No. 11, why are we doing the two month deferral.

Ms. Keplinger said Item No. 11, Petition No. 2014-027 by the Charlotte Mecklenburg Planning Department (Decision) is a straight up TOD request and I believe the petitioner has requested a two month deferral.

Ms. Keplinger said I have a couple other items related to the agenda; Item No. 2, Petition No. 2013-085 by Providence Farms LLC/Crosland Southeast/Childress Klein Properties (Decision,) is the Waverly rezoning, the Protest Petition has been withdrawn so there is no longer a sufficient Protest Petition; Item No. 9, Petition No. 2014-024 by Stonehunt LLC, (Decision,) the Protest Petition is sufficient; Item No. 14, Petition No. 2014-030 by Golden Triangle #2 (Hearing,) a Protest Petition has been submitted and its sufficiency is yet to be determined; Item No. 15, Petition No. 2014-031 by Wilkison Partners, LLC (Hearing,) a Protest Petition has been submitted and its sufficiency is to be determined; Item No. 16, Petition No. 2014-032 by The Affordable Housing Group of NC, Inc./The Drakeford Company (Hearing) is requesting a decision on May 12, 2014. This will require a Council vote to expedite that. Normally anything from tonight going for decision would have a May 19th vote. Item No. 17, Petition No. 2014-038 by the Charlotte Mecklenburg Planning Department (Hearing,) just a note of the change in staff resource because it is a text amendment Sandra Montgomery will be presenting that to you.

Mayor Clodfelter said are there questions at this point that you want to get out of the way before we go into the Chamber?

Councilmember Phipps said Item No. 16 you are saying that we have to vote tonight to expedite the schedule?

Ms. Keplinger said the Petitioner is requesting that so the Council would need to vote tonight if they decided to honor that request.

Councilmember Barnes said Mr. Austin is the item we talked about?

Councilmember Austin said this is the retirement community that the Drakeford Company is looking to build on Beatties Ford Road at Sunset. He has spoken with me about possibly trying to get it accelerated. He has a deadline to meet for the May 16th tax credit application. He wanted to put it out there to see if he could get it early and I told him it would be at the will of Council.

Mayor Clodfelter said do you intend to make a motion to put it on the May 12th Agenda? Is that the motion you want to make?

Mr. Austin said yes.

Mr. Barnes said when would it ordinarily be decided upon?

Mr. Austin said May 19th, but he would miss the deadline.

Mr. Barnes said so he is asking for a week adjustment?

Mr. Austin said yes.

Mayor Clodfelter said are there any issues on that from the staff standpoint about doing it a week early?

Ms. Keplinger said no sir, not being a week early; staff is not supporting the petition.

Mayor Clodfelter said staff is not supporting the petition; but it is just for a hearing tonight?

Mr. Austin said right.

Mayor Clodfelter said is there any other zoning items or anything else you need to talk to us about Tammie?

Ms. Keplinger said no sir, but Debra Campbell will be glad to update you on the Text Amendments.

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ITEM NO. 3: AREA PLANS STATUS AND TEXT AMENDMENTS UPDATE

Planning Director Debra Campbell said as part of your voluminous packet of information, there should be a matrix that says Text Amendment, Area Plan and Study Update. For those Councilmembers who are accustomed to this you know I go over and update, provide a status of some of the key projects that the Planning Department is working on and Mayor, this will be your first review and I hope you find it informative. I usually just talk from the matrix, but I do have a brief slide presentation that I'm going to give regarding Text Amendments and some questions that we have related to the Text Amendments. On page #1, and there are 6 pages, the Pedestrian Overlay Density District update, I just want to highlight that we have been working with the neighborhood organizations, particularly along Morehead and East Boulevard to update that amendment. It will be coming to you on May 19th for discussion. We've had several meetings and I think they have been very positive. One of those meetings also included working with a group of architects that have businesses locally who have helped us review some of the design standards that we are recommending. That Text Amendment will be coming to you in May.

On Page 2 the Eating, Drinking and Entertainment Establishment Text Amendment, just an update on that. At your last meeting I said that I was going to try to convene some small group meetings individually with Councilmembers. I have held several of those meetings and have a few more at the end of this week and the upcoming week. We are recommending that this Text Amendment be moved to a June date and our Citizen's Advisory Group has been notified that

that change is going to occur, not in May as we had previously anticipated, but the public hearing will be held in June.

As a result of some of these Text Amendments, what we have found, and it is going to relate to the presentation that I'm going to give very shortly, is our ability to get information to you all in a timely manner regarding a change to the Zoning Ordinance, namely a Text Amendment. What we are finding often times, particularly when we either have a Citizen's Advisory Group or some major change to the Zoning Ordinance is when we go to public hearing we have not given you probably enough information ahead of time about that Text Amendment so we will be talking about potentially a way that we can provide better communication, a little bit more of an update so it is not the first time that you hear some of the details of the Text Amendment at the public hearing and I will talk about that shortly.

Continuing on with the Text Amendments, the Mobile Grocery Text Amendment; that is one that we are continuing to work on and hopefully by May or June we should be coming back to you with that particular Text Amendment. The Mobile Food Trucks is another relatively contentious one that we will be bringing to you and in fact as part of the PowerPoint presentation we will be asking how you want to become educated on that particular one. If you will turn to Page #4 of the matrix handout, Item #10 which is the Prosperity/Hucks Area Plan, you may recall that this plan was deferred for public comment to allow time for staff to go back out to the community to work with some citizens who said they wanted some additional input and wanted to have a little bit more dialogue on the plan. We have had a couple of updates to the Transportation and Planning Committee with regards to this area plan. It will be deferred, specifically in terms of public comment, for several months. We have listened to some of the concerns that were expressed by this particular community organization of 200 people, so we are going to make sure that we make the necessary adjustments before we come back to Council for the public comment. There will likely be some changes or clarifications and again we've updated the Transportation and Planning Committee about expecting some potential changes.

I'm going to conclude, unless there are any questions and again just for your reference, the changes and updates to this matrix are highlighted in yellow so you don't have to peruse through everything and you can have a quick reference to those highlighted items.

Councilmember Phipps said I just wanted to make a clarification that the Planning Director mentioned that we went to a meeting that had 200 people in attendance; it was actually 257.

Ms. Campbell said I'm sorry, I low balled it. That was interesting having 257 people at this particular meeting when in the previous meetings that we had we were having 250 and 260. We are going to hold off on public comment and then get some changes or clarifications to the plan.

Mayor Clodfelter said anything else for Ms. Campbell before she moves into her next item.

Ms. Campbell said Text Amendments; as I said earlier and as you could see on the matrix, there are a number of Text Amendments that staff has currently underway and because we have so many I thought maybe we should provide an update in terms of what it is, particularly for the newly elected Councilmembers. It is essentially a Legislative change to the text of the Zoning Ordinance and obviously Council approves the final change. These changes when they come to Council usually occur at our Zoning Hearings. What types of amendments occur? Generally there are two types; they are minor which are more or less technical things, for example, we are changing the number within the section; Section 12.102A should be 12.102B so that is just a technical change. For the most part we don't have a whole lot of citizen engagement as part of that process, but then there are Text Amendment processes that we call major and those are the ones that involve major policy changes or major changes to the text or a whole new direction related to regulating a particular use. A major Text Amendment in most cases involves a Citizen's Advisory Group and staff facilitates this process and I will give you an example of the Pedestrian Overlay District process that we currently have underway. Who can initiate a Text Amendment? Any person or entity can so we have lots of Text Amendments that are initiated by a private citizen or a private resident, or business owner or whomever and obviously staff initiates them. When does staff initiate a Text Amendment? When there is an issue or problem with the language in the Zoning Ordinance. For example night clubs, bars, restaurants and

lounges. The one that we are working on that is now called Eating, Drinking and Entertainment Establishments. New uses evolve, for example, Micro-Breweries; we didn't have a definition of that use in our Zoning Ordinance and we have updated those and you approved those last year. At request of City Council, for example the Mobile Groceries is one that was requested by Council that we update it.

As I mentioned earlier, some of the concerns that we have is providing you enough time to review and get familiar with a major change in the Zoning Ordinance and we think it is important enough that we give you some options of how we do that in terms of exchanging information about these changes. What we've done is work with the City Manager to outline four possible options of reviewing and discussing with you all major Text Amendment changes. The first option is to provide you an overview of a recommended Text Amendment as part of your Council Workshop. In fact in May we will be bringing a Text Amendment related to the Mobile Food Trucks to your Workshop to discuss that particular recommendation. Option 2 is to meet one on one with Councilmembers or set up meetings obviously with 5 or less members. We have done that with the Eating, Drinking and Entertainment Establishment Text Amendment. Option 3 would be to meet with a Council Committee to review the Text Amendment, and then 4 would be to establish something new related to a Manager's Briefing that would be voluntary not mandatory. Anyone who wants to show up to be updated could show up and we could talk to you about, not only Text Amendments, but anything else that the Manager may want to put on that agenda. Although I titled these as options we are looking at the opportunity probably to do all four depending upon the issues, the magnitude of the Text Amendment and obviously by direction from Council as to which one you think would be most appropriate related to the subject matter. At your May 5th Workshop you will have a briefing on the Mobile Food Trucks and that will be updating you on the regulations that are currently in the Zoning Ordinance, recommended changes and issues and concerns and then we will also seek direction from you as to how you want to review this amendment through a committee or some other option. The reason we mentioned Committee is because this particular Text Amendment, when we made the first changes was it was in the Community Safety Committee and they reviewed it and made recommendations, and then we took it to the full Council. With that I will take any questions that you may have.

Mayor Clodfelter said Debra do you need some feedback on those options tonight? Is that what you are really hoping to get?

Ms. Campbell said feedback would be fine if any of these things are concerning to you.

Mayor Clodfelter said I hear you saying you are probably going to use a mix and match of some or all of them as you go forward so maybe what the feedback might be is if there are some up there that you think are a waste of time for you then you can tell Debra and if there are some that you like better than others she might like to know that too.

Councilmember Driggs said you mentioned that a citizen can initiate a Text Amendment so how does that work? You get an e-mail and they say they would like to see this modification to the language and where does it go from there?

Ms. Campbell said usually they will meet with staff and say we are having this concern related to the current language that is in the Zoning Ordinance regarding a use; it may be either the development standards, it may be the permitted uses within a zoning district. It can range from a variety of different subject matters. They would come in and we would talk to them about the process that you go through in order to initiate a Text Amendment. We would give them examples of Text Amendments that either staff has done or other private sector citizens have initiated and they are responsible for actually going away, drafting it and then resubmitting it to staff or to the Department.

Mr. Driggs said all of that eventually comes to Council if staff decides not to forward it?

Ms. Campbell said it would come to Council irrespective of whether we support the change or not; it would go through the process. Sometimes they choose not to go through the process if staff doesn't support it. I just wanted to say that with full disclosure.

Councilmember Barnes said Ms. Campbell I like Option #1 and the first half of Option #2.

Councilmember Smith said if a citizen initiates the request, and I'm looking at #4, example of Mobile Food Trucks, since there has been a request from food truck operators and property owners and business owners to revise the Mobile Food Truck regulations. Are we able to as the Council see who put in those requests? Is it public information that puts in the request? Some of these, I think it could be the folks out there that are curious about how some of this got initiated.

Ms. Campbell said on our website it would be who is initiating it as part of the petition.

Mayor Clodfelter said if there is a petition you would list the names of the petitioner, but I guess Councilmember Smith's question might be suppose only one person signs the petition would you also know who else had been working with that person. Is that the kind of thing you were getting at?

Mr. Smith said sort of. I was just looking at the Mobile Food Truck and since there has been a request from some Mobile Food Truck operators and property and business owners to revise the Food Truck regulations, I was just curious.

Ms. Campbell said they actually raised some concerns, but they were concerns that staff shared as well and we were actually going to work on this Text Amendment anyway. That is how that transpired.

The meeting was recessed at 4:27 p.m. for dinner and reconvened at 4:37 p.m.

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ITEM NO. 4: GOOGLE FIBER, INC. EVALUATION PROCESS UPDATE

Mayor Pro Tem Barnes said welcome back from a fine and tasty dinner. The next item is the Google Fiber, Inc. update. In addition to this item I would love to hear feedback if we have it from Mr. Stovall about the AT&T announcement and how it may relate technologically to the Google effort.

City Manager Ron Carlee said I'm sure Mr. Stovall will be happy to address that. We do want to give you an update on Google. There has been a lot of press coverage on it and we want you to know what we've been up to and understand what the proposal is. We have Jeff Stovall who is the City's Chief Information Officer and Phil Reiger from the Department of Transportation who manages our right-of-way. They will present to you the work they've been doing; discuss a little bit some opportunities we expect to have with regards to Digital Inclusion and if there is no Council objection I would like to have your authorization to proceed with making submission to Google on the information that they have requested. Other official actions that the City may need to take especially around use of city land would come back to the City Council for action if Google were to go forward at a future date. We would like to have your authorization to submit the material that they have asked for, for their evaluation. With no objection, I will have our Chief Information Officer come forward and kick off the proposal and what is going to be a duet tonight.

Chief Information Officer Jeff Stovall said it will be a duet and we'll hand off at some point here as we start to talk about some of the issues related to property and rights-of-way and how we are collecting information to be able to tabulate for Google. Just to give you some background about this Google Fiber activity, over the past few years Google has worked with certain cities across the United States in order to be able to provide fiber facilities that would be available to the public as a resource that they would be able to procure through Google in order to be able to have "gigabit" levels of internet speed. When we are starting to talk about "gigabit" speeds it is a very transformational type of technology in the way that people experience the internet and the types of uses that can occur in the internet. I will go into that a little bit further, but let's suffice it to say there have been a few cities that have already been selected as part of Google's continuing view of how they would deploy these high bandwidth capabilities across the

United States. As you can see Kansas City, Kansas, Kansas City, Missouri, Provo, Utah and Austin, Texas are the cities up to date that have actually been selected and are deploying Google Fiber facilities.

In February we were approached by Google as Google was looking to expand the number of cities that it was looking to have Google Fiber facilities at. We were one of 34 cities; non-metro areas, that was considered by Google and they were interested to find out if we would be interested in going down the next step with them to determine whether or not those types of capabilities should be or could be brought to Charlotte. As a result of that we engaged in what is being called the Google Fiber Checklist Process. The Google Fiber Checklist Process is an evaluation; it is not a competition, but what it is is the assemblage of a lot of information about the City, the GIS information, information about our rights-of-way and how we lease properties to entities in order for Google to evaluate whether or not it makes sense for them to come to the city to establish fiber facilities. These are major construction project. Very, very expensive and extensive construction projects in order to bring fiber to every household that they are choosing to deploy against and as a result they are looking to try to find out as much as they possibly can about the climate for working with the City government and the City as a whole as well as what are some of the things that they may encounter in terms of being able to dig, being able to find rights-of-way, being able to find properties that are necessary for them to deploy the Google Fiber Facilities. We'll talk about those specific facilities in just a minute.

The initial service is being considered as a residential only service so it does not explicitly include upfront a small business or medium size business component.

Councilmember Driggs said when it says no public subsidy requested; they are intending to use public right-of-way, is that right, so does that mean that the City would get compensated at commercial rates for the use of that or is that a contribution that we have to make to the arrangement?

Mr. Stovall said we would use the existing structures that we already have for working with utility companies in the rights-of-way and what they have asked for more specifically is the ability to lease certain properties from the City. They want to be able to lease certain properties to be able to establish what are called fiber huts which I will talk about in just a minute.

City Attorney Bob Hagemann said in North Carolina we do not charge fees for using right-of-way. State law gives regulated utilities the right to access. The gas company, the electric company and telecommunication companies, so we are not charging any of those. We do share a portion of state taxes that are paid by those companies which I have always described as the North Carolina way in which we are compensated for their accessing the right-of-way.

Mr. Driggs said so is Google regulated the same way other utilities are in this arrangement?

Mr. Hagemann said as I understand their proposal they would be certificated or franchised by the State of North Carolina as a telecommunications and/or video programmer similar to how Time Warner Cable currently is regulated.

Mr. Driggs so pricing etc. would be subject –

Mr. Hagemann said North Carolina does not regulate pricing of telecommunication services.

Councilmember Lyles said Mr. Hagemann answered my question. I just wanted to know how the city treats right-of-way as an asset; what the asset management policy was, but I think you've summarized it.

Mr. Stovall said we will talk more about rights-of-way and how we manage that in just a few minutes as Phil comes on as well.

Mayor Pro Tem Barnes said because you are essentially being asked to compile a list of infrastructure, access infrastructure, rights-of-way issues and the locations of infrastructure. Is this not the type of information that people who might want to do us harm might want to have?

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And to that end is there no way to protect the information? I don't know much about Google; I know they are building these little secret islands off the coast of wherever they are out there, etc. but the point is that I don't want to be in a position where we are essentially compiling a bunch of information that may go from Google to God knows where and be used against us.

Mr. Stovall said I understand the point. We have had conversations internally about what information could be released as general public information or what information is protected information under our policies and codes. As for any information that pertains to our utilities, that is considered protected information that does require a non-disclosure agreement with Google in order to be able to have any conversations about where those facilities are.

Mayor Pro Tem Barnes said even beyond that there are some things you talk to people about, but you don't give them a copy of it. So what determination have you guys made in that regard? You could give me all kinds of stuff that I may want to use against you and I'll say sure I'll sign your non-disclosure agreement and then I'll just sell it to her and she will use it.

Mr. Stovall said in the course of construction often times there are going to be exchanges that have to happen about information that we actually have. We have used these non-disclosure agreements to protect the City in order to make sure that is not information that Google would be subject to be able to release under a legal agreement, so there is a legal agreement associated with that, it is not just the force of somebody's promise.

Mayor Pro Tem Barnes said let me put it another way then. If you've compiled the information, make them aware of it, let them read it and let them see it without giving it to them, once they commit to us, if they commit to us, then we give it to you.

Mr. Stovall said the issue becomes in this particular process, in order for Google to evaluate fully what it would take for them to be able to create the facilities, put the facilities across the entire area, they do need some information about where they might find obstructions, where it is going to be difficult to construct. We will talk a little bit more about that because I think that is really important especially as we start looking at where the locations are relative to the entire city as we've been discussing with them.

Ms. Lyles said when you are in the presentation can you also include or tell us where the Google list would be different from an AT&T request or a Piedmont Natural Gas or Duke Power? I think that would help us put it into context.

Mr. Stovall said certainly. As we are talking about the checklist, the completion of the checklist has a May 1st, 2014 deadline so the May 1st deadline is one that we've been working toward, making sure that we have the entire collection of information that is required, including a discussion around what would a lease agreement with Google look like in order to be able to look at city properties and being able to place Google Fiber Huts on city properties. We will outline those as we go along. Why does this matter? Why does this matter when we start talking about "gigabit" residential capabilities? Typically when we talk about "gigabit" we are talking about capabilities that are 100 times faster than what you may be currently experiencing with cable modem or DSL service that is servicing your home today. It radically changes the ability of somebody to be able to use the internet at home for a wide range of capabilities and so when you start looking at the offerings that Google is packaging there is a "gigabit" offering which is a very fast internet speed offering. This is the type of offering that a lot of high tech companies and individuals who are looking to do start ups find to be very attractive. There is no equivalent offering of this type in the Charlotte market today. In some markets where there are "gigabit" capabilities, the pricing of that could be several hundred dollars per month just to be able to get a "gigabit" residential connection. It really becomes an enabler for developing a more connected, a more tech savvy citizenry here in Charlotte and potentially can serve as a catalyst for existing businesses and new start ups. Clearly some of the things that you can anticipate as being uses initially would be around telecommuting and telework, being able to just work from a distance, in some cases work on things that you could work on clear across the country because now you have the ability to move files and move data all the way across the country at these very, very high rates of speed. Also future small and medium business offerings where Google is not deploying those capabilities today, they have indicated an interest in doing so and have

already started a pilot activity in Kansas City which was their first area. As we look at those potential actions that are coming as a result of having a Google Fiber facility here in the city, then there is a potential economic stimulus development.

Mr. Driggs said you mentioned that it is initially residential only and here you are talking about the value to businesses. What is the timeline for the service to progress from residential to business?

Mr. Stovall said they have not provided a specific timeline to go from residential to business, but what they have indicated that they are interested in doing business and that they've already started a pilot in Kansas City for a business offering.

Mr. Driggs said how does this compare with any arrangements we have already with Time Warner and AT&T and how are they responding to this whole concept? Have you had any input from them?

Mr. Stovall said we haven't had input directly from them in terms of being interested in this specific arrangement; they are clearly interested. This is a unique arrangement; we haven't done this in the past with any specific provider. We have worked with providers in the past in order to get them to have facilities. Like AT&T does have U-Verse in parts of the city today so we are comfortable in working with providers to be able to deal with rights-of-way issues and other issues that allow them access, but this one is a little bit different, particularly because of the nature of how they are looking to work with the city and the potential of actually using city properties.

Mr. Driggs said I would just comment that I'm a little concerned about the possibility we will find ourselves in the middle of a competitive landscape in a position we don't want to be in. We can't unfairly partner with one for-profit company at the expense of people who have already been here for a while.

Mr. Stovall said that is my oversight. I should have made sure to make this point on the first slide. One of the things that Google is being very, very specific about is that they do not want something different than what we would offer other providers. They want to make sure that if they are going to be able to get those services, they would expect that those services would be offered to any provider at the comparable rates and comparable provisions so that I think is going to be something that is unique, but it is also something we will talk about a little bit more when we start talking about the lease agreements.

What does fiber to the home mean? I've used that term, but when we are talking fiber to home typically optical fiber which is used in telecommunications work to provide high-bandwidth service typically does not go all the way to a customer's home. Typically it terminates somewhere close within a mile or so of their home and then from that determining location it runs over typical copper or coaxial cable. Where we are looking at a fiber to the home type of installation, that fiber will extend all the way to the customer's premise so that does mean that they are going to be installing fiber either underground or overhead all the way to a dwelling. That is the difference in terms of being able to provide these very, very high-bandwidth capabilities is that the fiber is not terminating near the customer, it is at the customer's premise. That is a big difference and it is also contributes to why it is so expensive to build out these networks. It is extremely expensive to lay that fiber out in neighborhoods and lay that fiber out across an entire metro area which is why you don't find this type of deployment very often and there are very few cities in the United States that do have these capabilities.

