

The City Council of the City of Charlotte, North Carolina convened for Special Meeting on Monday, July 10, 2023, at 5:04 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Malcolm Graham, Reneé Johnson, LaWana Mayfield, Marjorie Molina, and Victoria Watlington.

**ABSENT:** Councilmembers Danté Anderson and Braxton Winston, II.

**ABSENT UNTIL NOTED:** Councilmember James Mitchell.

**Mayor Lyles** said good afternoon. I want to call to order the Charlotte City Council July 10, 2023, Business meeting. Please note, that tonight we are going to have a Business meeting, but we will also be holding Zoning hearings that were previously scheduled for the June 20, 2023, Zoning meeting.

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### **INVOCATION AND PLEDGE**

Councilmember Watlington gave the Invocation and the Pledge of Allegiance to the Flag was led by all.

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### **AWARDS AND RECOGNITIONS**

**Mayor Lyles** said before we begin our meeting today, we have some recognitions. We're often very proud to have people come down because they've done something special. Today, we have young people coming down, because they've done something exceptionally successful.

I want to recognize the Odyssey of the Mind Team. Odyssey of the Mind teaches students how to develop and use their natural creativity to become problems solvers. Imagine being faced with a problem that requires an original solution. It can be frightening. Now, imagine not being afraid to solve that problem, and that's what Odyssey of the Mind members learn. The skill builds self-confidence that will carry over to all areas of their lives. Odyssey of the Mind brings the classroom to life as students apply what they learn and combine it with their interests and passion to solve unique open-ended problems.

Odyssey of the Mind also emphasizes teamwork, budgeting, time management, public speaking, and so much more. It's an international program designed to help us all learn more and grow. This team of fifth grade girls, please stand up fifth grade girls. They participated in the Odyssey of the Mind world finals. Now, to get to the world finals, they had to be local, then they had to go statewide, and then they got to go to Michigan State University, and they really were successful. They were winners in their elementary division, and competed with over 40 other teams, this successful opportunity. Let's give them a big hand.

These young ladies spent countless hours coming up with a solution to a problem provided from Odyssey of the Mind. They built a set, they had props, robots and Rube Goldberg design machine, a working volcano, costumes and others. It took this group of girls months to do this, and they did this all the while that they were in school. So, we're very proud of this. I want you to know that this is something in our City we need to see more of. Thank you very much for joining us today and thank you for your ability to showcase Charlotte at Michigan State University. So, I know that you don't have to stay here to listen to the Council, but if you would like to, it would certainly be your gift to us.

### **ITEM NO. 17: AMERICANS WITH DISABILITIES ACT AWARENESS DAY PROCLAMATION**

**Councilmember Mayfield** read the following proclamation:

**WHEREAS**, on July 26, 1990, President George H. W. Bush signed into law the Americans with Disabilities Act, the ADA, to ensure the civil rights of people with disabilities, this legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. On July 26, 2023, we will celebrate the 33<sup>rd</sup> Anniversary of the signing of the ADA; and

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

**WHEREAS**, Mecklenburg County and the City of Charlotte celebrate the contributions and achievements of people with disabilities, and honor the goals of this landmark legislation; and

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

**WHEREAS**, we celebrate those positive changes in our community, so people with disabilities can be free from negative attitudes and architectural barriers. We honor businesses in our community for complying with the Americans with Disabilities Act by making their establishments accessible and usable to all patrons with disabilities; and

**WHEREAS**, we envision a community in which every resident is accepted for who they are, where all are welcome with respect and given equal opportunities to contribute to the human experience:

**NOW, THEREFORE**, we, Vi Alexander Lyles, Mayor of Charlotte, and George Dunlap, Chair of the Mecklenburg County Board of Commissioners, do hereby reaffirm to continue to work towards full ADA compliance, hereby proclaim July 26, 2023, as

**“National Disability Independence Day”**

in the City of Charlotte and Mecklenburg County, and commend its observance to all citizens.

**Mayor Lyles** said thank you very much for the proclamation. Our Community Relations Committee is the home for this program, and the work that is done to follow up to make sure that we comply with the requirements, as well as the need for this effort. So, is there anyone here from Community Relations? Ms. Babson, would you please take, and make sure that we forward this to the appropriate team that’s doing all of this hard work for us. Thank you very much.

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

There were no Consent Agenda item questions.

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**CONSENT AGENDA**

**ITEM NO. 2: CONSENT AGENDA ITEMS 44 THROUGH 81 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS REMOVED BY A COUNCIL MEMBER. ITEMS ARE REMOVED BY NOTIFYING THE CITY CLERK.**

**Mayor Lyles** said Are there any other items that you request as a separate vote?

**Councilmember Johnson** said thank you, Madam Mayor. I'd like to ask you to pull Item Number 49.

Mayor Lyles said is there anyone else? A separate vote or a comment?

**Councilmember Mayfield** said a comment on 69 please.

Mayor Lyles said okay, we can do that as a part of the motion, but do you have any others that need a separate vote?

Ms. Mayfield said no, staff actually was able to get me the information I needed.

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, and carried unanimously to approve the Consent Agenda as presented, with the exception of Item No. 49, which was pulled for a separate vote, Item No. 52, which was removed from the agenda, Item No. 75, which was settled, and Item No. 76 which was deferred to August 28, 2023.

Mayor Lyles said let's go to the first one which is a comment by Ms. Mayfield on Item 69.

Ms. Mayfield said I reached out to staff, since this one is the public hearing on a development. I just wanted clarification, since this was multi-family, since we have noted in here that there was residential. I wanted to just make sure that there was currently no residential. It was actually two items, but we moved rather quickly, because 44, I had wanted to speak to, but we've already voted on that. I do want to say thank you to Marie Harris for quickly getting me the responses that I needed on asking specifically for this conversation to identify that we do not currently have any residents and that the parcels are all owned by the particular petitioner.

The following items were approved:

**Item No. 44: Cooperative Purchasing Contract for Specialized Equipment Truck**

(A) Approve the purchase of a customized Police Command Bomb Truck from a cooperative contract, (B) Approve a unit price contract with Super Vacuum Manufacturing Co Inc through Atlantic Coast Fire Trucks for the purchase of a customized Police Bomb Truck and related equipment for a term of two years under the Houston-Galveston Area Council Cooperative Program (H-GAC Contract FS12-19 Public Services 19-01178), and (C) Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.

**Item No. 45: Replace Charlotte-Mecklenburg Police Department Helicopter**

(A) Approve the purchase of a Bell 407 GXi Helicopter by the sole source exemption, (B) Adopt a resolution authorizing the exchange of Helicopter N406PD between the City of Charlotte and Bell Textron, Inc, and (C) Authorize the City Manager to approve a contract with Bell Textron, Inc. for the purchase of a Bell 407 GXi Helicopter.

The resolution is recorded in full in Resolution Book 54, at Page(s) 103.

**Item No. 46: Cooperative Purchasing Contract for Protective Gear**

(A) Approve the purchase of protective gear from a cooperative contract, (B) Approve a unit price contract with Lawmens Distribution LLC for the purchase of protective gear for a term of six months under the North Carolina Department of Administration STC 680C, and (C) Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.

**Item No. 47: Cooperative Purchasing Contracts for Vehicles and Equipment**

(A) Approve the purchase of vehicles and equipment from cooperative contracts, (B) Approve unit price contracts with the following vendors for the purchase of vehicles and equipment for a term of one year under the North Carolina Sheriff's Association (contract 24 -08-0421), and Amick Equipment Company, Aquip LLC, Company Wrench Ltd, Excel Truck Group, Godwin Manufacturing Co Inc, Jet-Vac Equipment Co LLC, Joe Johnson Equipment LLC, Knapheide Truck Equipment Company, Southern Truck Services Inc., Transource Inc, Vanguard Truck Center, and (C) Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.

**Item No. 48: Citywide Aerial Imagery Services**

(A) Approve contract amendment #2 with Nearmap US Inc. to provide access to the vendor's aerial imagery data and related services for an initial term of three years, (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and (C) Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to utilize the imagery data and other services for as long as the city uses the services.

**Item No. 50: Lease of City-Owned Property at or near 216 S Graham Street, by Preferred Parking Service, LLC**

(A) Adopt a resolution to approve a lease agreement with Preferred Parking Service, LLC, with a one-year term for surface parking identified by parcel numbers: 073-16-101, 073-16-103, 073-16-106, 073-16-201, and 073-16-202, (B) Authorize the City Manager to renew the lease for up to two, one-year terms, and (C) Authorize the City Manager to negotiate and execute all documents necessary to complete the transaction.

The resolution is recorded in full in Resolution Book 54, at Page(s) 104.

**Item No. 51: Architectural and ADA Implementation Services**

(A) Approve contracts with the following companies for Architectural Services and ADA Implementation Services for a term of three years: ADW Architects, P.A., A.L.R Architecture, PC (MBE,SBE), C Design, Inc., Gensler Architecture, Design & Planning, P.C., Integra Architecture, PLLC d/b/a F&D Integra (MBE,SBE), and Neighboring Concepts, PLLC (MBE), and (B) Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

**Item No. 53: Utility Relocation Agreement Contract Amendment for Interstate 85 North Bridge Project**

Approve contract amendment #2 for \$644,591 to the contract with Duke Energy for additional transmission relocation work for Interstate 85 North Bridge.

**Item No. 54: Solid Waste Services Multi-Family Refuse Collection Services**

(A) Authorize the City Manager to negotiate and execute a unit price contract with Waste Pro of North Carolina for Multi-Family Refuse Collection Services for an initial term of four years, and (B) Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

**Item No. 55: Beaverdam Creek Lift Station Improvements**

Approve a contract in the amount of \$4,492,912.00 to the lowest responsive bidder Gilbert Engineering for the Beaverdam Creek Lift Station Improvements project.

**Summary of Bids**

The City of Charlotte issued an Invitation to Bid twice; only one bid was received both times from Gilbert Engineering.

**Item No. 56: Charlotte Water Real Estate Services**

(A) Approve unit price contracts with the following companies for real estate services for an initial term of two years: Gulf Coast, LLC (SBE), O.R. Colan Associates, LLC (WBE), Telecommunication & Industrial Consulting Services Corporation, and (B) Authorize the City Manager to renew the contracts for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.

**Item No. 57: Charlotte Water Security System Services**

(A) Approve a unit price contract with Convergent Technologies LLC for security system services for an initial term of three years, and (B) Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

**Item No. 58: Construct Delane 1220 Storm Drainage Improvement Project**

Approve a contract in the amount of \$1,252,025.70 to the lowest responsive bidder GreenWater Development Inc. for the Delane Avenue 1220 Storm Drainage Improvement Project.

**Summary of Bids**

GreenWater Development Inc.	\$1,252,025.70
United of Carolinas Inc.	\$1,266,346.40
Efficient Developments LLC	\$1,335,141.50
Zoladz Construction Company, Inc.	\$1,402,810.20
United Construction Company, Inc.	\$1,420,806.20
Sealand Contractors Corp.	\$1,540,237.60
Blythe Development Company	\$1,601,354.70

**Item No. 59: Franklin Water Treatment Plant Clearwell Improvements**

(A) Approve a contract in the amount of \$66,741,735.00 to the lowest responsive bidder Sanders Utility Construction Co., Inc. for the Franklin Water Treatment Plant Clearwell Improvements project, and (B) Approve a contract for \$1,640,000.00 with Hazen and Sawyer for engineering services.

**Summary of Bids**

The City of Charlotte issued an Invitation to Bid twice; only one bid was received both times from Sanders Utility Construction Co., Inc.

**Item No. 60: McAlpine Creek Sanitary Sewer Rehabilitation**

Approve a contract in the amount of \$12,664,789.20 to the lowest responsive bidder Michels Trenchless, Inc. for the McAlpine Creek 54-inch Sanitary Sewer Rehabilitation Phase 4 project.

**Summary of Bids**

Michels Trenchless, Inc.	\$12,664,789.20
Inliner Solutions LLC	\$13,373,597.35
CaJenn Construction & Rehabilitation Services Inc.	\$14,251,112.63

**Item No. 61: Stowe Regional Water Resource Recovery Facility Construction**

Approve a guaranteed maximum price of \$58,106,168.00 to Crowder/Garney JV for Design-Build construction services for the Stowe Regional Water Resource Recovery Facility project.

**Item No. 62: Water Master Plan Program Management Services Contract Amendment**

Approve a contract amendment for \$660,000.00 to the contract with Brown & Caldwell for program management services for water master plan improvements.

**Item No. 63: Water Service Replacement**

(A) Approve a unit price contract with the lowest responsive bidder Atlantic Coast Contractors Inc. for water service replacement for an initial term of one year, and (B) Authorize the City Manager to renew the contract for up to three, one-year terms with

possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

**Summary of Bids**

Atlantic Coast Contractors Inc.	\$2,202,167.05
Fuller & Co. Construction, LLC	\$3,148,255.00
Propst Construction Company	\$3,692,738.50
BRS Inc.	\$4,536,730.00

**Item No. 64: Yadkin-Pee Dee Water Management Group Membership**

(A) Adopt a resolution authorizing membership in and the incorporation of the Yadkin-Pee Dee Water Management Group, and (B) Authorize the City Manager, or his designee, to appoint the city's representative.

The resolution is recorded in full in Resolution Book 54, at Page(s) 104A-104B.

**Item No. 65: Airport Concourse A Expansion Phase 2 Design Amendment**

Approve contract amendment #6 for \$528,713 to Perkins+Will North Carolina, Inc. for design services for the Concourse A Expansion Phase 2 project.

**Item No. 66: Airport Overlook Relocation Construction**

Approve a contract in the amount of \$8,009,597.20 to the lowest responsive bidder Crowder Construction Company for the North End-Around Taxiway Airport Overlook Relocation project.

**Summary of Bids**

\*The complete Summary of Bids is available in the City Clerk's Office

**Item No. 67: Airport Terminal Mechanical Equipment**

(A) Approve a contract in the amount of \$3,509,420.89 with Messer Construction Co. for construction management at risk services for the Federal Inspections Station Facility and Concourse D Renovations project, and (B) Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

**Item No. 68: Set a Public Hearing on Project Panther Area Voluntary Annexation**

Adopt a resolution setting a public hearing for August 28, 2023, for Project Panther Area voluntary annexation petition.

The resolution is recorded in full in Resolution Book 54, at Page(s) 105-107.

**Item No. 69: Set a Public Hearing on Rapid Commerce Park Area Voluntary Annexation**

Adopt a resolution setting a public hearing for August 28, 2023, for Rapid Commerce Park Area voluntary annexation petition.

The resolution is recorded in full in Resolution Book 54, at Page(s) 108-111.

**Item No. 70: Set a Public Hearing on the John C. and Nancy B. Abernethy House Historic Landmark Designation**

Adopt a resolution setting a public hearing for August 28, 2023, to consider historic landmark designation for the property known as the "John C. and Nancy B. Abernethy House" (parcel identification number 033-094-01).

The resolution is recorded in full in Resolution Book 54, at Page(s) 112-113.

**Item No. 71: Set a Public Hearing on the Lambeth-Sullivan House Historic Landmark Designation**

Adopt a resolution setting a public hearing for August 28, 2023, to consider historic landmark designation for the property known as the "Lambeth-Sullivan House" (parcel identification number 155-044-05).

The resolution is recorded in full in Resolution Book 54, at Page(s) 114-115.

**Item No. 72: Refund of Property Taxes**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$72,978.25.

The resolution is recorded in full in Resolution Book 54, at Page(s) 116-117.

**PROPERTY TRANSACTIONS**

**IN REM REMEDY**

**Item No. 73: In Rem Remedy: 2005 Holly Street**

Adopt Ordinance No. 566-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2005 Holly Street (Neighborhood Profile Area 374).

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 190.

**Item No. 74: CLTW Property Transactions – 960 Zone E-W Transmission Main, Parcel #4**

Acquisition of 20,033 square feet (0.46 acres) in Waterline Easement, plus 1,504 square feet (0.04 acres) in Temporary Construction Easement at 9807 Albemarle Rd. from Frank Harris and Joyce G. Harris for \$175,000 for 960 Zone East-West Transmission Main, Parcel #004.

**Item No. 77: Property Transactions - Shamrock Drive Improvements, Parcel # 32**

Acquisition of 146 square feet (0.003 acres) Utility Easement, 9 sq ft (0.000 acres) Storm Drainage Easement and 1,998 square feet (0.046 acres) Temporary Construction Easement at 3234 East Ford Road from Travis Z. Klingberg for \$47,077 for Shamrock Drive Improvements, Parcel # 32.

**Item No. 78: Property Transactions - Shamrock Drive Improvements, Parcel # 57**

Acquisition of 646 square feet (0.015 acres) Sidewalk Utility Easement and 491 square feet (0.011 acres) Temporary Construction Easement at 2243 Shamrock Drive from Sangjun Sun for \$17,799 for Shamrock Drive Improvements, Parcel # 57.

**Item No. 79: Property Transactions - Shamrock Drive Improvements, Parcel # 60**

Acquisition of 84 square feet (0.002 acres) Fee Simple, 1,386 square feet (0.032 acres) Utility Easement, 475 square feet (0.011 acres) Sidewalk Utility Easement and 118 square feet (0.003 acres) Temporary Construction Easement at 2300 Shamrock Drive from Rachel P. Barton for \$30,000 for Shamrock Drive Improvements, Parcel # 60.

**Item No. 80: Property Transactions - Shamrock Drive Improvements, Parcel # 61**

Acquisition of 1,526 square feet (0.035 acres) Sidewalk Utility Easement, 77 square feet (0.002 acres) Storm Drainage Easement, 99 square feet (0.002 acres) Utility Easement and 1,919 square feet (0.044 acres) Temporary Construction Easement at 2301 Shamrock Drive from Solomon Profit, Demarcus Walker and Timera Millanaise Walker for \$33,889 for Shamrock Drive Improvements, Parcel # 61.

**Item No. 81: Property Transactions - Shamrock Drive Improvements, Parcel # 106**

Acquisition of 736 square feet (0.017 acres) Temporary Construction Easement at 3228 East Ford Road from Jonathan James Varjabedian and Marko Montez Ward for \$13,900 for Shamrock Drive Improvements, Parcel # 106.

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**ITEM NO. 49: HOSPITAL-BASED VIOLENCE INTERVENTION PROGRAM**

**Councilmember Johnson** said I just wanted to pull that for a separate vote. It's on the agenda to approve a contract amendment to the contract with Atrium Health for the Hospital-Based Violence Intervention Program. So, I wanted to know if we had any

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outcomes. I see the goals. I see the demographics, that 90 percent of patients are male, 79 percent of the patients are Black or African American, 91 percent of patients were injured via firearm, but I wanted to know if we're actually receiving the outcomes or the output of that program. I think that we need to really start taking a look at that, and funders in general, need to start taking a look at the output and outcomes. So, I wanted to know if we have any reports for that? If not, if that's something, as we're amending the contract, if we can include?

**Marie Harris, Strategy and Budget** said good evening and thank you, Ms. Johnson. Yes, you should have a handout. I know you're running back to back in meetings today, but on page two of your handout at your desk, it goes over some of that information. Yes, ma'am, we do already have some outcome measures. We'll have a full report to you by the end of this summer in their two-year report. They capture recidivism, remission for trauma-related injuries. So, they provided for us 52 participants versus 52 nonparticipants, and we kind of done some initial trend analysis on the differences between those two groups, but there's definitely outcome measures, and we'll be able to give you a full report.

Ms. Johnson said great, that's great to know. Thank you.

Motion was made by Councilmember Bokhari, seconded by Councilmember Johnson, and carried unanimously to (A) Approve a contract amendment for two years to the contract with Atrium Health for management of the hospital-based violence intervention program, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms and to amend the contract consistent with the purpose for which the contract and this amendment were approved.

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## **ZONING**

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## **DEEFERRALS/WITHDRAWALS**

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to defer: a hearing on Item No. 3, Petition No. 2015-027 by Charlotte Housing Authority/Horizon Development Properties Inc. to December 18, 2023; and a hearing on Item No. 4, Petition No. 2021-285 by Clearwater Development Partners, Inc. to August 21, 2023.

