

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, October 23, 2017 at 5:10 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps, and Kenny Smith.

**Absent Until Noted:** Councilmembers Dimple Ajmera, Ed Driggs, Carlenia Ivory, and James Mitchell.

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

**Mayor Roberts** said Councilmember Lyles has told me she wants to pull Item No. 28.

**Councilmember Kinsey** said item numbers 18, 32, and 33 for comment.

**Councilmember Mayfield** said item numbers 15 for a separate vote.

**Councilmembers Ed Driggs and Carlenia Ivory arrived at 5:12 p.m.**

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**ITEM NO. 2: CLOSED SESSION**

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to go into Closed Session pursuant to GS 143-318.11(a)(3) to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of Timothy Scott Bridges v. City of Charlotte, et al, 3:16-CV-564.

The meeting was recessed at 5:12 p.m. to go into Closed Session in Room 267.

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**Councilmember Ajmera arrived at 5:19 p.m.**

**Councilmember James Mitchell arrived at 5:24 p.m.**

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The closed session concluded at 5:50 p.m. and Council returned to open session in Room 267 for the remainder of the Dinner Briefing.

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**ITEM NO. 3: AGENDA OVERVIEW**

There was no Agenda Overview provided.

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**ITEM NO. 4: BOARDS AND COMMISSION MEMBERSHIP ELIGIBILITY CRITERIA**

**Councilmember Smith** said on July 24, 2017, many of you may recall, that this issue of Boards and Commission Appointment Eligibility Criteria was referred to Governance and Accountability Committee (GAC) and whether the criteria we use for the Citizens' Review Board should be expanded to other City Boards and Commission. We reviewed the appointment eligibility for the City's 35 Boards and Commissions; the item was included on the October 9, 2017 Dinner Briefing Agenda, but a lengthy Closed Session prevented the presentation. Later in the night in the Chamber, Council was going to be asked to take action and again we were not able to do this. At this time, GAC recommends the Civil Service Board eligibility to mirror that of the Citizens' Review Board, and Ms. Kelly, the City Clerk will

walk through the recommended changes. We met earlier today and as a group felt there was no need to extent criteria to other Boards and Commissions, just Citizens' Review Board and Civil Service Board. I want to thank my Committee members, Ms. Mayfield, Ms. Kinsey, Ms. Lyles, and Mr. Phipps for their hard work on this.

**Stephanie Kelly, City Clerk** said I will briefly go through this presentation; the purpose of the presentation, as Mr. Smith has said, is to briefly outline the referral that was made to the Governance and Accountability Committee back in July. The referral was to review the Boards and Commissions appointment eligibility criteria and whether the criteria that was approved in June for the Citizens' Review Board should be expanded to other Boards and Commissions.

At the September GAC Meeting, the Committee reviewed the City's 35 advisory boards and the appointment requirements for all of those. The Committee voted 4-0 to recommend that City Council apply similar eligibility criteria that was approved for the Citizens' Review Board, extend that to the Civil Service Board appointments. The Committee recommended revision is that current and former City employees and the spouse, parents, and children of a current or former CMPD officer or CFD firefighter shall not be eligible to serve on the Civil Service Board. The revised eligibility will bring the appointment criteria in alignment for both public safety related advisory boards, being the Civil Service Board and the Citizens' Review Board, and it will also strengthen the potential or the prevention of any potential conflicts of interest on both boards. Any existing Civil Service Board members that do not meet the revised criteria that is proposed will be allowed to complete their current term.

Tonight, you will be asked in the Chamber to approve an amendment to the Boards and Commissions resolution, and you will be asked in that resolution to consider to amend the Civil Service Board eligibility criteria to match that of the Citizens' Review Board and it appears on your agenda as Item No. 10 under Policy. The Committee met this afternoon and discussed whether or not there was any interest in extending this criteria to any of the other Boards, and the Committee feels that there is no need to take action at this time. I am available to answer any questions you might have.

**Mayor Roberts** said I actually have a question somebody asked me this and I didn't know the answer. When you look at the family connections, it does not have in there in-laws and if somebody has a son-in-law who is a CMPD officer or an in-law, that sister-in-law or whatever, that is not currently listed, so I just wanted to clarify that the familiar relationships are the direct blood relationships not the in-laws. Is that correct?

Ms. Kelly said that is the intent at this time Mayor, the blood relationship.