To give you an idea of what the pricing might look like the pricing that Google has proposed and is selling in Kansas City is as follows: There is a cable TV type offering Gigabit + TV and that is priced at about \$120 per month so what a customer would get is the Gigabit internet capabilities. They would get storage capabilities with a DVR and they would also get a tablet that would allow them to be able to use those capabilities like a remote control. They would get a little tablet that does that remote control function for them. The next tier that they have available is just the Gigabit internet by itself so you get a box that allows you to be able to

connect to that optical fiber but it doesn't come with the other capabilities around the television stations so that is priced at \$70 per month.

Councilmember Howard said this is just a logistical thing so they run it to each house like Cablevision did years ago?

Mr. Stovall said yes.

Mr. Howard said that is antiquated.

Mr. Stovall said it is the only way to get this type of speed and you cannot get this type of speed across the air. Air is not a conducive medium. You can't get it and that is what the big difference piece is and in order to be able to get those capabilities you do need optical fiber. It is physics really and then once the optical fiber is in the fiber actually has the capability to grow in capacity over time. There are technologies available that are starting to be deployed that can allow some of this optical fiber to go at 10 times the speed. They haven't been fully deployed but as we've seen in the past with technology enablement, those capabilities do tend to come after the facilities have already been built.

Ms. Lyles said the question that I have, this is all underground and is that one way that it protects; how does act in storm, hurricane, ice storm and things like that?

Mr. Stovall said it is not all underground; some of it will be overhead. They also have to negotiate with Duke Power and AT&T for pole attachment agreements. Those go over and beyond what the city can offer because the city doesn't have those poles.

Councilmember Autry said gigabit both directions, upload and download?

Mr. Stovall said upload and download, yes.

Councilmember Fallon said I don't see the phone there with the gigabit and TV.

Mr. Stovall said there is no phone capability provided.

Ms. Fallon said so that is an extra bill to add a phone to it and it would probably be a landline.

Mr. Stovall said there would be other ways of doing it and a lot of people who would be interested in this today might not even have a landline phone. They may be using wireless exclusively. There are other services that you can provide from providers other than Google that could provide you with a telephone like equivalent across this type of facility, but it is not being sold by Google as part of this package.

Ms. Fallon said how do you allay the fears of the public, because I've heard it already, that this going into their house, knows everything about them and it is like a spy.

Mr. Stovall said it is no more spy than what we already have with DSL and cable today, so the capabilities of the fiber are not inherently more intrusive than the capabilities that already exist with broadband.

Councilmember Mayfield said what you just mentioned is a combination of both overhead and possibly underground. I have a concern because when you look at comparable cities and you look at wiring and you look at the reality of Charlotte being "tree city" and we already have a number of concerns with our trees that have overgrown over wires when we have periods where we have harsh weather like we've had for the last 6 to 8 months, what that impact will be when I was under the impression that we were really trying to move toward more underground wiring as opposed to overhead, why would we have a conversation that is could possibly consist of adding new above ground wiring when we are already having concerns with wiring and the trees.

Mr. Stovall said the decision on how to route the cable is not really our decision if it is going to go into overhead because they are looking at pole attachments that would be existing with Duke
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or with AT&T today. I think the thing to keep in mind is that it is extremely expensive to route cables underneath the ground. It's extremely expensive and to the extent that any provider, whether that is AT&T or anyone who chooses to provide such facilities can choose to find ways of more effectively getting that to a customer via overhead they will probably look at those options as well. I think the real question that comes back to us in terms of whether it is overhead or underground is what impact does it have on the construction schedule and how the construction works out as they are trying to put those facilities overhead or underground for that matter.

Councilmember Austin said clarify for me; did you say there were only going to be doing these in certain neighborhoods or it is open to everybody?

Mr. Stovall said yes, there's a process that Google uses in order to be able to gauge demand so the process they use for gauging demand really is a sign-up process. We'll talk a little bit more about that sign-up process because there are some issues associated with it. You can effectively think of it as Google wants to go where there is demand and they want to make sure that there is a sufficient demand in neighborhoods before they move forward. Obviously that creates some issues in terms of how the neighborhood's demand is spread out so that becomes one of the digital inclusion issues that we have been talking with Google about, and about how other cities dealt with this issue of pricing being potentially a barrier for entry into some neighborhoods.

Mr. Austin said that is my point and the other cities, Kansas where there are more communities for low income that were not part of this expansion, thereby creating a larger digital divide between those that have and have not.

Mr. Stovall said Phil if I misspeak on this please keep me honest, but our communications and the discussions we had with Google on this point was that they covered about 90% of Kansas City in the first pass. There was 10% of the City in the first pass that did not have sufficient demand for them to bring that offering in the first iteration. Subsequently, they came back in a second iteration and are starting to address some of the areas that did not get addressed in the first iteration because there wasn't enough demand. I think that also plays into this notion of the free internet and why the free internet component is so important to the overall offering. The free internet is not Gigabit's speed; it is typically more of a conventional speed that you would find either with DSL or cable today, but the attraction of the free internet is that once a \$300 construction fee is paid and that fee could be paid in installments, it doesn't have to be paid all at once, but once the \$300 construction fee is paid then they are able to provide that service up to 7 years with no monthly charge. That is one of the more compelling aspects of the service offering; that is another lowering of barriers to entry. There are still some barriers to entry that exists, but it helps to lower some of the barriers of entry concerned with the ongoing monthly recurring fees.

Mayor Pro Tem Barnes said did you say 7 years or seventy?

Mr. Stovall said 7 years, and as I mentioned earlier there is a small business pilot that was announced just this month in Kansas City to experiment as to how they might roll out a similar service to small businesses.

Assistant Transportation Director Phil Reiger said as you can imagine, just a little over 8 weeks ago Google came to us in February and said we'd like to come to the City of Charlotte; we'd like to evaluate that and they put on the table a checklist, which was really a request for information. Their interest in providing the checklist or wanting the information is threefold. One, they are really trying to assess the feasibility to build such an infrastructure in Charlotte; two, they are trying to improve the predictability of the build schedule, the construction schedule and three they are trying to obtain some certainty in cost. They are trying to determine really what it is going to cost them to do it. They've asked for three broad categories in the checklist; they've asked for data, specifically GIS data around parcels and addresses, where is our right-of-way, where is the actual right-of-way lines as well as locations of existing underground infrastructure. Primarily they want that information so they know how to design the system. That gets to really assessing the feasibility of design. The second thing they are looking for is information about how we permit this type of work. Bob described how the state regulates the

telecommunication's industry. We have a right-of-way use permitting process that Council actually adopted 6 or 7 years ago when they adopted the Utility Right-of-Way Management Ordinance. We are describing to them what that ordinance means and practically how that plays out on a day to day basis. Jeff also talked about needing the Fiber Huts to facilitate the build. Those are buildings effectively and so they will require a building permit. We have a lot of NCDOT right-of-way here so they need to have information about what it takes to work in the NCDOT right-of-way and anytime you are going to use land in the City of Charlotte you've got to comply with zoning ordinance so that is a part of the permitting process documentation. Finally, they are trying to obtain a certainty in cost. What they have found in other cities is that using city land, leasing city land; it is not for free, but leasing city land has been useful for them in trying to locate these Fiber Huts evenly across the community. They've got to be evenly distributed. We have spent quite a bit of time; myself and Jason Kay with the City Attorney's Office, negotiating with Google on what a potential lease agreement might look like and I'm going to show you how those terms are shaping up.

Councilmember Smith said understanding why Google needs this information when others, U-Verse or Time Warner have come into the market, do we provide this type service for them as well or do they require it. I guess touching back on Mr. Driggs' competitive imbalance. Are we doing the due diligence for them that may or may not be provided to someone else? Are we allocating staff resources to this on something that is normally done on the private sector side I guess is what I'm asking?

Mr. Reiger said there are a couple distinctions that I would like to point out that is a little different, but to your point about competition. Time Warner Cable and AT & T which used to be BellSouth, which used to be Southern Bell, they've built their infrastructure out over a long period of time. What Google is proposing is a 24-month build out so that is a little different. It is not uncommon when AT & T or Time Warner Cable approach us about a build that we will provide them any public information that they ask for. Most of this is public information with the exception of critical infrastructure which is governed by that non-disclosure agreement, but utilities have many ways to find out where our critical infrastructure is.

Mr. Smith said thank you that helps a lot.

Councilmember Howard said I want to know why these huts are so big that they needed land. I think U-Verse and these other guys actually used the poles and they knew everything on those right-of-ways and I probably need to understand more about what a hut is and why it needs the land.

Mr. Reiger said we are going to talk a little bit about terms agreement and then about locations. Let me tell you what a hut is and give you a sense of what it looks like. A hut is a 12 X 30 foot prefab building. It is about the size of a one-car garage. It sits on a concrete foundation. It has a back-up generator; security fence or wall depending on what the requirements are for the specific site. They need a total of about 1,400 square feet and they will need about 20 of them. To answer your question specifically about why they need that, I probably might need to call on Jeff, being more the IT expert to tell you why they need that.

Mr. Stovall said each hut serves about 20,000 households so in order to be able to serve that volume of households with the types of high-bandwidth capabilities, they actually have to terminate fiber inside of these buildings. It does require a fairly large facility to be able to serve 20,000 out of a single hut. Each one of the huts breaks down into boxes that go into a neighborhood and each neighborhood box serves about 250 households.

Mr. Howard said I'm probably getting way into the weeds and I apologize. When Cablevision actually came into the City and I remember doing all of this; I'm sure they had to have similar facilities and probably bigger than this back then. How did they do that? It sounds like what you are saying is that they are asking for certain things from the City in exchange for that \$300 for 7 years which is a public benefit, but everything else is just what a normal company would do. They are asking for the tradeoff and what they are saying is we are going to be able to give the citizens cheap internet for a longer period of time. In exchange for that they want us to work with them and do these things.

Mr. Stovall said cheaper and faster.

Mr. Carlee said faster is the key.

Mr. Howard said but what I heard is they are going to get the equivalent of what DSL would give them now; the \$300 because that is the public good. AT&T can match the gigabit so why would we even entertain this? What is the public good in this?

Mr. Stovall said this becomes a significant differentiator in terms of being able to attract the high tech talent to this area. There are only a handful of cities across the United States that have the capabilities at all. Only a handful and you saw some of them that actually have capabilities from Google. There are some that have chosen to build those facilities out through public utilities.

Mr. Howard said what I'm really getting at; I'm saying what Mr. Driggs was eluding too, the competitive advantage here. AT&T is getting ready to provide this whole service. Tell me what I'm missing. They are going to do something beyond what AT & T is going to do?

Mr. Stovall said AT&T's network structure probably won't look a whole lot different except for the fact that they already have some facilities already built out because they've been here for a long time.

Mr. Howard said the big difference is they are not offering the \$300 for 7 years of internet.

Mr. Stovall said right. That is not the offering today.

Mr. Hagemann said a couple of things Mr. Howard. Federal law right now provides that we cannot discriminate and must provide a competitive neutral playing field for companies engaged in telecommunications in terms of accessing our right-of-way. Google, once they are certificated by the state has the absolute legal right to access our rights-of-way on the same terms and conditions that AT&T or Time Warner currently is accessing the right-of-way so there is nothing different or unique or special about this for them. What I think we are really doing is expediting the process of providing the information so they can make their business decision on whether they want to do a massive build in Charlotte. The other thing I will caution you too is the pricing information they put up there. We would not be contractually securing pricing for our citizens. The market would take care of that. That is just what they've provided us in terms of their current business model so we would not be locking in any particular pricing or services. The telecommunications industry and particularly not that long ago cable television, has been deregulated effectively in North Carolina. You will recall that until about 4 or 5 years go Time Warner operated under a cable franchise that the City issued. State law changed and we've been taken out of the business of regulating cable television service. So Google like any other potential customer; as I said, if they are certificated by the State of North Carolina, something that is relatively easy to do, they have a legal right to access our rights-of-way on competitively neutral terms. The one piece of this request other than the expedited process of providing them with the information; which is all public information that we've provided them, the one piece of it that is different is their request to access public sites outside the right-of-way for these huts and I think you will hear from Phil in a second that if we do make that step we would be providing the potential for other companies that want to access public property on comparable terms.

Ms. Lyles said as you address the public sites I wonder do we have an asset management policy whereby just like we sold the property over here to Crescent, are we telling Google the same thing that we've told other people that want to buy city property or lease city property. Are we being consistent and I think what I'm hearing is making sure that we are consistent with every business coming to the table is going to be an important aspect of this.

Mr. Reiger said let me move on to the terms to address that. The answer to are we being consistent is we are doing something different. This is new. It is not unprecedented for the City to lease property to the telecommunications industry. The examples that we have today are for cell towers and you will see when we start talking about potential locations, we've actually tried to co-locate these sub-stations in the same locations where other players in the industry have leased cell towers. This lease agreement has a clause in it. It is a non-discrimination clause that

makes the rates, terms and conditions available to other qualifying internet and television providers. This is new and what this clause does is it says to other internet and television providers that we will treat you fairly. The other thing that this does is it locks in these deals for 20-years with 2-year renewals. You can imagine if they are putting in a hut that serves 20,000 homes and is running fiber to these huts, the type of investment that that is for Google, so this is a 20-year term. The installations must comply with applicable state laws. We are thinking primarily zoning. We want these things when they go in to be not noticeable. The lease sets up a market base pricing scheme with 3% escalation. There is an opportunity at the end of the initial lease to adjust the prices and then again the non-discrimination clause.

Ms. Mayfield said with thinking about the comment that was just made. What I'm wondering is based on the four original sites, do we know what areas of town have been identified for the hut locations?

Mr. Reiger said I'm about ready to show you a map and what Google needs is hut sites in every area of the city. They need evenly distributed sites because you can image they are trying to get to the homes with the shortest linear feet of fiber that they possibly can install and a lot of that has to do with their huts.

Ms. Mayfield said part two of that question would be as we are getting ready to move to looking at this map, has there been to our knowledge or can we find out if there has been any concern in the current communities regarding impact of where the huts are located, where there is environmental impact or discussions, some of the same conversations we are having now regarding development so that when we present to the community we present them with all pertinent information.

Mr. Reiger said we haven't done any of that yet but it will be an expectation of Google that when they begin to design their system and begin to look at potential locations that we have community meetings to do so. We have not heard anything as it relates to impacts to the community as we manage the right-of-way on a daily basis but that is not to suggest that issue may not come up.

Ms. Fallon said before we go any further bottom line what is the benefit to the people of Charlotte, what is the benefit to Charlotte, how does it change everybody's life to the better?

Mr. Stovall said I think the major thing to think about is that we as a City have to compete on a global basis and as a City that is looking to compete on a global basis, having facilities that are 21st century level facilities that allow our citizens to be able to connect to the internet which is becoming more and more everyday experience for people and necessary for economic development and necessary for the types of work that people are doing in the 21st century. As we are developing into a city that is looking to be competitive with other cities we really need facilities that actually match up to a 21st century mission and so whether we are talking Google or another provider is probably less material than the point of having telecommunications that don't inhibit people's activity and don't inhibit the ability to be able to build around new businesses and around new opportunities is an enabler. It is a differentiator from other cities. As we are talking about what is happening with just the Google fiber issue right now I would really challenge you to think a little bit more broadly, think 5 years, think 10 years down the line because these facilities, once they are in, they're not going anywhere so these are facilities that are essentially over time regardless of the provider, that we are talking about are replacing your copper telephone lines. We are replacing copper telephone lines because that is 100-year old technology now. This is the newest technology to be able to connect to the internet and therefore be connected to the world. What our citizens really get is the opportunity to get these facilities fairly early in the cycle. Like I said there are not very many cities that have those capabilities so it becomes an attractor of talent to the Charlotte region and also an enabler of the talent that is already here. Effectively as we are going 100 times faster, that is the starting point for where we would be going in the future with these types of facilities so we are starting essentially another level of technology that has not been deployed very widely across the United States but there are very clear needs for it.

Ms. Fallon said will there be some kind of thing in our leasing, our contracts with them that they will keep it up to date when something new comes along, which it will. Will they put that in or will they come back to us again for another \$300 to do it all over again?

Mr. Stovall said I would say that the \$300 is not a charge to the City it is a charge to the customer.

Ms. Fallon said I understand that.

Mr. Stovall said just like any other provider provides a charge back to their specific customers we would expect Google to manage the customer relationship that they have with the customer.

Ms. Fallon said update it as it needs it?

Mr. Stovall said yes as part of their business proposition.

Mayor Pro Tem Barnes said one of the great things I see here as we continue to work to become a more global City is the ability to transfer information quickly. Information is the most valuable commodity we know of. You would have more people working from home, fewer cars on the streets, potentially people being able to open businesses from home and transfer large volumes of information very quickly, and if and when they expand it to the business community I think that cap becomes even more impressive. Also the Applied Innovation Corridor and what we are hoping to do with that if it be some interplay there. By the way folks, we've got about 7 or 8 minutes before we've got to start the meeting in the Chamber so if we could quickly move through Mr. Smith, Mr. Driggs and Mr. Austin.

Mr. Smith said I'll get my question off line.

Mr. Driggs said this issue of connection speed is a huge competitive battleground internationally. The federal government has set goals for the United States so there is a big opportunity here we just need to be careful about getting the right term. My question was why are the existing territories of AT&T and Verizon not overlapping? How did the kind of terrain that they occupy get allocated and where does Google fit into that? You can't get both services they don't compete for a single homeowner's business.

Mayor Pro Tem Barnes said wasn't that the lawsuit back in 1980?

Mr. Carlee said are you referring to AT & T and Time Warner?

Mr. Driggs said Time Warner, yes.

Mr. Carlee said that varies around the City. Some places you do have competing technologies but because of deregulation you don't have complete openness.

Mr. Driggs said how did it come about that there isn't total competition between those two everywhere because when I see another player in tram I'm wondering how does that work.

Mr. Carlee said those end up being market driven decisions and AT&T has decided to build up their U-Verse service where they think they can make a business case to get it and likewise, Google is looking at as part of their business plan this subscription process up front. They are not willing to go in and build first. They are going to test demand and let demand drive where they place their product. We do have the potential of actually having three. In some parts of the City we will have all three of them competing with each other and other areas with one or two.

Mr. Hagemann said let me give a little bit more of a historical gloss on that too. If you think about sort of how these industries developed and convergence came about, you had BellSouth, Southern Bell and AT&T was the phone company. Back when the phone company started there were universal service requirements and that is why the entire City got served by that company for basic telephone. When Cable began in earnest in the seventies cities had the power; which we no longer do, to issue a cable franchise and franchises did have essentially the universal

service requirement, a build out requirement. About ten or twelve years ago we actually had negotiated with a company called Carolina Broadband, a competitive cable franchise that the Council at the time charged staff to pursue to try to bring competition in the area of cable TV and we negotiated a franchise. The company could not make a go of it from a business standpoint, but then you had the convergence of technologies with AT&T using its historical legacy telephone system to provide U-Verse and Time Warner being able to bring voice over internet as a competing telecommunication service and now of course it is largely moved into the direction of cellular. There is competition that is developed through monopolies because of convergence of technology and as the Manager indicated, right now in the regulatory framework I described other companies can come in and frankly can pick and choose where they are going to provide service based purely on a business case model and not based on forced regulatory requirements.

Mr. Austin said obviously this will be a great benefit to Charlotte as we are couching ourselves as more of a global city, but I was wondering in the cities that already have this, are they seeing an uptick in businesses moving to those areas just because they have this higher speed or anything of that nature, or more people, more start-ups?

Mr. Stovall said yes, particularly in Kansas City. I think Kansas City is probably the best example here and Kansas City has been deploying for over a year at this point. They've noticed a noticeable uptick in interest in Kansas City as a destination for entrepreneurs as well as the number of start-ups that have started in Kansas City subsequent to Google fiber. That is not all causal of course, there are other factors that go on in the selection of a site other than whether or not there is a fiber presence, but it can be a differentiator and the conversations that we've had with officials in Kansas City indicate that they have been very pleased with the level of interest in Kansas City as a venture capital spot, a place as an attractor for more and more venture capital for that area.

Mayor Pro Tem Barnes said on the next steps slide do you need a vote?

Mr. Carlee said if there is no objection we will proceed with making this submission. I just want to make sure Council knows where we are headed and there are no concerns when making this submission.

Mr. Howard said what I don't see is kind of the full implementation. Once this went public I started asking questions and doing research and one the things I saw in Kansas City had to do with fiber huts or something and they didn't get a number of people to sign up that they didn't get the service for the whole neighborhood. We have some things like that about actual on the ground that would be interesting to me going forward if you could provide that in a written form.

Mr. Carlee said that is part of how they make the business decision of whether or not to build out that neighborhood.

Mr. Howard said we should hear that kind of stuff ahead of time.