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## **EXPLANATION OF THE ZONING MEETING PROCESS**

**Mayor Lyles** explained the Zoning Meeting rules and procedures.

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## **INTRODUCTION OF THE ZONING COMMITTEE**

**Douglas Welton, Chairman of the Zoning Committee** said thank you, Madam Mayor. Thank you, Council. My name is Douglas Welton. I am the Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce my fellow members here on the Zoning Committee. We have Will Russell, Terry Lansdell, Shana Neeley, Clayton Sealey, Rick Whitaker and Rebekah Whilden.



The Zoning Committee will meet on Tuesday, August 1, 2023, at 5:30 p.m. At that meeting, the Zoning Committee will meet and discuss and make recommendations on the petitions that have public hearings tonight. The public is welcome to attend that meeting, but please note, it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting, you are welcome to contact any of the members of the Zoning Committee and provide us with any input you would like. You can find our contact information, and information on each petition, on the City's website at [charlotteplanning.org](http://charlotteplanning.org).

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## HEARINGS

**ITEM NO. 5: HEARING ON PETITION NO. 2021-221 BY PAULETTE CANADAY FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.10 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD, EAST OF MILLHAVEN LANE, AND SOUTH OF SUNSET ROAD FROM N1-B (NEIGHBORHOOD 1 - B) TO INST(CD) (INSTITUTIONAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2021-221, it's just over 5 acres on Statesville Road, currently zoned Neighborhood 1-B. Proposed zoning is for Institutional Conditional. The Policy Map for this petition does recommend the Neighborhood 1 Place Type for this site. The proposal is for up to a 15,000 square foot facility, which would provide day activities and habilitative programs for developmentally challenged individuals. It does limit building height to 40 feet, provides an outdoor recreation area, and also provides a 24-foot Class C buffer to the adjacent single-family homes. It does commit to Streetscape improvements along Statesville Avenue to include an eight-foot planting strip and six-foot sidewalk. It also dedicates 50 feet of right of way from the road center line.

As mentioned, staff does recommend approval of the petition. Do have some outstanding issues related to transportation to work through. It is inconsistent with the Neighborhood 1 Place type. These types of institutional uses can be found in the Neighborhood 2 Place type, and maybe on a smaller scale on Neighborhood 1. So, overall, the inconsistency wasn't something that gave staff too grave of concern. So, we are recommending approval, and we'll take any questions following the petitioner's presentation. Thank you.

**Timothy McMullen, 190 Badin View Dr., New London** said thank you. Good evening, Madam Mayor and members of the Council. I'm Timothy McMullen, Architect. I'm here representing Ms. Paulette Canady, who is the owner/manager of The Kid's Workshop, which is the petitioner for this rezoning hearing. The Kid's Workshop is a facility that is dedicated to assisting individuals with developmental disabilities, and on the screen, you can see the mission statement, and I'll just quickly read that. The Kid's Workshop mission is to provide a wholesome atmosphere that stimulates an individual's growth intellectually, physically and emotionally. We believe that with proper guidance and the necessary tools, success is possible. Our staff will be sensitive to the needs of each participant. Our aim is to assist individuals with developmental disabilities to achieve the highest level of independence while maintaining their dignity and self-esteem.

As the gentleman has referenced, we have worked to develop the plan and have attempted to meet all the basic requirements of the ordinance relative to the institutional zoning. There was one remaining item to be resolved from transportation, which is a technical detail of the driveway entrance. So, we will certainly make that revision to the documentation and get that submitted for review prior to the Zoning Committee meeting.

This facility is proposed to help with the individuals who have developmental disabilities, and the site itself is a long and narrow site, and accordingly, the plan for the facility will be more rectilinear. Of course, that creates a few challenges for arrangements of space

and access, and full utilization, but I think we've accomplished, in this conceptual design, the better aspects of that. The owner, Ms. Canady, had developed a concept for this facility. Having already operated a successful Kid's Workshop complex on Beatties Ford Road, which is north and west of this current site, on Statesville, she is well adept and successful at serving the needs of that population. So, I think this facility will certainly be an asset to the community. I think economically, the visibility there on Statesville Road, will infuse interest and excitement for further development. Thank you so much for your consideration, and if you have questions, I'll be happy to answer.

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

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**ITEM NO. 6: HEARING ON PETITION NO. 2022-114 BY ROHIT PATEL FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.18 ACRES LOCATED ON THE NORTHEAST SIDE OF RIDGE ROAD, SOUTH OF MALLARD CREEK ROAD, AND NORTH OF INTERSTATE 85 FROM N1-A (NEIGHBORHOOD 1 - A) TO R-8MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said okay, 2022-114, 4.18 acres, as mentioned, off Ridge Road, currently zoned Neighborhood 1-A. Proposed zoning is for R-8, Multi-Family Conditional. Neighborhood 1 is the recommended Place Type. You see we do have some campus manufacturing and logistics located within that area as well, both a church and the large potential industrial project there at the manufacturing and logistics site. This would allow up to 26 multi-family units on sublots. They'd be grouped into buildings of four units and three units, would provide an eight-foot planting strip and five-foot sidewalk along the public entrance drive, as well as 400 square feet of open space per unit, and just over 4,800 square feet of common open space. Also, would provide a 26-foot Class C buffer to the adjacent single-family uses, a school bus shelter near the Ridge Road entrance, as well as architectural standards for the residential units.

Staff does recommend approval of the petition. There are no outstanding issues. It is inconsistent with Neighborhood 1. We do feel that the nature and size and scale of the project, particularly located in an area where you've got a large potential employment center, as well as Concord Mills just on the other side in Cabarrus County does make it a reasonable spot for this type of development. We, again, do recommend approval, and would be happy to take any questions that you may have. Thank you.

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

**The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.**

**Melissa Hall, melissa.hall3@davita.com**

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**ITEM NO. 7: PETITION NO. 2022-119 BY BLACKBURN COMMUNITIES LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.2 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF JOHNSTON OEHLER ROAD AND SOUTH SIDE OF**

**ROBERT HELMS ROAD, EAST OF PROSPERITY CHURCH ROAD FROM N1-A (NEIGHBORHOOD 1 - A) TO UR-3(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said okay, 2022-119, approximately 9.2 acres. That's in Prosperity Village off Robert Helms Roads and Johnston Oehler Road. Currently zoned N-1A. Proposed zoning is UR-3 conditional. As you can see, you have quite a mix of zoning districts in this area, MUDD (Mixed-Use Development District), Neighborhood Services, Commercial Center, UR-2. So, a pretty healthy mix of zoning districts and mix of uses in this activity center, which is the recommended Place Type on the 2040 Policy Map. It does call for a community activity center, which we have a lot of those components in place and ongoing in this area.

This proposal is for up to 285 multi-family residential dwelling units. Those would be served in apartments and carriage units at a rate of about 31 DUA (Dwelling Units per Acre). Vehicular access is proposed to be provided from Johnston Oehler, as well as a new public street generally depicted on the site plan. Pedestrian access is proposed all the way to Robert Helms Road. It does include architectural standards that are built in for each building, and also buildings would be designed with recognizable architectural features facing public and network required streets. Blank walls would be limited to 20 feet in all directions. The proposal also does include site design standards, such as eight-foot sidewalks and planting strips along all public streets. Also, prohibiting individual garages from directly accessing public streets, and the proposal limits buildings to mid-rise height, not to exceed 70 feet.

One other component, the piece to the south side of Johnston Oehler, you can see this is kind of split between that road. That would be all primarily Tree Save and open space. No development is actually proposed on that triangular piece, just on that south side of Johnston Oehler. As mentioned, staff does recommend approval of the petition. We don't have any outstanding issues to work through. It is consistent with the Policy Map recommendation for a community activity center, and we will take any questions following Mr. Field's presentation. Thank you.

**Walter Fields, 4667 Webbs Chapel Church Rd., Denver** said Mayor, thank you very much. Mayor, members of Council and Mr. Chairman and members of the Zoning Committee, I'm Walter Fields, and quite frankly, I thought that there was going to be a 10-minute presentation tonight. So, I'm going to have to talk really fast. My client, Greg Angelo, with Blackburn Communities and [INAUDIBLE] are here; our architect, Chad Askew, and Scott Kiger is our land planner. We have a presentation and I'm going to rush through it as quickly as I can. As Dave said, this is a site in the center of Prosperity Village. This is a familiar site to me, because I was around when we put all this on the ground years and years and years ago, from the few places in Charlotte where we did a plan and we're still sticking to it.

It's important that Dave pointed out that this is consistent with the 2040 Policy Map. I know that sometimes ya'll struggle with things, which come back as inconsistent, but this one is rooted. Before it was the Policy Map, it was the Hucks Prosperity Land Use Plan, and it was called for Multi-Family in this location. Before that, it was the 1996 Northeast District Plan, which called for this Mixed-Use Development in this location. If you never saw it, this was the original concept plan for Prosperity Village.

So, we're rooted in plan consistency back from the creation of the plan. Again, the site is the center of a block. We have land to the east and west of us, which is vacant. Our site sort of fills in the middle. We have pedestrian connections to the north to Robert Helms and to Johnston Oehler, Prosperity Ridge and Prosperity Church to the east, west and south. The remainder of that block will fill in over time with nonresidential development. We've spoken to the property owners to our east, who are actually actively planning for development of the land that you see to the right of our site, and property owners to the west who are anxious to develop their property, but there is no sewer.

One of the benefits of our development coming along when it does is, we will actually be putting in a sewer line which will open up those parcels for development. So, it completes the package of both residential and nonresidential uses together. This map also shows the street connections that we're constructing, the extension of Barrow Road through our site as part of the street network for Prosperity Village. The yellow lines that you see on there are not just a basic sidewalk network. They are two large sidewalks connections out to the north, and those sidewalks don't run around our site, they run through our site.

As Dave mentioned, the area to the south of Johnston Oehler Road, is an area that is specifically set aside in our plan as a community gathering space. It will be operated and maintained and programmed by Blackburn, but it is a community facility available for community activities. The pedestrian linkage, the vehicular linkage, the commercial linkages, and the open spaces to the south are all in direct response to concerns that you had. Thank you very much.

**Mayor Lyles** said thank you very much, Mr. Fields, appreciate it. Are there any questions for the staff or the petitioner?

**Councilmember Johnson** said thank you, Walter, for the presentation. We've had the pleasure of meeting. This petition, we're getting some opposition from the community. One of the things that they're asking for, and this question I guess would be for staff. When you talk about Activity Center, one of the things that the residents talk about with this development, District 4, Mallard Creek, Prosperity, is growing so fast, explosive growth, and we know that I've talked about it consistently. This is one of the last areas of development in that whole area. They're asking for more, what they're calling, third spaces, where the community can gather, such as in an Activity Center. How do we reconcile that we call it an Activity Center, but it's residential development?

Mr. Pettine said so, when we look at it from an Activity Center standpoint, we're also looking at all the other uses that are around in this General Activity Center that support that mix. We do have grocery. We do have medical facilities. I know they are office facilities. I think there's a movie theatre in the area. We also have a large petition that was just approved just south of this on Prosperity Ridge that's bringing another large tenant retail anchor and other retail shops. So, we kind of zoom out and look at the entirety of the Activity Center to see what other uses we may have in there. As you can see on the screen, there's quite a bit of nonresidential uses on the west side of Prosperity Church Road, on that south side where you can see a lot of the dirt being moved on that lower roundabout. That's where another large mixed-use project with residential retail is going. To the west off Barrow Road, we have senior living, we have a childcare facility, a school.

So, we've got a pretty healthy mix of uses throughout the Activity Center. So, when we get an individual petition like this, we don't just look at what it's providing individual. We do zoom out and kind of look at what's going on in the Activity Center as a whole. We've had some where there's not a healthy mix, and we do encourage petitioners to fold that into their own individual project, but this one we felt had a pretty good healthy enough mix to serve the residential that's there and the residential that's pending. We do still have some NS (Neighborhood Suburban) zoning just to the west of this parcel that would provide nonresidential uses. So, there's still some things on the way that'll be built out, but between those pending projects, what's existing and this one, felt it still gave enough of a healthy mix of uses in that Activity Center for us.

Ms. Johnson said okay, so you consider it a healthy mix?

Mr. Pettine said yes, I would think that there's always the things are walkable to this location. There are things that are in a short bus ride. There are things that could be in a short bike ride, even on the other side north of 485. So, I think overall, as we kind of, like I said, zoom out a bit, there's a good mix that will provide some uses in close proximity to the folks that would potentially be living there as a result of this project.

Ms. Johnson said okay, thank you. I sent an email to zoning planning and also C-DOT (Charlotte Department of Transportation) earlier today, asking about the increased number of units in this area in the last two years, maybe a two-mile radius. First is, the number of additional bus stops, because all the development on Mallard Creek, I was driving down there yesterday, and I didn't see a bus stop. So, those are the kind of considerations that I always talk about with infrastructure. I don't know if we've gotten an answer, but that is something that I would like. Do we have that information?

Mr. Pettine said I think I saw a few on the bus service side. We'll have to pull some numbers together on the units. That'll take us a little bit to pull some of that info, but I think I did see some responses on the bus service. I didn't really get a chance to read them in detail, but certainly recognize the request and we'll get that info to you as soon as we can.

Ms. Johnson said okay. So, I have received quite a few emails about 2022-119. I'm working with my assistant, Jocella, and I just wanted to let the residents know that we will be scheduling a meeting. I reached out to Walter. So, hopefully we can do that, and continue discussions with the community and also the developer. Thank you.

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

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**ITEM NO. 8: HEARING ON PETITION NO. 2022-151 BY RAYNA PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.37 ACRES LOCATED ON THE NORTH SIDE OF DAVID COX ROAD, EAST OF WEST SUGAR CREEK ROAD, AND SOUTH OF HAYDEN DRIVE FROM N1-A (NEIGHBORHOOD 1 - A) TO R-17MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-151, 4.37 acres just off David Cox Road and West Sugar Creek Road. It's currently zoned N-1A. Policy map does recommend Neighborhood 1 for that site. The proposal would be for up to 43 single-family attached townhomes and buildings consisting of no more than six units. That comes in at about 9.7 units to the acre. Vehicular access would be provided, private streets, access from a public street, extension of Old Sugar Creek Road. That would also include an eight-foot sidewalk and eight-foot planting strip, architectural design standards related to primary and restricted building materials, maximum building lengths, blank wall areas, pedestrian entrances, usable porches and stoops and garage door locations, etc., have been worked into the conditional notes.

Each unit will have direct sidewalk connections that lead throughout the site and to the new public street. It does include fence wall and site lighting standards for the overall project. It also has a maximum base building height of 40 feet, with additional height as allowed per the zoning ordinance. Essentially, that means more height as you get away from individual single-family property lines within the site. So, that's usually one foot per every 10 feet.

Staff does not recommend approval of the petition in its current form. We would like to see a little bit more of alignment with some of the Neighborhood 1 Place Type building forms. So, would like to see maybe a breakup of some of these larger buildings that are in groups of six and five to break that down into some more two, three and potentially four unit building groupings. We'll continue to work with the petitioner on some of those outcomes and continue to evaluate our recommendation as we go through that. Again, it is inconsistent with the Policy Map recommendation, and we will take any questions following petitioner's presentation. Thank you.

**Michael Barnes, 1909 J. N. Pease Place, Suite 202** said good evening, Mayor. Good evening, Council members, Mr. Manager, Madam Attorney and Zoning Committee. I'm Michael Barnes. I represent Rayna Properties in this petition. I've got 10 minutes, so I can give you all a little bit of a story. We've had a virtual community meeting and we had an in-person community meeting after the virtual one just to get people's concerns out in the open. Among the things we heard, were concerns about public safety, concerns about traffic, and concerns about density on the site.

I explained to the community members at our in-person meeting, which was held at Grace AME Zion, and we appreciate Pastor McLean for letting us meet there and for him participating as well, that a traffic impact study is not required for this site and there's not a lot that we can do about some public safety issues at the Food Lion, which is down Sugar Creek. Since we met with the community, we've actually made some adjustments with respect to density and with respect to the layout.

There are homes to the north of this site, on Hayden Drive, near that SWIM (Surface Water Improvement and Management) buffer, and they were concerned about proximity between our site and their homes. Initially, the buffer was, that BMP (best management practice) was 38 feet from the property line. It is now 95 feet. We've moved it farther south, and the rear of the closest units was 102 feet, and it's now 203 feet. So, we've moved everything down on the map, and we've reduced the number of units to 39 units.

So, we've tried to respond to concerns. We're going to be replacing a wooden fence. There's a curved road there, and the church is here, and we're going to be working to replace the fence there to try to beautify that area a bit, and also increase the Tree Save on that northwestern side of the site. So, as you all see, it's a really bizarre shape, that site is, and it was occupied by a vacant home and a dilapidated barn. Those have both been removed. We are proposing to replace the dilapidated structure and the barn with 39 for sale townhomes. Under a by-right development, if you could imagine there being a large cul-de-sac in the middle of the site, and several triplexes around the cul-de-sac. That result was created by the nature of the setbacks that are contained in the ordinance.

So, we were trying to create a more traditional layout to the site, which is what you see on the screen here, as opposed to the, again, if you could envision a large cul-de-sac with triplexes around it. So, I'm happy to answer any questions you all may have. I appreciate your time. Look forward to responding to any concerns from the community, and I thank you.

**Metta Hughes, 3900 Yorkford Drive** said I'm going to be reading my speech, so to say, from my tablet here, which of course acts like old technology. Good evening. Elected officials, thank you for serving. In my hand, I have petitions with over 100 signatures. There would have been more, had time been adequate. The petition states that our community's in opposition to development that would necessitate rezoning from the current N-1A zoning ordinance, which has been designed to well-established Charlotte neighborhoods, to an R-17 zoning ordinance, which would permit buildings up to 39, three-story, single-family homes on four acres of land.

The majority of this community was unaware of this proposal, as the signage indicating such was skewed. The letters that went out on April 18, 2023, for an April 26, 2023, zoom meeting, did not reach us. The landscape of this community is two-story and ranch homes. Our neighborhood had a recent restructuring that allowed building the Sugar Creek Enclave's 31, two-story homes, on 9.6 acres. These homes are homogeneous to our neighborhood and were designated and rezoned to R-6.

A traffic impact study is needed during peak hours to assess that, indeed, traffic is backing up in our neighborhood. It can take approximately two minutes to make a left-hand turn from Yorkford Drive onto Sugar Creek. The construction will only be worsened by additional housing construction. This section of Charlotte is booming and rapidly growing. However, no thoughtful plans have been developed for water, education, and traffic control. We ask that Rayna, LCC, return to the drawing board and

come up with a proposal that is conformed to our neighborhood, which would require less drain on our current infrastructure. We respectfully request that the Rezoning Petition be amended. The amendment should be for two-story single-family homes, which conform to our neighborhood. Thank you for your consideration.

**Abigail Hernandez, 3809 Hayden Drive** said good evening, all. Thank you, Mayor and City Council members for your time today. In conjunction to what Ms. Metta said, as a representative of our town, we are extremely, one, disappointed with the way that this meeting was canceled and rescheduled, then canceled and rescheduled.

Finally, it was rescheduled for today, July 17, 223. We were only given notice on Friday via mail. As you could tell, that was inconsiderate to our efforts in trying to get our community here on time. It's hard to ask someone Friday evening to take off from work, so they could be here on Monday. We ask the disappointment doesn't continue moving forward and that you reject Rayna's plan to build the outrageous 39, three-story units, on just four acres of land. We find ourselves assuming that this lack of commitment to the community is ongoing. In previous meetings held today, we noticed that everything was being approved because it was conforming. So, I can't deny that it brought a smile to my face when the committee decided to negate the plan of Rayna to build these houses.

Our main concerns are the three stories. We would like them to be two stories in conforming to our neighborhood, so single-family, two-story dwellings. I appreciate Mr. Barnes in saying that he has tried to work with us in his own way. They were able to push the pond a bit further, but this goes further than just moving the pond the couple of feet to make it adequate to be able to put that many houses in such little land.

In 2020, I moved to Charlotte from a congested New York City, only to find myself in 2023, in what tries to be, a fake New York City. I say fake, because we don't have the infrastructure to support the amount of houses that they're planning to put into our communities. The beautiful part about Charlotte is the open spaces, the big homes. If you take that away, then why are coming down here? Why are more people moving? This 2040 Plan seems to be just a greed plan to put more and more houses in already congested neighborhoods. We move down here for the country. We like seeing green land, and it seems like all that's trying to be taken away from us to provide more and more and more housing. We have to get the people here first, and they're not going to come with this being this congested.