Mr. Reiger said you have received the map and that map is ever evolving as we do more research and we look at each potential property that represents or that the dot represents. Some come off but some get added but I wanted to give you a high level sense of how we were searching for properties. We first were looking at remnant properties that had no better use and that these wouldn't be a substantial intrusion in the area. The second place we looked were places where we already had existing cell towers and had additional space. Most of those places are in and around many of our water towers or water/sewer facilities. We looked at water/sewer properties where there was extra property outside the secure area where we might be able to place these huts. We looked at our maintenance facilities, highly industrial use as well as a few of our fire stations that have extra property that had some space and then there were other considerations like zoning considerations, setbacks and all those things that form that decision. That is how we ended up with the 31 dots on that page. I would already tell you that we met today and about two of those dots came off the list today so that map is ever evolving; but I wanted to give you a sense of the even distribution across the City and even as you look at the maps you will see that there are gaps. Google does not necessarily have to rely on the City of Charlotte to provide every hut site. They've made it clear that if they need a different hut site that would better fit

their design that they would seek, for example, the help of the County, the School System, private property, other folks so that is how that came about. I just wanted to give you a real high level sense of digital inclusion. What that means simply is how do we make available this type of service to people that have traditionally not been able to afford it or traditionally have not seen the value in this service. We've already talked to Google about that. I've put together a team of City, County and CMS staff initially. If Google expresses interest in building in the City of Charlotte we will be putting together a team of folks including outside partners to look for ways to minimize or lower the barriers. Google has gone a long way in providing that free internet option but that \$300 is still a barrier. Kansas City has done a pretty nice job with the collaborative public and non-profit and private agencies to help with that barrier but there are other barriers as well. Another one is having the hardware in their house, the actual computers and devices. An example of how the City of Charlotte already helps with that is our surplus computers go to Goodwill. Goodwill in turn refurbishes those computers and makes them available at very affordable prices so there are ways that we can partner with our other agencies in the community to lower that barrier so we receive the same benefit that Kansas City did. There is a lot of work ahead and if Council has no objections we are poised to move forward and meet the May 1st deadline.

Mayor Pro Tem Barnes said no objections, right?

The meeting was recessed at 5:31 p. m. to move to the Meeting Chamber for the Zoning and Business Meeting.

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COMBINED ZONING AND BUSINESS MEETING

The Council reconvened at 5:39 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Ed Driggs, Claire Fallon, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

INVOCATION AND PLEDGE

Councilmember Mayfield gave the Invocation. Mayor Clodfelter led the Council in the Pledge of Allegiance to the Flag.

CITIZENS' FORUM

Brittany's Crosswalk

Katarina White, Magnolia Tree Lane said I would like to take this time to publicly thank Charlotte Department of Transportation and the City Council for bringing Brittany's Crossing from being just a dream in my mind to a beginning reality. On March 13, 2012 my daughter Brittany Taylor Palmer, along with some of her best friends were crossing the street after eating at a restaurant, returning to Garinger High School for an afternoon baseball game. Her friends made it across the street; Brittany did not and was hit. In the early morning of March 14, 2012 Brittany Palmer died from her injuries. This would be a tragic story were it not for two factors; one she knew Jesus Christ as her Savior and is now in Heaven living eternally and two, the media along with the caring people of this great City of Charlotte, North Carolina would not let this story fall by the wayside. Soon there was talk of a much needed crosswalk in front of Garinger High School. I was thrilled and along with the bitter sweetness of it being Brittany's death, I felt only honor at finally having something take place that many have asked for in years past. I still remember the first time I had the crazy Mommy thought of having the crosswalk named Brittany's Crossing and soon I found myself standing in front of you, the City Council of Charlotte, asking if you would consider a mother's wish. The enthusiastic unanimous decision made a dream come true for me as well as benefiting the hundreds of students who cross the busy intersection at Eastway Drive and Sugar Creek Road everyday as well as families on the

week-ends. To the City Council and to the Charlotte Department of Transportation, thank you so much from the bottom of my heart.

Mayor Clodfelter said we are sorry for the tragedy that made this happen, but thank you for your perseverance about it and I understand there is going to be a commemorative plaque posted near the crosswalk and we look forward to that. Thank you so much.

Wages for City Workers

Larry Mackey 8725 Water Rock Road said we are here on behalf of CMUD, Sanitation and STS, the frontline workers of this City. It is amazing that we can pay \$33,000 to \$35,000 a year for an inmate and a person that works for the City is struggling with their family. What we do at CMUD, everybody; our personal hygiene, we need that water. We need it to drink; we need it to cook with it. I'm not knocking the person nor the department who is getting paid but we need to stop the struggle of the frontline employees. This year one of the coldest winters, 8 degrees, I was out with a crew servicing and getting water to a community. When the city was closed we were getting snow from the city so the city employees and our citizens can be safe. All we ask, 40 hours we struggle, a 40-hour track we struggle with and we are asking City Council, asking the Mayor to stop this struggle. We know the City Manager is looking at another way of doing raises but it is up to all of you all to pass that. It is up to all of you all to stop the struggling. That is your choice. Yes, the statement was made if you don't like your job find another job with more pay, but remember Mallard Creek, it didn't take days, it didn't take weeks. We found that in hours.

Charles Singleton, 6127 Idlebrook Drive said I'm also one of the guys that works at CMUD that is doing the work, hanging out late at night away from our families all times of the night and the day and we look at the \$36,000 they spoke about on the news, we only get 87% of that. We need to change that. The public is always coming to us saying we pay your salary, but we work hard. All we want is our fair share. Two or three o'clock in the morning, we're out there looking after our people. Now today riding around looking at the city, the city is clean, sanitation is doing their jobs. Street lights, streets, everything is good. All we ask for is our fair share. Everybody gets awards; our Water Department got an award, the cleanest water but the employees still battling things that we shouldn't be battling. We work for the City. I remember the Mayor asked in the budget meeting how many employees are on food stamps. Come on! We are City workers! Why should we be on food stamps? We like our jobs even though the Mayor said what he said, a lot of us got mad about it, but we kept on doing our jobs. But I'll tell you what, if we weren't doing our jobs and sewer backs up in his house he would be down here saying City Council can you give me somebody whose got experience to get this out of my house. Come on! We are doing our jobs, we just ask for our fair share.

Mayor Clodfelter said thank you both. It is usually the case that we don't appreciate how well things go until something actually goes wrong and then you wake up and realize how good you had it. I really want to thank you on behalf of the Council and all of us for how you all responded in the incidents of the dumping in the storm water and the sewer system. That really was beyond the call of duty and you are right to remind us of that. We are headed into the budget and I think it is timely that you came down tonight and I know the Council is going to be working very hard on exactly what you came down to talk to us about so I appreciate you coming.

Jobs in the Charlotte Area

Rev. Rodney S. Sadler, Jr. 5902 Marshbank Lane said I am here today to speak on behalf of the long-term unemployed here in Charlotte, many of these people who are here in the City of Charlotte who have been formerly incarcerated or who otherwise have been unable to gain access to employment. I'm here today to suggest that we need here in Charlotte a job subsidy program that would help to put these people back to work. These are people who are often denigrated as those who don't want to work, those who have no desire to support themselves and those who are otherwise lazy, but I want to suggest that these are people that would work if given the opportunity. The only thing they are lacking is the opportunity. What I want to suggest today is that if we would find a way to do this, this would be beneficial to the entire

society. It would be beneficial to them because those who often aren't given jobs end up recidivating and then they end up back in prison. It costs us a great deal as well because it costs probably \$1,500 in taxes that we aren't receiving. It probably costs us about \$10,000 to adjudicate them if they reoffend and it probably costs us about \$29,965 a year to put them back into prison again. In essence what I want to say is that for \$10,000 we might be able to come up with a subsidy program that would help to keep them out of jail, help to keep them back in society and contributing members in our community. It is for this reason that I want to put forward a job subsidy bill that Ms. Mack will talk about a bit more and then I want to come back and finish up with an invitation to you all.

Corine Mack, 2317 Sonoma Valley Drive said I'm a community organizer for the Center of Community Change and I appreciate the opportunity to speak to you tonight. Charlotte has a poverty rate of 15% and many of us realize that the residents are suffering from high unemployment. In some communities the situation is dire. For example, in the Beatties Ford community the unemployment rate is more than twice the rate of the entire City of Charlotte. 18.2% compared to 7.8%. In order to address high unemployment in Charlotte and particularly in Charlotte's more economically disadvantaged areas it is imperative that more jobs are created and that jobs are open and accessible to all. Charlotte has invested in big business in corporations through incentives and tax breaks which is fine, but we are asking you to invest directly into the people. Investing in workforce development is good but it does not address all the people. Large numbers of unemployed workers are falling through the gap. Many of the long-term unemployment workers we have spoken of and spoke with are on the verge of despair. Some of them have barriers and are not eligible for the workforce development program. Unemployment is rising and we are talking about folks who have been unemployed for more than 6 months. There are several things that I hold dear and I have given my life over to. Working to enforce our civil and working rights, eradicating poverty and building a great society through building communities that be informed, unified and strong. This program; our job subsidy program, is the beginning to eradicating poverty. We believe our City Council can and should be thinking smarter and outside the box. We believe any companies coming into our City must hire locally. We know you approved \$87.5 million to the Bank of America Stadium to keep the team here and that is great but we are also asking for \$10 million to create 1,000 jobs, good paying living wage jobs. How many millions have you invested directly to the citizens' financial security whose long-term return investment is priceless? We need you to act now, invest in our jobs program, invest in the people who invested in your because those are the same people who waited in long lines patiently to vote you in to office.

Rev. Sadler said today I want to put on a different hat and come to represent Dr. Madeline McClenney-Sadler with the exodusfoundation.org. The exodusfoundation.org is hosting a conference here on dealing with mass incarceration so to this end we want to invite you all to a reception held this Friday at 6:00 p.m. in Room 267 here in the Government building that will begin to address these issues among leaders and clergy people here in the City. We also want to invite you to a town hall meeting on this Saturday, May 3rd at 7:00 p.m. at St. Paul Baptist Church where we will begin to look at ways that we can end mass incarceration. We will have a distinguished panel there including speakers like Marc Mauer who has dealt with the way a mass incarceration impacts disproportionately communities of color and we'd like to make sure that we have as many people from our community; and particularly you, our community leaders, there to stand with us as we wrestle with this significant issue that impacts so many members of our community.

Mayor Clodfelter said let me ask the two of you, if you will, we have a City Council Committee on Economic and Jobs development and I know they would be very interested in the plan you've got. If you could see that the Manager's Office gets a copy of any materials that outline your plan then I'm sure the Council Committee would want to take a look at that.

Storm Water Drainage Issue

Keith Jefferson, 6228 Eagle Peak Drive said I addressed this body in November 2013 and I'm here again to complain about the level of customer service received from Charlotte Mecklenburg Storm Water Services as it pertains to a Class B priority sink hole on my property. It was first reported in August 2011. I'm here again with the following questions, but first let me tell you

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the root problem. We have a broken storm water pipe that runs along the border between my property and my neighbor's property. It ends at the Paw Creek tributary which is at the end of my property. The problem is there is an undersized pipe that is broken and needs to be replaced according to Charlotte Mecklenburg Storm Water Services. Here are my concerns; there appears to be ineffective use of government money and here is what I mean by that. There does not seem to be an efficient way to manage the money that is received from storm water fees that are supposed to be dedicated to fixing storm water issues. Storm water repairs are paid through these fees so where is the money if citizens have to wait 3 to 5 years to get a storm water drain issue resolved. I asked this question when I addressed this body in November 2013 and there was some discussion about funding cuts to CMS however; no one answered my question about where is the money. The answer I expected to hear was we collect a certain amount of money from storm water fees, we spend X amount of dollars on repairs and that would make sense to me, so that is one concern. The other is the push for the City to push the 50/50 cost sharing program where property owners can expedite storm water drain repairs by paying one-half of the total costs. In my case that cost is almost \$60,000 and I don't think it is fair to have to pay that if my storm water fees are supposed to pay that, but that aside, I'm really talking about customer service. How do I stay informed on my position on the waiting list? We started in 2011 and I was in position number 28 on a Class B priority list. I am now on 230+ out of 280 the last time I addressed this body. The math doesn't make sense to me. A waiting list for should be a cue but again that is a different subject.

The other thing I want to mention in terms of poor customer service is all of the documentation on the Charlotte Mecklenburg Storm Water website and pamphlets indicate that our storm water fees pay for repairs; however, on August 14, 2013 I received an e-mail from Ms. Jennifer Smith indicating that storm drainage systems maintained by the City of Charlotte are limited to those systems either installed or acceptance for maintenance by the city until the city takes over the storm drainage system from the property owner with permanent storm drain easement or takes over maintenance of the street, the responsibility for repairs is on the owner. I submit to you that if marketing materials and your website says one thing but reality is another that is another problem. Finally, how difficult would it be to keep citizens updated on their place on the waiting list just using a spread sheet?

Mayor Clodfelter said Mr. Jefferson I don't think that is going to be the end of it even though your time has run out. I think we owe you a response and I know recently I've heard the Manager say he has taken a look at that waiting list and I know he has it under review right now but I think we owe you a response on your particular situation and I'm sure you will get a follow-up on it very shortly.

Mr. Jefferson said do you need anything from me, any documentation?

Mayor Clodfelter said I don't know. We will get someone from Storm Water Services in contact with you and if there is anything missing they will go through that with you.

Taxi Cab Industry Declining

Obaid Khan, 456 Atando Avenue said you guys know what I'm going to talk about. Mr. Clodfelter, I don't think I've spoken to you before but you are going to be hearing from me a lot. I own Diamond Cab Company in Charlotte and we're not going to talk about Patrick Cannon today, okay. We are going to let things fall into place but something I do want to talk about was something that took place in January. The contract got extended in January and no one was told. I believe the contract was supposed to expire on June 30th and I don't know who did it but we want some answers. Who extended the contract in January when it was set to expire June 30th? I believe Cannon was still here so we need some answers. We are on the verge of shutting down. I believe two companies have already put a law suit; we haven't done anything yet, but it is time to fix it. People have got to man up, look at each other's faces, it is time to fix the mistakes. We can't keep talking about Cannon and that situation is going to resolve itself out but I'm here to save my family's business, my dad has been doing this for 30 years. I took over three years ago, stopped going to school because I wanted to save my dad's business. We haven't been treated fairly and I don't think it is going to happen anytime soon because you guys don't want to speak about the issues. I've sent plenty of e-mails, even to the new faces that were just newly elected

and we can't even get an e-mail back from you guys. I'm not going to take three minutes, but I just wanted to address that. We need changes as soon as possible at the Airport. I'm not here to talk about other companies. I'm talking about the industry in general. The ordinance has to be changed. No one is talking about the digital dispatching anymore. That took a lot away from us and every other company so changes have got to happen ASAP. We can't wait until June 30, 2015 for you guys to look at the Airport contract it's got to happen ASAP. That is all I've got to say but I just wanted to bring it to your attention. We do want answers on how the Airport contract was extended before it even expired. I'm pretty sure someone over here knows how that happened so if you guys want to address that and also not only me but some of the other taxi cab owners want to have a legit meeting. I know last year we were blown off by a few people that did set up meetings and then the last minute cancelled but we want to have a legit meeting about the taxi industry because it is going down hill. It is not booming for us. It may be booming for the three companies at the Airport but it is not booming for us and it hasn't been since 2011. I don't want to take up much of your time but we do request a meeting with all the owners, all the City Council officials and everyone.

Mayor Clodfelter said Mr. Khan you've got a lot of separate issue in there, they all relate to the same topic though. Several Councilmembers and I have asked the Manager to give us a report on the contract issue and he is working on that. I hope everyone understands that as he does that he's got to be very mindful of conducting that inquiry and doing that report for us in a way that doesn't interfere with the ongoing federal investigation. We've got to be mindful of the federal investigation that is going on so we're taking a look at that internally as well and hope to get some answers for all of us.

Prosperity Hucks Area Plan

Sarah Zdeb, 7329 Avonhurst Lane said I'm here on a happier note because we are actually for something that is going on. Full Moon of Union (Petition No. 2013-072) is changing their zoning from R-3 (Single Family Residential) to NS (Neighborhood Services,) and Mr. Phipps is aware of who I am and what I'm representing for the Prosperity/Hucks area and all the changes that are going on. We are trying very, very hard to help all of the people involved in the planning of the Prosperity Hucks area. There has been a lot of pushback on that but one of the things with this particular decision that you are making tonight, you asked us to look at Davidson and to look at Dilworth to help you with the Prosperity/Hucks area. One of the biggest key components that they have that we need to try and recreate more modern day is that historic feel. They all have the crosswalks, they have a lot of bricks, there is a lot of farmer's markets and green space area, concerts on the green, things of that such so we enjoy the unasked being changed from the R-3 because we are getting over crowded we already feel as a community. One of the things we asked is at the very front you have already said that it is okay to have the green space in front of this particular plot. Would you please keep the brick that is there in honor of our attempt to create that historical feel that we are going to attempt to pull further into that Prosperity/Hucks area and make sure there is enough of a buffer behind those homes, maybe a berm with something that would make them feel a little more separated since there are homes that directly back up to that.

Mayor Clodfelter said Ms. Zdeb I am sorry to interrupt you but I'm learning this job here and I'm told that the zoning hearing on this petition has already been closed and that we should not be taking further public comments on a matter where the zoning hearing has already been conducted. I'm sorry that I was not aware of that, but I appreciate you coming down.

ZONING MEETING

Mayor Clodfelter said that will take us into the next portion of our agenda which are decision items on zoning petitions that were heard in previous month. For the benefit of those of you who are here tonight and those watching on television, let me talk to you about our zoning process and please listen up if you are planning to participate in any of the later public hearings. The zoning process in the city starts off with applications for changes in zoning submitted to the Planning staff for review and you will hear from some of the staff member tonight. There are

two types of things that we will be doing tonight on zoning, one will be deciding zoning petitions that had public hearings in an earlier month and then we will later in the evening be having hearings on zoning petitions that are coming to us after Planning staff review and for us to hear about for the first time. We will not have any additional public comment on zoning petitions where the hearing was previously conducted in a prior month. For the zoning hearings that we have later this evening, as I said at the beginning of the meeting, if you want to speak on one of those just sign up with the Clerk at some point before the petition is called for hearing. After we have the hearings on the petitions tonight we will close those hearings and the zoning petitions will then go to the Zoning Committee of the Planning Commission and they will review them and make a recommendation back to the City Council for action on those zoning petitions. We have with us tonight sitting behind the Council, the members of the Zoning Committee of the Planning Commission. Chairperson Tracy Dodson will introduce to you the members of the Zoning Committee.

Tracy Dodson, Zoning Committee introduced the members of the Zoning Committee and said our next Zoning Committee meeting will be next Monday, May 5th here at the Government Center at 2:00 p.m. where we will make recommendations on the public hearings that are heard here tonight. That is not a continuation of the public hearing, but you can reach us if you have further comment at charlotteplanning.org.

DEFERRALS

Mayor Clodfelter said a request has been made for several of the decisions to be deferred to a later meeting. I will read those and it is up to the Council as to whether they vote to defer these or not, but if they do vote to defer the petition, we won't take any action on that petition tonight. These are the ones where a request for deferral has been made:

Petition No. 2013-102 by Wajahat & Ferah Syed, defer to May 19; Petition No. 2014-013 by Hawthorn Retirement LLC defer to May 19; Petition No. 2014-014 by Sam's Real Estate Holdings defer to May 19; Petition No. 2014-021 by Charlotte Mecklenburg Planning Department defer to May 19; Petition No. 2014-027 by Charlotte Mecklenburg Planning Department defer to June 16; Petition No. 2014-003 by George M. Macon defer the hearing for one month to May 19th.

Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and carried unanimously, to approve the deferral of the above listed petitions.

DECISIONS

Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and carried unanimously, to recuse Councilmember Smith from participating in Item No. 2 Petition No. 2013-085 by Providence Road Farms LLC/Crosland Southeast/Childress Klein Properties.

Mayor Clodfelter said there are several petitions for decision on which I need to be recused. I cannot preside or vote and I would ask if we could simply move those to the end of the decision agenda so we can process everything else first and then Mayor Bro Tem Barnes can take over on the ones that I have to be excused on. If there are no objections I would like to move to the end of the decision agenda the following petition: Item No. 1, Petition No. 2013-072 by Full Moon Of Union LLC; Item No. 2, Petition No. 2013-085 by Providence Road Farms, LLC/ Crosland Southeast/ Childress Klein Properties; Item No. 9, Petition No. 2014-024 by Stonehunt LLC and Item No. 10, Petition No. 2014-025 by Trinity Capital Advisors, LLC.

Motion was made by Councilmember Howard, seconded by Councilmember Smith, and carried unanimously, to recuse Mayor Clodfelter on the above mentioned petitions and move those to the end of the decision agenda.

ITEM NO. 6: ORDINANCE NO. 5312-Z, PETITION NO. 2014-015 BY 2014-015 BY ST MICHAEL & ALL ANGELS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.73 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF WEST SUGAR CREEK ROAD AND DAVID COX ROAD FORM NS (NEIGHBORHOOD SERVICES) TO R-3 (SINGLE FAMILY RESIDENTIAL).

Motion was made by Councilmember Austin, seconded by Councilmember Howard, and carried unanimously, to adopt the Statement of Consistency and approve Petition No. 2014-015 by St. Michael & All Angels for the above zoning change as recommended by the Zoning Committee.

This petition is found to be inconsistent with the Northeast District Plan but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend approval of this petition.

The ordinance is recorded in full in Ordinance Book 58, at Page 685-686.

ITEM NO. 8: ORDINANCE NO. 5313-Z, PETITION NO. 2014-023 BY EDGELINE RESIDENTIAL LLC, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO EFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.15 ACRES LOCATED ON THE SOUTH CORNER AT THE INTERSECTION OF NORTH CALDWELL STREET AND EAST 16TH STREET AND GENERALLY SURROUNDED BY EAST 16TH STREET, NORTH DAVIDSON STREET, AND EAST 15TH STREET, FROM MUDD (CD) (MIXED USE DEVELOPMENT DISTRICT, CONDITIONAL), TO MUDD (CD) SPA (SITE PLAN AMENDMENT).

Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes, and carried unanimously, to adopt the Statement of Consistency and approve Petition No. 2014-023 by Edgeline Residential, LLC as modified and as recommended by the Zoning Committee.

This petition is found to be consistent with the Blue Line Extension(BLE) Transit Station Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. The proposed 20,000 square feet of non-residential uses has been listed on the site plan.
2. A note has been added that states "The streetscapes along 16th Street and Caldwell Street will include enhancements at four locations generally depicted on the site plan. Those enhancements will include a minimum of one piece of artwork at one location, plus specialty pavers and a bench at the other three locations. A minimum of 30% of the grillwork will be decorative along 16th Street and Caldwell Street."
3. A note has been provided that decorative grillwork will be provided for the parking deck.
4. "Veterinary use/indoor pet services" has been added as an allowed use on the site plan.
5. A note has been added that "no spans of blank unarticulated walls greater than twenty feet in length will be allowed".
6. "A note has been provided that the elevator lobby entrance located along 16th Street will incorporate glass into the façade at the elevator lobby."

The ordinance is recorded in full in Ordinance Book 58, at Page 687-688.

ITEM NO. 1: ORDINANCE NO. 5310-Z, PETITION 2013-072 BY FULL MOON OF UNION LLC, AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.94 ACRES LOCATED AT THE INTERSECTION OF EASTFIELD ROAD AND PROSPERITY CHURCH ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL), TO NS (NEIGHBORHOOD SERVICES).

Motion was made by Councilmember Phipps, seconded by Councilmember Howard and carried unanimously, to adopt the Statement of Consistency and approve Petition No. 2013-072 by Full Moon of Union LLC, as modified and as recommended by the Zoning Committee.

This petition is found to be inconsistent with the Northeast Area Plan but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. A note has been added that all buildings facing along Eastfield Road will have a minimum of 40% clear vision glass along the façade of the building. If a drug store/pharmacy is constructed the minimum clear vision glass will be 30% along Eastfield Road; however, additional architectural features such as articulated facades, false windows, decorative-off sets, and water tables will be provided.
2. The distance from the centerline from Prosperity Church Road and Eastfield Road have been labeled and shown as right-of-way to be dedicated.
3. A minimum 20-foot build-to line for both buildings proposed along Eastfield Road has been shown on the site plan.
4. An eight-foot planting strip and six-foot sidewalk has been shown on the internal private street on the site plan.
5. There will be an 8-foot planting strip and a 6-foot sidewalk along the internal private street.
6. A note has been added that a public access easement will be provided for the private street.
7. An 8-foot planting strip and 6-foot sidewalk has been provided along the 30-foot buffer internal to the site.
8. The plan has been labeled to show a minimum of 6,000 square feet for the landscaped area along Eastfield Road.
9. Note 4, A under Streetscape and Landscaping has been modified to read: "The petitioner will submit plans for the wall encroachment along the adjacent single family property line to the appropriate homeowners and provide a letter of approval from the homeowners to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review. However, if the Homeowners do not agree the wall will be removed.
10. Note 8 "C" under Lighting has been removed.
11. The site layout matches the current CRTPO (formerly MUMPO) approved alignment.
12. The proposed 8,000 square foot building has been adjusted to create an "urban streetscape" along Eastfield Road.
13. A building edge for the proposed buildings along Eastfield Road has been shown on the plan.
14. The proposed and existing masonry wall along the western edge of the property has been shown on the site.
15. Note B under Streetscape and Landscaping has been removed from the plan.
16. Direct sidewalk connections from the proposed buildings to Eastfield Road have been shown on the site plan.
17. Transportation issues have been addressed by providing turn lanes that will be constructed by the petitioner along Eastfield and Prosperity Church Road and also providing additional right-of-way along Eastfield and Prosperity Church Road.

The ordinance is recorded in full in Ordinance Book 58, at Page 681-682.

ITEM NO. 2: ORDINANCE NO. 5311-Z, PETITION NO. 2013-085 BY PROVIDENCE ROAD FARMS LLC/CROSLAND SOUTHEAST/CHILDRESS KLEIN PROPERTIES, AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 89.5 ACRES LOCATED ON THE EAST SIDE OF PROVIDENCE ROAD BETWEEN GOLF LINKS DRIVE AND CHANCELOT LANE FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND R-3 (CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL), TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL), AND MX-2 (INNO) (MIXED USE, INNOVATIVE, 5 YEAR VESTED RIGHTS).

A protest petition was filed and was sufficient; however, the protest petition was withdrawn.

Motion was made by Councilmember Driggs, seconded by Councilmember Lyles, and carried unanimously, to adopt the Statement of Consistency and approve Petition No. 2013-085 by Providence Road Farms, LLC/Crosland Southeast/Childress Klein Properties for the above zoning change, as modified, and as recommended by the Zoning Committee.

This petition is found to be inconsistent with the Providence Road / I-485 Area Plan but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. Modified Note 1.c “Graphics and Alterations/Modifications” on Sheet RZ-3A to clarify the processes involved to allow modifications to the rezoning plan.
2. Modified Note 2.I.a on Sheet RZ-3A to read: “To allow vehicular parking, maneuvering and service between the proposed buildings and Providence Road, Golf Links Drive and the interior public and private streets, in the manner generally depicted on the Rezoning Plan. Additional detail on where and how parking and maneuvering is allowed to occur between the buildings and the streets and is contained in Section 5 and 6.”
3. Modified the optional provision in Note 2.I.m on Sheet RZ-3A to indicate that the minimum 8-foot wide planting strip will be provided between the sidewalk and Providence Road for at least 55% of the length of the Providence Road frontage rather than a minimum of 50%.
4. Modified Note 4.III.j on Sheet RZ-3A to allow adjustments to vehicular circulation subject to CDOT approval.
5. Modified Note 5.III.c on Sheet RZ-3A to indicate that a minimum 8-foot wide planting strip will be provided between the sidewalk and Providence Road for at least 55% of the length of Providence Road frontage rather than a minimum of 50%.
6. Modified Note 5.II.k on Sheet RZ-3A to read: “Buildings, accent walls, landscaping, hardscape elements and/or similar site furnishings will be developed within Development Areas B, C, D and E in a manner that is harmonious, complementary and creates a cohesive appearance along Providence Road while allowing each building to have its own unique characteristics.”
7. Modified Note 5.IV.g on Sheet RZ-3A to read: “Surface parking areas, except the surface parking area located between Private Street 1 within Development Area A and Development Area C, shall be framed by either a public or private street, or an abutting exterior property line designed in a manner that utilizes landscape islands to create smaller pockets of parking areas as generally depicted on Sheet RZ-4.”
8. Defined “personal services.”
9. Deleted Note 11.b on Sheet RZ-3B that allows the site to be considered a mixed-use center for the purpose of compliance with the Tree Ordinance.
10. Modified the third sentence of the building fenestration note on Sheet RZ-4 to state: “Fenestrations shall extend from a height of no more than 3 feet from the exterior average grade at the base of the building to at least the height of the door head.”
11. Modified the note under “Secondary Frontage” on Sheet RZ-4 to indicate that the buildings must have at least 40% fenestration in aggregate but in no case will any individual building have less than 25% fenestration.
12. Eliminated the “schematic depictions” note on Sheets RZ-4 and RZ-5.
13. Provide building elevations of the proposed multifamily buildings and the carport/garage buildings located within “Development Area 1” that front along the public streets.
14. Removed the reference to outparcel sign locations on Sheet RZ-5.

15. Reduced the size of Sheets RZ-4 and RZ-5 to 24" X 36" site plan sheets.
16. Addressed Charlotte-Mecklenburg Storm Water Services outstanding issue by removing notes "a" through "d" under Note 8 "Environmental Features" on Sheet RZ-3-B in their entirety and replacing them with the following: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with the rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points".
17. Addressed the following remaining Transportation outstanding issues:
 - a. Clarified when Ardrey Kell Road would be constructed to the northern most property line.
 - b. Indicated the back of curb location for Ardrey Kell Road to be 29.5 feet from the centerline of the street.
 - c. Revised the first bullet under Transportation Note "D" to the following: Install a full-movement traffic signal upon meeting applicable MUTCD signal warrants. A signal warrant analysis will be submitted upon completion of Development Area "A".
 - d. Deleted the last two sentence of Note 4.III.g on Sheet RZ-3A.
 - e. Indicated that the proposed median shown on Ardrey Kell Extension at the intersection with Providence Road will accommodate an 8-foot pedestrian refuge island. The final design of the pedestrian refuge island will be determined during the driveway permit process.
 - f. Revised the first bullet under Note "f" of the Transportation Improvements and Access" section to the following: "Install a traffic signal with full pedestrian accommodations upon meeting the applicable MUTCD signal warrants. The petitioner will provide a signal warrant analysis to CDOT for review and approval upon completion of the construction of the dense multi-use area of the site."
 - g. Revised "Access" Note "g" to the following: "The petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT during the driveway permit process. Furthermore, the petitioner understands that they would need to obtain an encroachment agreement for any decorative pavers and/or stamped pavement proposed in the public right-of-way."
 - h. Revised "Access" Note "I" to the following: "The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the petitioner, subject to CDOT's final approval, to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards and industry best practices so long as the street network set forth on the Rezoning Plan is not materially altered."
 - i. Revised the wording of the "Right-Of-Way Availability" note as such:
 - i. Remove the minimum 60-day good faith period, and specify that all minimum the good faith time period will be in accordance with the standard City right-of-way acquisition process as administered by the City's Engineering & Property Management Department.
 - ii. Re-word the sentence starting with "Furthermore, in the event..." to the following: "Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in acquisition of additional right-of-way as contemplated herein above, then the petitioner will contact the Planning Department and CDOT regarding an appropriate infrastructure phasing plan that appropriately matches the scale of the development proposed to the public infrastructure mitigations."

The ordinance is recorded in full in Ordinance Book 58, at Page 683-684.

ITEM NO. 9: ORDINANCE NO. 5314-Z, PETITION NO. 2014-024 BY STONEHUNT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.71 ACRES LOCATED ON THE WEST SIDE OF LUTHER STREET GENERALLY SURROUNDED

BY CHERRY STREET, MAIN STREET, BAXTER STREET, ELI STREET FROM UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL), TO UR-2 (CD) SPA (SITE PLAN AMENDMENT).

A protest petition has been filed and is sufficient to invoke the rule requiring affirmative votes of $\frac{3}{4}$ of the Mayor and Council, not excused from voting, in order to rezone this property.

Motion was made by Councilmember Kinsey to deny Petition No. 2014-024 by Stonehunt LLC.

Councilmember Kinsey said that the Zoning Committee voted 5 to 1 to deny this petition.

Without a second, the motion was not considered.

Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield to find the petition to be consistent with the Midtown Morehead Cherry Area Plan and to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and to recommend approval of Petition No. 2014-024 by Stonehunt LLC with the noted modifications.

This petition is found to be inconsistent with the Midtown Morehead Cherry Area Plan and to not be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 4-2 vote of the Zoning Committee. The Committee voted 5-1 to recommend denial of this petition. The following modifications have been made:

1. Amended acreage on site plan to reflect 5.71 acres, as specified on the amended application.
2. Labeled Sites B and C as referenced on the site plan.
3. Specified building materials as cement fiber siding, natural wood siding, masonry and stone exterior finishes, with a minimum 10% masonry material. Each home will be set on a stone or masonry foundation. CMU and other raw concrete are not allowed as a finished foundation wall. CMU block parged in stucco is not allowed as a foundation wall finish.
4. Noted that duplex units will display the same architectural integrity and requirements as the single family homes, which includes porches with a minimum depth of eight feet.
5. Added a note that referenced the site comprised of Site A, B and C as a planned development devoted to residential single family detached dwelling units and two duplexes.
6. Specified that the lots in Areas B and C may have frontage on either street.
7. Labeled planting strips and/or sidewalks along all street frontages.
8. Added a note specifying that the petitioner will construct two duplexes within the planned development and each of the resulting four housing units will be affordable to buyers whose income is at or below 80% of the Charlotte Metropolitan Statistical Area (MSA) adjusted median income.
9. Provide a legend on Page 1.

Ms. Kinsey said obviously I'm not going to change anyone's mind, but I have to tell you anyway that I really believe we've gotten a lot of confusing information this past week or so and it has made it difficult for those of you who may not be quite as close to this as I am. I understand that but I recommended the denial because I do know the area. I do believe that this is not the best land use in that community. I don't believe that the proposed structures really match the structures that are there now and the historic feel of the neighborhood. That is why I was wanting very badly to ask you to join me in denying this particular petition. Since I didn't get a second I'm obviously the only one who believes that this is not good for the historic Cherry Neighborhood.

Councilmember Lyles said this Saturday I had the opportunity to visit the Cherry Neighborhood along with several of the Councilmembers and Ms. Kinsey I have great appreciation for your support for the neighborhood. I want you to know how difficult this decision is. I have talked about where we are most vulnerable in our neighborhoods inside of the downtown area whereby public and private investment we've created a transportation system that makes it better to live inside the City. We've approved other land uses that allow for economic growth and reality,
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particularly when you think about the work that we've done between the Center City and down to Midtown. We've also made decisions where we have neighborhoods with great architectural merit that we have placed neighborhoods and housing developments surrounding it. This is a difficult choice because I believe that we as government have contributed to the dilemma that we face today where we have great respect for the 123-year old Cherry Neighborhood, its residents and homeowners. Eight-nine percent of the property in the Cherry Neighborhood is owned by property owners with a large majority of that being single family property, but it has been a different neighborhood for many years and it is with a lot of history and a number of residents that I had the opportunity to meet, said we've lived and rented here for a number of years, but surrounding in the land use and looking at the land use and the decisions that this Council makes on Zoning decisions that we are required to actually look at land use as the deciding factor, I believe that this use is in the best interest for the neighborhood for the purpose and single family homes. It is a difficult decision and I appreciate those that will disagree with it. I have a lot of respect for it and I hope that at some point we will begin to address the issues that the neighborhoods in our community are facing as we are making this growing economic development opportunity available to all.

Councilmember Howard said I'll make it simple. I said it at the public hearing and I just want to repeat it, especially to the folks in the community that care. For me it was just "what is the land use." What are you proposing for the land use and the land use for me is actually a down zoning from multifamily to single family and I don't know where you ever go wrong when you down zone because we usually have pressure to give more zoning rights to somebody and being able to go down is something that is positive to me and that is what I have to make the decision based on. A lot of the other issues that the neighborhood shared in your e-mails, if they are legitimate I hope you take them up because the land use will be there regardless of who develops the property. If for some reason Stonehunt don't do it, it will pass on to whoever it is and I think the neighborhood will still be in a better position with less density than higher density. I just wanted to make it clear why I was voting for the petition tonight.

Councilmember Phipps said I had an opportunity also to visit the Cherry Neighborhood on Friday and I concur with the comments that have already been made in terms of the land use there. I do think single family in my mind in order to preserve the character of the neighborhood would be better suited with the single family product there. It was all about land use. I think the Cherry Community is blessed with a lot of assets there right at its disposal. When I look at the Cherry Neighborhood, I moved to Charlotte back in '98 and given the assets that they have now that is a desirable neighborhood that I could definitely entertain moving there now. I know it is not my district, but I could be in somebody else's district. I found it to be a real jewel in the community and I think this would be best for the Cherry Community at this time.

Councilmember Mayfield said I do want to acknowledge that I will be making a referral to our Housing and Neighborhood Development Committee, but I also want to share some of my thoughts around the same conversation because I had the amazing opportunity of being on the other side of this many years ago. We are having a lot of these conversation around the community as a whole and looking at the redevelopment and the revitalization efforts, especially in areas that we have identified as distressed as necessary and a welcomed process and that we need that reinvestment to increase the property values and we have seen where it is has added economic vitality, but I am concerned about the impact of gentrification of which I have mentioned that from this dais on more than one occasion and the impact on existing residents. Most of my constituents do support me reinvesting it and upgrading their neighborhoods, but there is a concern about displacement so with that I am going to be seeking the support of my colleagues to refer the issue of gentrification to our Housing and Neighborhood Development Committee, but I did want to make sure that those that are in attendance in our audience this evening as well as those that are unable to be here in person, but watching online know that this is a conversation that goes beyond tonight and this isn't something that necessarily can be addressed with this particular vote and I do agree that tonight's decision for me was around land use and what it is as elected body, what we have to look at, but also knowing that we need to have a broader conversation in our community and it needs to start with Council. I did want to advise those if they are able to stay throughout the entire meeting that I will be putting a motion forward in support of my colleagues hopefully and especially with dialogue with myself and Ms. Lyles have had with our Planning Director, Ms. Campbell.

Councilmember Fallon said I can't help but think that in the end the community is better off with single family houses and the density of 17. It helps you all with your property values, it helps the neighborhood. It makes the neighborhood less crowded and more single use which is what you want I would imagine in the end because it benefits you better to have nice single family homes than multifamily so I will vote for it.

Councilmember Autry said I agree also that it is about the land use here; it is not about what the restrictions are; about how it is sold for; what the price points, that is not the purpose of this body and this action at this point. I don't think I have ever opposed a down zoning anywhere so I will be supportive of this motion to approve this petition.

Councilmember Driggs said I just wanted to comment, our city is growing very rapidly. That brings with it change and disruption and I can understand that area residents are resistant to that change, but I would just point out that for us to try to suppress those economic forces would come at a high cost to the city so I think Council is acting tonight with an understanding that we have to make room for a certain amount of economic development and change in our city and I think it is with regret as to the impact on the area residents.

Councilmember Austin said I just wanted to say that I had an opportunity to go over to the Cherry Community about 2 weeks ago and then last week with members of Council to just kind of see the community and feel. It is unfortunate what is occurring but in terms of the land use and many of Council have already echoed what we have to do as a City Council body, is just look at land use. I feel that it is unfortunate that the petitioner and members of the community could not come to some understanding. From my understanding people have drawn a line in the sand and I think no one succeeds and no one wins when we do that. It is my hope that dialogue can continue to happen, even with our Charlotte Housing Authority, to look at some kind of partnership to put more affordable housing in the area but I do think that we have to be consistent with our voting across the board and we had a very contentious petition quite some time ago and we all looked at the zoning and the aesthetics in the community and I think it is better to have single family as opposed to multifamily which the petitioner has a right to do.

Mayor Pro Tem Barnes said I want to clarify something, we had a motion from Ms. Lyles which I believe indicated that she wanted to move to approve the petition despite the vote to deny by the Zoning Committee and that you were incorporating all the modifications as well.

Ms. Lyles said I think I stated with the noted modifications. I did not include the Zoning Committee had voted to deny the petition. I believe the vote was 5 to 1 so please insert in my motion the Zoning Committee's decision as well.

Mayor Pro Tem Barnes said your motion is to approve despite that; and there was a second by Ms. Mayfield.

Ms. Mayfield said just verification, on Councilmember Lyles' motion you already caught the notification that even though the Committee was not in support that staff did support based on the area plan.

Assistant City Attorney Terrie Hagler-Gray said in this case I think the Council is making its own Consistency Statement that it is inconsistent with the Midtown Morehead Cherry Area Plan but reasonable and in the public interest.

Ms. Lyles said the motion is the Council believes the petition is consistent with the Midtown Morehead Cherry Plan, is reasonable and in the public interest, based on the recommendation from the staff, and in consideration of the Zoning Committee's recommendation for denial, we move approval with the noted modifications.

Councilmember Smith said at the hearing we had discussed the possibility of a cul-de-sac and I remember that did not necessarily mesh with staff's connectivity, but it was stated that that might go a long way towards easing some concerns on this and I hope that can be revisited at a later date. I understand the city's position on connectivity but I think there are times where a cul-de-sac could be in the best interest of community members and I hope that is something we can take under advisement.

Ms. Kinsey said just one last thing before we vote because I heard a lot and we talked about land use and I agree that we do have to look at land use, but each of us is elected to serve this community and quite frankly when it comes to zoning I try to look certainly at land use but I also look at what I think the citizens of that community or the entire community think. Yes, zoning has to look at land use. Planning has to look at land use. I believe this Council has a broader responsibility to look at more than just land use and that is what I do when I am looking at a zoning issue. I'll remind you when some of these other issues come up in your neighborhood or your district and you start talking about what is good for the neighbors or what they want I'm going to say land use, land use.

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

YEAS: Councilmembers Austin, Autry, Barnes, Driggs, Fallon, Howard, Lyles, Mayfield, Phipps and Smith.

NAYS: Councilmember Kinsey.

The ordinance is recorded in full in Ordinance Book 58, at Page 689-690.

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ITEM NO. 10: ORDINANCE NO. 5315-Z, PETITION NO. 2014-025 BY TRINITY CAPITAL ADVISORS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.50 ACRES LOCATED ON THE NORTH SIDE OF I-485 BETWEEN JOHNSTON ROAD, TORINGDON WAY AND NORTH COMMUNITY HOUSE ROAD FROM CC (COMMERCIAL CENTER) TO CC SPA (SITE PLAN AMENDMENT).

Motion was made by Councilmember Driggs, seconded by Councilmember Smith, and carried unanimously, to adopt the Statement of Consistency and approve Petition No. 2014-025 by Trinity Capital Advisors, LLC for the above zoning as modified, and as recommended by the Zoning Committee.

This petition is found to be consistent with the South District Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. Added notes stating "If a bank/financial institution is constructed on the site as the allowed use with accessory drive-through windows it must be constructed with an internal drive-through window. An internal drive-through window will be defined as the drive-through lanes designed in such a manner that:
 - a. The area where a car stops to utilize the pickup window is located between two buildings;
or
 - b. a solid building edge/wall covers at last 80% of the length of the area where a car stops to utilize the pickup window associated with the drive-through lanes.If a Limited Service Restaurant, as defined above, is constructed on the site as the allowed use with an accessory drive-through window it may not be developed as a free standing use, it must be part of a building designed for more than one tenant or more that one use. In addition, the Limited Service Restaurant must be constructed with an internal drive through window as defined above."
2. Amended Note 7g indicating that off-street parking areas, as well as maneuvering for parking or drive-through windows, will not be located between Community House Road, the internal private drive and the proposed buildings; however, vehicular parking and maneuvering may be located on the side or behind such buildings.
3. Provided detail of how building edges will relate to uses across the internal street.
4. Added a note committing to provision of an open space area located within Development Area C at the intersection of Community House Road and the internal private drive as generally depicted on the Schematic Site Plan. This open space area will be designed as a

focal point for the development and will include attractive landscaped areas and may also include development signage as well as other architectural features.