Not only that, this pond is bound to mess up the structure and the foundation of our houses on Hayden Drive. Most of our houses are on slabs. This retention pond is directly behind our backyards. We already have flooding as it is right now. This pond is going to add an increased hydrostatic pressure to our foundations and compromise the integrity of our houses. If ya'll are homeowners, you understand the effort that we put in to buying a house. The effort and the money that goes into becoming homeowners, and to just imagine that 43 houses are going to be comfortable, and your foundation can be shaken, is alarming. So, we kindly ask the Council to keep true to your commitment to the community and deny Rayna's plan and send them back to the drawing board. We want two-story houses, single-family. We don't need more people in an already congested town. Thank you.

**Delsonya Bailey, 3801 Hayden Drive** said alright, Madam Mayor. Hello everyone. I'll be quick. My name is Dee Bailey. I reside on Hayden Drive. My concern is this. If you go to Goggle right now and you tap into Zillow, in my zip code where they want to build, we have over 269 homes available. We have 172 for rent. It's mixed, duplexes, multiplexes, single-family homes. It's disturbing that we want to saturate David Cox and Sugar Creek, where we have an elementary school that's already backed up into the intersection. So, I will also say that my representative, I've not met you, Ms. Johnson, but I'm disappointed that we had two community meetings we invited you to, but you and Mr. Barnes were able to connect, walk the land, and for the most part, based on Mr. Barnes conversation with us at the meeting, had already solidified things.

I move that we push back, because this does not look like we were even considered in this. What she was trying to articulate is that, we received notice from the Zoning Committee, or actually Ms. Johnson, you texted all of us, or emailed us that it was July 17, 2023. Then, we got notice from the Zoning Committee, I think, Friday. So, we had over 100 people that wanted to be here and present to you. So, we feel like this doesn't sit right with us. It doesn't appear to be fair to the community, because we didn't get to meet with our representative, and the schedules were changing. So, just in closing for me, again, I don't understand. It's not about affordable housing that's going here in this little area of four acres, when it was originally zoned for three single-family houses per acre, and now you want to shove 39 to 43 units behind us. That's asinine. Thank you, Mayor.

Mr. Barnes said thank you, again, Mayor and Council. I never indicated to anybody that this was a done deal. I did this for 10 years, and there's no way I would've told anybody that a rezoning was done deal before the public hearing. They haven't even voted yet, so I never said that, and I never would've said it.

Here's the point, Mayor and Council. As I indicated earlier, the petitioner has done everything within reason to address most of the issues. The aerial image that was up a few moments ago, showed that the site that we have is wooded. There will continue to be a significant tree buffer between our site and the homes on Hayden Drive, and as I indicated, the pond itself will be at least 95 feet away from the property line on our side of the property line, and the closest townhomes will be at least 200 feet away from the property line. So, we've done everything we could to move the development deeper onto our site.

Also, we reduced the number of units, as I indicated, from 43 to 39, and we're going to work with Mr. Pettine and see if we can address some of the issues he raised earlier. I want to be clear, though. I operate in good faith on doing these things. Sometimes they work, sometimes they don't, but I don't like to mislead people, or to be misled. So, anyway, I appreciate your consideration. Happy to answer any questions you might have, and I thank you.

**Councilmember Ajmera** said This one is a difficult one, Mr. Barnes. It doesn't have community support. It doesn't have staff support. There were certain comments that were made by Ms. Hughes, Ms. Hernandez and Ms. Bailey, about capital improvement plans for the area. Do we have someone from staff who can walk us through some of the capital improvement projects that's already been funded and approved by the Council?

Mr. Pettine said not that I'm aware of, but we can get you that at a follow up.

Ms. Ajmera said yes, you could share that with all three ladies, that would be great. Other questions that I have, I'll just directly email those to you, Mr. Barnes, but I would like to encourage you to continue to work with speakers that came here and spoke to us and see if we can find a middle ground here and if we can find a solution. I appreciate all three of you coming to speak to us and appreciate you sharing your concerns.

I know there was one concern. I think there was something that was said that, many times you see a lot of rezonings are getting approved. Well, let me tell you, a lot of times there is a lot of back and forth that you may not see. There are a lot of District Council members that work with petitioner one on one to ensure it comes to the point where a lot of the negotiations happen before it comes to a final decision. So, that's what you see. You don't really see behind the scene work that's actually occurring to get to consensus building. So, I just wanted you to be aware of that, and I'm sure your District Council member will do that as well, but I hope that will happen in this case as well. Thank you.

**Councilmember Johnson** said I want to say that I'm honored to represent District 4 and to represent such engaged residents. I've texted and spoken with Ms. Hernandez and also Ms. Hughes, as recent as this weekend. I did tell them that the meeting was



going to be on July 17, 2023, because the zoning meetings are typically on the third Monday. It was Friday, I reached out to my colleagues. I wanted to get this deferred because of that, and I was told that you all had received notice via mail and social media and other means. So, I apologize. I wish that we could've moved the meeting. I wanted to move the meeting.

As far as the community meeting, the meeting that I do know about was on May 30, 2023. I was not available, but I've been available via phone. I'm responsive. I've talked to residents and also worked with Michael Barnes. It's not a done deal until Council decides. Developers know, my colleagues know, and if you watched me, I do, I feel, raise the bar for development in District 4. I'm constantly pushing back. You talk about infrastructure. I led the discussion, so that we had an infrastructure meeting in December 2022. The only one this Council has had, co-led that with Mr. Bokhari. So, I constantly ask about infrastructure, opposed the 2040 plan, because I'm with you, as far as all of the density. I understand that.

I also have been talking about cumulative impact since 2019. You're right. Traffic impact studies, yes, we do need those. We need accumulative traffic impact studies. We've shown the map for the growth on Mallard Creek for three months in a row. I'm trying. I'm pushing. So, please know that I hear you. Mr. Barnes came in. He's still adjusting the petition, but it's not approved, staff doesn't support it, and we'll see what happens. Hopefully, there can be possibly, I can't say hopefully, possibly, there can be a middle ground, because one of the things about this petition, it's for sale. That's what a lot of residents want, it's for sale and it's not massive. So, the City's changing. So, how do we manage the change? So, that's where we are. It's not approved yet.

I want you to know that I do listen to residents in District 4, and it goes as far as I texted just recently, when was my last text, yesterday or today, that this meeting was happening. So, I apologize for the way that this happened. It happened because the meeting in June 2023 was canceled unexpectedly. So, thank you for coming out. Again, I'm honored to represent such engaged and informed residents, and we'll continue to work through this. Thank you.

Motion was made by Councilmember Johnson, seconded by Councilmember Bokhari, and carried unanimously to close the public hearing.
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**ITEM NO. 9: PETITION NO. 2022-161 BY PULTE GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 29.33 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF STEELE CREEK ROAD AND PARKSIDE CROSSING DRIVE, SOUTH OF SLEDGE ROAD FROM N1-A (NEIGHBORHOOD 1 - A) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2022-161, that's just under 30 acres. It's on Steele Creek Road. It is currently zoned Neighborhood 1A, and they are seeking UR-2 Conditional zoning district. Neighborhood 1 is the Policy Map recommendation for this area. We do have some community activity center as you get just south on Steele Creek Road, almost adjacent to the site on the south corner, this site there at Steele Creek Road. The proposal is for up to 169 single-family attached dwelling units, 105 of those would be alley-loaded, 64 would be front-loaded units. Anywhere from three to six units per building with building height limited to 48 feet. That does dedicate a three-and-a-half-acre area along Steele Creek Road to Mecklenburg County Park and Rec for a future park development, and you can see that there in the top right corner of the plan.

Also commits for the following transportation improvements, which would be a dedication of 61 feet of right-of-way from the center line of Steele Creek Road, eight-

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foot planting strip and 12-foot multi-use path along Steele Creek Road and Parkside Crossing Drive, as well as a 35-foot setback from back of curb along all internal public streets, and then 20-foot setback for alley-loaded units. Also has a 50-foot Class C buffer along the western property boundary where you get over towards Larkslea Lane and Aikenwood Drive, and also commits to architectural standards for the buildings throughout the project and amenity areas, which include hardscape gathering areas and other recreation opportunities.

Staff does recommend approval of the petition. We do have some outstanding issues related to site and building design that need to be addressed. We did mention the inconsistency with Policy Map. This is in pretty close proximity to an Activity Center just to the south of this property down there in Steele Creek. I believe it's along 160 there. So, we are in close proximity to that. We do have a lot of similar development just to the south on Settlers Trail, and just to the north of this, was a recently approved rezoning for cottage court type units, which would be duplexes and quadruplexes. So, overall, it does fit the general development context of this area along Steele Creek Road and is in close proximity to those Activity Centers. So, staff did feel that it was a reasonable request, and we do support it upon resolution of those issues, and we will take any questions that you might have following Mr. MacVean's presentation. Thank you.

**Keith MacVean, 100 North Tryon Street, Suite 4700** said thank you, good evening, Mayor, members of Council, members of Zoning Committee, Keith MacVean with Moore & Van Allen, Bridget Grant of our office are assisting Pulte Homes with this rezoning request. With me tonight representing the petitioner is Mellissa Oliver, and she is available to answer questions. As Dave mentioned, just slightly under 30 acres located on the west side of Steele Creek Road, just north of South Tryon and south of Sledge, requested zoning is UR-2. Policy Map does recommend Neighborhood 1, but the proposed development meets many of the land use and character mobility and building form, as well as open space goals of the N-1 Neighborhood.

It is a townhome community, as Dave described, composed of alley-loaded and front-loaded units. There is a dedication of three and a half acres to the County for a public open space along Highway 160. There's mobility improvements along Parkside Drive and 160 in the form of a 12-foot multi-use trail. There's an additional Tree Save area around the perimeter of the site where it abuts adjoining residential neighborhoods. It does add a housing choice to the area. As Dave mentioned, there's additional townhomes to the south. There's a cottage development to the north. There's some office here. The site will also have access to the future greenway that the County is currently planning along Walker Branch, I believe, here, which will have access to 160 at this location. We will work with the staff to address the remaining issues. Be happy to answer any questions.

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, and carried unanimously to close the public hearing.
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**ITEM NO. 10: HEARING ON PETITION NO. 2022-183 BY BLU SOUTH LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 32.42 ACRES LOCATED ALONG THE NORTH SIDE OF INTERSTATE 485, WEST OF CHINA GROVE CHURCH ROAD, AND SOUTH OF EAST WESTINGHOUSE BOULEVARD FROM I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2022-183, that's 32.4 acres just at the end of Ervin Lane and Blu Central Road as a vacant piece of property, currently zoned I-1 Conditional, and the proposed zoning is for UR-2 Conditional. The

Policy Map does recommend Manufacturing and Logistics, that's mainly capturing the existing entitlements of the site for industrial. Obviously, the approval of this petition would change that Place Type recommendation should it be approved back to a Neighborhood, I believe, 2, which is a little bit more of a consistent Place Type that we would see out there versus that manufacturing and logistics. So, I just wanted to cover that point early on here.

The proposal is for up to 186 dwelling units, maximum would be 58 duplex units, and then the rest would be 128 single-family attached units. They're shown on the site plan as four units per building. Maximum building height would be limited to 40 feet. Each unit would have a garage. Architectural standards have been built into the project as well. A network of public streets connecting to both Blu Central Road, Howell Station Road and Ervin Lane, are being provided throughout the site. All townhome buildings would have vehicular access from alleys or private streets, 50-foot-wide landscaped area along the east and southeast property line would include nine trees and 20 shrubs per every 100 linear feet. You can see that in that green area, along the outer property.

It also provides a 60-foot access easement to Mecklenburg County for the future Kings Branch Greenway project, and would provide a central amenity area to be accessible to residents of the area and maintained by the developer, which would be improved with at least two amenities, which would include things like a dog park, playground, enhanced landscape, gazebos, pergolas, etc. Staff does recommend approval of this petition. Do have some outstanding issues and technical revisions related to both transportation, site and building design, and stormwater to be addressed.

As mentioned, it is inconsistent with that Policy Map recommendation of manufacturing and logistics. Should the petition be approved, it would change that to Neighborhood 2, which certainly would be a more compatible land-use pattern at the back end of this Neighborhood 1 versus a manufacturing and logistics Place Type. So, staff did take that into consideration when looking at that inconsistency and did feel it was appropriate to transition out of that Place Type to something different. So, with that, we'll turn it over to the petitioner team, and we'll take any questions that you may have following their presentation. Thank you.

**Christopher Lounsbury, 920 Blu Central Road, Pineville** said thank you, Madam Mayor and members of City Council and the Zoning Committee. My name is Chris Lounsbury, on behalf of the petitioner. With me, I have the petitioner, Greg Whitehead, and Civil Engineer, Jonathan Murdock. I want to thank the staff and neighborhood for supporting the project. Staff and the development team obviously see that the I-2 zoning at the rear of a residential community is not compatible with the existing school, church, and surrounding residential neighborhood. The rezoning request is for UR-2. The property is bordered by UR-2 zoning, and the property is owned by the petitioner.

Additionally, the conditional use plan provides a second access point to the Mecklenburg County Greenway, and there is a buffer between the townhomes and the existing single-family homes in the Sterling neighborhood, owned by the petitioner. The single-family homeowners within the community are in favor with the petition. The Sharon and I-485 Transit Station Area Plan, in 2009, recommends residential use for 17 units to an acre. We are proposing 186 townhome units or 5.63 units to an acre.

The final condition use site plan presented tonight, was an evolution that facilitates staff requests and modifications. These accommodations included, but are not limited to, reduction in unit density, additional amenity areas, and further inter-neighborhood connectivity. To this end, the developer is also committed to meeting the staff's outstanding request to provide one more additional connection in the final phase of the community. The site is located less than a quarter mile walk from the I-485 Light Rail Station, and a quarter mile from the Sterling Elementary School. The architectural design is urban and rich in details. All units have rear-loaded garages to allow for clean streetscaping.

The subject property will have uncondition access to the public and provide amenities and other phases of the community. The current phases of the community have multiple dog parks, pedestrian trails, and other amenities. The subject property will have additional recreational facilities consistent with the prior phases and will have walkable access to the amenities from other phases. We have met or exceeded all staff and Council's requested public and private infrastructure in the prior phases and will continue to provide similar support moving forward. In closing, I want to thank the staff for their continued support and the surrounding neighborhood support. As always, we appreciate your consideration. I'm available to answer any questions.

**Councilmember Watlington** said I want to make sure I understood you. Earlier, you said that you had the support of staff, and did you also say the neighborhood?

Mr. Lounsbury said yes, we had a meeting with the neighborhood, ownership, and everybody that we spoke to seemed to be fully supportive of this.

Ms. Watlington said I can look, but if you remember, how many people were there?

Mr. Lounsbury said there were, I believe, 10.

Ms. Watlington said okay. I'm interested in that, just because China Grove, in particular, has seen a great amount of development over the last several years. You've been over there. You see the condition of their roads and how narrow things are, and so when I consider the density that will be placed there if you all were to build. I'm frankly a little surprised that the reaction that you got was supportive, and could you speak to that a little bit about what the conversation was?

Mr. Lounsbury said yes. So, I believe that a lot of the owners in the area have really supported what we are building. We're building two and three-story homes in the single-family section, as well as townhomes that have met or exceeded the criteria that they were looking for. We have worked with the Sterling community members and multiple people over there that own, and they have been really supportive of what we have produced. There have been concerns about the construction just going on, and we have been there for every single question, concern, handled it with the utmost respect and consideration.

Ms. Watlington said and as it relates to infrastructure, some time ago, there was a lot of discussion around the left turn lane and improving the intersection turning down that road. Can you just give a little more detail, in regard to what the investment is at that intersection and what role this development may play in improving that intersection?

Mr. Pettine said are you speaking to the intersection at Ervin and China Grove? Let me see if we can get C-DOT in the room. They are here. They're in the back. So, we'll see if we can call them up. Just also to confirm, we had seven people that we had captured as part of the community meeting. At least that's what we have in our staff analysis. So, just wanted to confirm that for you. I think he mentioned 10. We've got it listed as seven.

Ms. Watlington said thank you. I'm sure we can go on to other questions while we get C-DOT.

Mr. Pettine said yes, we've got C-DOT on the way here.

**Jacob Carpenter, C-DOT** said good evening, Jay Carpenter with C-DOT. So, to this point, for this petition we haven't had any coordination on that left turn lane, but it's certainly something that we can look into and coordinate with the petitioner, to see if there's a way for them to contribute or see if it's needed and wanted in this location. So, we can follow up with Council.

Ms. Watlington said yes, please. I definitely want to understand that more deeply. To Councilmember Johnson's previous point, our concern is the cumulative impact of development on our roads. So, we can touch base on that one. Thank you.

**Councilmember Mayfield** said David, for clarification, because we've been having a lot of conversations regarding this area, and a lot of growth has happened over the last few years. I think just in the last five, six years, there's been five or six rezoning approvals over here. For clarification, I'm trying to figure out. There were a lot of conversations regarding Sterling a number of years ago, where we had residents, and a number of residents honestly were displaced. Is this project like a replacement for the single-family homes that were lost during those conversations?

Mr. Pettine said so, we've had a couple rezonings approved in the area, none of which that I can recall, impacted any of the existing homes. They were built in neighborhoods that were on the back of some of those existing single-family homes. So, new roads were constructed. We've got Blu Central and Blu Steele Way. If we can get our presentation back up, I can show you some of those back on the screen, but I don't recall. The last one was part of an existing approved development that needed to change some of the entitlement outcomes, so they went through a rezoning process to UR-2. I think, shortly after that, is when we had news of some of the displacement concerns that occurred.

We did confirm that the rezoning that was approved north of here, didn't create that. It didn't affect those existing homes. This petition, as well this evening, isn't impacting any existing homes. All the land is vacant, but it is directly adjacent to some of those homes on Ervin and Borgin Way, and of course, in close proximity to China Grove Road. So, neither petition affected any of the existing homes and lots, but certainly, they're adjacent and would have just corollary impacts on just residential uses around there, just in general from construction, increased residents' traffic, etc.

Ms. Mayfield said so, part B of my question is, this was a very engaged neighborhood. This neighborhood was extremely active for the eight years that I served as the District Representative. So, it is a little disheartening to say that there were seven in attendance. What that triggers me to ask is, these developments that have happened around, how many of the residents are still here?

We talk about, ACM (Assistant City Manager) Askew and I have conversations about unintended consequences. Well, part of that is, as we keep approving these rezonings, and we are concentrating and looking at infill, we're not creating gathering spaces, we're not creating meeting spaces. The idea of 10-Minute Neighborhoods, that's debatable. If I'm leaving out my door, it takes 10 minutes just to get out of my neighborhood, because some of these neighborhoods are massive. So, what does that 10-Minute Neighborhood look like? Are we talking about driving or are we talking about walking? Placemaking is something also that we've talked about in preserving neighborhoods.

So, it will be interesting, which this means I'm going to have to drive over to the community, but when you had a community that was extremely active through their Neighborhood Association, constantly had meetings and relationship with City, and when there's a decline, and this is more so for you sir, as far as the leadership of your guidance of your team, then there is something that we have allowed to happen that has changed the dynamic of that neighborhood, when you go from being extremely active and engaged to seven people. Who is still in that neighborhood, and what has our language done to open up the door?

Full transparency, I'm concerned about the number of developments that we have coming in and the impact of those developments on community. The fact that community is being completely changed and we're not taking care of the residents of the City who have committed to the City 20-plus, 30 years, in sake of something new and shiny that looks like almost every other thing that's already come out. We're losing the character and the diversity of what makes Charlotte, Charlotte, 20 years ago, even 10 years ago. So, it will be helpful to get an update, prior to this coming for decision, on the actual Sterling neighborhood impact to find out, one, who is still there from that active community Neighborhood Association and/or organization, and to see if we've actually engaged with those individuals. That will be extremely helpful.

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

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**ITEM NO. 11: HEARING ON PETITION NO. 2022-208 BY SUMMIT AVENUE KESWICK, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.6 ACRES LOCATED ON THE WEST SIDE OF NORTH TRYON STREET AND EAST SIDE OF KESWICK AVENUE, SOUTH OF WEST 24TH STREET FROM ML-2 (MANUFACTURING AND LOGISTICS - 2) AND I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO IMU (INNOVATION MIXED-USE).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2022-208, 7.6 acres on Keswick and North Tryon. The current zoning is ML-2 and I-2 conditional, and the proposed zoning is for Innovative Mixed-Use, which does align with the Policy Map recommendation for that same Place Type. This is a conventional petition. Again, it is consistent with the Policy Map. We do recommend approval. There are no outstanding issues or site plan notes to speak of. Again, it is consistent with that innovation mixed-use recommendation, and we can take any questions you may have following our presentation. Thank you.