5. Added note requiring buildings located along the internal private drive to be designed with building facades that face the internal private drive to have a minimum of 50% fenestration.
6. Reduced the number of uses that may be developed with accessory drive through windows from two uses to one use.
7. Reduced the maximum gross floor area of a Limited Service Restaurant from 2,500 square feet to 1,800 square feet.
8. Amended Note 7c to add that the minimum average height of the one story building will be no less than 25 feet as measured to the top of the parapet wall.
9. Amended Note 7d to specify that the allowed drive-through lanes must be located internally to the proposed building.
10. Provide a cross-section of proposed open space area to be located in Development Area C at the intersection of Community House Road and the internal private drive labeled as Inset A.

The ordinance is recorded in full in Ordinance Book 58, at Page 691-692

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HEARINGS

Motion was made by Councilmember Howard, seconded by Councilmember Lyles, and carried unanimously, to recuse Mayor Clodfelter from Item No. 14, Petition No. 2014-030 by Golden Triangle #2.

ITEM NO. 14: HEARING ON PETITION NO. 2014-030 BY GOLDEN TRIANGLE #2 FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.3 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF METROPOLITAN AVENUE, SOUTH KINGS DRIVE, AND BAXTER STREET FROM MUDD-O, (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL), TO MUDD-O SPA, (SITE PLAN AMENDMENT).

A protest petition has been filed and its sufficiency is to be determined.

Tammie Keplinger, Planning said this is a request to rezone the property that is part of the Metropolitan complex; it is the remaining parcels. This is Kenilworth Avenue, this is Pearl Park Way, Pearl Park is located here; Little Sugar Creek Greenway is here and this is South Kings Drive. As you can tell from the zoning map the property is zoned MUDD-O currently, which is mixed use development optional. In terms of the aerial you can see the development of the Metropolitan that has already occurred. This is the vacant lot and there is a parking lot that used to be there, that was the construction trailer that was located on the site, and again Little Sugar Creek Greenway and Pearl Park adjacent to it. You can see the outline of the Cherry Neighborhood and just so we are all on the same place, Trader Joe's is located in this part of the complex along with the Main Street which runs through the development.

This is a high-rise building; there are three edges of treatment, there is a park projection treatment, a greenway entry treatment and an urban edge treatment. The development includes one building which is a maximum of 285 feet in height. There are proposed 155 multifamily units and 175 hotel rooms and there is an option for a switch of 25 units in either direction so the multifamily could go up to 180 if the hotel is reduced by 25 and goes down to 150 or vice versa. There are some optional provisions for the height increase to 285 feet for signage and for allowance of a portion of the building wall along the southern boundary to be used as a screen projection for activities that are associated with the greenway.

In terms of the public access to this site there will be a right-in only from the main circle within the Metropolitan complex, a right-in/right-out only on South Kings and a full movement along Metropolitan Avenue which is a private street. There is an urban open space that is located at the edge of the greenway and we anticipate that might be used for outdoor seating, maybe for a restaurant or something of that nature. There are pedestrian access points throughout the site and

you can see these by the stars that are shown on the site plan. In terms of the treatment of the site, this shows what they want to do along the greenway entry, which is the area in blue on this map. It is basically a pedestrian area where the proposed development will have clear glass, landscaping, outdoor seating and a mixture of building materials.

Next is the park projection area which is shown in the green and this area is the park edge. It will be along the side of the parking deck. It will have plantings and screening for the parking area. It will share amenities with the Pearl Park and we also have some optional signage requests for this area. The third and final edge is the urban edge which faces the streets along the private street and also along Kings Drive. This area will have architectural features that screen the ground level parking and as you can see from the details on the slide, it also has other focal points of entry and articulated facades. In terms of the future land use map this is a part of the Metropolitan Complex. The land use plan calls for mixed use development in this area, office, residential and retail are recommended. The plan is consistent with the Midtown, Morehead, Cherry Area Plan which recommends the build out of the Metropolitan. It meets the objectives by improving the pedestrian experience along this area. It promotes alternative modes of transportation via the Little Sugar Creek Greenway. It minimizes the environmental impacts by developing on an infill lot. We have some outstanding issues, but they are related to Park and Recreation and other technical site plan issues. There is a protest petition that has been submitted on this case, but its sufficiency has yet to be determined, but we will know that by the time it comes back for a decision.

Keith MacVean, 100 North Tryon Street said I am with Moore & Van Allen; Jeff Brown and I of our firm are assisting the petitioner, Golden Triangle#2 LLC with this petition. Golden Triangle is an affiliate of Levine Properties. With me here tonight is Brian Nicholson with Levine Properties and also I think Mr. Levine is also here in the audience. As Tammie mentioned, the site is a 1.3 acre site located at the intersection of Kings, Baxter and Metropolitan Avenue. As many of you will recall, Metropolitan was the location of the old Charlottetown Mall built here in the City in the 1950's, one of the first enclosed malls in the US actually. In 2005 the site was rezoned to allow the Metropolitan to be developed on the site, the Charlottetown Mall redeveloped and the creation of the Sugar Creek Greenway.

I want to thank Tammie, Planning and C-DOT for their help on the petition. We are pleased that they are recommending approval of this petition and as she mentioned it is consistent with the Cherry, Midtown Area Plan. This portion of Midtown represents really a 10-year culmination of the development of the Metropolitan. Rezoned in 2005; redevelopment began shortly thereafter. The site is currently zoned MUDD-O and is approved for up to 155 apartments or dwelling units with a maximum building height of 250 feet. This petition requests an increase in the building height and the addition of a hotel with up to 175 rooms. It does have several optional requests regarding signage and I will explain those as I get further into my presentation. The area in red is component C-1; the larger area where the office building is, Trader Joe's, the two condo buildings, Best Buy, Marshalls, that was known in the original petition as component C. This little portion of it is Component C-1. Metropolitan was a 24-acre site originally, both sides of what is now Charlottetown Way. This is the original petition and this component C was approved for over 400,000 square feet of office and retail uses as well as up to 256 residential dwelling units; 101 of those units are currently built on this portion of the site as part of the Metropolitan as I mentioned earlier. It uncapped the creek and started the development of the Sugar Creek Greenway.

This is the original plan that is on file for Metropolitan; component C-1 is right here in this portion of the site. As you can see it indicates a building up to 250 feet in height. This is a cross section of the site; this is the building that is currently approved for component C-1; this is where the Metlock Condos are; this is the office building and then the rest of the development as you move toward Charlottetown Way. This is the site plan for our site showing exactly where we've land today; this is Metropolitan Avenue as it goes through the site; Kings Drive, Baxter is just off the page here. This was the old location of Baxter Street.

Component C-1, as Tammie mentioned 1.3 acres, in terms of parking, service, trash pick-up it is fully contained within the building footprint. Access to the site is a right-in/right-out driveway off of South Kings as well as two driveways off Metropolitan Avenue. These driveways are

located in such a way that they don't conflict with the other driveways along Metropolitan Avenue and allow the residents and the folks staying at the hotel here to access the site off of either Kings Drive or this portion of Metropolitan Avenue. A couple of the highlights, again the petition as a hotel use, a small increase to the building height of 35 feet, does include a set of architectural guidelines which Tammie described to you. Both parking and trash is internal to the site; the site self-parks; all the parking for the building is located within the building, it does not rely on other parking in the rest of the Metropolitan and again has vehicular access off both South Kings Drive and Metropolitan.

There are three building edges that have been created as part of the petition, each edge with its own set of architectural guidelines and minimum standards. The greenway edge, which is a portion of the frontage on Metropolitan and then the remainder of that is the frontage on the Sugar Creek Greenway and then the park projection edge which is the part of the building which is the backdrop to Midtown Park or Pearl Street Park and then the urban edge which is the portion of the building that fronts on South Kings and a portion of Metropolitan Avenue. Each of those edges has a set of guidelines. The greenway entry is really the front door of the building. It is where the lobby to the hotel and the apartment building will be. These are elements that you find in that portion of the site; clear glass, the active uses overlooking the greenway and out to Metropolitan Avenue where residents and guests of the hotel will stop and drop off their cars and then valets will take their cars into the building. There will be open space here in terms of urban open space and there could also be some additional urban open space actually facing the greenway. On the park projection edge we are working with Parks and Rec and we have discussed with Parks and Rec the additional comments they have provided us and we will be adding language to the petition that specifically says the design of the building as it relates to the park will compliment the art work that is located in Midtown Park. Levine Properties has hired Land Design to design the treatment of this edge of the building. Land Design was the original designer for the Midtown Park so by using that same firm we are hoping they can bring some of the design elements they used in the park and bring it to the building. We have added language regarding how that edge of the building is treated and how it relates to the park. We are working with Parks and Rec to create shared amenities. They would like a bathroom for users of the park. People use that park for weddings and they would like to see if Levine Properties could help them facilitate that by having storage, bathrooms, gathering space, seating areas to compliment both uses and those notes are now on the plan.

Ultimately we have the urban edge which is along Kings Drive and Metropolitan Avenue and again here we are trying to create a well articulated building, decorative openings at the base of the building, focal point feature at the main intersection, making sure that the building relates to the rest of the Metropolitan in a constructive way, has a good relationship. This is going to be a signature building for Levine Properties; it is a high-rise building and it will be a signature piece for them, something they are going to hold for a long time and it is a big investment so they want to make sure it is done well, so the architectural commitments provide that kind of certainty.

We do have some signage options and we will be modifying those slightly to address comments from the staff. The signage options will be modified in such a way that the options regarding wall signs will be at the top of the building to allow similar signage to what the Westin has uptown so it can identify both the future hotel use and the apartment complex. The rest of wall signs will be per the ordinance. The other component of the optional is to allow some digital signage. We want to activate the park elevation as it relates to Midtown Park. We want to be able to work with Parks and Rec to use potentially a digital screen to have movies and events on that part of the building that would use the digital sign. The sign would also be used to help promote activities and businesses within Metropolitan itself. In terms of streetscape and landscape the edges along Kings Drive and Metropolitan Avenue will match the existing streetscape elements that have been already development for the site.

Sandy Dickenson, 1133 Metropolitan Avenue, apt. #613 said I moved into the Metropolitan back in 2008 so I have been there quite a while and I've seen it grow quite a bit. When I moved in I was told that the plan for that area was probably a 6-story condominium project; nothing more and it may not even happen. That is what I was told when I moved in. I am on the 6th floor and I face the greenway and the Dilworth area. My concerns are as follows: Number one, this building they are proposing is going to be way out of scale; it is really, really tall, 25-stories.

That is bigger than anything around there and I think it will be an eye sore. Number two, traffic is already really, really bad there and adding hotels and apartments is just going to be a detriment and compromise to the traffic situation. I'm already probably \$85,000 under water on that property and I don't see that coming back anytime soon. Traffic and the lack of privacy because right now I have a private balcony and I would be overlooking a parking deck and whatever they do to it, it is not going to be very beautiful as far as I'm concerned. We have people from the upper stories that can look down into the balcony so no more privacy and the traffic will probably affect a depressed area as far as growth because we've seen that happen in several other areas of the City. That is basically what I wanted to say.

Karen Combs, 1133 Metropolitan Avenue said I was the first buyer in this project. I live in the Met Loft Building in the top two floors, the 6th floor and the 5th floor. It is the tallest building, only 6 floors. The other living facility is called the Terraces and that is a flat two-story building that runs along the greenway. The Lofts are above Trader Joe's and the highest that it goes is 6 floors. In this project I would be looking into six floors of parking deck so what used to be my view and what was sold to me on my 12-foot ceilings of glass is now going to be a parking deck. This petition by Levine Properties adds up to 175 hotel rooms. We only have about 100 living units now. It is suspect in its inconsistency as a sky scraper built on a Metropolitan greenway. It is totally inconsistent with what is there and completely different from we were told would be there. Now we are talking about over 20 stories; this would add 3 more stories and 175 more rooms. It is currently zoned for 155 residential units. The Met is the development focus as you know of the greenway; everybody knows about Trader Joe's and if you have ever been there you know how congested that parking deck already is and the access in and out. We have 24-hour instructional police officers that try to get people in and out of that parking deck along Metropolitan Avenue. I can't imagine what this is going to do.

The Met Loft Building is only 6 stores and instead of a greenway and the taxpayers of this City paid for green, they did not pay for gray. It will be a sky scraper that grays everything in its shadow. I'm thinking we are going to live in the dark as long as we live there, but I am suggesting to you and can promise you that it will depress the condominium values that are already suffering in this town and I don't think we will ever recover from that. The people that live in this building are very upset about the situation and what they are looking at, even with the 20-stories that are already planned because that is certainly not what we were told when we bought in that building. There are no plans and no practical options for construction traffic. This footprint is all building. If you think you are going to sit outside, don't all come on the same day. The whole footprint of this building is construction; they are using the Pearl Park as their green space despite what you see on the pictures. No one seems to know where this construction traffic is going to be staged because the whole building eats up the 1.3 acres. I don't know how they are going to get onto the property. It certainly can't be on Metropolitan Avenue; we have to leave our homes before 8:00 a.m. and come home after 8:00 p.m. just to avoid the congestion, so I'm not sure where that is going to go. This narrow two-lane street is already over taxed.

The third point that I want to make is annoyance and congestion generated by these 175 hotel rooms. You can't police enough of the congestion and noise that is going to be generated by this construction and my final point is that there is no hotel committed to this project.

Hal Lindsay, 1100 Metropolitan Avenue said I live in one of the condominiums known as the Met Terraces. I've lived mostly in Charlotte since 1962, probably a little longer than most of you. I'm a Board member of the Met Terrace Homeowners Association and others from our Board are here today in mutual support of our position. My wife and I have lived there almost 5 years as one of the first owners in the Terrace Building. We've seen first hand both good things and bad things during the development and the construction along the Met Terraces. I apologize for not bringing a slick binder or a slick presentation, I'm just an owner. The Metropolitan represents a great redevelopment that has earned the City many times its investment and the tax base continues to rise just as the City planners and developers have foreseen. The problem and my question for this group is when is enough, enough? With apartments or condos under construction adjacent to the Metropolitan, there is Linear's 261 units between the Target and the Pancake House and The Fountain just inside the loop on Stonewall with 230 units and the Crescent/Dilworth one block south off Kings with 296 units. The Levine Project will add more capacity within a small saturated area. I describe all of this to illustrate how demand is being

placed on the infrastructure that is already becoming taxed now on these few blocks. You may recall the number of traffic accidents that occurred when the Metropolitan was first opened on the corner of Metropolitan and Charlottetown at the Wendy's before the traffic light was needed. When the light was a necessity the result was further backed up traffic along Charlottetown, Kings and Metropolitan. What is next? It should be noted the primary access we are told at the City's request is to force all traffic for the petitioner's complex to be off Metropolitan Avenue. This street is a private street whose cost is not born by the city. Instead our Homeowners Master Association will pay for the upkeep and interestingly, very little from the petitioner, very, very little, shockingly little. The Master Association is essentially controlled by J. P. Morgan in New York who carries no reserves for necessary improvements that may be needed from the increased burden associated with the current or proposed rezoning considered today. To give a perspective to the density as mentioned, there are 101 residents at the Metropolitan; 41 in the Terrace Building that I live in and 60 in the Lofts. The balance of the complex is office/retail and restaurants. If you've been to Dresslers or Varachia on a Friday or a Saturday evening you possibly experienced the traffic or better yet if you've been to Trader Joe's almost anytime you've experienced the traffic. The complexes surrounding the Metropolitan I mentioned before, already under construction will add, with the Levine Project, almost 1,000 apartments in 18 months or so. Let me say it again, almost 1,000 apartments; this is 10 times the current density and no traffic or infrastructure relief or even a plan we've heard. This is akin to development gone wild I suppose to raise tax revenue. To my earlier question to this group, when is enough, enough? The goal is to nurture the golden goose that lays the egg, not to kill it, but you folks may have already accomplished that.

In rebuttal, Mr. MacVean said we understand the frustration of the residents with the realization that what is approved is different from what they were told. Obviously, we were not a part of that. This site does have some unique attributes in terms of traffic. It does have a driveway on Kings Drive that will serve the site. We think the residents of the apartments here will learn that that is the easiest way in and out of their parking structure and off the site. It also has driveways off Metropolitan Avenue that folks using the building will not have to use the other portion of Metropolitan Avenue where the other access drives for the rest of the development are. One thing to keep in mind, the other 400,000 square feet of development in Metropolitan are using two driveways on Metropolitan Avenue and a driveway off Kings Drive. We've got the same two driveways and a driveway off Kings to serve 155 residential units and a hotel of up to 175 rooms. We think we will be able to handle traffic fairly well with that amount of driveways. In terms of construction and construction staging the Levine Properties has a lot of experience with building this type of building and they are going to hire a contractor that has experience building this type of building. We had our meeting with the residents early on. We agreed to meet with them prior to the construction activity beginning on the site to show them how the development would occur; where staging would be done; make sure their issues regarding construction were addressed in the contract with the contractor so that he knew exactly what performance standards he had to adhere to. We are holding to that agreement with them and we will meet with them prior to the beginning of construction to make sure that everybody knows how it is going to work. There is a lot of development going on in this part of the City. It is near the Center City and is in the Midtown portion of the city where the infrastructure can handle the amount of growth.

Councilmember Kinsey said Mr. MacVean, I maybe just didn't hear this, or didn't hear it properly, the front door is going to be on the greenway?

Mr. MacVean said the front door will be on Metropolitan Avenue but we are treating the greenway side as the other part of the front door where lots of glass and active uses on that portion of the building.

Ms. Kinsey said I thought that was the case, but from having attended the meeting that you set up and didn't come to; and this is a 35-foot increase over what they could build now. Is that correct?

Mr. MacVean said that is correct; the plan is approved for 250 and we are asking for 285.

Ms. Kinsey said how many stories total will that be?

Mr. MacVean said it hasn't been determined because it depends on the size of the hotel rooms etc., but it should be about 25-stories total.

Ms. Kinsey said I guess the first comment I made to Mr. Levine when I met with him was "it's too high" and it will be the highest building outside of the Center City I believe.

Mr. MacVean said it will be for the near future.

Ms. Kinsey you mentioned a movie screen. I understood that maybe the parks didn't really want a movie screen.

Mr. MacVean said it is a digital screen and it is available for projecting images like we used to do uptown for the Hornets. It is available to do that and if they don't want to do it then we won't do it.

Councilmember Lyles said I'm not so sure if this is for you or the staff so I'm just going to plunge right in. One of my concerns has been and I agree the traffic down in that area is intense most of the day and a lot of night. When I've been on Kings Drive there is a median that you can turn into the Trader Joe's entrance, but I have seen a number of vehicles try to make that turn into the parking lot across the street, which is a strip shopping center and this rezoning I know we've talked about the front door, the valet parking coming in on Metropolitan, having truck circulation on Kings and Metropolitan; is that correct? Where does the truck come in and go out?

Mr. MacVean said mainly Kings Drive.

Ms. Lyles said so there are two entrances on Kings Drive?

Mr. MacVean said one vehicular entrance on Kings Drive.

Ms. Lyles said and trucks go in and out and vehicle traffic goes in off of Metropolitan?

Mr. MacVean said there are driveways on both streets. The driveway on Kings Drive is a right-in/right-out driveway. We would work with the providers of trash service here so they would use the right-in/right-out driveway on Kings Drive so they would know the route. You will not be able to make a left off of Kings into that driveway so they will have to make sure they come going south on South Kings Drive to get into the site and then back out going south again to get on South Kings Drive in order to avoid using Metropolitan Avenue.

Ms. Lyles said could you address the issue of the private ownership of that street and the use that I think one of the people in opposition spoke to?

Mr. MacVean said Component C-1 is part of Metropolitan; they actually, if you look at the site plan we have, part of this property actually includes a portion of Metropolitan Avenue. You can see the property line here and this parcel was always contemplated to use Metropolitan Avenue and is part of the development.

Ms. Lyles said and part of the Association for maintenance and all of those things?

Mr. MacVean said it is part of the Association; I don't know the specifics on how much they contribute towards maintenance. They do contribute some percentage toward maintenance of the facility.

Ms. Lyles said could you address that at some point? The next question I have is that in our write-up it says current zoning not enough information to actively estimate the trips per day and the proposed rezoning is 2,250. I just am very concerned about the traffic in that area. It just seems to me with that median, the shopping center across the street, Metropolitan the entrance left only, right-in/left out and then the next corner being the light, I'd like to see some kind of concept around the traffic and a little bit more detail about that. I don't quite understand how that traffic is not going to back up from Charlottetown Way to the Park at the bridge. I just don't

see it and if it is peak hour only I'd like to know that and if it is all day, all night I would like to have more information about the traffic analysis there.

Councilmember Austin said part of my question got answered earlier in terms of the projection on the Park side and you said they may or may not use that.

Mr. MacVean said it would be up to Parks and Rec; it is available for them and as I mentioned earlier, we are working with Parks and Rec to provide some shared amenities with them and the digital screen on that portion of the building was thought as a potential way to have images projected on that wall to enliven that wall. The images could relate to the activities going on in the Park.

Mr. Austin said in terms of parking one of the opponents spoke of having to look at the parking deck. I thought the understanding was that the parking was underground or is that not the case.

Mr. MacVean said because we are near the floodway we can't go underground so parking is above ground. We did include in the petition specific architectural treatments regarding how the parking deck; these are images of other decks throughout town, again trying to make sure the parking deck is well integrated into the building, looks like a part of the building and not so much a parking deck.

Mr. Austin said how many floors will that go up?

Mr. MacVean said it is not fully determined, but parking decks floors are small, 10-foot average, but between 5 and 6 floors of parking.

Councilmember Howard said I just want to get some clarity on a couple of things. This is just one of those things that when you are voting on a rezoning and it looks great on paper, the reality of it starts to get real interesting real quick. From what I understand it is already zoned for 250 feet in height. If you take into consideration the height of a parking deck, a couple floors at the bottom being taller than most, this already has the ability to be somewhere between 22 and 23 stories if I am measuring right. Once you get to a certain height floors are about 11 to 12 feet so 35 more feet is another 3 floors or so if I'm looking at that right. Just to put that in some context about what the real addition is and what is already approved; it can already be 22 or 23 stories and that is just with the current zoning. If I remember this right, hotel traffic is lower than residential traffic. Am I wrong on that or do I need to ask Mike that question?