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

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**ITEM NO. 12: HEARING ON PETITION NO. 2022-204 BY JAY JEET, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.19 ACRES LOCATED ON THE SOUTH SIDE OF SUNSET ROAD, WEST OF BEATTIES FORD ROAD, AND EAST OF PEACHTREE ROAD FROM N1-B (NEIGHBORHOOD 1- B) TO MUDD(CD) (MIXED-USE DEVELOPMENT DISTRICT, CONDITIONAL).**

**Councilmember Graham** declared the hearing open.

**Councilmember Mitchell arrived at 6:31 p.m.**

**David Pettine, Planning, Design & Development** said 2022-204. As mentioned, just over five acres on Sunset, just off of Beatties Ford. It is currently zoned N-1B, and the proposed zoning is for MUDD (Mixed-Use Development) conditional. The adopted Place Type on the Policy Map does recommend Neighborhood 1. You can see we have a Neighborhood Center just to the east of this, as well on the north side of Sunset Road, essentially, that main intersection at Beatties Ford and Sunset, is an overall neighborhood activity center.

This proposal would permit the development of up to 28,400 square feet of nonresidential uses, as well as 24 single-family attached townhomes. Those would be in buildings that would consist of no more than six units each. Vehicular access would be off one driveway from Sunset Road, at the east side of the site, would have streetscape improvements for an eight-foot sidewalk and eight-foot planting strip. The nonresidential component of the site does restrict auto-oriented uses, as well as adult uses. Architectural standards have been built into the project for all buildings throughout the site and does also include fence wall and site lighting standards around the perimeter and within the site parking areas.

Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation. As we mentioned, it is inconsistent. If we take a look at the general area, as we mentioned, we talked a little bit about activity centers earlier. This activity center is still fairly built out. This is an opportunity to integrate a little bit more of, not just a mixed-use to serve some residential, but a mixed-use project that has both components of nonresidential and residential within the same project area. So, we did feel it would be a reasonable extension of this activity center across to this parcel. So, while is inconsistent, we still feel that it's an appropriate request in this area, and again, we do recommend approval upon resolution of those issues, and we'll take any questions following the petitioner's presentation. Thank you.

**Michael Barnes, 1909 J. N. Pease Place, Suite. 202** said thank you again, Madam Mayor, Council members, Mr. Manager, Madam Attorney and Zoning Committee. I'm Michael Barnes. I represent Jay Jeet, LLC, and this proposal, to rezone approximately five acres to include a mix of up to 24 townhomes and up to 28,400 square feet or so of uses, such as a dental office, and that kind of thing. We're going to be putting fencing along the perimeter of the property. Right now, it's trees and kind of scrub. It's not really like forest worthy type trees. As Dave mentioned, to the right of our site is, there's an Aldi and a Dunkin' Donuts and across the street is a Food Lion shopping center. So, we're trying to add some smaller office type uses on the site that might serve the area in addition to adding the residential units at the back of the site. Happy to take any questions. Councilmember Graham, thank you for your time.

**Councilmember Mayfield** said I actually do have a question, Mr. Barnes. So, you mentioned that the residential will be on the backside. According to our map, what we have, basically around this, is business and office space. There's residential across the street from it. So, I'm trying to get an understanding, those orange boxes, that's where you're looking at for the potential townhomes on the backside?

Mr. Barnes said yes, ma'am. So, Sunset Road is here, the office retail type use would be along Sunset, and the residential development would be at the back of the site. There are single-family homes. I hate to go off the screen, but over to the west, we're here, homes here, and there's some other homes. I believe they're back over there in those trees and across Sunset Road as well. So, yes, the proposal would be to put the townhomes towards the back of the site and the office and retail up to the front.

Ms. Mayfield said so, I definitely notice the residential across the street. What I'm thinking about is access. So, if I'm in the residential, and let's say I don't have public transportation. I don't have private transportation, getting from the back towards the main street back to Sunset, since we do have public transportation and you have easy access to the highway, I'm just trying to figure out how.

Mr. Barnes said so, there's a dedicated CATS (Charlotte Area Transit System) bus stop that'll be included on the site along Sunset.

Ms. Mayfield said on Sunset, but if I'm on the backside of it. So, when thinking about, we just did a proclamation in respect to the anniversary of ADA compliance, and the ADA Act, with thinking about who potentially may be there, I don't know if there's an opportunity to have a conversation of some other options of realignment. I know we like to say we like retail on the front end when you're driving by, but if you're trying to do a combination and you're not doing retail or above or retail on the ground floor and then building on top of it, if you're splitting it up, how are we making sure that that residential is connected? How are we creating community? How are they connected to either the other neighborhood, access to the grocery stores that are out onto Sunset and back. Again, if it's a neighborhood where it can take me 20 minutes walking, just to get out of the neighborhood to get onto the main thoroughfare, are we creating something that's accessible?

Mr. Barnes said so, the site is only five acres, and I don't think it would take that long to get from back here to Sunset, but we are adding sidewalks and multi-use paths up, I

guess you'd call them, along the perimeter of the site to get people from the townhomes to.

Ms. Mayfield said and we did have that, because I didn't see that. So, I didn't see where we identified what was up, and staff keeps dropping it down.

Mr. Barnes said right, and I'm trying to identify it myself. It's on the engineer's drawings. I thought it was on here as well. In fact, I believe it is in those areas there.

Ms. Mayfield said so, it will be clearer on the engineering drawings, because again, you can see how I would ask, as a followup, because looking at this, I wouldn't necessarily know that that's designated sidewalk and accessibility when we think about the impact of, if this is going to be on the backside. How are individuals going to maneuver from A to B if they need to get onto Sunset or if they want to get access to the grocery store or even the fast-food options along Sunset? So, you're identifying those as sidewalks?

Mr. Barnes said yes, there are sidewalks integrated into the site from back here to Sunset. A couple of the issues that you raised, Council member, I don't know how we would necessarily address them, because we don't have control over Sunset itself, in terms of getting people from here to Food Lion, other than them going out and making a turn to go over there.

Ms. Mayfield said so, that will be something that I'm going to turn to our staff on, as far as our Transportation staff, to look at. If this was just strictly more commercial, I wouldn't have these questions, but if we're talking about creating residential and individuals, we need to think about what individuals may actually need. My biggest concern would be the what if. Think about Brookshire Boulevard. I see people all day and night trying to maneuver to get across Brookshire. Sunset is an extremely busy road. It's what, four to six lanes, depending on where the turn lanes are and where you're at. So, if I need to get across, before we consider approving something that has residential and commercial, we need to make sure that we have a very clear understanding and a plan of what that egress is going to look like, opposed to, okay in five years we'll figure out the road and we'll figure out the configuration. It will be very helpful, by the time you all come back, at least some suggestions on what that can look like to safely get people across versus frogger.

Mr. Barnes said so, in terms of options, I would say that there are retail and restaurant type options on this side of Sunset Road as well. So, in other words, if someone left the site and walked, you could walk to the Aldi or to the Dunkin Donuts, and there's some other restaurants as you approach 77 on this side of Sunset Road. So, there are options, but I understand what you're saying, I'm just trying to figure out how we could address it.

Ms. Mayfield said and we can definitely follow up. I just wanted to at least ask the question for clarification.

Motion was made by Councilmember Graham, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing.
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**ITEM NO. 13: HEARING ON PETITION NO. 2022-205 BY DR HORTON FOR A CHANGE IN ZONING FOR APPROXIMATELY 21.12 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF MALLARD CREEK ROAD, WEST OF PENNINGER CIRCLE, AND NORTH OF MORRIS ESTATE DRIVE FROM N1-A (NEIGHBORHOOD 1 - A) AND R-8MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-8MF(CD) (MULTI-FAMILY RESIDENTIAL) AND R-8MF(CD) SPA (MULTI-FAMILY RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).**



**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-205. It's just over 21 acres on Mallard Creek. We recently saw this petition back when it was approved, I think, back in November of 2020 under Petition 2022-099. So, that's why do have some of that existing R-8MF conditional. As the project was in permitting, they were able to acquire some additional parcels along Mallard Creek. I think one in particular that is kind of in the middle there, that's zoned Neighborhood 1. So, they are back in front of us to request a rezoning to incorporate that piece of property into the overall project.

The previous entitlements allowed up to 130 townhome style units. There were some modifications to that back in October of 2021, just in permitting. Again, they have come back with an additional piece of property that allows them to reconfigure their access point and request to add up to 20 townhome style units. Again, that would be upwards of now, I think, 116 total after permitting. They did lose a few of those entitled units. So, the total outcome overall on that would be 116 dwelling units. This particular petition would add 20 to what was previously approved back in November of 2020. So, a lot of 20s, sorry about that. Didn't mean to confuse everybody, but this is just an amendment to a previously approved rezoning to add 20 townhome style units.

All roads that are depicted have already been permitted and those townhomes would be the same size, style and design as the previously permitted building. So, again, we're just adding that additional land area along Mallard Creek. We do recommend approval of the petition. There are some outstanding issues related to transportation that still need to be resolved. It is overall consistent with the Policy Map recommendation for Neighborhood 2. There's an inconsistency with just that Neighborhood 1 Place Type, just for the portion that they're currently bringing in. So, overall, again, consistent with the Policy Map recommendation. We do recommend approval, and we'll take any questions following the petitioner's presentation. Thank you.

**Jonathan Crowder, 2029 East 9<sup>th</sup> Street** said thank you, Madam Mayor, Council. My name's Jonathan Crowder. I am here representing DR Horton on this petition. Good bit of history on this one. It's a little bit different than some that you see. We've been at it for a while, as Mr. Pettine mentioned, sort of back in 2020, and here we are in 2023. So, we're hoping that if this is successful, we can kind of be done with rezoning for this parcel. With the history, in this one we've gone from essentially 130 units down to 96 and hoping with this petition to get to 116. That's a little bit of the history. I won't belabor that. We've kind of been through that.

The crux of the matter, this is an enlargement, this is a small parcel that Mr. Pettine mentioned, that is a kind of holdover piece. You can kind of see the access to Mallard Creek there. So, this Rezoning Petition, at its heart, is just kind of tying off the loose ends for this particular parcel. It gets them back 20 additional units to get the total unit to 116. So, hopefully this is successful, and this will be the end of the rezoning process for this parcel, and we can move on.

The last thing to note is, all the issues that are outstanding, we feel like those are easily surmountable. We're all in agreement with C-DOT and those comments there. So, I think with the support, we can move on and finish the project that is currently under construction. So, with that, I'll take any questions you may have.

**Councilmember Mayfield** said David, this question is for you. If we go back to Petition 2020-99, that was for 20.88 acres for the 13 townhomes. The difference between that and this total amount of 21.12, is 0.24 acres. So, on 0.24 acres, we're comfortable adding an additional 20 units, because that's really what it's saying. We're going to add 24 units onto 0.24 acres?

Mr. Pettine said so, it doesn't add them in that 0.24 acres total. It reconfigures the site and their entrance point to spread them out a little bit. You can see on the drawing on the screen there. The units that are in that very top portion by the red arrow, I think there's two groupings of five, there's a grouping of four on the left, and then there's a

grouping of, I think six, just south at that intersection. Those are, I believe, and petitioner please correct me if I'm wrong, those are the 20 units. So, they're not all on that two total acres. They reconfigured the site with the access point now on Mallard Creek where it is, and that gave them some more room to incorporate 20 additional units across the total site but concentrated in that kind of northwest corner.

Ms. Mayfeild said okay. So, this was originally approved in 2020. So, this development has not happened yet?

Mr. Pettine said it is in permitting and under construction.

Mr. Crowder said that is correct.

Ms. Mayfield said so, it's under construction, because what you just said is we did a reconfiguration. So, between now and when this comes back, it will be helpful to get more information to figure out were there any concerns from community back then, because it feels like a little bit of a workaround, because you've added a little bit more, but now we're reconfiguring it. If there were concerns back then, like we have now regarding density, to add an additional 20 units without having the full scope of whatever was discussed back then, it seems like we're getting ready to make a decision on partial information. So, looking at this, what part of it is the new part versus what was originally submitted to Council in 2020, if what I'm looking at now is a reconfiguration to add these additional 20? What was originally submitted for the site plan?

Mr. Pettine said this square right here that you can kind of see outlined in red, that wasn't included in the original petition, if I remember correctly.

Ms. Mayfield said so, everything else is as it was initially presented. It just got shifted down, and the only thing that's new is those two at the top? Or do we have a complete reconfiguration of the initial site plan?

Mr. Pettine said it's just this area and that allowed some additional units to be here, because the road before came in this configuration. They acquired this piece to be able to punch the road through there, and now a rezoning in this area to make it all consistent. It freed up a little bit more room on this side, freed up a little bit more room here to add some of those units. Again, overall, this got entitled for 130. When they went into permitting, I think it dropped down to 96. So, they didn't build all 130 that they were entitled, and now with potentially this addition of 20, we're still at 116, which is below what the 130 was that was originally entitled. So, we're still 14 units less than original entitlement from November of 2020.

Ms. Mayfield said and I understand that we may be under what's allowed. We have had conversations around this dais regarding what's allowed versus community impact. So, it may allow a certain number, but we have had numerous times where residents have come out with concerns regrading that number. So, it would just be helpful for me to have a better understanding as far as what was initially submitted in the proposal versus how these changes, the changes may be very well minimal. It may just be a shifting. I would do a little bit more research on that, but that would be helpful to have since I don't remember us having a case like this where a petition was already moved forward and then an amendment is coming in to say we want to add additional parcels. So, it would be helpful just to know what were the community concerns, if any, the first time around.

Mr. Pettine said sure, yes, we can certainly get you that in a follow up.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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**ITEM NO. 14: HEARING ON PETITION NO. 2022-207 BY SLC DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.17 ACRES LOCATED ON THE NORTH SIDE OF EAST TREMONT AVENUE, SOUTHEAST OF SOUTH BOULEVARD, AND WEST OF EAST WORTHINGTON AVENUE FROM TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT-MIXED USE, OPTIONAL) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT-URBAN CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-207, 0.17 acres on Tremont, currently zoned TOD-M optional. The proposed zoning is for TOD-UC. You can see we do have some TOD-UC in close proximity to this area of the rezoning request. The adopted Place Type does recommend a regional activity center, which that TOD-UC would be consistent with. This is a conventional petition, so no outstanding issues, no site plan. We do recommend approval of the petition, and again, it is consistent with the Policy Map recommendation, and we will take any questions you may have following the petitioner's presentation. Thank you.

**Keith MacVean, 100 North Tryon Street, Suite 4700** said thank you, Mayor, members of Council, members of the Zoning Committee. Keith MacVean with Moore & Van Allen assisting Southern Land group or SLC (Southern Land Company). Dave covered it quickly for you. Rezoning to really align the zoning with the Place Type recommendation, and with the surrounding zoning on the adjacent parcels. The site is within a quarter mile walk of the East/West Station. We'll be happy to answer any questions.

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

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**ITEM NO. 15: HEARING ON PETITION NO. 2022-217 BY MECKLENBURG COUNTY FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.22 ACRES LOCATED ON THE NORTH SIDE OF RENO AVENUE AND EAST SIDE OF VENICE KNIGHTS WAY, SOUTH OF WEST BROOKSHIRE FREEWAY FROM ML-2 (MANUFACTURING AND LOGISTICS) TO IC-2 (INSTITUTIONAL CAMPUS).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2022-217. It's approximately currently 9.22 acres. I do believe we've had a reduction in that parcel size. I'll let the petitioner give us some clarifying points on that, but currently we are looking at 9.22 acres on Reno Ave and Venice Knights Way, currently zoned ML-2, which is Manufacturing and Logistics. The proposed zoning is for IC-2, which is an Institutional Campus District in the UDO (Unified Development Ordinance). The Policy Map does call for innovation mixed-use.

While this petition is conventional, there's no conditional notes, no site plan. It is inconsistent with an innovative mixed-use Place Type. We did talk to the petitioner about considering that District. There are some height restrictions and height limitations that would impact the projects, so the innovative mixed-use district didn't particularly work for the project that's potentially envisioned for the site. So, they did recommend and suggest the IC-2 District, which staff doesn't have any significant concerns with. It is for a county facility, so an Institutional Campus certainly would allow that type of outcome and support that organization as well. So, again, we do not have any significant concerns with that inconsistency. We do recommend approval, and we'll take any questions you may have following the petitioner's presentation. Thank you.

**Matthew Jones, 1019 Thornsby Lane, Matthews** said yes, thank you. Matthew Jones, Principal Engineer with Jones Civil Design representing the County. Mr. Gieser's here.

He'll be here. If you have any questions, he can come down and speak as well. I just wanted to speak to what he mentioned, a slight reduction in the number of acres, and give a little context and some of the motivation for why the County wants to get this rezoned to the IC-2. So, it is currently ML-2. You can see on the map that the medical examiner's office occupies approximately four acres of the nine acres total, and the County wants to continue using the entire remainder of the parcel, which is almost everything that's under woods right now. It's right at five acres. They want to continue using that for their own government uses. So, it would be government campuses, the proposed land use that we'd be going for. As he mentioned, the use that's on there now, the Innovation Mixed-Use had some minimum building height requirements, which are not what the County would want to build for a government campus and a government facility.

So, we are looking to rezone to the IC-2 campus use, so the government can continue using it. As soon as this meeting is over, we will submit a change request just to limit the rezoning to the five acres that are on the north and east and leave the medical examiner's office in its ML-2 zoning. That would be the only change that would occur from what's now been filed.

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

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**ITEM NO. 16: HEARING ON PETITION NO. 2022-222 BY PEARL PROPERTIES LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.37 ACRES LOCATED ON THE EAST SIDE OF PARSON STREET, WEST OF UNION STREET, AND NORTH OF PARKWOOD AVENUE FROM N1-C (NEIGHBORHOOD 1 - C) TO N1-D (NEIGHBORHOOD 1 - D).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said yes, our last petition this evening is 2022-222, 0.37 acres on Parsons Street just north of Catawba Avenue. Currently zoned Neighborhood 1C. The petitioner's proposing a zoning district of Neighborhood 1D, just conventional. It is Neighborhood 1 on the Policy Map as well. So, this petition and request would be consistent with that Policy Map recommendation. Again, it is a conventional petition, so no site plan, no outstanding issues, no conditional notes to consider. The petition would be consistent with the Policy Map recommendation, and staff does recommend approval, and we'll be happy to take any questions following the petitioner's presentation. Thank you.

**David Murray, 1901 Roxborough Road, Suite 120** said Mayor and Council, David Murray here for the petitioner, and I'm happy to answer any questions that you may have, so I'll keep it simple.

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

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**PUBLIC HEARING**

**ITEM NO. 19: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF EAST 23RD STREET**

There being no speakers, either for or against, a motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to (A) Close the public hearing, and (B) Adopt a resolution and close a portion of East 23<sup>rd</sup> street.

The resolution is recorded in full in Resolution Book 54, at Page(s) 085-090.

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## **PUBLIC FORUM**

### **North Carolina Youth**

**Mayor Lyles** said Ms. Crawford, please introduce us to these young people.

**Judith Crawford, 1451 Mandy Place Court** said absolutely. Well, good evening, Madam Mayor, and Council members. My name is Judith Crawford, and I'm a board member of a great organization called Jumping Dreams DD. Jumping Dreams was founded in 2018 by two sisters, Angelicka Crawford and Dominique Artis. Back in 2021, when we were all in the midst of COVID, Jumping Dreams received a proclamation from the City, and it reads as follows. The children of Mecklenburg County are the foundation of which our future success is built, and children seek parents, community members and friends, to aid them in reaching important goals, and families and communities play vital roles in helping children develop a positive self-image, sense of belonging and a sense of competence, and Jumping emphasizes the importance of child nutrition, fitness, and on this day, every day, all year long, our honorable Vi Alexander Lyles, Mayor.