Ms. Keplinger said in terms of trips per day?

Mr. Howard said trips per day.

Ms. Keplinger said I would like to ask Mike Davis with CDOT to answer that question.

Mike Davis, Transportation said I can provide a follow-up report to Ms. Lyles' questions that can better detail this, but to your question, a hotel and the residential are actually pretty comparable, hotels are slightly higher.

Mr. Howard said okay, I just wanted to make sure I understood.

Councilmember Smith said on the key count, obviously you are asking the zoning for the maximum possibility. Is there a scenario in which you would not end up with 175 keys thus possibly reducing the height?

Mr. MacVean said yes, that is a possibility. 175 would be the maximum. It could be less depending on whether there are suites or not suites.

Mr. Smith said full service/limited service would impact that key count?

Mrs. MacVean said yes it would.

Mr. Smith said out of curiosity is there sort of a minimum key count that you anticipate sort of backing into what Mr. Howard was alluding to earlier?

Mr. MacVean said I don't know the answer to that. I'll have to get that to you.

Mr. Smith said you don't yet have a flag, correct?

Mr. MacVean said we do not have a flag or there is not a hotel operator currently selected. In talking to hotel operators they want to know you have the entitlements before really seriously discussing the details of the site and whether they can commit to the site.

Councilmember Mayfield said worst case scenario if we do not identify a flag what happens then?

Mr. MacVean said if the rezoning is approved then Levine Properties would move forward to identify a flag. They have already met with some folks, have interviewed a couple of operators, but if it is approved they would move forward and identify a flag and then move forward solidifying that and then move toward construction.

Ms. Mayfield said worst case scenario if a flag is not identified then what happens? I understand if we move forward with this discussion then it is going to aggressively go to identifying that flag. If that does not happen, just for the sake of discussion let's look at recent history; we thought we were heading in one direction and the economy changed. Worst case scenario what happens?

Mr. MacVean said the apartments get built on the site. If your question is if the hotel operator is not interested in the site, Levine Properties owns the 1.3 acres so they would move forward with apartment development.

Ms. Mayfield said so the full project, Ms. Keplinger, would that be a change if the full project became 100% multifamily instead of this current mix?

Ms. Keplinger said that is something that we need to make sure that the notes allow through the notes. I'm not sure exactly how they are written right now, but we would want it to say that they could allow the apartments without the hotel, but not necessarily the hotel without the apartments. That is some language we need to work on between now and the decision.

Ms. Mayfield said also can we look at the potential of language just to play out all the potential what if's to include the potential of reducing that height if that flag does not come and we are hearing some concerns. I do have a concern, which I shared in conversation, regarding the height of this building and where it is located. Uptown I could see it a little better, but I'm just thinking about us having real conversation about any potential what if scenarios just to make sure we did address it so 10 to 15 years from now if this is developed we know that we had real conversation about potential impacts.

Ms. Keplinger said the height is something that we could manage. The reduction in the height, we could manage through an administrative approval. We could not increase but we can decrease through that process. When we talk about uses we want to be very clear on the notes so that is a little bit of a different issue but the height we can reduce.

Ms. Mayfield said so basically we can have some conversation and put some language in place on the potential what if's to insure that it doesn't turn into something other than because the worst case scenario, I would hate to see it become a motel or it become something other than what was anticipated even though we don't have a lot of control over development business leads itself but for the pieces that we can have a conversation about and try to protect the community on I want us to have conversations around that and put it in writing.

Councilmember Fallon said Ms. Keplinger what is allowed now, exactly? How high, how many apartments?

Ms. Keplinger said right now on that site the building height is 250 feet.

Ms. Fallon said which is how many stories?

Ms. Keplinger said that is difficult to say. I think Mr. Howard talked about that being about 22 to 23 stories.

Ms. Fallon said or just apartments, how many apartments?

Ms. Keplinger said based on the current build out I believe it is about 155 that would be allowed.

Ms. Fallon said that would be right now if nothing is changed that is what you would allow? 22 to 23 stories, 155 apartments?

Ms. Keplinger said yes ma'am.

Councilmember Phipps said I guess this is like déjà vu because I was along with Ms. Kinsey when we were here in 2005 when your original petition came before us. I guess I just wanted to ask a hypothetical question. I know you are familiar with our voluntary inclusionary zoning criteria Mr. MacVean, I was just wondering what consideration have been given, if any, to allotting a portion of the 155 units as workforce housing?

Assistant City Attorney Terri Hagler-Gray said Councilmember Phipps has talked to the City Attorney about that and he has advised that we would advise you not to talk about affordable housing. We can't prohibit you from talking about it but we would advise you because of the State law that says that affordable housing can't be a consideration in land use decisions that we may want to stay away from that topic.

Mr. Phipps said I don't think I'm asking a question for it to be considered as criteria for the petition. I'm just asking to see if that was a consideration and if they are allocating any apartments for that purpose; it if was even considered.

Mr. MacVean said the original Metropolitan development had an affordable housing component; that affordable housing component had actually been met. We have not at this point looked at affordable housing additional units as part of this development.

Councilmember Austin said given the fact that that area is just booming with traffic and activity, was there conversation with the Cherry Community as to how this might begin to impact them with traffic and parking and those types of things?

Mr. MacVean said we had two good meetings with the Cherry Community. We had an early meeting just with them and then they also attended our community meeting. They did not raise any concerns with us about traffic from the site.

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

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ITEM NO. 13: HEARING ON PETITION NO. 2014-028 BY LAT PURSER & ASSOCIATES FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.68 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF ABBEY PLACE AND HEDGEMORE DRIVE FROM O-1 (OFFICE), TO MUDD (CD), MIXED USE DEVELOPMENT DISTRICT, CONDITIONAL).

Tammie Keplinger, Planning said this is a request to rezone approximately 1.68 acres from O-1 office to mixed use development district, conditional. The property is located right off of Park Road on Abbey Place and Hedgemore Drive. This is Woodlawn Road at the intersection of Park Road; this is the Park Road Shopping Center; Montford Drive and then we turn around to Abbey Place. As you can see from the aerial Sugar Creek Greenway runs behind the site and we have mpl

mostly office development in this immediate area along Abbey and Hedgemore. We also have on Montford a variety of retail uses. In terms of the proposed request it is for a mid-rise development that has basically some retail/office uses on the ground floor with 150 residential units on the remaining floors. It is within a single building; the maximum height is 66 feet. The note on the site plan specifies the types of materials that will be permitted and they are providing architectural elements such as balconies and canopies to break up the façade of one building. There is a driveway that leads to the lower level of parking. There are actually two levels of parking with a driveway to the lower level and a driveway to the upper level. On the site plan you can see the amenity or the ground floor activation area along Abbey Place and Hedgemore. There is also a plaza area at the corner intersection.

Part of this petition, you will hear a little bit of talk about the Park and Recreation and the greenway dedication. They are dedicating approximately ¼ acre to Parks and Recreation for greenway and Parks and Recreation does have one outstanding issue associated with the rezoning, but we feel that will be resolved before we get to decision. This is a perspective of the proposed building from the corner of Abbey and Hedgemore.

I want to talk for just a minute about the future land use map. This area is south of Montford Drive around Abbey and Hedgemore shows office and residential, and retail mixed use development. We are seeing a lot of office in here and some residential. Along Montford Drive and up north along Woodlawn Road and Park Road Shopping Center, those areas are designated for retail and office space. You can see the Little Sugar Creek Greenway that runs through the perimeter of the site and then the multifamily that is located to the east and the single family residential that is located further east of the multifamily. Across Park Road we have a mixture of development, again some mixed use development and again we've had several rezonings in that area and we have some that will be forthcoming also.

In terms of this request, it is consistent with the Park/Woodlawn Plan which recommends mixed use; it is a redevelopment project which makes use of the existing infrastructure in the area. It protects the environmentally sensitive areas along Little Sugar Creek. The outstanding issues are basically technical and staff is recommending approval upon resolution of those issues.

Adam Purser, 4530 Park Road said the request is to rezone the existing office building at the corner of Abbey and Hedgemore with up to 150 multifamily units. This is in keeping with the Park/Woodlawn Area Plan. We believe in the area and we've proven that when we purchased our office building where we are headquartered in the early '90s here at Park and Abbey. The proposed project design consist of one subterranean parking deck, one street level parking deck, which you see here and which has a fitness center, a leasing area, resident lobby and amenity room which activates the street. Above the street level we have four floors of residential units with an open air courtyard that fronts Abbey Place. We've also designed the project around these two live oak trees which front Abbey to keep these. On the eastern portion of the site we are dedicating land to the Parks and Recreation Department for future expansion of the Little Sugar Creek Greenway. The land we are dedicating has been identified as a potential entrance onto the Greenway, allowing the neighborhood to directly benefit from our contribution. We feel that the project scale is appropriate in this area as designed. The building is a maximum of 66-foot tall which is half as tall as the two commercial office buildings on Hedgemore, up around 120-feet. In the neighborhood with tall office buildings mixed in with shorter building structures, we feel that our project brings balance and scale to the immediate area. Lastly, our parking plan currently exceeds the MUDD zoning code requirements. For all these reasons we believe the proposed development fits well within the goals of the City and the Park/Woodlawn Area Plan and we appreciate your consideration.

Zack Daniel, 4611-K Hedgemore Drive said I am an owner and live in the Park Place Townhomes just south of where this development is happening. I am also in real estate; I do residential and commercial so I have a very vested interest in this project. I met personally with Adam and Jack, looked at a lot of this and after reviewing it all I am in favor of this development. I think it will be a great addition to the neighborhood and feel it is a very creative reuse of the land and an area of Charlotte that I feel has got great potential. I also think the developer has a proven track record of building these apartments and will do a wonderful job.

Jonathan Tee, 4601-E Hedgemore Drive said I like Zack also own in Park Place Townhomes, 4601 Hedgemore Drive and I am in support of the proposed rezoning and I think it will be a great addition to the neighborhood as well.

Alice Mackay, 4607-A Hedgemore Drive said I live at 4607 Hedgemore Drive in the Park Place Townhomes. Park Place Townhomes is 60 townhomes built on about 5.7 acres in the '60s and we are within 300 feet of the proposed plan. You have before you a position statement to this rezoning. It was signed by 43 of the owners of the Park Place Townhomes and an additional 17 residents. You can see the signatures and then at the end you see the PowerPoint slides. We know that we are in the Park/Woodlawn Area Plan and we are in the activity zone of that area plan which does call for a mix of uses both residential, office and retail and we think that is a great plan, however there is an over arching policy which says that the new development needs to respect the scale, the design and the proximity of the adjacent buildings and land uses. We think this project does not have that respect; it is asking for a rezoning of MUDD (CD) which has no density limitations at all and they want to put up to 150 units on the 1.68 acres. The Planning office calculates that to be 107.6 dwelling units per acre. The other residential areas in the zone are all zoned R-22. We might also note that the plan is for an apartment building with no other uses in that apartment building that would be of use to the public; it is all residential and the R-43 rezoning, if that is what they were requesting, would result in only 73 total units as opposed to 150.

In terms of scale, this is what the area looks like now. The office building in question is on the left and to the right is another office building that is sort of down the hill a little bit. This is what it would look like with the new built structure in place. The new structure is going to butt up against the property line between the existing office building and the new structure, and it looks out of scale to me. The main thing this increased density is going to do to us is increase the traffic. The Planning Office and the Transportation Office has determined or estimated that currently that site generates about 285 trips per day and the new site will generate 1,030 trips per day. That is about 150 people who are going to be leaving that site to go to work and the way they would do that is to leave and head to the light at Park Road and Abbey Place so they can go north to town or south to South Park or they can hit Woodlawn and go out to the light rail. The back-up of 100 plus cars leaving in the morning to get out there is going to be horrendous. The other options would be to go down Hedgemore Drive, this is my little Park Place Townhomes right here, so Hedgemore to Mockingbird where there is a stop sign and then up to Park Road where there is a stop sign or they could turn right out of the building, assuming the drive works that way and go up to Montford where there is a stop sign and either go right to Woodlawn where there is a stop sign currently and there have been a number of crashes, including one fatality recently, or they can go up to this end of Montford where there is a stop sign. We are thinking it is going to be a hot mess of traffic and traffic accidents. Even if they put a stop light here we are going to have traffic backed up so far on Montford that getting out from Abbey Place to Montford would be a problem.

Another issue has to do with the parking. The project plan calls for one parking space per bedroom within the building and because there will be one-bedroom and two-bedroom apartments, around 150 or more residents. They will probably have visitors and some of them may even have multiple vehicles, but those visitors and those additional vehicles will not be allowed to park in the actual structure so along the property line will be some on street parking and we think that is going to be 15 or 16 spaces; totally inadequate for visitors, multiple vehicles, we are going to see parking all up and down the street. We already have a huge problem with parking because Montford Drive is so popular. Any week-end night and most week nights as well visitors to Montford Drive have to park on the street because the parking lots of the restaurants and bars are already full. The red line represents where people are currently parking on week-ends, but they have to turn the corner and park along Abbey Place because Montford Drive fills up. I also want to point out that sidewalks are spotty in this area and actually by the bowling alley here there is no sidewalk. Even today people who are parking at that spot on Abbey Place are walking in the middle of the street to get back to their cars after an evening of Montford Drive and that is very dangerous I must say. One of my neighbors said our cars are so quiet these days we can really sneak up on them, but we really don't want that to happen.

The other thing to keep in mind is and I just wanted to mention, we do have office buildings here already so we've got traffic again which is coming in in the mornings to work in these office buildings at the same time we are going to have traffic leaving this project to go to work. We have other issues as well; noise levels, we already hear Montford Drive on a nice summer night. We are concerned about infrastructure that has already been talked about this evening. Our development has had a couple of water main breaks already because of the aging infrastructure. We are not sure about property values. You can hear all different things about our property values; whether they are going to go up or down or stay the same, but we are sure that there is currently an apartment glut in Charlotte and what that is going to do is cause apartment owners to reduce their rental rates or offer rental specials; move in three months free which may have the unintended consequence of attracting a type of renter who would actually be detrimental to the neighborhood. Our bottom line is this; we do expect and we welcome development that will improve our quality of life, our livability and our walkability. We believe that this project is adding way too much density to improve our quality of life, up to 5 times the current density levels. We think this level of density is going to have a negative affect on us currently and on future residents of the neighborhood and also on the businesses. We respectfully oppose this rezoning request.

In rebuttal Mr. Purser said I just want to respond to two items; one would be the concern for our residents to park on the street. Currently our plan calls for 186 total parks with 170 beds so we are over the parks per bed ratio that we keep on all our projects. We have a similar project in Plaza/Midwood and have been operating for a year and we've never had one complaint from residents or the neighborhood that all our residents were parking in retail spots or vice versa. The second item is the building footprint as proposed is actually a reduction from the current office development on site today.

Councilmember Smith said under the O-1 zoning do you know what you are currently entitled to build with a story count and rough square footage?

Mr. Purser said I'm not totally sure, but just based on the office buildings on Hedgemore, the Parson's Building I believe is 120 to 130 feet tall and I don't know how close it is to the maximum.

Ms. Keplinger said in terms of the density, it would be 22 dwelling units per acre under the office because it does allow some residential. In terms of the building height, it is a calculation that at its base it starts at 40-feet and goes in. You go up as your setback go in.

Mr. Smith said I'm assuming it is probably taller than the 60-feet.

Ms. Keplinger said I'm not sure; we could calculate it and get back with you.

Mr. Smith said a couple other questions for staff and this might be a question for Mr. Davis, we sort of had a dialogue today, but I would like to follow up on that. It says that a traffic study was not required and I'm curious if you can walk me through where and how do we require a traffic study and then if we have any idea of what the current trip count is on Abbey Place. I'm trying to get a feel for that; 1,030 trips and how does that fit into the current traffic count? Is that 50% of the traffic count; is it 8%?

Mike Davis, Transportation said with respect to the question on the traffic study, generally what CDOT does is that anytime a petition proposes a use where we expect the trip generation from that proposal to be 2,500 more vehicle trips per day greater than what could be done under the existing zoning; that is an automatic flag for us to seek a traffic study. There can be reasons why we don't do that, but that is typically our thresholds. In addition to that, even if a proposal doesn't meet that trip difference we sometimes see traffic studies be done, and I should point out this development is underneath that 2,500 threshold, in some cases we do seek traffic studies and usually that is either to address a specific known concern or we seek to have better information come out of a study or where we have perhaps a known deficiency and we maybe think there could be a link between that development proposal and an ability to address it through the development. What I would say about Abbey Place, I did look to see if we have any recent counts and it does not appear that we do, but I'll be happy to get counts done very quickly.

Mr. Smith said the last count by chance?

Mr. Davis said actually it would have such an age on it. It would not even be listed.

Mr. Smith said if we could get a recent count I think that would be of value. I think the land use here sort of does encompass with what the City is trying to accomplish in that area plan. Montford Drive is a big success story and where we are trying to trend to is a City with the walkability and I wish I were a little bit younger because I would take more advantage of going up there on a Saturday night and going out to dinner and then going bowling and doing a bunch of things. I do think there are some valid concerns from the residents and this sort of points to something Ms. Kinsey was saying earlier, trying to figure out how we are going to be able to help them with some of these traffic issues that may be created with the land use plan that we support. I would love to have some off-line conversations with you guys and get some ideas on that because I do think the 1,000 trips I would suspect if I had to guess that Barclay Downs gets about 12,000 cars per day and I would suspect Abbey doesn't get anywhere near that, so this increased total may be pretty impactful.

Mr. Davis said I would be happy to provide that information and also was making note of the concerns from the person speaking in opposition. We will include that in the follow-up.

Mr. Smith said I do think if you go up there on a Saturday night, I think for the current residents, and this has nothing to do with this proposal, but people do park up on Abbey Place so I think there is already some built in frustration and would love to see what the City can do to help alleviate that.

Mr. Davis said I will be glad to go check it out on a Saturday night.

Councilmember Phipps said has there historically been any flooding issue associated with this parcel since a portion of it is in a FEMA floodplain?

Ms. Keplinger said I am not aware of any and I'm not sure if anybody from Storm Water is here that can address that question, but we will certainly follow-up on it for you.

Councilmember Autry said what is your mitigation or Storm Water plan for the property?

Mr. Purser said we have underground storm detention.

Mr. Autry said and that has already been vetted with Storm Water Services?

Mr. Purser said it hasn't been provided yet but will be provided with the permitting plans.

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

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ITEM NO. 15: HEARING ON PETITION NO. 2014-031 BY WILKISON PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.9 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF YOUNGBLOOD ROAD AND SHELBURNE FARMS DRIVE FROM MX-3 (LLWCA) (MIXED USE, LOWER LAKE WYLIE CRITICAL AREA) TO MX-3 SPA (LLWCA), (MIXED USE, SITE PLAN AMENDMENT, LOWER LAKE WYLIE CRITICAL AREA).

A protest petition has been filed and its sufficiency is to be determined.

Tammie Keplinger, Planning said I will you some context; this is part of the Palisades development south of Highway 49. You can see a little bit to the Catawba River, located over here to the left of your screen. This is the Grand Palisades Parkway running through this area and here is your site location. In terms of the zoning for the area, you can see all of the MX-3; mpl

this is all part of Grand Palisades and then the R-3 is the area that is outside of that, but is still single family residential. In terms of the aerial, you can see that we have single family lots that are located to the west, to the north and to the east of the site and we have a recreation center that includes a pool, tennis courts etc. to the south. The site plan for this rezoning will allow a change from single family detached to single family attached. Under the current zoning there could be approximately 23 single family homes. Under the proposed request there would be 29 attached single family units. You can see that we have pedestrian access that is provided in several locations, especially to the south to the club house and recreation area. There is a 30-foot wide common open space along the street frontages and a 34-foot buffer that may be reduced with a wall or a fence to 25-feet along the eastern property boundary and there is also a provision for guest parking in this. That is one thing we hear about in some of our attached housing, is where your guests are going to park, so this actually is providing some guest parking area. The overall density for Palisades's development was supposed to be 3.9 dwelling units per acre. With this change on this piece of property the overall density will change from 3.87 to 3.89 so it is still under the density of 3.9 dwelling units per acre. They do have innovative standards that they are requesting for the lot and yard dimensions. This is an elevation of what the attached dwellings will look like.

The future land use map shows this property as residential. You can see everything around it, everything is yellow and again you can see the small tributaries in the coves of the river to the left. In terms of the staff recommendation, the rezoning is consistent with the Steele Creek Area Plan, a recommendation for the overall density of 3.9 dwelling units per acre. The outstanding issues are related to connectivity and their technical site plan issues. We believe that those can be addressed and upon those being resolved we are recommending approval.

Mike Boston, Wilkison Partners, LLC said we are in the process of trying to get this parcel rezoned. I would first like to thank all of you for your service to the community. It is amazing even sitting here what you have to deal with and we really appreciate what you are doing to consider this tonight. Ms. Mayfield I want to thank you for talking to me about how to handle some of the issues that we had come in the community meeting and we did have that meeting and had a very successful meeting. I think we resolved those things and lastly I would like to thank the staff, Solomon Fortune and the entire group are so amazing and they work with you through issues and when you don't think you can get it done you still work through it. I want to explain one thing about the history of why we are doing this because it is kind of important to understand that. We are part of the Palisades Country Club and the first part of the parcel is a tennis, a swim and a fitness center and my partner is Tim Wilkinson and he was a Touring Professional so we wanted to create a great little club in the community that would be super for the families with children to enjoy in this community called the Palisades. When everything went crazy economically the developer that built the Palisades went out of business, went bankrupt and so did Crescent Resources. We had a development agreement that basically was to protect our interest there to be the recreation center and since everybody went out of business the development agreement went away so we have now got a recreation center being built a couple of blocks away that is going to be the HOA Center. Standard Pacific is going to build that and then the Toll Brothers is building another \$4 million recreation center about 1/8 of a mile from us so on two sides of us we have about \$10 million of recreation centers being built around us that we had no plan to have to come across. Right when we came out of this rough economy we got news that we were going to get that kind of competition so we decided that it would be important to find a better use for this property. I just wanted to give you a little history of why we are even looking to do this plan and now I would like to introduce Robert MacLeod of Boston MacLeod Realty, another company we have.