So, I want to bring you up to date. So, since receiving the proclamation, Jumping Dreams has served over 3,000 kids through partnerships with United Way, the YMCA of Greater Charlotte, The Boys and Girls Club, Movement School, and Young Explorers Academy. In 2021, the organization was featured on a television episode called, "Making Good," which features organizations that's doing good all across the country. In 2022, the organization performed at the world-famous Apollo Theater in New York City representing Charlotte. Also, even bigger than that, the children were recently featured, in March, 2023 on a television talk show, "The Jennifer Hudson Talk Show," representing Charlotte. Most recently, last month, the team won first place at a world invitational tournament that was held in Sumter, South Carolina. They came first overall in the sport of Double Dutch.

This evening, I have with me, our CEO and founder of Jumping Dreams, Angelicka Crawford, and a few of her members, Josiah Artis, Lilly Howard, and Amber Howard. I present them here today because the organization needs continued support from the City and the community support, as they are going to take 10 children at the end of the month to Des Moines, Iowa to compete in the Junior Olympics. So, with that being said, we've been quite busy since the pandemic trying to get our kids back on track, trying to have them feel like there are still opportunities from them to grow and develop. Is that my time?

Mayor Lyles said that is your time. I regret that. First of all, thank you for what you guys are doing, and to stick in here and to be champions like that with all those trophies, congratulations. Ms. Crawford and Ms. Crawford, thank you very much for what you do. Please send us a note about these young people, where they're going, and what we can do to help them continue to be the champions that they are right now. Thank you.

Ms. Crawford said thank you. World Champions from Charlotte, North Carolina.

### **Biking and Pedestrian Infrastructure**

**Courtney Fortunato, 225 Baker Drive, Davidson** said hello, I'm Courtney Fortunato. I'm a rising senior at Davidson College, majoring in environmental studies, and I'm here to speak on behalf of my experience as a sustainability scholar, partnered with BikeWalk North Carolina. So, BikeWalk NC is a statewide advocacy nonprofit with a mission to lead, support and inspire a North Carolina environment that serves pedestrians, cyclists, and any and all active transportation users safely and equitably.

So, this summer, I've been researching bicycle and pedestrian plans across the state of North Carolina, and what I've really come to value about these plans, is that they are kind of rooted in what the community's vision of safety and equity really means. So, a lot of what I've noticed about these bike lanes, and for example the Charlotte Walks Plan of 2017, I made a little handout, is that these focus a lot on connected sidewalks, protected bike lanes and safer crossings. So, coming to this through the lens of environmental justice, as an environmental studies major, has really kind of elucidated this connection to me between safety and sustainability, and how that is only made possible through accessibility.

So, when we're imagining a more sustainable future, it should include everyone regardless of age, ability or income. So, I really appreciated, for example, hearing what Councilmember Mayfield has to say about the different zoning developments, when speaking and thinking about accessibility for people trying to reach different amenities. So, to kind of finish out what I wanted to talk about, I brought another sustainability scholar, Maddie Plank, here with me to talk a little bit about her journey biking from New Jersey to Washington, and the kind of experience she had there with operating with roadways that weren't necessarily built with other users in mind.

Mayor Lyles said so, I think that we needed you to sign up and tell us who you are, and why don't you go ahead and do that, and we'll go to the next person. Please sign in right now, and if you'll just step down, we'll go ahead and go to the next person on our list, and then come back to you.

### **CMPD Animal Care And Control**

**Debbie Glass, 508 West 5<sup>th</sup> Street, Suite 150** said good evening, Madam Mayor and esteemed Council members. I hope ya'll had a good day and everybody's doing well. My name is Debbie Glass, and I'm a volunteer at the Animal Care and Control. I stand before you tonight to advocate for a cause that is deserving of attention and support. It is the well-being of our beloved companions and the vital need for increased funding for Animal Care and Control within the community. Our Animal Care and Control facilities are at the front lines, tirelessly working to serve vulnerable populations within the City, and their companion animals. Yet, the facility is burdened by limited resources, strained capacities, and overwhelming demands.

I'm going to share a day etched in my memory, a day when I witnessed a scene that left me shaken and disturbed. I was at the shelter volunteering, and my attention was immediately drawn to a distraught woman standing at the entrance. She had tears streaming down her face. It was evident that she was in distress, clutching a leash in one hand and a deployment letter in another. Her trembling voice narrated a tale of impending military service, an imminent call to duty that demanded her immediate attention. Overwhelmed with sadness, she tearfully explained that she had no choice but to surrender her beloved dog to the shelter, as she had no one to care for him during her deployment. As the woman explained her situation to the shelter staff, hope slowly faded from her face. They simply did not have the capacity to take another animal. The shelter had already stretched to its limits. The woman's plea for understanding and assistance fell upon sympathetic ears, but the reality of the situation was stark and unavoidable. Witnessing this scene unfold before me, I was consumed with a sense of helplessness. The lack of resources, the limitations of the system became painfully apparent. It meant that in the face of a heartbreaking plea, there was no immediate solution for this person. It was at that moment, I vowed to become an advocate for change. No one should be forced to choose between serving their Country and abandoning their cherished companion.

Our Animal Care and Control services desperately need additional funding and staff to address these pressing issues. With increased resources, we can enhance the shelter, improve veterinary care, and expand educational programs to promote responsible pet ownership. We can also invest in initiatives that tackle overpopulation, such as spay and neuter programs, ensuring that our animal population remains stable and healthy. Investing in Animal Care and Control is not just a compassionate choice.

Mayor Lyles said Ms. Glass, thank you very much. You can leave your remarks, if you have them written, with the Clerk, or email the Council members as well with the remainder of your remarks.

Ms. Glass said thank you.

**Kristen Bousquet, 1512 Weststone Drive** said ladies and gentlemen of the City Council, thank you for granting me this opportunity to address you today. My name is Kristen Bousquet, and I stand before you as a dedicated Charlotte Animal Care and Control volunteer advocating for the welfare of animals and the people of Mecklenburg County. I want to share with you a story that highlights Animal Control's critical need for increased funding and expand shelter and a reduction in bureaucratic barriers. This is a situation that I witnessed as a volunteer working at the shelter's front desk, almost every Saturday, for the last few months. One Saturday in April 2023, a woman came into the shelter with her loyal dog companion of the last nine years. She explained to the staff that due to her age and her health, she was no longer able to work and couldn't pay to properly care for her dog. She brought her dog to Animal Control hoping he would find a safe haven until her new home could be found, a basic City service.

A front desk worker shared, because of overextended resources, her dog would be euthanized if she turned him over. Immediately, she started to sob, as one would in this situation. She had her dog hugged tight to her body, and a family member that was with her tried to calm her. I walked her behind the reception desk to let her sit down, so that she could compose herself to make, what I would consider, an unthinkable decision. She had no choice. So, she had to leave the building in tears, rightfully so, without her dog in her arms, and the outcome is actually one of the more positive ones that our shelter is seeing right now.

In other cases, the owner chooses to dump their pet, rather than face a guaranteed euthanasia fate, and this contributes to the spread of disease, bites and injuries to the people and inevitable starvation and death of the animal. It is a public safety issue. Many cases even see owners choosing homelessness over condemning their companion to death. Our neighbors in need deserve better and our animals deserve better. This woman's devastating loss underscores the pressing need for a new shelter, one with ample capacity to accommodate for the growing number of animals in our care, as our City population grows.

As you can imagine, as is the case with every other public service, shortcomings in our City sheltering services disproportionately impact underserved communities much more than others. Many other counties have shown that investing in better animal services doesn't just make the county safer, it's a better place to live. It can also be more cost effective by increasing adoption revenues and donations, while decreasing costs of impounding, euthanasia and disposal. There are ways to make the shelter a better investment for our taxpayer dollars. Thank you for your time, your compassion and your commitment to improving the lives of both humans and animals in Mecklenburg County.

Mayor Lyles said thank you very much.

**Anna Radcliff, 5805 Swanston Drive** said Madam Mayor and members of Council. My name is Anna Radcliff. I'm a dog mom to five rescue pups, foster dogs, and a fierce Don't Shop Adopt advocate. I'm here to discuss the current situation at Animal Care and Control, and in shelters and rescues all the across the Carolinas. In 2022, North Carolina placed 42<sup>nd</sup> for animal protection loss by the Animal Legal Defense Fund, a 501(c)(3) nonprofit, fighting for animal rights since 1979. In June of 2023, over 400 dogs

and 130 cats were euthanized, many for no other reason than space. The staff, volunteers, and rescue partners work tirelessly day in and day out, advocating for the voiceless, but they can't fix this problem alone. These statistics are unacceptable, but we know nothing changes if nothing changes.

Here's what we can do to promote change and better outcomes for the animals of this city. Pass local legislation banning retail pet sales and puppy mills. Demand mandatory registration and oversight of breeders. Require breeders to limit the number of litters that can be had per female per year, to vaccinate all animals in their care, and to vet potential adopters. Pass legislation mandating spay/neuter to end the cycle of unwanted litters, and puppies beginning their lives at the shelter. Enforce harsher penalties for persons accused or convicted of animal cruelty, of organizing, participating in, or observing, dog fighting, and pass a ban on tethering, prohibiting animals from being forced to live life on a chain. Allocate additional funding for animal control officers, veterinarians, vet techs, office staff, adequate facilities, continued support of the spay/neuter program, and resources for basic vaccinations and heartworm prevention.

Gandhi said, "The greatness of a nation and its progress can be judged by the way its animals are treated." As a native Charlottean, I can say that this City has always been a great place to live. City Council has always set big audacious goals when it comes to the environment, transportation, affordable housing, tourism, economic mobility, education, and workforce development. The health and welfare of our animals must be a priority. Thank you so much for your time.

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## POLICY

### ITEM NO. 20: CITY MANAGER'S REPORT

**Marcus Jones, City Manager** said thank you, Mayor and members of Council. As I mentioned at the last meeting, we have Todd that's here tonight that will give you an update on the progress with Eastland.

**Todd DeLong, Economic Development** said good evening, Mayor, members of Council. Thank you for the opportunity to be here with you this evening to provide an update on where we are on the Eastland redevelopment, particularly, the evaluation process around the eastern 29 acres of the Eastland site. So, this evening, we'll be going over a few of the agenda items. Some of this has been discussed in committee meetings, and over the last several months, as well as through the Council report outs after those committee meetings on those evenings. We'll walk through a development review and update, primarily the work that Crosland Southeast is underway of doing right now. We'll move into some of the recent jobs and Economic Development Committee actions, talk a little bit about a community engagement update, and the evaluation of proposals for active recreation development on the eastern portion of the site, and then we'll end with next steps. Please note, that we are not seeking a formal Council action this evening.

As with every other presentation on Eastland, we'd like to start with the redevelopment principles that were established in 2012 by the community, and these were taken into consideration when the City was looking at acquiring the property back in 2012, and we still use them as our guide as we evaluate proposals and as we look at redevelopment opportunities on the site. So, they're really important, as we continue to redevelop this site.

So, this is a reminder what the site plan looks like today, and also a reminder of the public investment that has taken place. Overall, there's about \$50 to \$55 million of public investment between the City and the County. The City coming in at \$36 to \$38 million, with the County at \$15 to \$17 million. The City has already committed \$26 million of CIP (Capital Investment Plan) for the site for infrastructure improvements, as



well as its share of \$11 million for the Tax Increment Grant to support a public parking garage, as well as related infrastructure.

We're also looking at \$5 to \$7 million to support small local businesses, as part of the development with Crosland Southeast, which would be basically a lease for some of that space with Crosland, and we would sublease it out to small businesses. This is something we've discussed in concept with previous committee meetings as well as with previous Council meetings, as a way to help create opportunities for small business to take part in the development [inaudible].

Progress underway. So, we had a groundbreaking in August of 2022. We had a first closing with Crosland Southeast on May of 2023. This was for the Senior Affordable Housing development. We anticipate that development delivering in fourth quarter of 2024. The subsequent property closings this year include mixed-use development parcels, which will have a multi-family above the commercial space, or the ground floor commercial space, as well as single-family and townhouse development parcels. We expect single-family units to be delivered probably around Q2 of 2024 for the first phase, and by this time next year, we would anticipate people actually living on the Eastland site.

Other activity going on underway is Mecklenburg County is conducting community engagement for the park, as well as looking at alternative designs for the park that would be on the western portion of the site. We would anticipate development of the eastern 29 acres of this site would occur over about two years, which aligns well with the infrastructure work that Crosland Southeast is underway doing for the entire site.

We've been talking about the Eastland site in committee since March of this year, with respect to the eastern portion of the site, where we first presented three proposals that we received to develop the eastern portion of the site. Committee action at that time was based on concerns that arose around the portion of public investment compared to the private investment, and we were directed to accept new proposals during an extended review period. We came back on May 1, a few months later, talked about three proposals that we previously discussed, as well as one new proposal that was received during the extended review period. Any action at that time was to remove the Eastland Aquatic Center and Target from further consideration, and to progress with Carolina Serves and the QC East at Eastland Yards.

On June 5, 2023, we presented two proposals previously presented, which were Carolina Serves and QC East, and we also presented one new proposal that we received about three days prior to the committee meeting. We recommended to remove Carolina Serves from further consideration and to move forward with further investigation with QC East, as well as the Eastland Yards Indoor Sports complex. The committee approved that action at that time. Over the course of this period, we've heard loud and clear the urgency from Council, as well as from the community. We've also heard loud and clear about the desire to get it right, and that getting it right is more important than speed, and we want to make progress along the way.

We also discussed in the June 5, 2023, committee meeting about having a community meeting in June. We actually held off on that because some of the information that we gathered from one of the proposing teams just wasn't quite ready yet for us to consider it to be a valid proposal, to actually have part of the community meeting in June. This came after a conversation that we were able to have about a week after the June 5, 2023 committee meeting, where we learned that there were a few gaps in some of the information that they provided, with respect to the financial funding makeup, as well as some of the teammates and what their roles were, and what their commitment was to that team at the time.

Subsequently, we released a questionnaire online. I think the primary purpose of the questionnaire was to ensure the alignment between the community stated goals and the proposals being considered. It's really important to note that this was a questionnaire and not a formal or scientific survey or poll. As you can see here, kind of the main

questions that we wanted to pose is, making sure that we're getting it right, in terms of, what are looking at from the community perspective? Do the Eastland principles for redevelopment still apply? Are we still looking forward and moving forward on that same page, as well as what's most important to the community with respect to the future of the Eastland development on this side of the site, whether it's creating economic opportunities or community use and access, because a lot of times on projects like this particularly with sports and amateur sports and tourism, as they don't always line up adequately in terms of community use and economic opportunity.

Some of the themes that we learned about through the online questionnaire, very similar to what we learned from previous community engagement efforts. It's in the likes as far as getting something done. It may not surprise you that we heard this loud and clear and multiple times. There is a desire for us not to wait, but to get something done and get moving. Sports is still seen as a very positive driver and desire to [inaudible] space. So, our community spaces, retail, particularly food and beverage, and a family-focused atmosphere with some outdoor greenspaces. Some of the concerns that came up are public access, accessibility and affordability for Eastside residents, long-term upkeep of the space, traffic and noise impacts, and too much public funding.

I'll move onto evaluation of the proposals for the active recreation development. Some of this may be redundant for a few of the committee members who have heard some of this a few times. We want to make sure that we're all reminded of the information that we have seen and heard before. So, the proposals focus on the eastern portion of the site, approximately 29 acres. Crosland is well underway on the western portion of the site, and the focus on this eastern portion still remains to be an active recreation use that brings people to the site, creates a destination for East Charlotte that doesn't currently exist. We wanted a site that compliments the redevelopment by Crosland Southeast, and really provides an amenity space for all on the East Side to enjoy.

The first proposal we look at tonight is QC East at Eastland Yards. This was brought to us by Southern Entertainment, Charlotte Soccer Academy, and Esports Property Partners. This was a basic combination of sports, tech and entertainment. From the sports perspective, there are six multi-sport artificial turf fields that covers about eight acres. On the entertainment side, they would include an outdoor amphitheater, indoor/outdoor venue, referenced as The Hub, and a food village and community gathering place. The community gathering place is effectively about 20,000 square feet of indoor and outdoor flexible use space, with a focus on diverse neighborhood-oriented food. Also, offers ample outdoor space where visitors and residents can go to while other activity is going on around the eastern portion or the western portion of the site.

From a funding and land structure perspective, the estimated cost for phase one is \$61 million. The private investment for phase one of \$31 million. The public investment requested for phase one, is \$30 million, comprising about \$19 million of hospitality funds, and about \$11 million of infrastructure reimbursement to support the development on the eastern portion of the site. From the perspective of the community use of the facility, they're looking at providing opportunities for apprenticeships and adult workforce training programs, afterschool programs involving tech, education and gaming, neighborhood access to fields, community meeting space, and community-oriented programming, for example, free tech-oriented classes, senior programming, etc. They are proposing to purchase the land from the city at fair market value.

The next is the Eastland Yards Indoor Sports complex. The original team that brought the proposal to us was Synergy Sports, Viking, RAD Sports, and Edge Sports Group. We've learned over the last few days that two of these partners are no longer associated with the proposal. Viking and RAD Sports have been replaced by other entities, for example, Viking, which was originally slated to be the master developer for the site, and RAD, which was to be the operator for the sports complex, are no longer involved with Sports and their properties would take on the role of master developer, and Edge Sporting Group would take on the role of operator for the facility.

Edge was originally in the proposal to manage and develop the ice rink that was proposed to be a part of phase two. So, with the switch up, we're learning, conceptually, that the sheets of ice will actually move into phase one and not phase two anymore. So, they would do a larger program as part of phase one. The site plan you see here is still based on the initial information that we received. So, we have not received an updated site plan from the team yet. Per the team, the footprint of the facility is very conceptual at this time. We have asked for updated information with respect to the number of courts, the size of the rink, the timing, how it relates to the ancillary development along the way. So, there's some questions we're still looking to work through with the development team.

So, the estimated project cost of the indoor facility is \$45 to \$55 million. The public investment requested is \$28 million. Of that, \$20 million would be for the amateur sports facility and fields, and they originally anticipated \$8 million for infrastructure. The latest information we received from the team is that the infrastructure cost is now to be determined. It could be \$8 million. It could be \$10 million, and they're still uncertain. They need to do a little bit more of investigation on the site plan and the impact it might be on the infrastructure cost itself.

Public investment is about 40 percent of the indoor facility. This does not include the infrastructure. Community use of the facility, as they have explained to us, would be available for 20 percent of the total available time for the indoor facility. So, it would primarily be on mornings, weekdays, nonevent days, things like that, for the indoor facility. Then, on the outdoor facility, that's where the primary community use would actually entail, where anybody could walk onto the playground, the basketball courts, jogging trails, and so forth.

So, the goals of our evaluation process have been to ensure proposals meet the stated goals of the community, and we want to review each proposal to ensure financial stability and long-term viability. To get help with this, we asked the County and CRVA (Charlotte Regional Visitors Authority) staff to do independent evaluations on the information that was provided. The evaluation criteria were focused on four key areas, financial strategy and qualifications, qualifications and experience with a project team, project approach and concept, and the development schedule.

When it comes to the criteria by which the independent reviewers of City, County and CRVA looked at these, we took these criteria into consideration. Team qualifications and experience, we want to make sure we know who our partners are, we have confidence in our partners' ability to actually deliver what they proposed, and we're able to move forward in a way that they propose to move forward. On the financial strategies and qualifications, we really want to make sure that they can demonstrate the capacity to raise the capital that they've said that is required to build the project as proposed, and they don't need to come back to the City for ongoing operational support once it's up and running. Project approach, we want to make sure we have demonstrated experience from our development partners ensuring that they have sensitivity to neighborhoods and the impact in the neighborhoods. Also want to make sure they have an efficient timeline for their schedule, and the community impact and access is also an important piece to what and how we evaluated the different proposals.

So, when it comes to due diligence, due diligence is a really necessary part of the process. It helps us determine the validity of any proposal, and again, this is undertaken by the City, the County and CRVA. One of the reasons why this is important is because we can't afford to fumble on the goal line, so to speak, and we can't afford to make mistakes. We can't afford to further delay. East Side Charlotte residents deserve a little bit better, in order to taking risks that we think may end up being in a situation that we may be back in this same position later again.

So, when we think about the due diligence, we asked a series of followup questions to each of the proposing teams, to offer greater clarity for us, the reviewers, as well as our viewing partners, and greater clarity and understanding of the proposed development. So, the information we requested was performance, cost estimates, community use

access. What that looks like from a perspective of fees. What that looks like in terms of if an individual is living next door, how would they be able to use the site? I also wanted to get a better understanding of the infrastructure and make sure they fully understood what the infrastructure improvements would actually be and understand how the development would actually occur over time.

The information we requested is consistent with previous conversations with other interested teams, and they certainly help us identify the team and concept that's ready to start now and would have the best potential for long-term success at the location. Frankly, both teams were pretty quick to respond with the information, though, one team was a bit more thorough in the type and the details it provided over the course of the last several weeks. Example up here of some of the questions we asked for the clarity about the ownership structure, the equity partners, who they are, want to make sure that we actually have a relationship, we know who the money is coming from, we have faith and confidence that the money will be there, and that we're certain, or at least as certain as we possibly can be, that this will be as successful as possible.

So, in terms of evaluation results. These are just sort of a snippet of some of the comments received through the evaluation. On the pro side for QC East at Eastland Yards, the Food Village Community and Gathering Place provides a desired gathering place for East Charlotte, one that doesn't currently exist. It also offers a transformational proposal that has alignment of the goals and objectives outlined in the Eastland vision. It's an attractive mix of public and private funding source, which is 49 percent of the public, and debt equity allocations were actually pretty attractive too, at only 20 percent debt, which gives us a little more certainly that there's skin in the game by the equity partners who run the play.

There's a significant focus on initiatives to support local job growth, local business expansion and development of tech-oriented skill sets, and they're ready to start in the near term. Some of the cons on this proposal, there are some concerns around the larger events, and how they may place burdens on the surrounding communities, with traffic, parking, noise, and so forth. So, also some limited information on the annual operating performer that we want to make sure we have a better understanding of that as we go forward.

Eastland Yards Indoor Sports complex, on the pro side, they have a demonstrated demand for proposed facilities in the Charlotte market. They have experience with implementing sports facilities. There's potential for economic impact for nearby businesses. On the con side, potential burden on surrounding communities with increased traffic and parking demands, different developer and operating partner than stated in the original proposal. Again, when I go back to the importance of being confident in your development partners, this starts to shift some of that confidence around were there late changes in the game of partners, and where we are in today's timeframe, we want to have greater certainty and confidence in who our partners will be as we want to make progress on the site.

The revised team is still early in the process, and I think they'll take a little time to better gauge financial feasibility, including the infrastructure cost, and then the community use and access information, while they provide information about 20 percent of the total available time, I think it'd be ideal to have a little bit stronger community [inaudible], so that's one of the cons on that as well.

Again, the evaluations were done independently by City, County and CRVA staff. They were aggregated in terms of the overall average for each of the components. The scoring is as follows. The QC East at Eastland Yards received a 70 score, and the Eastland Yards Indoor Sports complex received a score of 59. Again, these are out of 100. Some of the key comments on scoring, the concepts within both proposals align with the Eastland vision for activating the site and complementing work underway by Crosland Southeast. We felt that there was greater confidence in the information provided by QC East, regarding financial viability, long-term success, community use and accessibility, and ability to begin in the short term.

The Food Village and Community Gathering Space from QC East at Eastland Yards would create an amenity space and unique gathering place and a unique sense of place for East Charlotte that doesn't currently exist, and that Eastland Yards Indoor Sports complex had a few too many dynamics changing within the structure of the team. Responses to followup questions suggest they're still trying to figure out some of the specifics, which is fine. I think they said the concept has merit, but at this stage of the game, I think we'd like to have a little bit more confidence they're ready to go now and the timing where we are on this particular site.

So, when it came down to it, we found that the QC East meets and exceeds the goals that we set out earlier in the conversation about what our goals for the evaluation process are. They're ready to go sooner rather than later. The Indoor Sports complex certainly has merit, particularly with the market demand for indoor amateur sports in the Charlotte market, but I think the proposal needs a bit more time to develop to remove any uncertainties around the team, financial structure and long-term viability. Based on the evaluation process and the rankings, staff is recommending that we progress our partnerships conversations with QC East at Eastland Yards team to the next phase of due diligence. We also continue conversations with the Indoor Sports complex team about future opportunities in Charlotte, but not at Eastland. That's time. I'll turn it over for any questions, comments.

**Mayor Lyles** said thank you. I think this is such an important topic that we need to have every Council member that has some time to have questions. So, we do have an obligation that we take this out to the community, particularly those in District 5. So, what I would suggest is that, knowing that we are going to be taking this out to the District, including both the City and the County in this, we have an opportunity to raise questions, but the most important questions will be those that the residents raise. So, we really want to leave time and impact for that.

**Councilmember Ajmera** said it's great to see so many of my neighbors here. Thank you all for coming out. So, couple of questions for Mr. DeLong. So, when we look at evaluation criteria and evaluation results, can you talk about financial capacity, track record, and greenspace, which I do see lacking in one of the proposals, especially the greenspace. I know that is something near and dear to many East Charlotte residents, and I know Maureen must be here in the room. I know she has been a champion for greenspace, especially from the Charlotte East and many of our residents. I know Maureen must be here in the room. I know she has been a champion for greenspace, especially from the Charlotte East and many of our residents. I know that is very, very critical, especially for our seniors and our youth. So, if you can speak to those very important criteria? I don't see that in one of the proposals.

Mr. DeLong said so, with the open space and greenspace, I think it can take on a number of forms, one of which is the athletic facilities themselves, the soccer fields, and so forth. The other piece is the gathering spaces for food and beverage, sort of this outdoor market kind of feel, for the F&B (Food and Beverage) or the restaurants that would be there, this community hub. On the Indoor Sports complex, they also had some offering of outdoor basketball courts and some jogging trails that was a part of their proposal.

So, the community space is certainly important to us. It's important to us with the County involved on the park across the street. We've been talking about this a lot over the last several months, about East Side and West Side of the site. We want to make sure we're not losing sight of this is one site and, as a whole inclusive development, that we want to make sure that whatever happens on this portion of the site, is aligned well and compliments what's going on, on the other side of the site.

So, with the park that's underway right now with a design, what they're looking at from the County perspective, we want to make sure, and this is something we discussed with the County as well, is how does this start to articulate and align better with what the park is, and making sure that the different uses, between the two proposals, that they

make the most sense in moving forward to basically having more cohesive development over time?

Ms. Ajmera said before you go there. I just wanted to follow up on the greenspace. I know you are looking at it more from the overall 70 acres. You're considering the County Park, but I know in one these proposals, especially Indoor Sports, that site plan does include more open and greenspace, which is a big plus, and I know I have heard that from community over and over again. I don't see that in QC East proposal. Maybe it's just not included in the presentation, or there is not?

Mr. DeLong said so, I think we want to dive a little bit deeper into what the open space exists. As part of the infrastructure, there would be bike paths or greenways that would be connecting, and that's part of the overall master plan for the infrastructure. So, that will be going through that side of the site as well. So, that's not just on the western part of the site. So, that is one piece, that open space and that greenway connectivity through the site. Those are questions we can certainly get into in terms of what other outdoor amenities might be necessary, because these proposals, they do move a little bit over time.

Then, the latest site plan, as I mentioned on the indoor facility, we haven't seen what the latest site plan is. I presume it still includes some amount of greenspace and open space, as that was kind of a key component to that, but we just haven't really seen how it all comes together with the larger facility that they are proposing with their latest information that we received a few days ago.

Ms. Ajmera said okay, I still didn't get a clear answer. With QC East, does it have open space and greenspace, like the The Eastland Yards Indoor Sports is proposing?

Mr. DeLong said so, it doesn't have greenspace, open space. It doesn't have it exactly like that, but I would say the type of open space is a little bit different. Again, it leans on some of the infrastructure improvements that are being made, as well as the community gathering space that's being discussed and talked about, and the soccer fields and how those fields are transferable into more community open spaces as well. So, I think there's different ways of being flexible on that particular proposal.

Ms. Ajmera said okay. Other thing, when we look at a public ask, I do see one proposal is asking almost 50 percent. Let's see, QC East is asking for about 49 percent of total public investment. Is that correct? Eastland Yards Indoor Sports is asking for 40 percent?

Mr. DeLong said that's based on some information that we received just a few days ago, and we're still trying to get clarity around what that looks like. In previous conversations, there was the expectation that the public would cover 100 percent of the public facility with the indoor facility. With the vacancy of Viking and RAD, they have also readjusted what that looks like from a private investment perspective. So, there is a little bit more private investment coming into the public facility. The 40 percent, again, that does not include infrastructure. So, if you add in the infrastructure costs that are associated with that, it gets closer to about the 50 percent number as well.

Ms. Ajmera said so, the 49 percent of QC East, that includes infrastructure?

Mr. DeLong said it does.

Ms. Ajmera said okay, so the number here is not accurate?

Mr. DeLong said I wouldn't say it's not accurate. What I would say is we're still trying to get into the details of that one. We've received some information in the last several days, and we're trying to get more clarity around what that actually looks like. Like I said, the 40 percent number is based on just the public facility itself. So, it's \$20 million of about a \$40 to \$50 million public facility.

Ms. Ajmera said I do need additional information on that, because from what I see, I'm just looking at 40 percent that's presented here. I know that was something very important to us, because I think the East Side has been disappointed for over a decade, where proposal after proposal has not panned out. I just want to make sure that we do all the due diligence, and everything in our power to ensure that there is a solid track record, financial capacity, and it addresses all the community needs before we make a commitment to one proposal.

Mr. DeLong said if I may, I just did some back of the envelope math. If I add up the infrastructure estimates of what they think it could be and apply it to the overall project value of what they're looking at, it comes to about 46 percent of the total project.

Ms. Ajmera said so 49 versus 46?

Mr. DeLong said correct.

Ms. Ajmera said it's about a couple of million dollars difference, okay. A couple of more questions I have is, I know that one of the principles for redeveloping this site has been to unify local communities. I do see a lot of my neighbors here, a lot of neighborhood leaders from the East Side who has been at this for over a decade, even before I and Marjorie have been here, Councilmember Molina have been here. I think unifying the community in one of these proposals will be a key, and I don't see that right now, and I hope that we work towards that, because certainly the community, I have seen a lot of public support, emails and calls for the Indoor Sports complex over the QC East, and I just want to make sure that we have unified community voice here at the table.

So, I have additional questions. I don't want to take up too much time. I'll probably come back to you later on, because there is lot to unpack here. I just want to make sure whatever proposal that we select, as I stated earlier, is sustainable for the East Side for generations to come. So, when I take my two daughters there, I can tell this is something that I had contributed to. So, thank you.

Mayor Lyles said thank you, Ms. Ajmera. I think that really we understand that you're just getting this information and report. There's going to be lots of opportunity for more of a conversation on the documents that you're seeing.

**Councilmember Mitchell** said let me try to deal with the process. So, usually a committee makes a recommendation to this Council, then this Council votes on that recommendation. So, I think we are having process issues from day one. You have a recommendation made here this evening, but on your first slide you said there's no formal Council action requested tonight. Those two don't go together. Council votes and gets staff the okay to proceed in a certain way, and I don't know what you're going to share with the community, but I do think there needs to be an action vote among this Council on your staff recommendation. That's point number one.

Point number two, can you share with us the names of the people that were on the Evaluation Committee? You say some were from the City, some were from the County, some were from CRVA. What we cannot do, to have staff to go out there and take this recommendation to the community without Council taking action on your recommendation that you're taking to the community.

So, I don't know, Mayor and Council, do we need a vote on this staff recommendation to assure staff is following our direction? Or we need to wait until you have fully vet? You say you had some outstanding issues to look at both proposals, that you get all those answers and then come back to this Council, so we can take action. This is the first time, and I'm an old dinosaur, so I've been here too long, but I've never felt like staff make a recommendation and we don't act on it.

Mr. DeLong said so, the July 2023 schedule kind of set us back a little bit, since we didn't have a committee meeting in July 2023. So, the next committee meeting opportunity would have been August 2023. So, we wanted to make sure we were able

to get in front of everyone and talk about the update that we have so far. Where we are with the recommendation, we feel confident that we can move forward with the team we recommended at this point in time. We're not as confident in the timing of the other one. Could it happen? Yes. I think it could happen, but it could take three months, it could take six months. We don't know how much longer it could take, to actually get to a point that we are reducing the risk to the City, and we're not putting ourselves into position to be back in the same discussion.

Mr. Mitchell said so, Todd, I'm going to be honest. There is more questions for this Council should we vote on the staff recommendation, then dialogue between you and I. So, this is the first time we get staff recommendation, even from a committee. When we do report outs to the committee, Council gives some indication, do we want staff to move forward or not. For this particular case, staff is making a recommendation, and on your first slide, you say no formal Council action requested tonight. So, Mayor and Council, we can do one of two ways. We can vote on the staff recommendation, or we can make a motion for staff not to move forward until all the questions have been answered. That's conversation that we need to have as Council.

Mayor Lyles said Mr. Mitchell, you're right about that. I think the real question is, it never did come out of ED (Economic Development) as a final recommendation, and it isn't a committee item. So, it needs to go back to committee, and the questions need to be addressed, and the Council needs to ask every question possible for that to take place.

Mr. Mitchell said so, do I need to make that in a motion, Mayor, to send this back to the committee before staff goes running out there to the community, because I just want to make sure that we do this right. We've been hearing this whole narrative the whole time, we want to do it right, we want to get it right. I think East Side wants to get it right, and I don't think tonight with this process we have in front of us, so I'm okay making a motion.

Mayor Lyles said I would go around the dais, and I think the real question is, this is a report and it's like an Action Review, where we comment and question. I think the next steps are up to the Council to decide, but it's still in the ED Committee for a recommendation to come out. If I'm saying that incorrectly, Mr. Graham, Mr. Jones, let me know.

Mr. Mitchell said so, let me make sure I'm clear, Mayor. So, this item will be referred to the ED Committee in August 2023 at their August meeting?

Mayor Lyles said my understanding is it never came out. We've never voted.

Mr. Mitchell said so, it's never been voted on in the ED Committee?

Mayor Lyles said in the ED Committee. It's always been about information.

Mr. Mitchell said we're really getting ahead of ourselves. You don't even have the blessing of the ED Committee. So, now it looks like staff is getting in front of, even the committee, and so can we just do it the right way? Let the committee make a recommendation to the full Council, then the full Council will vote on it, before we go out to the community?

Mayor Lyles said I think we need to think it through of how do get it out to the community as well. The community's here and seeing it, so we just need to figure out what the right way is to do that. So, yes.

Mr. Mitchell said so, you want me to make my motion after ya'll finish talking?

Mayor Lyles said yes, we're going around first, right.

**Councilmember Johnson** said I just think we need to really be intentional about being transparent and consistent, no matter what the outcome is. The East Side has been waiting a long time for this, and we do need to get this right. So, if there are any



disparities or inconsistencies, and if the dinosaur over here is not familiar with deviation in the process, I think we really need to be considerate of that.

So, I want to see this done right. If it has not even been recommended from the committee, then I just think we want to tread very lightly and carefully and deliberately on how this is done. I know that Councilmember Molina is passionate about this, wants to see it done right. I think as a Council, in order to support her and lift her up, we need to make sure that this is done correctly, so that she doesn't face any pushback or negative feedback from her residents, nor do we. So, I support what Councilmember Mitchell said.

**Councilmember Mayfield** said I will reiterate my colleague's comment. The very first page of this PowerPoint, "No formal Council action requested tonight." That is the first piece. As we go through, Mr. DeLong, I have a couple of questions. You have the breakdown of the community engagement. You have on here that the geography was 45 percent of the responses came from the East Side. So, that means 55 percent of the responses came from individuals that do not live in the East Side. So, what you have on here, you give us a breakdown of geography of 28205, 212, 215, 277. East Side also includes 262, 213, and depending on which map I'm looking at, 206. So, I guess depending on one side of the street may be, the other side not.

So, I have a concern that also what is being presented to us, one, that we're even spending time having this conversation, when we're on a backlog because of a June meeting being missed, and a second meeting having only six people, that we're having this conversation in the dais when it has not been completely vetted. To say that the geography that actually participated in this conversation, that the percentage of the actual residents were less than the percentage of people that had a comment regarding how this area should move forward outside of the District. That is a bit concerning for me.

Also, you mentioned in the very first comment, that the proposals would move from time to time. Yet, it seems like we are attempting to penalize one of the projects because of movement. So, you mentioned when Councilmember Ajmera was asking for the breakdown between the 40 and 49, because all we can go by is what's in front of us. So, if there were a meeting or a conversation that was held on Friday, it would've been helpful if that information would've been updated so we have factual. If we're saying 49 percent is around what the cost would have been for QC East, but yet keep in mind that it may be moveable, and we're saying that 40 percent is what came from Eastland Yards, and they have made some movement, help me understand how you see possible movement down the road as different of movement that's at the front end, because if I'm trying to get you the best proposal, and if I were able to identify stronger partners or a stronger proposal, based on the community conversations, it seems like that would be rewarded versus penalized. So, help me understand?

Mr. DeLong said certainly. We would anticipate over time these proposals, particularly once we have more detailed conversations with them, what's proposed may not actually end up the way it actually gets delivered, just because things move, market changes, cost estimates change. There is some flexibility in that. What we don't necessarily like to see in the movement, is we're going through a process like this, and the key partners move and you lose a developer who has experience doing these types of facilities or an operator whose been stated as a primary operator for a facility, and they're no longer on the team.

So, those sorts of things give us a little bit of pause and anxiety around the certainty and the confidence level that we have at this time as we're reviewing those proposals, and making sure that we are putting ourselves in the best position to move forward in a successful way, so we don't have a situation where we lose a partner, after we've already started into negotiations or have an MOU (memorandum of understanding) or have a development agreement with them. We want to make sure that we're getting as much information as we have today to be as certain as we are today, again, to put

ourselves in the best position to move forward and have the most viable long-term and sustainable success at the site.

Ms. Mayfield said I appreciate us attempting to be good stewards. That is something that I'm always going to ask for. Mr. Manager, one of the challenges that I have, is it seems like when this movement happened, it should have automatically gone back to committee to have conversations regarding what this movement looks like versus coming into this space for full Council to be having this particular discussion at the dais. I'm concerned that, again, we start out with, "No formal Council action is required," yet it is implied that if the next steps are QC East at Eastland Yards is in a position to begin implementing their concept, and that the staff's recommendation is to progress partnership conversations, that is an ask, that is a request, but we are not asking for action for Council to take tonight, but that is a specific request for staff to move forward. That is a conflict and that gives misrepresentation.

Again, if we just go back to the basics of what was presented to us, 45 percent out of 100 of the residents in the area participated in this, 55 percent did not. That is a concern. So, it's great when we have a number of people that show up. I don't know how many of these [inaudible]. Yes, I do not go to all the East meetings, so I'm not going to try to give the interpretation that I do. I have been to a couple of them, but I still rely on going back from Councilmember Archer to Ajmera now, to Councilmember Molina. The emails that I have read, overwhelmingly, came from residents in the community stating what project that they supported. Now, if there are changes in that, then that needs to be a conversation with that petitioner and that community to see if the community still supports what's moving forward, and staff needs to be a part of it. It should not be in front of us right now to be [inaudible].

Also, let's be perfectly honest, I don't appreciate anyone in the community who is supposedly a partner, because still, Councilmember Mitchell asked a very specific question. Who is on this committee? Who are these representatives? Mr. DeLong, do you have the list of those individuals who are these partners that we reached out to that are representing the City, CRVA, and the other partner? Who are they?

Mr. DeLong said so, from the City and including myself and Assistant City Manager, Tracy Dodson. From the County, it was Deputy County Manager, Leslie Johnson, and Acting Economic Development Director, Shahid Raina. From the CRVA, it was Mr. Tom Murray.

Ms. Mayfield said so, a number of us received emails and/or phone calls over the weekend, where individuals shared their concern as far as which project should be the project supported. I have a fundamental challenge with any of our partners thinking that it is their responsibility or their role to tell this Council how we are to vote, for the simple fact that we are elected by the people. That is all the people. Sometimes we're going agree, sometimes we're going to disagree. Hell, ya'll disagree with most of my dog gone votes, but at the end of the day, we are the ones that make that decision, not any outside partner. I don't care how much funding or what they think their role is. So, there's a challenge fundamentally in the fact that someone felt comfortable enough to pick up the phone to have those conversations.