Robert MacLeod said I just wanted to give you a little bit of insight into the kind of product that this will be. When we looked at the use of this portion of the property that was owned by Wilkison Partners, it is about 10-feet elevated and looks down over the tennis courts, the back of the facility and we didn't want to do a product that wouldn't be in keeping with the caliber of what is already there so when you look at the townhouse elevations that you have you will see they are more like a small custom home just attached. It is a very high end luxury product and from all of the requests that we've had, I used to at one time work for the developer, and there has been a huge amount of requests for an attached product in the Palisades and it does not exist. Standard Pacific who bought the remaining portion of the Palisades has about 1,400 to 1,500

more units that are going in and they are all single family. There are no plans for this so this is a very unique product and it will be a very nice product. There is only 28 so we feel very strong about being able to sell it and build them in a very short period of time. The caliber of what we plan to put in there will be an asset for the community and we have no real desire to put in single family homes and compete with the hundreds more that are going in. We just don't have the desire to do that so that is our petition and thank you for your consideration.

Jack Michael, Jr. 16435 Doves Canyon Lane said I live directly across from the proposed site in the Palisades at 16435 Doves Canyon Lane. My neighbors and I have submitted a rejection petition, but as of today there was a new proposal put on by the petitioners and with this new revised site plan my residents, the Michael's, the Sheehan's and the De'Mellon's no longer have any objections to present this evening. I do want to make sure you have the revised plan Mr. MacLeod so that is right, and with this being said we want to make sure this revised plan sticks to the City Council vote. The moving of the complex entrance to the existing Shelburne Farms Drive/Pawley's Plantation intersection and the improved berms are critical to this plan. We will plan to remove ourselves of the rejection petition prior to the Council vote as long as everything goes according to plan. Again, thank you for the advice of the Council, Councilmember Mayfield especially thus far. Thank you for everything you've done and being receptive and so cooperative in the process.

In rebuttal Mr. MacLeod said what was on the screen was what was originally submitted and then we just resubmitted so what you have in your package and what is going to be submitted by our land planner is the new plan.

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

Councilmember Mayfield said I just want to say that I'm glad to hear that you were able to come to a decision that works well for everyone so I want to congratulate you on that.

ITEM NO. 16: HEARING ON PETITION NO. 2014-032 BY THE AFFORDABLE HOUSING GROUP OF NORTH CAROLINA, INC./ THE DRAKEFORD COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.72 ACRES LOCATED ON THE WEST SIDE OF BEATTIES FORD ROAD BETWEEN PAULINE LANE AND SUNSET ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously, to recuse Councilmember Howard from Item No. 16, Petition No. 2014-032 by The Affordable Housing Group of North Carolina, Inc. / The Drakeford Company.

Tammie Keplinger, Planning said just to give you context, this is Sunset Road, this is Beatties Ford Road and the proposed site is the little "L" shaped piece of property site located here. From the aerial you can see the adjacent multifamily, single family and the adjacent shopping center. In terms of this request, this is for a three-story single building which will house 85 age restricted multifamily units. The density is 22.8 dwelling units per acre. The building height is limited to 55-feet. The parking is .25 spaces per unit and that is based on it being housing for the elderly. The petitioner has specified building materials for this building. The elevations I'm going to show you; I believe the petitioner has been working with our staff to submit something new tonight so I just want to briefly say that these elevations, we have a lot of comment on them; this is about a 300 to 400 foot length of building and we felt that it needed a lot of design work to get it to the point where staff was willing to move forward with the elevations by themselves. However, staff has a larger issue with this rezoning petition. In terms of the future land use plan you can see that it calls for residential for this property as well as most of the adjacent properties. When we are looking at this site we will look to the General Development Policies (GDP) to help us calculate the density because there is no density that is specified in the area plan. When

we look at that, this site meets approximately 6 units to an acre; maybe up to 8 with a really good design. In looking at the proposed request for housing for the elderly, we have opportunities and constraints that are listed in the GDP and one of those opportunities is to allow slightly higher densities for housing for the elderly. Staff could possibly become comfortable with 12 dwelling units per acre on this site if all the site design issues were worked out. However, at this point in time the petitioner is still at 22.8 dwelling units per acre. For several reasons staff is not recommending approval of the petition in its current form. It is inconsistent with the Northwest District Plan recommendation for single family residential; it does not meet the GDP for 22.8 units per acre. We talked about the opportunities and constraints and the fact that staff could support up to 12 units per acre. The mass and scale of the building are not compatible with the surrounding properties. The outstanding issues are related to the land use and the building design and the technical site plan issues so staff will be happy to entertain any questions.

Bobby Drakeford, 1914 Brunswick Avenue, said my company along with The Affordable Housing Group, Kathy Stillwell's company proposed to develop the Magnolia Gardens Senior Housing Community. Also with us is Wes Smith who is our Civil Engineer; Neighboring Concepts is our architectural firm and they are not present. We believe this project will be a great asset to the community. We've actually reduced the unit count slightly too under 22 units per acre which is 82 units and we think this area of Charlotte really would appreciate this type of amenity. We've had several meetings with the community; we have several folks who join us tonight who will not speak that seek to reside here and we've found that overall to be well received. We've got several letters of support from the neighboring communities, the condominium community behind us, the two Fraternities that are abutting us as well as the Hyde Park Neighborhood Association so we've had a tremendous amount of support from the community and had very good dialogue with the staff. We are addressing the design concerns they have mentioned and Wes can speak to that. We understand very much the concerns about density. We have some calculation which we think will show what we propose really does not impact the community any more than what the staff proposes, but before we get to that Wes will talk to you about design.

Wes Smith, 301 McCullough Drive said I'm with EMH&T Engineering and in regards to design, a couple concerns specifically in regards to the building, we worked with staff after our meeting to I guess lessen the massing of the building and this is a blow up of the building. We created three separate courtyard areas that will be landscaped courtyard areas to kind of break up the massing of the building to allow for an essence three separate buildings with a connection with the corridor. In working with staff we felt that was something that we did to allow for it to be a more appropriate design that staff was looking for. Also we have lessened the units from 85 to 82 units and the building height was actually reduced from 55-feet to 47-feet so the building is actually at the edge line, at the soffit you are looking at 34-feet; at the ridge line here approximately 47-feet. Those were the biggest changes that we made to the site plan.

Kathy Stillwell, 4600 Park Road said I am the Executive Director of The Affordable Housing Group. We have developed a similar property in the Cherry Community, Cherry Gardens and so we have some firsthand knowledge of the impact that senior housing has that is significantly less than what you would see in a similar market rate family development. At Cherry Gardens we have 42 units with 42 bedrooms; we have 43 individuals who live there so we are basically one person per bedroom. We would put this property in with significantly less residents than you would with a market rate one, two and three bedroom type development. We also have at Cherry Gardens as an example, 13 of the residents have cars which is about 30% so the impact from traffic is significantly less in a development of this type than you would have with a standard market rate development.

Mr. Drakeford said I think there was some misinformation regarding our parking ratio. We are parked at one space for every two units instead of one for every four, even though we do not anticipate having that great a need for parking. Kathy is going to give you a memo we prepared which calculates the impact or compares the impact of the recommended density to what we propose if it were a family as opposed to a senior community. What you see in your text really explains the calculation which really shows that we don't anticipate more than one person per bedroom whereas if you calculate the HUD standards of 1/2 persons per bedroom you will see that what we propose to develop will have fewer residents or a comparable number of residents as

there would be given the density recommended by staff for a traditional suburban family community. I don't think we need to go through all of that, but you can see pretty quickly on the second and third pages that we anticipate having 93 residents whereas a traditional multifamily community would have anywhere from 89 to 134 residents, depending on the unit mix as many as 152. Our general proposition is that this elderly community will not have as much impact and therefore the density concern does not pertain as much to this type of population.

Ms. Stillwell said one more point; the other document that we provided for you is the executive summary of the market study that was completed on behalf of the project by the North Carolina Housing Finance Agency. I've highlighted a few of the passages for you; on Page 3 it speaks to the almost 100% occupancy rate in apartments of this nature in the primary market area and that they have waiting lists that range from 24 to up to 300 seniors who are looking for housing of this type in this area of the City. Basically there is a pent up demand for this type of housing and also that the rents that we are proposing are less than comparable properties in the community. As a non-profit it is our goal to make the units as affordable to those in the community as we possibly can.

Councilmember Fallon said I'm going to ask you a very innocent question and that question is what is the difference between this and what you did and allowed on Prosperity Church Road, which was much higher, much more dense. It was supposed to be two buildings with an atrium and you condensed it into one massive building. What is the difference; why is this different than that?

Ms. Keplinger said in this particular case the density is quite a bit higher. We are talking about almost doubling the density that staff would recommend and actually tripling the density that would be recommended by the GDP if it were not elderly housing. There are some definitely some differences in terms of the density. There is also differences in terms of the design and I think the petitioner has addressed a lot of those issues tonight with the redesign of the development, but with the Weddington Road rezoning we actually worked very hard with the petitioner on the design to make the one building look like several buildings and I think we are close to accomplishing that on this petition also.

Ms. Fallon said the other one was totally out of keeping with what the neighborhood was like. Everything was built one family homes, very low and not that high and you put in very high buildings and allowed it. It was a massive building; it was taken from split buildings into one mass that went right across the property.

Councilmember Austin said Tammie I know we've talked a little bit about this particular rezoning and just coming in line with what Ms. Fallon was talking about, the staff opposes because of scale and density, however I have noticed in that community we have similar apartments right across the street which has similar kind of scale and density. I'm trying to understand the consistency or inconsistency in what we are recommending.

Ms. Keplinger said we believe that most of the density in the area is about 12 units per acre whereas this one is still significantly higher than that. We took into consideration the fact that scoring on the GDP's it meets about 6 units per acre, so taking into consideration the opportunities and constraints, we could get it to a possible 12 units per acre which is fairly consistent with what the area has.

Mr. Austin said Bobby and the group; can you share why we can't get to center with staff on this particular issue?

Mr. Drakeford said Kathy can speak to the operating efficiencies that are really important to the number that we are seeking to have, but we started off with a four-story building then we shrunk that; we reduced the unit count from 105 to 82 so that has been very available to us. I think our general departure is based on the impact of the community that we are proposing whereby again we think the number of folks who live here in the demographic profile of those to have less impact. There is no impact on schools and most folks don't have cars so our general contention is that maybe this one size fits all for GDP calculation might need consideration, but I think the philosophical difference and perhaps one that we as a community need to consider that every

apartment community is not the same and we will see more of this type. We've tried very hard and it is just a challenge for us from kind of efficiency standpoint.

Ms. Stillwell said as non-profit developers we make every effort to keep the rents of these properties as low as possible so that we can meet the demand in the community and keep people living in their community. When you factor in the cost of development, the cost of the fees associated with the financing, when you shrink the units down, the only recourse is to have more debt and higher rents, which defeats the purpose of what we're trying to achieve. Again, referring to the market study there is a huge pent up demand for affordable senior housing, the demographics of folks who are aging is growing. This is totally in line with what the market study says is appropriate for the City of Charlotte.

Mr. Austin said one of the other Councilmembers made me aware of this language we have here so this will be for people who are 55 and older, as well as other folks beyond that?

Ms. Stillwell said well it is age restricted to 55 and above, however the Department of Social Services have asked that for individuals who have disability that we would allow someone age 45 and above if they have a disability, to reside here. We've capped that at 10% and that is something that we could discuss further.

Councilmember Mayfield said something just triggered a thought when it was noted that our age limit for seniors is 55. We are now looking at those that are 55 that have 9, 10, 11 and 12-year olds and this isn't something that is going to be addressed with tonight's discussion, but we are thinking about the comment was made as far as the impact on schools, the reality is we do have people who chose to wait later in life to start children so they may have started their families in their early or mid 40's so their children are in that age limit of needing access to schools. This is probably a conversation for moving forward as we think about development to start that conversation. This may be something to look at moving to Housing and Neighborhood Development, but it was triggered with that thought. Has staff had any conversations around that?

Ms. Keplinger said actually we have thought about and have talked about that. I'm going to ask the petitioner to confirm this, but in this particular case they are restricting it to anyone that lives in the unit must be 55 or 45 so you wouldn't be able to have children living there in the facility.

Ms. Stillwell said that is correct. I believe there is a clause for a live-in caregiver who are certified caregivers that they may be below the age of 45, but I would have to confirm that.

Ms. Mayfield said it is not to look at this particular project but to at least start the conversation to think about what our restrictions are locally in comparison to restrictions on the federal and state level, to start having these expanded conversations for people who have chosen to start a family later in life.

Councilmember Phipps said you indicated that part of the reason for staff's denial or rejection of the project is because the project is inconsistent with the 24-year old Northwest District Plan. Is that correct?

Ms. Keplinger said the Plan recommends single family residential. It doesn't provide us with a density so we go to the General Development Policies which are more recent and look to those to determine the density and that is where we came with the 6 units per acre, possible 12 with it being elderly housing.

Mr. Phipps said I was wondering about the age of that Plan given the changes the City has experienced over the last 24 years I would ask would you consider that Northwest District Plan to be reflective of current development needs.

Ms. Keplinger said I think the General Development Policies takes care of that issue because it was a more recent document that we follow.

Mr. Phipps said are there any plans to revisit that District Small Area Plan in the future?

mpl

Ms. Keplinger said not that I am aware of at this time.

Motion was made by Councilmember Austin, seconded by Councilmember Mayfield, and carried unanimously, to close the public hearing and add the decision on this petition to our May 12th agenda.

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ITEM NO. 17: HEARING ON PETITION NO. 2014-38 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO ADD STADIUMS, COLISEUMS, AND ARENAS AS USES PERMITTED UNDER PRESCRIBED CONDITIONS IN THE MUDD DISTRICT, AND TO CORRECT THE USE TABLE TO INDICATE STADIUMS AND COLISEUMS ARE CURRENTLY PERMITTED, UNDER PRESCRIBED CONDITIONS, IN THE UMUD.

Sandra Montgomery, Planning said the purpose of this Text Amendment is to allow stadiums, arenas and coliseums in the mixed use development district and to correct the table of uses to reflect that this use is currently already allowed in the UMUD but the table doesn't show that. Right now the zoning districts where coliseums and stadiums are allowed include the by-right district for the transit oriented development district. There are a number of other zoning districts where this is allowed under some prescribed conditions; urban residential, urban residential commercial, general business, research and several of the industrial districts, the UMUD district, institutional. Several of those districts do limit the number of seats which are allowed in the stadiums or coliseums in those districts. When staff was looking at this use we realized why it wasn't allowed in the mixed use development district, the MUD district, so this text amendment is to correct that oversight to add stadiums and coliseums in the MUD district with the prescribed conditions that it have primary access from non-residential streets. The second part of the text amendment is just to correct that table of uses to show that these are allowed in the UMUD district also.

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

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BUSINESS MEETING

CONSENT AGENDA

Motion was made by Councilmember Howard, seconded by Councilmember Mayfield, and carried unanimously, to approve the Consent Agenda as presented with the exception of Item No. 27-B which was settled.

The following items were approved:

Item No. 17: Preliminary Planning for the 2014 Community Investment Plan

Authorize the City Manager to negotiate a contract, for a total of \$4,145,000, with the following firms for various 2014 Community Investment Plan programs and projects (A) The Sidewalk and Pedestrian Safety Program to: DRMP in an amount up to \$330,000, Mulkey, Inc. in an amount up to \$300,000; (B) The Comprehensive Neighborhood Improvement program to: Kimley Horn in an amount up to \$200,000, STV in an amount up to \$200,000, Mulkey in an amount up to \$200,000, Stantec in an amount up to \$200,000 and Woolpert in an amount up to \$200,000; (C) Up to eight contracts for the Northeast Corridor Infrastructure program in varied amounts with a cumulative total up to \$1,600,000 to the following firms: Kimley Horn, Parsons Brinckerhoff, STV, DRMP, Mulkey, Stantex, RS&H and Atkins; (D) HDR for the Applied Innovation Corridor program, in an amount up to \$375,000; (E) HNTB for the Extension of Garrison Road

and the Widening of Dixie River Road project, in the amount up to \$150,000; (F) RS&H for the Monroe Road Streetscape project, in the amount of up to \$70,000; and (G) Sidewalk and Bikeway Improvements projects to: Kimley Horn in an amount up to \$175,000 and URS in an amount up to \$175,000.

Item No. 18: Scaleybark Storm Drainage Improvement Project

Award the low-bid contract of \$556,980.70 to Ferebee Corporation for the Scaleybark Storm Drainage Improvement project.

Summary of Bids

Ferebee Corporation	\$556,980.75
Blythe Development Co.	\$561,455.19
Sealand Contractors Corp.	\$595,703.75
OnSite Development, LLC	\$613,502.50
Carolina Cajun Concrete	\$622,597.50
United Construction, Inc.	\$681,193.75

Item No. 19: Sugar Creek Road/ Eastway Drive Intersection and Sidewalk Improvement Project

Award the low-bid contract of \$588,656.25 to Carolina Cajun Concrete, Inc. for the Sugar Creek Road/Eastway Drive Intersection and Sidewalk Improvement Project.

Summary of Bids

Carolina Cajun Concrete, Inc.	\$588,656.25
United Construction, Inc.	\$632,978.40
Sealand Contractors Corp.	\$638,086.13
D. E. Walker Construction Co.	\$648,972.91
Blythe Development Company	\$678,626.50
Red Clay Industries, Inc.	\$734,615.40
Zoladz Construction Co., Inc.	\$770,428.70

Item No. 20: LYNX Blue Line Extension – Freight Tract Relocation Reimbursement

Approve funding to reimburse Norfolk-Southern Railway Company for the costs that will be incurred for the freight and intercity tract relocation necessary for the construction of the LYNX Blue Line Extension in an amount up to \$12,000,000.

Item No. 21: Airport Long-Term and Daily Parking Improvements

(A) Award a low-bid contract to Blythe Development Company, in the amount of \$4,903,370.85 for construction improvements to the Long-term and Daily parking lots, (B) Approve a professional services contract with LS3P Associates, LTD, in the amount of \$225,075 for design services for entrance and exit plazas for public parking at the Airport, (C) Approve a professional services contract with Terracon Consultants, Inc., in the amount of \$97,000 for professional testing services for long-term parking improvement at the Airport, and (D) Budget Ordinance No. 5338-X appropriating \$5,225,445.85 from the Aviation Discretionary Fund to the Airport Community Investment Fund.

Summary of Bids

Blythe Development Company	\$4,903,370.85
Triangle Grading and Paving	\$5,666,257.80
Showalter Construction	\$5,825,610.05
Blythe Construction Company	\$6,282,948.00
Zoladza Construction	\$6,843,900.00

The ordinance is recorded in full in Ordinance Book 58, at Page 677.

Item No. 22: Airport Waste Hauling and Landfill Contract Amendment

Approve contract amendment #1, in the amount of \$480,000 with Waste Management of the Carolinas for waste hauling and landfill services.

Item No. 23: Refund of Property and Business Privilege License Taxes

(A) Adopt a Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$534,937.27, and (B) Resolution authorizing the refund of business privilege license payments in the amount of \$3,003.65.

The resolutions are recorded in full in Resolution Book 45, at Pages 269-302 and 303-304.

Item No. 24: Resolution of Intent to Abandon an Unopened Portion of Paper Birch Drive

(A) Adopt a Resolution of intent to abandon an unopened portion of Paper Birch Drive, and (B) set public hearing for May 27, 2014.

The resolution is recorded in full in Resolution Book 45, at Page 305-307.

Item No. 25: Meeting Minutes

Approve the titles, motions, and vote reflected in the Clerk's record of the minutes of March 17, 2014 Zoning Meeting, March 19, 2014 Budget Workshop, March 31, 2014 Special Meeting, April 7, 2014 Special Meeting and April 9, 2014 Mayor Swearing-in Ceremony.

Item No. 26: Sale of City Property – Portion of 8028 Steele Creek Road

Approve the sale of .799 acres of City-owned property (portion of Tax ID: 141-111-98) located at 8028 Steele Creek Road.

Item No. 27-A: 2639 Celia Avenue

Resolution of condemnation of 73 square feet (.002 ac) in Storm Drainage Easement, plus 1,553 square feet (.036 ac) in Temporary Construction Easement, plus 73 (.002) square feet in Utility Easement at 2639 Celia Avenue from Brian E. Agard and Eugenia Wright-Agard and any other parties of interest for \$275 for Celia Avenue Storm Drainage Improvement Project Easement Acquisition, Parcel #8.

The resolution is recorded in full in Resolution Book 45, at Page 308.

ITEM NO. 15: CONCLUSION OF CONSENT AGENDA

PUBLIC HEARING

ITEM NO. 7: PUBLIC HEARING ON A RESOLUTION TO CLOSE A RESIDUAL PORTION OF NORTH SHARON AMITY ROAD

<p>There being no speakers, either for or against, a motion was made by Councilmember Howard, seconded by Councilmember Autry, and carried unanimously, to close the public hearing and adopt the resolution.</p>

The resolution is recorded in full in Resolution Book 45, at Page 266-268.

POLICY

ITEM NO. 8: CITY MANAGER'S REPORT

City Manager, Ron Carlee said earlier this evening in public testimony there was a comment made that the taxi contract had been extended earlier this year at the Airport. I wanted to make a factual correction. That actually has not been done. We are reviewing that contract and it is eligible for renewal for two more years but we have it under review considering all of the discussion that we have had.

Mayor Clodfelter said I take it then that someone will contact Mr. Khan and make sure he knows that the contract has not been extended.

Mr. Carlee said yes sir, and we think there was an error reported in one of the media outlets which was the source of this information. The second item is that we are scheduled for potentially some severe weather over the next couple of days, I want to remind people that they can sign up for Charlotte Mecklenburg alerts; charmeckalerts.org as it is referred to and get warnings as we get them coming in to the City government and to pay attention to radio and television over the next 48 hours, given the potential for bad weather.