Now, we have multiple members of the community in here, but what I'm more concerned about, Mr. DeLong, is you have presented paperwork to us, that in the nature of it, is contradictory and there is an ask in here. I do not feel comfortable with us moving forward with anything until all information has been gathered from both parties. This gives the community a greater opportunity, beyond 45 percent participation, to let us know what your expectations are, because we keep saying we don't want to get it right. We all want to get it wrong. Slow down, slow down. So, why the hell are we trying to rush tonight?

**Councilmember Graham** said so, the biggest thing and the concern for me, as a resident and Chair of the Economic Development Committee, is that we get it right. I'm not married to any of the proposals. I'm married to the long-term viability, financial

capability, working with residents so that our future Council, and I won't be here five years from now, won't be back here talking about Eastland. That's what we're trying to do. The reason why we're here tonight is that no committee has met this month, and there was a sense of urgency from the Council to scoreboard applications. We're here because you wanted us to be here.

So, now we're here, and you asked staff to score it. Some want it to be scored by the end of June. The original public presentation was at the end of June, and we cancelled that. So, we are here because you asked us to be here with this information. Here's the information. Here's the score. We've done it fairly. Staff has done a good job doing their jobs with unbiased eyes, focusing on the bottom line. What is it that we have to do to ensure whatever we do with this 29 acres, and the frustrating part about me, is we keep talking about this 29 acres, but we're not talking about the other side where we're making significant progress. This is not a 10-year problem that we're trying to solve. It's a year problem, when Tepper Sports and Entertainment pulled out.

So, we're trying to solve a 13-month problem, not a 10-year problem, with respect to the history of Eastland. I know it. I'm a part of that history too. Lived in East Charlotte, worked at Eastland Mall, lived in Birnam Woods, went to Red Lobster and Grady's and Darrow's. I lived that history too. So, it's really important that we get it right. Here's the score. Alright, here's where we are, and I went through with staff all these surveys, is that the community said they wanted to move quickly. One application is ready to go tomorrow, next week, next month. One may take a little bit more time to get there. They can get there, but it may take three, six, nine months to a year, based on conversations I've been having with staff.

So, the question is, at some point we're going to have to make a decision. I see friends all over the gallery, top, bottom, left, right, and the hardest thing to do is tell your friends no, or you can't help them. My position here is to be the friend of the community with a big C. Whether you live in District 5, or we hope that people from District 2 would come to support what's built in District 5, or folks from District 6 come over there and support it. We're trying to do a regional destination, not just something that's four, five, six blocks. So, whether they lived in East Charlotte or they lived in my District, and sending them a survey/questionnaire about how that land should be developed, I take all that in because everyone's paying into the pot, all over the City. Everybody's putting money into the pot.

So, we will receive it back. We, the Economic Development Committee, we have done exactly what you've requested us to do. We're here tonight because there was a message from this Council saying that we want the information sooner than later. Here it is, fair and square, unjaundiced eyes, based on where we are today. So, I want to be supportive of East Charlotte. Again, I get it, but the worst thing we can do, and I won't do it, as Chairman of Economic Development Committee, is tell you what you want to hear versus what you need to know. I want to tell you what you need to know, even if you don't want to hear it because that's being honest. That's being transparent. That's being where we are. So, we'll do whatever the Council wants to do. My job is to process the work. I'm processing the work for the ED Committee. I'm not married to any proposal, but you can't keep changing the rules on me. That's all I've got to say. You can't keep changing the rules, Council. You've got to draw a line in the sand and be willing to make a decision at the appropriate time, and we're here because this is what you requested and here it is.

**Councilmember Driggs** said I am Ed Driggs. I represent Ballantyne. I have been on Council for 10 years, and I have followed the Eastland conversation that whole time. So, I have a sense of continuity. I have a memory about the conversations that were had, the commitments were made, the false starts that occurred over that time, and we reached a point where Tepper withdrew, and suddenly we had nothing after all that time.

The one thing I was keenly aware of, and I'll echo Mr. Graham's comments here, was that the East Charlotte community was losing patience, were getting fed up, were

wondering why we hadn't done more, and so we started to work under a sense of time pressure. I think that was heightened somewhat, but a conversation about a major tennis facility over at the River District, concerns about whether or not the money might get siphoned off, whether Eastland would end up on a back burner. So, I was motivated myself. I thought, we've got to do something, we've got to do something. Yet, the first couple of proposals we got didn't really make a lot of sense. They involved a huge amount of public money, and in some instances, like Target, they weren't really responsive at all.

So, in my mind, we ended up with this great tension between soon and good, and they didn't necessarily comport. You could have soon or you could have good, maybe not both. So, that's the environment, and I think it is unfair to staff perhaps, to come down on them so hard, because the staff has been scrambling to keep up with these events, to keep up with us and the timeline that we've been trying to work on with commitments that we made. We've got a 60-day window, and then something came in after that. So, what do we do? Does that mean that we don't respect the urgency that has been communicated to us, or what?

So, I agree with you, Mr. Graham. I think we got here because of the evolution of the events, and I believe the staff was doing the best they could to move quickly, but what turns out is, now we have two proposals, both of which have appeal. I don't think either one of them, on its face, is totally unacceptable or unworkable. One of them is better defined than the other. Neither one of them is fully defined. If what you want is now and fast, then QC is more accessible. We have more confidence about it, that we can execute more quickly. If you're prepared to accept that we spend a little more time getting to a similar place in the evaluation of both proposals, then we will look at them.

I'm very curious to get more feedback about what the mood is of the East Charlotte community, in general, and I'm counting on Ms. Molina to help me to understand that, since I don't live there. Certainly, we continue to seek a solution that keeps the promises that were made and fulfills the aspiration of the East Charlotte community. Right now, we are under this time pressure, and it makes it hard. So, I'm going to wait and see. I think we do need to do justice to both of these proposals, and I just warn you, it's going to take a little more time. Thank you.

**Councilmember Bokhari** said there seems to be a little bit of confusion around the process. So, I just want to give a couple clarification points on that. When we opened up this process many months ago, for an additional 60 days, a majority of the Council felt that, of the options we had, there wasn't enough compelling opportunity there to just decide amongst that. Not all Council, some, but a majority said, let's open it back up for 60 days, so we can get more options in. Some folks fought against that. Sixty-day clock opened, submissions came in, and then we closed that window and staff went about diligence. We got updates in committee, and then ultimately it led to the last ED Committee that occurred, where staff came forward and they brought a singular recommendation to committee saying, "We recommend QC East." After all the others had gone through diligence, they said, "We are ready to recommend moving forward with only QC East to the ED Committee."

The one unique thing that happened was, 72 hours before that, weeks and weeks after the bidding process formally closed, a new bid came in, option B. It's one of the ones we're looking at tonight, and the issue with that was, we really aren't supposed to accept bids when that closed, but the committee decided. You know what? Staff has a recommendation to move forward with just this one, but we want to give that other one a shot. We want to see what you come up with, staff in your diligence, and ultimately bring it back to us. So, the confusion around, "Why didn't this go to committee?" It did. Staff made a recommendation to just move forward with one, and the committee voted yes, we will move that forward, but they also voted one extra thing, which was let's give this new option B a chance.

So, staff went away, they've done their diligence. Tonight, they came out and presented that to us all, and basically, they said, "QC East is ready now. It's an attractive funding

structure, it's a great proven team," and they put together a vision that aligns well with what the community stated they value early on. They said some nice things about the Indoor Sports complex. It has merit. It just isn't ready yet at this phase. So, they've done exactly what we've asked them to do. They brought that back and they've closed the loop, basically saying, "We can't recommend the other one. We've done that diligence." So, we're back to where we started. Do you want to make a decision and pull the trigger on our recommendation? Or the other piece of this is, do we want to reopen the process, because we can't keep allowing changes and new submissions outside of the formal process.

So, I think that's the really important part of this whole conversation tonight, which is, staff did exactly what we asked out of committee. All that stuff was done, all the proper boxes were checked, and now it's a political decision, and that's fine. The reason they put no action today on this was because staff doesn't need our political input and direction to relay their due diligence results. They simply show us that and then we make, as a body, a political decision if we want, but we've heard loud and clear what staff has said. So, it's my belief that ultimately, whatever we decide to do next after this, we can choose the one they picked, we can not choose the one they picked, but we need to have a process around doing something new and from scratch, because we allowed this option B in, in really an inappropriate way. Thank you.

**Councilmember Watlington** said just really quick. Appreciate the synopsis from Mr. Bokhari, but I do want to point out a couple of things, just so that everybody's clear on what transpired. Number one, this is not an RFP (Request For Proposal). So, while we talk about what's inappropriate or what's appropriate per the process, this was not an RFP process. So, it looks a little bit different. I just want to make sure that everybody's clear about that.

The second thing is, part of me really doesn't want to have a whole lot of conversation about staff, because I don't feel like this is about whether staff did the right thing or didn't do the right thing. I will say that, and I'm looking at it, the recommendation from the committee absolutely said, "Recommend a June 2023 community meeting to solicit feedback. QC East at Eastland Yards, potentially Eastland Yards Indoor Sports complex." So, I don't want to give the impression that staff brought a recommendation to the committee meeting to move forward with only one, because that's not what's reflected here on the record.

Thirdly, I do see here, just to reiterate some of the points that my colleagues made earlier, while this is a staff recommendation, it includes, with our tacit agreement, some action, which is what I think some of my colleagues were saying before. So, I think that's the rub here. So, I just wanted to make sure that we're all on the same page about what transpired. I've got a number of things to say. I will say, I'm very happy to see so many folks here from both sides. Raise your hand if you're from the East Side. I can appreciate it. LaWana Mayfield said something earlier that I thought was absolutely astute. Only 45 percent of the people from the East Side responded to the survey. Mr. DeLong, do you have the results specific to the folks who live on the East Side, by chance?

Mr. DeLong said not with me.

Ms. Watlington said okay. I'd like to see that as a follow up. The reason that I'd like to see that is, while I agree with Mr. Graham's comments around big C to a certain extent, we also understand that those that are most proximate to the impact, I believe, should be given deference in terms of decision making. We're in a Corridors of Opportunity program right now, because we know that depending on where you live in the City, you may have been invested in more heavily or less invested in. So, I think that's why we've got District representation to make sure that everybody has a seat at the table, and somebody on the other side of town that doesn't care if you live next to a trash dump, is making a decision for you.

So, I am okay with engaging more heavily with the East Side residents. To that end, I do want to bring up that we did receive, though, we did not do a formal City community survey process, like out in the public in person, we did receive 270 signatures via a petition from our East Side residents that very clearly said what they want. I agree with a lot of the comments that my [inaudible] colleague made, when he said that it really depends, at the end of the day, on what is the desire of the community at this point. I do think that there was a certain set of circumstances prior to this that really did drive that urgency, because there was some discussion about competing interests. I don't think that that is any longer the case, because we've set aside dollars.

So, I do think we're at a point where we need to hear from you all, what is it that is the priority at this point? Honestly, I think you've told us that via this petition. I don't think that at this point it's about urgency in the sense of we'll take something that we previously weren't even supporting, just to have something. I think that that looks a little bit different, but I, along with Mr. Driggs, would like to get that data point. I did have a couple of questions in regard to the presentation and thank you for answering the question about the staff evaluation participants, because I was also curious about that as well. I would have liked to see a little bit more of a mix of staff and maybe a broader subset of folks who could score the project, simply because sometimes fresh eyes can help give a little bit more objective feedback. When I say more objective, I don't mean more objective, I mean more in quantity, objective feedback.

So, as I'm looking at the pros and cons that were listed out, I would have loved to see the actual scores. The reason I say that is because, as I'm looking at the pros and cons, or they should reflect the scores, some of them seem a little curious. I know because of time, that we don't have time to get into each and every one, but I read each and every one, and it would appear that some of the things can apply to both projects, but weren't necessarily categorized under both projects, or the verbiage used was different for each project. That is concerning to me, because I want to make sure that we are free of any bias or any kind of predetermined action, because of all of the conversation that we've been having. So, that for me, I'd like to understand a little bit more about what the actual scores are.

I agree with Ms. Mayfield about proposal movement. We know that there's going to be that, that's why people include risk and contingencies in their projects. So, that piece doesn't concern me as much, because we're not wildly out of sync in terms of the numbers. So, for me, at this stage in the project, that doesn't feel like enough of a differentiation to make a decision one way or the other. I would like to see, as well, the documented most updated information, because I was following along, but because it didn't quite match up, it made it a little bit difficult to really assess. I know that you all were trying to meet tonight's deadline, but I would like to see that as a follow up.

I did have two clarity questions, and then one more thing to add. From a clarity standpoint, I see here that it was mentioned that the partners changed. So, the partners that I'm looking at, based on the latest information that I have, and correct me if I'm wrong, is we've secured letters of intent from Edge Sports Group, Patrick Williams, Shashwat Developers, Sports Med Properties, for a total it looks like of, and correct if I'm wrong Todd, about \$55 million or so. Given these LOIs (Letter of Intent), along with a city contribution of \$20 million, we are fully funded and intend to develop the site in a single phase rather than two. City contributions account for 25 percent of the project, but I don't believe that includes the infrastructure. Is that correct? Okay, alright. So, that being said, help me understand, because I went back to the presentation from the committee, and it spoke to Edge Sports being the experienced partner, and it looks like they're still a part of it. So, can you help me understand those comments?

Mr. DeLong said so, when we had our first conversation with the Indoor Sports complex team, it was with a member of Synergy Sports and a member of RAD Sports. At that time, it was conveyed that RAD Sports would be the primary operator of the facility, and Edge Sports Group might come in in phase two with respect to the sheets of ice in the ice rinks. That's always been a part of phase two. I think Synergy Sports and that team also recognized there were some gaps based on that conversation, because of the

expectations they had that the public would cover 100 percent of the public facility. I'm assuming that there may have been some conversations after that that they needed to readjust and recalibrate how they're looking at the funding and the funding structure there.

We have received letters from interested parties who said they have money, that they can commit up to a certain amount of money for these specific uses. The key partners are the ones you mentioned, but with respect to what we've seen with the proposal and how it changes with operating partners and things like that, it comes down Synergy, Edge Sports Group, the hotel developer, really that comes into play with some of the adjacent development, and then Sports Med Properties, because they would acting as the master developer for that side of the site.

Ms. Watlington said so though we've seen movement, is the fundamental experience is still within the [inaudible].

Mr. DeLong said Edge Sports, they don't have as much experience, at least from my cursory initial review. They don't have as much experience with the overall amateur sports facilities. Most of their experience is, I believe, to be around ice rinks and not as much of the other indoor sports, like basketball courts and things like that. Could they do it? They probably could. We just don't know enough about them, and they were never intended to be that partner for that. That was going to be RAD Sports' role.

Ms. Watlington said gotcha, okay. Then, my second clarity is from a conceptual standpoint. I saw a note here listed under Eastland Yards. Programming is still very conceptual including the floor plan, community learning center, ancillary development. Are there floor plans for QC East, or what did you mean by that, because I wouldn't think that floor plans would exist for anybody at this point?

Mr. DeLong said so, the floor plan really speaks to the number of courts, what that breaks down into, how that all comes together with the different uses at play. In the initial proposal, they had, I believe, it's 10 courts, and then later information we saw the increase of 50,000 to 75,000 square feet, it was up to 12 courts. So, it was suggested to us it's still very conceptual. It could move one way or the other. They're still working through what that floor plan looks like.

Ms. Watlington said gotcha, but not changes specific to big differences in use?

Mr. DeLong said the uses come into play with what the floor plan is. Now, particularly if they're looking at courts, some of the uses would still be the same, indoor basketball, indoor volleyball, some of things that would occur on the indoor court types of facilities.

Ms. Watlington said gotcha, thank you. Then, lastly, I just want to make a comment, that one of things, and I know it wasn't covered here, because it seemed like this was focused on just the financials, which is part of why I would love to have seen a broader group of staff input. One of things that I thought was compelling and that was a differentiator about this Eastland Yards proposal, was that it provided for public governance with public investment, and that's one thing that it would seem that we are early enough in the process regardless of which project, that that something that could be worked in. That's something that's extremely important to me, because we had that conversation several times and several Council members said that, for the amount of money that we're investing, we would expect some level of public governance. So, I just wanted to lift that back up, because I hadn't seen it here. Thank you.

**Councilmember Molina** said well, first of all, I want to start by thanking my colleagues for your input and your passion, and how conscious you are about this. The decisions that we make at Eastland will truly affect, not only the East Side, but all of our residents in our city as a whole. So, it makes a difference to have so many minds synthesize this information and allow feedback, so that not only I can learn from you, but our community can hear how you interpret the information to help us collectively arrive at a

decision for the Eastland Yards project. So, thank you all for your input and your passion around it. That helps.

For the community members that hired me, I appreciate all of you coming out tonight. I know I've spoken to many of you directly. I've read your emails. I've talked to you on the phone. I've heard your discontent around this project as a whole. I'm not pandering to you, I live right there with you. I can walk to Eastland. My children only know East Charlotte. They were born there. They were raised there. They went to Albemarle Road Elementary School, before I moved them for their own interest, taking advantage of different programs. So, I'm right there with you, and I understand.

Eastland is the heartbeat of East Charlotte. It is absolutely the heartbeat of our part of the community, and I know how important this decision is. I have a big fear to get it wrong, and that's one of the reasons why I really, truly asked for patience, because at that June 5, 2023, meeting, when I asked for my colleagues to consider option B, I knew it was a risk. What I'd hoped was that in that consideration, we had two projects that were absolutely ready to go, but what we're dealing with now is what the community would want and a business due diligence, which is really, really hard to have those two things meet in the middle. For true transparency, I am not married to either one. The only thing I care about is the highest and best outcome, whether it's A or B, I do not care.

People have asked me, "Marjorie, what is your vision?" I don't have a particular vision. I have a vision that involves the voices of the community that I represent, and, I have to put an and in there, and the most viable opportunity for the East Side, that is going to create what we've waited for. Now, I think I can agree with much of what was said here from the dais, and I can even disagree with a few of the comments as well, and I won't go into that. I won't belabor any additional points, but I want to make sure that I stress that, at the end of this, I'm also on the Economic Development Committee, so I'm a part of the conversations, I'm in the room, I have access to our staff and my colleagues here on Council, to continue to have this conversation.

I want to put a parenthesis in here. I just had a town hall, and the reason why I held that town hall, before even talking about anything Eastland, because I had people asking me about Eastland, but I think it's important for people to know who we are on the East Side. Do you know that East Side residents, as a whole using the quality-of-life indicator, we're more than \$10,000 below the average income of anybody in the City of Charlotte? Do you know that only 28 percent of our residents have a bachelor's degree? Do you know that we don't have jobs because we don't have major highways running through our communities, and when companies come to build in Charlotte, they're looking for proximation to major highways so that they can build facilities that people have regular transportation to? Did you know that? Because that's what I was trying to get out, and that's what I'm going continue to try to get out. That's how I learn how to lead. I learned enough about our demographics to know what we need. We need infrastructure, we need economic opportunities, we need transportation, we need a list of things.

I would say, and I may sound bias, but I've got quantitative information to stand on from a platform to say, "I know what we need," because here is what our quantitative metrics, based on what our quality of life indicates and says, who we are, what we are, broken down from zip code to neighborhood. So, now, I know who we are as a community, and that matters in making this decision. Who is going to be the best option for a community that has, and I know every community in Charlotte has a list of needs, but in particular, I've been elected to represent the residents in District 5. So, it's my job to understand us as intimately as I possibly can. I've seen the signatures. I know the signatures. I know many of the names. I know every last community that's represented there, every last one of them, I know them, and I hear you and I see you.

Even the people who are on both sides, let me make sure that I'm clear, because I have this thing where anybody who proposes to come to our side of town, whoever it is, whoever the outcome is for this facility, I want you to know you might be on the right



bus, but in the wrong seat. So, maybe right bus, wrong seat. Maybe it's whichever one is chosen and whichever one is not. Maybe you're on the right bus, but maybe you're in the wrong seat. Maybe Eastland, for whichever one is not chosen, maybe it's not Eastland, maybe it's somewhere else in our community, for a facility or some type of conversation for something that makes sense for our residents, because obviously, we have a want for both. This is just my mind being solution minded. This is my mind thinking around, and I'm not making any promises. I don't want to say that I'm saying one or the other. I'm saying, in my mind, that's the way I see it, right bus, wrong seat.