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ITEM NO. 9: POST-CONSTRUCTION CONTROLS ORDINANCE REVISIONS

Councilmember Autry said I just want to thank everyone for their work and staff's ability to be flexible in this area and I would like to move on with it.

Motion was made by Councilmember Autry, seconded by Councilmember Fallon, and carried unanimously, to approve the Environment Committee recommendation for revisions to the Post-Construction Controls Ordinance No. 5339 extending the use of mitigation fees on certain redevelopment projects until October 31, 2014.

The ordinance is recorded in full in Ordinance Book 58, at Page 679-680.

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ITEM NO. 10: 2014 HOUSING TRUST FUND ALLOCATIONS

Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield, and carried unanimously, to separate the items A and B.

Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield, and carried unanimously, to recuse Councilmember Howard from Item A.

Motion was made by Councilmember Kinsey, seconded by Councilmember Lyles, to approve (A) Three Multi-family Tax Credit developments for a total of \$3,030,000 to Cinnamon Pointe Senior apartments, \$600,000; Park and Marsh Senior Apartments for \$1,380,000 and Weddington Road \$1,050,000.

Councilmember Driggs said I just want to comment very briefly, you've heard me say this includes \$1,050,000 for the Weddington Road development. Part of the process of the application was the community meeting. I think it was apparent from the Zoning meeting we had for this development that the community is strongly opposed to it and I think it is unfair that those people share in the cost of it so I'm going to vote no on this one.

Councilmember Smith said I'm going to support this; generally this is not the type of economic policy that I'm in favor of, however I think this is not necessarily the time to litigate it. I'm going to support it because I think the cart is sort of out of the barn on city policy but I did want to at least make a minor footnote in there that I'm going to support existing policy and at the appropriate time possibly work to maybe shift policy.

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

YEAS: Councilmembers Austin, Autry, Barnes, Fallon, Kinsey, Lyles, Mayfield, Phipps and Smith.

NAYS: Councilmember Driggs.

mpl

Motion was made by Councilmember Kinsey, seconded by Councilmember Howard and carried unanimously to approve (B) Two Supportive Housing developments for a total of \$850,000 to: Center of Hope expansion, \$500,000 and Centre Terrace Apartments, \$350,000.

Councilmember Howard said I just wanted to point out the hard work the folks over at the Women's Shelter does. Laronda is here and I just wanted to acknowledge that and say thank you for your hard work. What you guys do is a value added to our community and I just wanted to say that publicly.

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ITEM NO. 11: FISCAL YEAR 2015 ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT

Councilmember Kinsey said since we are going through these pretty quickly I just want to make sure that people know that we have discussed these in Workshops so we are not rushing through it; we do know what we are voting on.

Mayor Clodfelter said this was discussed at the last Business Meeting and a number of these items have been up for pubic hearing or had prior discussion and this is just the action step from prior meeting discussions.

Motion was made by Councilmember Kinsey, seconded by Councilmember Autry, and carried unanimously, to approve the Housing & Neighborhood Development Committee recommendation to approve the Fiscal Year 2015 Annual Action Plan for Housing and

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ITEM NO. 12: CHARLOTTE COMMUNITY CAPITAL FUND EXTENSION

Motion was made by Councilmember Barnes, seconded by Councilmember Lyles and carried unanimously to approve the Economic Development & Global Competitiveness Committee recommendation to: (A) Authorize the City Manager to execute a contract with Self-Help to extend the City's participation in the Charlotte Community Capital Fund contingent upon the Charlotte Community Capital Fund Operating Committee providing annual performance reviews to the City Council, and (B) Extend the maturity date for the City's \$500,000 loan until March 31, 2019.

Councilmember Barnes said this is the Committee's continued effort to try to help create jobs and support small businesses and it represents our ongoing dedication to this loan fund. It has helped a number of small businesses and you can find the information in the materials, but it has helped a number of small businesses over the last several years and we are hoping that it will continue to help businesses in our county and city to grow and create jobs in the community. The Committee voted unanimously to support it, those of us who were there, and I recommend it to the full Council for their support and approval as well.

Councilmember Lyles said I just want to make a note that I'm not listed as being there, but I was, so that is okay. I think I actually talked about some of the issues related to this.

Mr. Barnes said Vice Chair Lyles was there.

Mayor Clodfelter said we will note the correction in the minutes of the Committee Meeting.

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ITEM NO. 13: FISCAL YEAR 2015 CITY COUNCIL FOCUS AREA PLANS

Motion was made by Councilmember Howard, seconded by Councilmember Mayfield to approve the City Council Committees' recommended Fiscal Year 2015 Strategic Focus Area Plans for: (A) Community Safety, (B) Economic Development & Global Competitiveness, (C) Environment, (D) Housing & Neighborhood Development and (E) Transportation & Planning.

Councilmember Barnes said I need to make a friendly amendment if Mr. Howard would agree regarding B, The Economic Development & Global Competitiveness Committee (EDGC). The Chair of the Transportation & Planning Committee Ms. Lyles and I have talked about this, the amendment is with respect to the second bullet point under the EDGC category and it concerns the re-evaluation of the regulatory system for development and partnership with Mecklenburg County to ensure that it is meeting the needs of its customers and that relates to the permitting issue which we had talked about at the Retreat and the Council subsequently decided not to send it to the EDGC Committee. It went to the Transportation and Planning Committee so we need to get this out of my Committee and have it over in the Transportation and Planning Committee, which is where it was sent; so that would be the amendment.

[The friendly amendment to 13-B: Remove from the Economic Development & Global Competitiveness Committee the second bullet point "re-evaluate the regulatory system for development in partnership with Mecklenburg County to ensure it is meeting the needs of its customers", and move it to 13-E, Transportation and Planning Committee.]

Mayor Clodfelter said Mr. Attorney can the maker of the motion accept that amendment without a separate vote or do we have to vote it as a separate amendment?

City Attorney Bob Hagemann said the maker can accept that.

Councilmember Howard said I'm okay with it. I actually just want to point out that throughout all of these I think we noted that these were not germane to committees and there are things that overlap throughout all of these.

Mr. Barnes said but our Committee won't be dealing with that one.

Mr. Howard said I would like to know what Mr. Kimble or Mr. Carlee has to say about it.

Mayor Clodfelter said I think what I'm hearing is that these are Focus Areas and not necessarily Committee jurisdictions but Councilmember Barnes wants the Council to understand that his Committee that he chairs would probably not be on task on this item in that Focus Area.

Deputy City Manager Ron Kimble said we are good with that.

Mayor Clodfelter said does everybody understand the motion as friendly amended and accepted by the maker?

The vote was taken on the motion as amended and carried unanimously.

BUSINESS

ITEM NO. 14: WASTEWATER TREATMENT PLANT OPERATIONS AGREEMENT

Mayor Clodfelter said does anyone desire to break these three into separate votes?

Councilmember Mayfield said I do, I would like Item A to be voted on separately.

Mayor Clodfelter said without objection, we will vote on Item A separately and then of course depending on the outcome of that vote then we would then proceed with Items B and C.

Motion was made by Councilmember Kinsey, seconded by Councilmember Autry to approve Item A: Approve the Interlocal agreement with Union County for Wastewater Treatment Plant Operations.

Ms. Mayfield said I have some concerns regarding this partnership with Union County and the impact long-term because I don't think I am comfortable with the answers that I was given as far as Union County potentially being able to maintain their own at some point. How long we are looking at, what if they are not able to, what is the impact really going to be on our staff, on our citizens. I have some concerns around this particular item of which the concerns are the reasons why I'm not going to be able to support it.

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

YEAS: Councilmembers Austin, Autry, Barnes, Driggs, Fallon, Howard, Kinsey, Lyles, Phipps and Smith.

NAYS: Councilmember Mayfield.

Motion was made by Councilmember Howard, seconded by Councilmember Kinsey and carried unanimously, to approve (B) Approve 16 full-time, regular positions funded in the Fiscal Year 2014 Utility Operating Budget with total costs reimbursed by Union County, and (C) Budget Ordinance No. 5337-X appropriating \$300,000 for June 2014 operational expenses.

The ordinance is recorded in full in Ordinance Book 58, at Page 678.

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ITEM NO. 16: MAYOR AND COUNCIL TOPICS

Councilmember Mayfield said as mentioned earlier, we had a discussion regarding a motion that I would like to move to the Housing and Neighborhood Development Committee and I've already had a conversation with the Chair and Vice Chair to refer the issue regarding gentrification to Housing and Neighborhood Development Committee for their consideration.

Mayor Clodfelter let me ask the Attorney, do we have to have formal action to move something to Committee or can that be done by request without objection?

City Attorney Bob Hagemann said it can be done without objection.

Mayor Clodfelter said is there any objection to Ms. Mayfield's request for referral?

Councilmember Barnes said no objection; Ms. Lyles and I had a discussion about this over the week-end, but I'd like to have a further bit of analysis done on not only gentrification in what we've called inner city neighborhoods, but also the impact of gentrification on suburban areas. Because as a lot of those neighborhoods have changed people have moved to suburban areas and a lot of the challenges that people faced in the inner city have now been visited upon those suburban areas and I think it would be valuable to understand and appreciate both the impact in the inner city, per your e-mail Vi and then also some of the challenges that we are seeing in suburban areas in Mr. Austin's district and Mr. Phipps' district. In fact in parts of your district as well, just understand, again if we are going to figure out how gentrification is affecting inner city communities also understand how it affects the suburbs, so the entire city.

Councilmember Lyles said I had the conversation with Councilmember Barnes and I understand, but I think that the idea of saying every place, I would like to say in the charge to the Committee, I do think there is an impact when you have relocation of people from areas where they are no longer able to live, but it is not the entire community. So it is the concentrations that
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are more of a concern. I know the Committee will understand that, but I think it is one of those things to really try to let a laser like focus on what problem are we trying to solve versus the broader discussion of gentrification which can take us down a path that is very difficult I think and sometimes too nebulous to deal with. I do understand on the request but I would hope that Council sees this as a way to look at gentrification in a way that it impacts as people move and concentrations suburban versus urban because one of the things, and all of you got my e-mail, I said we need not to create a wedge issue. This is about the well being of the entire community and even with that I think our practices or review ought to really try to look at this in kind of a laboratory kind of way that you say let's look at something, examine it and experiment to make sure that is valid consistently and overall. I agree I just wanted to make sure there was a connection between where we talk about suburban it is a concentration as people move around.

Mayor Clodfelter said this is an important discussion and will be more in Committee, but I think it is important that Council have it tonight too. I think what you are taking about now is he scoping exercise that the Committee will need and find useful for their work, so let's talk about it a little while.

Councilmember Howard said that is exactly where I wanted to go with it Mayor; I wanted to make sure that the conversation is not always un-couched as a negative because in a lot of neighborhoods gentrification, which is just bringing market forces to bear and getting market forces interested in neighborhoods actually grows appreciation areas we've not seen it in. Actually if you think about the whole CIP conversation over the last couple years has been about bringing about gentrification areas that have not been producing tax revenue to a level of supporting its own infrastructure needs. I want to make sure we are having a balanced conversation about how city policy affects it and what the pros and the cons are and not kind of just what we have experienced tonight, which is kind of what the cons can be to it. In a lot of ways the investments that we are making with our own CIP is to encourage some of this investment we are making in mass transit along those corridors are to encourage this. Let's make sure we have a balanced conversation.

Ms. Mayfield said that is good nod as we move forward. That is the reason we are moving this and why after conversations with our Planning Director, Ms. Campbell, as well as conversations that we've had to move it to the Housing and Neighborhood Development Committee to start having real conversation and to hopefully bring something back that has a clear goal to full Council.

Mayor Clodfelter said I want to add my 2 cents worth on this; when I sat in Councilmember Kinsey's seat 25- years ago we were wrestling with how to preserve the Cherry Neighborhood in District 1, which I represented, against forces that wanted to essentially destroy the neighborhood. It was a difficult task then, we came up with some plans and some partners to carry the community forward and make it sustainable for those who had lived there for 100 years, but the lesson of tonight is that is an effort that requires constant vigilance and that there is no policy that you can apply and simply say we've done that, now let's move on. It requires constant attention to keep neighborhoods sustainable and alive over a long period of time so I hope 25-years from now, whoever is sitting on this Council is still as attentive to that issue as you are tonight and as I hope we were 25-years ago.

Councilmember Phipps said I wanted to make sure that once we refer an item to a committee that we are clear on what is it that we are really referring, what we want to do because we've experienced in a previous referral that once we got it there we really didn't have a clear understanding of what we were trying to do with the referral. I would hope that we would maybe formulize what we want to have done by staff to help us to analyze this gentrification dilemma so we can be clearly focused on what kind of outcomes we might want to get as a result of it.

Mayor Clodfelter said I think that is an excellent point Mr. Phipps. If I can again intervene and made a suggestion, Councilmember Kinsey, you Chair the Committee and maybe the first thing the Committee might do is talk about that very question of what is the issue we are trying to get our arms around. You dealt with it tonight of how do you deal with a land use decision that has implications that go beyond land use. You've got to really sort of define that issue somehow,

maybe the Committee might make an interim report back to us on how do you define the issue, what it is we are trying to tackle here and how do you deal with it. I think that is what Mr. Phipps is getting at and I think that is what Mr. Barnes and Ms. Lyles were talking about. It might be good to have an interim report before you make any final reports on anything.

Councilmember Fallon said I think what the end object is truthfully is to see that we can keep people in place and not have them gentrified out. Those who want to stay there, who have been the people that have held neighborhoods together and lived there for a long time and not move them out. Find a way that will meet federal guidelines to make separate places where they can stay with some kind of caveat that if you didn't sell it within five years it is yours with a tax abatement of some sort, but it can't be passed on or sold with a tax abatement, but something that keeps people that have kept these neighborhoods together there if that is where they want to stay.

Mayor Clodfelter said there are plenty of models for this nationally and some of them have been used in this City in the past. I'm not sure how current some of models are used for a community control of their economic destiny. Community Development Corporations and Community Ownership was one model that was used in many places long ago.

Councilmember Driggs said I just wanted to comment as I did earlier tonight and I think it is kind of in line with what Mr. Howard was talking about. We do need to recognize people do resist change and yet economic progress and growth are desirable things, so it is a question of striking a balance. I'm not entirely clear either on what the Committee is actually going to talk about. I recognize the issue, but I just think it threatens to balloon. Ms. Lyles and I already had a conversation about whether this gets into affordable housing concepts. To me it threatens to spill over into that so I think it is a useful conversation to have and maybe the Committee can just come back and say we talked about it, we identified a couple of things we might try to agree in this group and see whether Council is prepared to send that back for more work.

Mayor Clodfelter said I'm going to ask again very strongly if you will, humor my suggestion Ms. Kinsey and your Committee that maybe you do take that as your first task, to sort of get your arms around what exactly is the definition of the issue we are going to try to work on and maybe have Council have some more discussion on that; if that would not be intervening in your province too much.

Councilmember Austin said I just want to make sure the Council remembers that we've got individuals from the Urban Land Institute here this week and they've got some expertise around gentrification and how we integrate and balance our developments. I believe we can capitalize on them some this week as we go into our conversations on Committee.

Ms. Mayfield said my last piece on this and I'm going to apologize because I went off script since I'm still trying to learn how to use these and my modern technology. I want to clarify what my motion to the Committee is and that may address some of the conversation we are having right now, to specifically note that I am asking for support to refer the issue of gentrification to the Housing and Neighborhood Development Committee for further discussion. This analysis should seek to understand the trends and impacts that are occurring specifically in neighborhoods within Route 4 and where public investments are being made or have been made to revitalize these areas.

Mr. Barnes said the issue there though is that I don't think we are including the topic I was raising about some of the tangential or terse area affects or secondary affects of gentrification on suburban areas. What I'm talking about is there are areas outside of Route 4 that are also impacted by gentrification and in order to have a more complete understanding of the impact of gentrification within Route 4 and on the entire city, we need to look at suburban areas as well as those areas inside of Route 4 because frequently people are moved out of their neighborhoods, to your point Ms. Fallon, they don't have the job skills or the resources to really function efficiently there. They don't have access to transportation and other supportive services and it has a negative impact on some of those suburban areas. I think there is a discussion to be had regarding stuff, stuff being neighborhoods and people's lives outside of Route 4 as well as within Route 4.

Mayor Clodfelter said in this history of this City we've seen some communities like Rockwell Park and the Sterling Neighborhood that once were on the edges of the fringe of the City or in rural areas get overrun by the expansion of this City and gentrification becomes a problem in those neighborhoods of the same character as it is in Cherry today. If you think back about the history of Hemphill Heights and Rockwell Park and Sterling and even North Charlotte was gobbled up by the City of Charlotte. That can happen to all sorts of communities across the area. I think you guys have a good handle here on it and maybe again the first thing to do would be to sharpen up the definition a little bit. I hear several Councilmembers would like that.

Mr. Howard said I think the suggestion you made Mr. Mayor about actually having the Committee talk about it; how about we ask them to talk about both things, including what Mr. Barnes said and when they come back they can let us know whether or not, after looking at it they recommend us looking at a citywide policy or just looking at inner city.

Mayor Clodfelter said I think that is a good suggestion. I think Chairman Kinsey just reminded me that the Committee is going to do what it wants to do regardless of what we all say so let's move on. I think she heard you on that and I think it is a good suggestion.

Mr. Howard said the only other thing I wanted to point out is in the e-mail that Ms. Lyles send around to us, she suggested some national best practices around policy and not always looking at ways to... I want to make sure whatever we do we never try to mess with appreciation and market forces in trying to get at what we are trying to get at. Ms. Fallon is right, we need to make sure we protect the people that want to stay and in a lot of ways we have the Homestead Act that does that already on the state level and deals with taxes for seniors but maybe that is an example of where we go to deal with even folks that want to stay in neighborhoods. There may be a model to use so I just want to make sure we focus as much on policy and try to leave market forces alone as much as we can.

Councilmember Smith said I think one reason some of us are a little gun shy on the scope of this is we had a Committee meeting recently in which staff dedicated a fair amount of time to solving a problem that the Committee wasn't sure existed. I think we are trying to be cognizant of staff time and have a scope that everybody is on board.

Mayor Clodfelter said let me ask this question; Mr. Manager and Ms. Kinsey do you feel like you've got enough to go forward on this so that you don't waste any of your time or anybody else's.

Ms. Kinsey said you know I don't like to waste time, I think so.

Ms. Mayfield said the great thing is I'm on the Committee with you; unlike other Committees that I'm not on.

Mayor Clodfelter said that was a good discussion; I'm sorry we have these discussions late in the evening after we gone through the agenda. These are the important discussions.

Ms. Mayfield said I had three, so we're all in support of the friendly amendment to Housing and Neighborhood Development Committee. The second two are really quick; one I just really want to congratulate the Planning Committee for the World Parade Festival which happened this past Saturday which had an amazing turnout and really showed our international community where you had representatives from Turkey and Germany and just looking at the diversity of Charlotte where people wore their traditional garb, you had a real opportunity to learn about what is happening in our local area and importantly, I get to make my final announcement. This Friday from 10:00 a.m. to 7:00 p.m. will be the 2nd job fair that I've had the opportunity to be a part of. This is the Charlotte Premier Outlet; they will be hiring from 600 to 900 full and part time jobs. Almost 1,000 jobs going to be accessible; it will be at the Sheraton Airport Hotel Friday, May 2nd from 10:00 a.m. to 7:00 p.m. The location is 3315 Scott Futrell Drive. Please come with your resumes and be prepared to have access to a job opportunity.

Councilmember Austin said for the last couple months I've been working with community leaders and the Police Department with some issues along Beatties Ford Road. I would like to

refer to the Community Safety Committee a review and assessment of the exclusion zone. They are used to kind of curb crime in certain areas of the City. We have one now, but we need to look to expanding that so I would like to refer that to our Community Safety for review and discussion.

Mr. Barnes said if I might make another friendly amendment there; if you are talking about prostitution, are you?

Mr. Austin said this is more around drugs.

Mr. Barnes said I wanted to add to that an analysis of a prostitution issue, but I will take that up with the District Rep. It is not your district.

Mayor Clodfelter said so some unidentified District Rep is going to have that conversation.

Mr. Austin said I think it will be inclusive of that.

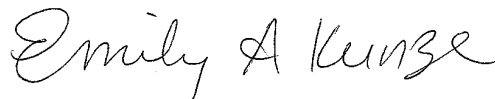
Councilmember Autry said last Friday the City kicked off Bike Charlotte which will continue until May 11th. We started out with a bike to breakfast, bike to work ride and we gathered out here in the Plaza and had breakfast at the end of the ride and we were fortunate enough to participate myself, the City Manager, Mr. Carlee and County Commissioner Matthew Ridenhour rode with us, a great event; great turnout. We had a couple events this week-end that I got to participate in, including the Plaza/Midwood Bicycle Advisory Committee Ride and Bike Vest on Thomas Avenue. It is just a great way to celebrate what bicycle infrastructure is doing for our City and changing the face in the way that people move around in the City on two-wheels and self propelled. I encourage you to go to bikecharlotte.org, look up a ride that is in your area and that would meet your capabilities and come out and join the fun.

Councilmember Phipps said I just wanted to thank the North Tryon Division of CMPD for letting me participate this week-end from about 10:00 p.m. to 3:00 a.m. We did a reverse prostitution sting in a particular corridor as a means to bring greater exposure to that problem. We had a TV crew to accompany us and that is going to be aired this Thursday on WSOC-TV 9. It was a six-hour experience and it was intense and pretty enlightening.

ADJOURNMENT

Motion was made by Councilmember Barnes, seconded by Councilmember Autry, and carried unanimously, to adjourn the meeting.
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The meeting was adjourned at 9:09 p.m.



Emily A. Kunze, Deputy City Clerk

Length of Meeting: 5 Hours, 6 Minutes
Minutes Completed: May 20, 2014