So, just enveloping all that's here, enveloping the willingness and the opportunity for people to come to East Charlotte and set up, and no we don't have major highways, but we've got people who go to work every day. We've also got a high percentage of working-class individuals who go to work, who have children, who have families, who live in single-family houses, and they're looking for things to do with their family. So, both could work, and I think the opportunity to continue to have this conversation on committee is something that I know that we're going to continue to do. I know that we're going to have an opportunity to engage the community, City and County. As many of you know, I do talk to my counterpart on the County Commission, Mark Jerrell, and he will be a part of that opportunity.

In weighing this opportunity, as well, I have to inject that it was, I think, a good idea, and maybe for transparency to let everybody know who was involved in the scoring, I think CRVA, I think the County Commission who's a stakeholder in this project, and us, having a voice on this is important, to take a look at both proposals and to weigh them based on metrics that we all understand. I think a lot of times when we speak from these different positions, we use wording that you may or may not understand. We're talking in ways that it just makes no sense to the regular person. You don't have to understand that, but I want to make it as clear as we possibly can, so that you understand exactly what we're talking about, who, what, when, how as best as we can. So, breaking that down, here's what we've done, this is why we did it, here's who was involved. I think that's very important for you to walk away from this and feel like you were properly served by the people that are duly elected to represent you on a Council.

So, my takeaway is to inform staff and my colleagues that we continue to have this conversation. We're going to have to continue to have this conversation, and make sure that we understand what we're delivering and why, and touch the community again, and make sure that we understand. Look, this isn't a survey. I've heard so much feedback about the survey. My original intention with that survey was not to make this political. My original intention with that survey [inaudible]. For the people who speak Spanish, "I'm sorry, we didn't get that out right away," but my original intention was to reach out to the community and make sure that the community had a voice in this process, however imperfect that that has been for everyone.

So, we will continue to get better with this process as it goes along. I've never been, since I've sat at this dais for the last nine months, a person of fast. I really think diligence is something that we must do, and maybe it's a combination of not going super slow, but it's making sure that we do our due diligence. So, we've still got deliverables to take away, and I hope that you all will continue to allow us to do that.

Mayor Lyles said thank you very much. I think we've captured, at least I've tried to capture, and I know the Manager and the staff in this room have been trying capture, what Ms. Molina said, which is we have a lot more work and conversation to have. So, this is in committee, and my suggestion is that the committee convene a meeting this month, and actually go through the questions that have been raised, and that the staff take a back seat and stop where we are, until the committee can actually outline a process that the Council can have for approval for the next steps. So, if that's something that will work for this group, I would still say that the Economic Development Committee will meet, take the information on both of these projects, take the information from the discussion tonight, and go through the due diligence, and I say use whatever accountability person that works.

So, let's get some information about where the people are and where they live. All of these things are important for this, because this is the long haul. This isn't something that we're going to do, and then say, "Okay, we're done," and walk away. This has to be a sustainable, valued project for the community, and I [inaudible] East Side, but more importantly I think the way that this Council will be perceived for the entire city. I think all of us are being looked at as your agents of quality of life, and that means everybody has to have a shot at it.

Mr. Graham said so, Mayor, are you referring it to its committee?

Mayor Lyles said I am referring this discussion, and the issues that have been identified in this discussion tonight, and giving the committee the ability to access whatever professional assistance that they need, and that the staff takes a step back, and not a staff review, but if you have the ability to work with people, I think Ms. Watlington and Ms. Mayfield talked about, we need some real data that fits what we're trying to do, and I don't want the staff to think that this is something, you did what we asked you to do, but now, this has gotten to a place that it's about what this Council wants to do. So, I'm referring it back to the ED Committee for a meeting as soon as possible, but more importantly, to come out of that meeting with a process for adoption by this Council.

Ms. Mayfield said if I can add to that. If we're going to continue to have these goals and evaluation process, there must be representation from the East Side. So, when we have that conversation, for the simple fact that, my colleague Dr. Watlington spoke to it, we received over 200-plus emails from residents of the East Side. So, when it was asked who was on this committee, and it was identified who was on the committee, the community has to be at the front end, as well, if we're taking into consideration the very second item from the community, was to unify local community and going down the list. So, if we can make sure that it is clear on the front end, that there is East Side representation that's a part of that discussion.

Mr. Graham said a part of the committee's discussion.

Ms. Mayfield said no, that's not what I said, Mr. Graham.

Ms. Mayfield said I said when we get to the evaluation place, where we have representation from the City, from the County, from CRVA, there must be East Side representation, whether it is the President of the East Side Neighborhood Association, whether it's bringing in Councilmember Molina to actually be a part of that immediate discussion, there needs to be clear representation, because that is not what was stated when it was asked who was part of these evaluations. It was not stated that Councilmember Molina is the City representative. What was stated was Economic Development was the City representative, as well as Mr. DeLong. There needs to be clarify.

Mayor Lyles said and I think Ms. Mayfield is being consistent with what she said. Who lives in the geography? Who are the people that are there, and how are they represented? I captured that that way, but I think that the committee, it's about the process. Like if we're going to do this, how do we do it and how do we get Council to agree that that's we're doing before we start doing anything else.

Mr. Graham said Madam Mayor, I am more than willing and capable of managing the policy discussion. I am capable of managing the politics of this. I'm just going to be clear and to the point. I received emails too, the phone calls. They have been to every committee meeting since January 2023, February 2023, a part of this process, the surveys. We made an intention to go out and shop both proposals to them. So, I don't want to leave the impression that the community voice is not heard. Their voices are heard very loud and clear. Now, it's a policy discussion, in that the 12 of us have to come to some resolution around. As I said earlier, the resolution, in reference to the best and highest use for the 29 acres, and the developer A, B, C or D, who have the financial capability, who has the prerequisite qualifications, and who has the ability to deliver on time, and to the satisfaction and the wishes of the community.

So, that's where we are, and I can manage that, and I can manage it with the Council's direction and with the experts. This committee is not the experts. The staff are the experts, and I thought the way the staff did it, where CRVA houses these large venues, they kind of understand how it works and what it takes for it to be successful. The County has an interest in it, 4.5 acres, on the western side of the District. They approve [inaudible]. So, they have an interest and they weighed in, as well as our City staff, and we did have a meeting and I was there and the District Rep was there, and Mr. Jones there, the County was there, and the City staff was there.

So, there have been conversations where the views and the opinions and the District Representative is very articulate at those meetings, in terms of representing the needs of all the residents of District 5. So, their voices are being heard. My final point is, it's time to make a policy decision based on business-driven data. I can do that.

Mayor Lyles said and that's what we expect of you. So, we will get there. Alright.

Mr. Mitchell said Mayor, and it's not a comment to your referral, but I think we need to be very clear tonight. So, let me speak for myself. I felt a little insulted on this PowerPoint when a recommendation made, and on the first sheet it says no formal Council action requested tonight. City Manager, I think there's three people responsible for the agenda, correct? I hope this day going forward we never have this language again. This is insulting to the people around this table to hear recommendations.

Mayor Lyles said alright. So, thank you all for coming out tonight. As you can tell, we have lots of work to do, and we're going to do that in a way that there'll be openness and that you can be a part of this. We're going to have the committee begin, and we'll spend some time talking about it, but I think the most important thing is getting the right people in the room, and if that means that we have to have people that have expertise outside of it, or neighborhood, whatever, we'll do that.

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## **BUSINESS**

### **ITEM NO. 21: LOWE'S 100 HOMETOWNS GRANT ACCEPTANCE**

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera and carried unanimously to (A) Accept a grant in the amount of \$260,000 from Lowe's Home Improvement for the construction of the Urban Arboretum Trail Spring Street Plaza, and (B) Adopt Budget Ordinance No. 564-X appropriating \$260,000 from Lowe's Home Improvement to the General Grants Fund.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 188.

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### **ITEM NO. 22: JOULES ACCELERATOR FUNDING FOR ENERGY STORAGE TECHNOLOGY**

Motion was made by Councilmember Mitchell, seconded by Councilmember Driggs and carried unanimously to Adopt Budget Ordinance No. 565-X appropriating \$20,000 from the Joules Accelerator to the General Capital Projects Fund.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 189.

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**ITEM NO. 23: LAND LEASE OF CITY-OWNED PROPERTY AT MCDOWELL CREEK WASTEWATER TREATMENT PLANT**

Motion was made by Councilmember Mitchell, seconded by Councilmember Driggs, and carried unanimously to (A) Adopt a resolution to approve a land lease agreement with McDowell Creek Solar LLC with a 20-year term for a solar facility to be located at the McDowell Creek Wastewater Treatment Plant (parcel identification number 013-05-102), (B) Authorize the City Manager to renew the lease for up to two, five-year terms, and (C) Authorize the City Manager to negotiate and execute all documents necessary to complete the lease.

The resolution is recorded in full in Resolution Book 54, at Page(s) 091.

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**ITEM NO. 24: MECKLENBURG SOIL AND WATER CONSERVATION DISTRICT URBAN COST SHARE PROGRAM**

Motion was made by Councilmember Driggs, seconded by Councilmember Mitchell, and carried unanimously to Adopt a resolution ratifying an Urban Cost Share Program agreement with the Mecklenburg Soil and Water Conservation District.

The resolution is recorded in full in Resolution Book 54, at Page(s) 092.

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**ITEM NO. 25: BROOKHILL VILLAGE NATURALLY OCCURRING AFFORDABLE HOUSING PRESERVATION SUPPORT REQUEST**

Motion was made by Councilmember Ajmera, and seconded by Councilmember Driggs, to (A) Approve the use of \$3,500,000 from the Coronavirus State and Local Fiscal Recovery Fund for the preservation of Brookhill Village Apartments multi-family affordable housing development, and (B) Authorize the City Manager to execute, amend, and renew any documents necessary to complete the transaction.

**Councilmember Watlington** said I know that we're moving, but I will be remiss if we pass by this and didn't say anything. I see my team up around the dais. I know that several, several folks were involved with this. I want to acknowledge the fantastic work, Antoine Dennard and Griffin Partners, obviously our wonderful, Mr. Shawn Heath, and the Housing Neighborhood Services Group, The Harvest Center, and Council members past and present, and my former District Rep, Ms. LaWana Mayfield. I know that you didn't happen to be sitting in this seat when it happened, but you've been here the whole time along the way. So, I'm so happy that we're able to sit here together and celebrate this.

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

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**ITEM NO. 26: ADOPT AN INITIAL FINDINGS RESOLUTION AND SET A PUBLIC HEARING ON AIRPORT 2023 GENERAL AIRPORT REVENUE BONDS AND BOND ANTICIPATION NOTES**

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to (A) Adopt an initial findings resolution and authorize the City Manager, or his designee, to make appropriate application to the Local Government Commission for issuance of General Airport Revenue Bonds not to exceed \$550,000,000 and revenue bond anticipation notes not to exceed \$280,000,000, and (B) Adopt a resolution setting a public hearing on August 28, 2023, for this financing as required by Internal Revenue Service regulations.

The resolution is recorded in full in Resolution Book 54, at Page(s) 093-097.

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**ITEM NO. 27: ADOPT AN INITIAL FINDING RESOLUTION AND SET A PUBLIC HEARING FOR A DRAW PROGRAM FOR THE SPECTRUM ARENA UPGRADES AND REFUNDING OF OUTSTANDING ARENA CERTIFICATES OF PARTICIPATION**

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to (A) Adopt an initial findings resolution making certain findings and calling for the execution of various documents necessary to issue a draw program and refunding of Outstanding Arena Certificates of Participation, (B) Adopt a resolution setting a public hearings for August 28, 2023, for a draw program for up to \$110,000,000 for arena upgrades, and refunding of Outstanding Arena Certificates of Participation series 2003F and 2013G up to \$100,000,000, and (C) Authorize the City Manager, or his designee, to take necessary actions to complete the financing, including submitting the application to the Local Government Commission.

The resolution is recorded in full in Resolution Book 54, at Page(s) 098-102.

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**NOMINATIONS TO BOARDS AND COMISSIONS**

**ITEM NO. 28: NOMINATIONS TO THE BUSINESS ADVISORY COMMITTEE**

There were no nominations made for one appointment for a three-year term recommended by the Black Chamber of Commerce beginning April 29, 2023, and ending April 28, 2023.

Nominations will be kept open until the next Business meeting.

There were no nominations made for one appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning April 29, 2023, and ending April 28, 2026.

Nominations will be kept open until the next Business meeting.

The following nomination was made for one appointment for a three-year term recommended by the Charlotte Regional Business Alliance beginning April 29, 2022, and ending April 28, 2026.

- Patrice Funderburg, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Patrice Funderburg by acclamation.

Ms. Funderburg was appointed.

There were no nominations made for one appointment for a three-year term recommended by the Latin American Chamber of Commerce beginning April 29, 2023, and ending April 28, 2026.

Nominations will be kept open until the next Business meeting.

The following nomination was made for one appointment for a three-year term recommended by the LGBT+ Chamber of Commerce beginning July 1, 2023, and ending June 30, 2026.

- Chad Turner, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Chad Turner by acclamation.

Mr. Turner was appointed.

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#### **ITEM NO. 29: NOMINATIONS TO THE CHARLOTTE BUSINESS INCLUSION ADVISORY COMMITTEE**

There were no nominations made for one appointment for a two-year term recommended by the Hispanic Contractors Association of the Carolinas beginning March 1, 2022, and ending February 28, 2024.

Nominations will be kept open until the next Business meeting.

The following nomination was made for one appointment for a three-year term recommended by the LGBT+ Chamber of Commerce beginning July 1, 2023, and ending June 30, 2026.

- Ciara Lilly, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Ciara Lilly by acclamation.

Ciara Lilly was appointed.

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#### **ITEM NO. 30: NOMINATIONS TO THE CHARLOTTE NEIGHBORHOOD EQUITY AND STABILIZATION COMMISSION**

There were no nominations made for one appointment for a For-Profit Affordable Housing Developer for a partial term beginning upon appointment and ending August 31, 2023.

Nominations will be kept open until the next Business meeting.

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#### **ITEM NO. 31: NOMINATIONS TO THE CHARLOTTE REGIONAL VISITORS AUTHORITY**

The following nomination was made for one appointment for a three-year term for a Full-Service Hotel category representative beginning July 1, 2023, and ending June 30, 2026.

- Thomas Dolan, nominated by Councilmembers Ajmera, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Thomas Dolan by acclamation.

Mr. Dolan was appointed.

The following nominations were made for one appointment for a three-year term for a Restaurant category representative beginning July 1, 2023, and ending June 30, 2026.

- Tripp Cagle, nominated by Councilmembers Ajmera, Driggs, Graham, Johnson, Mitchell, and Molina.
- John Love, nominated by Councilmembers Anderson, Bokhari, and Mayfield.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Tripp Cagle by acclamation.

Mr. Cagle was appointed.

There were no nominations made for one appointment for a three-year term for a Mecklenburg County Towns representative beginning July 1, 2023, and ending June 30, 2026.

Nominations will be kept open until the next Business meeting.

The following nominations were made for two appointments for a three-year term beginning July 1, 2023, and ending June 30, 2026.

- Emma S. Allen, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Johnson, Mayfield, Mitchell, Molina, and Watlington
- Ervin Gourdine, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Mayfield, Mitchell, Molina, and Watlington

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Emma S. Allen and Ervin Gourdine by acclamation.

Ms. Allen and Mr. Gourdine were appointed.

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#### **ITEM NO. 32: NOMINATIONS TO THE CHARLOTTE WATER ADVISORY COMMITTEE**

The following nominations were made for one appointment for a three-year term beginning August 1, 2023, and ending July 31, 2026.

- Bill Cornett, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, and Molina

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Bill Cornett by acclamation.

Mr. Cornett was reappointed.

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

The following nominations were made for two appointments for a three-year term beginning August 1, 2023, and ending July 31, 2026.

- Brittenay Causieestko-Lee, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington
- La Becky Roe, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Brittenay Causieestko-Lee and La Becky Roe by acclamation.

Ms. Causieestko-Lee and Ms. Roe were reappointed.

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**ITEM NO. 34: NOMINATIONS TO THE CITIZENS TRANSIT ADVISORY GROUP**

The following nomination was made for one appointment for a two-year term beginning July 1, 2023, and ending June 30, 2026.

- Michael Cataldo, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, and Molina

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Michael Cataldo by acclamation.

Mr. Cataldo was reappointed.

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**ITEM NO. 35: NOMINATIONS TO THE HISTORIC DISTRICT COMMISSION**

There were no nominations made for one appointment for a partial term for a Resident Owner of Hermitage Court beginning upon appointment and ending June 30, 2024.

Nominations will be kept open until the next Business meeting.

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**ITEM NO. 36: NOMINATIONS TO THE HISTORIC LANDMARKS COMMISSION**

The following nominations were made for two appointments for a three-year term beginning July 17, 2023, and ending July 16, 2026.

- Nadine Ford, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington
- William Hughes, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Nadine Ford and William Hughes by acclamation.



Ms. Ford and Mr. Hughes were reappointed.

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**ITEM NO. 37: NOMINATIONS TO THE KEEP CHARLOTTE BEAUTIFUL COMMITTEE**

The following nominations were made for one appointment for a partial term beginning upon appointment and ending June 30, 2025.

- Chris Stack, nominated by Councilmembers Anderson, Bokhari, Graham, Johnson, Mayfield, Mitchell, and Molina

The following nominations were made for three appointments for a three-year term beginning July 1, 2023, and ending July 30, 2026.

- Martin W. Doss, nominated by Councilmembers Ajmera, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington
- Mark Loflin, nominated by Councilmembers Ajmera, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington
- Dale Stoller, nominated by Councilmembers Ajmera, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Martin W. Doss, Mark Loflin, Chris Stack, and Dale Stroller by acclamation.

Mr. Doss, Mr. Loflin, and Mr. Stroller were reappointed.

Mr. Stack was appointed.

**ITEM NO. 38: NOMINATIONS TO THE PASSENGER VEHICLE FOR HIRE BOARD**

There were no nominations made for one appointment for a Hospitality/Tourism Industry category representative for a partial term beginning upon appointment and ending June 30, 2024.

Nominations will be kept open until the next Business meeting.

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**ITEM NO. 39: NOMINATIONS TO THE PLANNING COMMISSION**

The following nominations were made for one appointment for a three-year term beginning July 1, 2023, and ending June 20, 2026.

- Monifa Drayton, nominated by Councilmember Anderson
- Jim Marascio, nominated by Councilmember Driggs
- Will Russell, nominated by Councilmembers Ajmera, Bokhari, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Will Russell by acclamation.

Mr. Russel was reappointed.

**ITEM NO. 40: NOMINATIONS TO THE PUBLIC ART COMMISSION**

The following nomination was made for one appointment for a three-year term for an Education category representative beginning July 1, 2023, and ending June 30, 2026.

- Nina Jackson, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, and Molina

**ITEM NO. 41: NOMINATIONS TO THE STORM WATER ADVISORY COMMITTEE**

There were no nominations made for one appointment for a General Contractor category representative for a three-year term beginning July 1, 2022, and ending June 30, 2025.

Nominations will be kept open until the next Business meeting.

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**ITEM NO. 42: NOMINATIONS TO THE TRANSIT SERVICES ADVISORY COMMITTEE**

There were no nominations made for one appointment for a Vanpool Rider category representative for a three-year term beginning February 1, 2022, and ending January 31, 2025.

Nominations will be kept open until the next Business meeting.

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**ITEM NO. 43: NOMINATIONS TO THE UDO BOARD OF ADJUSTMENT**

The following nomination was made for one appointment for a three-year term beginning July 1, 2023, and ending June 30, 2026.

- Deborah Dryden, nominated by Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to appoint Deborah Dryden by acclamation.
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Ms. Dryden was reappointed.

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**ITEM NO. 82: CLOSED SESSION (AS NECESSARY)**

Motion was made by Councilmember Bokhari, seconded by Councilmember Watlington, and carried unanimously to go into closed session pursuant to NCGS § 143-318.11 (a)(3), in the matters of the Estate of Franklin [INAUDIBLE] Franklin versus City of Charlotte [INAUDIBLE] versus City of Charlotte, and McManus versus City of Charlotte.
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The meeting was recessed at 8:54 p.m. to move to CH-14 for a closed session.

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### **ADJOURNMENT**

The meeting adjourned at 9:25 p.m. at the conclusion of the closed session.

  
Billie Tynes, Deputy City Clerk

Length of Meeting: 3 Hours, 50 Minutes  
Minutes completed: August 20, 2024