**Councilmember Driggs** said is the full extent of your review of how these appointments are made? I agree with everything that is proposed here; I still have a feeling that we get inundated with applications, many of which don't evidence any real qualification or experience that is pertinent to the appointment, and I'm afraid that as a result a lot of the appointments are somewhat random, so I've suggested before, and I still think that there was some process through which a scoring system could be adopted or just something to help us short list or focus attention like experience in the field, professional experience, and just assign scores. People could ignore it; nobody is going to get left out but as it stands, I don't know how the rest of you feel, I find myself kind of flipping through this thing, and you get these phone books and by the time I'm done it is like well who did you nominate or who is good. I just wish the process were a little more thoughtful and there was a little more of an ability and rather than have 11 people, do all of this if we had kind of an HR approach to it where it again there was some sort of evaluation of the applications that were available to us so that we could quickly identify people who stand out. Personally, for example if I see somebody applying to six or seven of these Boards and Commissions, I sort of think I don't see a lot of fashion there other than the general desire to serve. I would hope there would be another step in terms of improving the way this is done I guess is the way I would put it.

Mr. Smith said this was what was referred to Committee so we took up the referral, and I think for the next Council we've got one more meeting in November that is going to be dedicated to the City Manager review, so we will not be able to take this up in November, but I think on a go forward basis with the new Council –

Mr. Driggs said maybe I will make a recommendation when we have [inaudible].

Mr. Smith said I would say that I think our Committee has done a great job streamlining the voting process so the voting process goes a lot better. and we are not bordering at the dais anymore. I think more times than not we get the appointments right through the folks that really want it reach out to us and do a good job of trying to make themselves known, but I think the process could use some tweaking, but it would have to be after December 4, 2017.

Ms. Kelly said as a part of what was approved for the Citizens' Review Board at least in June, you have now implemented as a part of your process the creation of an Assessment Team, and staff is in the process of trying to put together what that will really look like, and that Team will be able to make recommendations to whoever is making that appointment at least for the Citizens' Review Board. That may be something that you may wish at some point to consider for other boards, but at least for the Citizens' Review Board there has been approved a process, and like I said, staff is working on what that process will look like to make recommendations to the Mayor, to the City Manager and to Council when your appointments are coming due. That is something that was approved in June as a part of the changes that were made to the Citizens' Review Board.

Mr. Smith said since you are running unopposed and are on the Committee, keep this logged away.

Mayor Roberts said Mr. Smith; I almost referred this exact question to your Committee and the Manager said please don't do that right now. Absolutely, I think there needs to be a more thoughtful process, a Nominating Committee of sorts and an Assessment Committee that goes beyond just the Citizens' Review Board, because we do want really committed and great voices on these Committees. They are essential input for the Council and its work, and I think a little more thoughtful process would be in order. So who is going to recommend it in December?

**Councilmember Phipps** said this part that says current and former City employees; does that include former City Council Members too?

Mayor Roberts said yeah.

Mr. Phipps said so this shut out serving even after they –

Mayor Roberts said just on those two boards. Thank you for that update and look forward to doing more work in December.

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**ITEM NO. 5: UNIFIED DEVELOPMENT ORDINANCE AND PLACE TYPE POLICY**

**Councilmember Lyles** said many of you know that we've had this effort referred to the Transportation and Planning Committee, and we've asked staff to give regular briefings on the project and the next steps. We are really glad to see the members of our Planning Commission Committee here in attendance tonight, because this is one of those projects that this big, huge, hard, heavy, every word that you can think of, because it is the challenges and opportunities that we have for deciding what our City's Development Ordinances are for the future, and I think we know how complex it is, so this is the first but we are going to have to really engage in this and work really hard to make sure that as we take each step there is agreement that we are ready to move forward to the next step. I think this is our second briefing before the full Council and again the thing that I would emphasize to each of us let's not move forward until we have agreement on what the staff presents because this is one of those things that continues to build, and if it doesn't have a strong, firm foundation it will not turn out well in the end.

**Ed McKinney, Interim Planning Director** said you painted a very challenging picture; I hope you haven't dissuaded half my staff to [inaudible].

Ms. Lyles said we are up for it; I didn't way that we couldn't do it.

Mr. McKinney said I want to recognize a number of folks that are in the room so one of your boards, you just talked about is sitting behind you. I've got a full row here of most of our Planning Commission who are here tonight; they've been doing a lot of work with us to get us to this point, and it was really important for them to be here to show and hear the input you have. I want to recognize Vice Chair John Fryday at the end and sitting next to John is Tony Lathrop, who is a former Chair of the Commission and also as I will mention in a few moments, Chair of our Advisory Committee. Behind them are several other members from our Advisory Committee here tonight and then I've got about half of this side of the room filled with staff, so we've got lots of work going on and they are doing a lot of hard work both in our Department and throughout the City and hopefully you will see how important it is both to our staff and the important folks that are involved in this effort to be successful long-term.

With that, let me talk about what I want to do tonight in the next 20 minutes or so to give you an update on where we are, maybe take a step back and talk a little bit the What & Why, kind of talk about the reason why this is important and the unique time that we set. We've been doing lots of things, and we want to share with you that work, so I want to talk about what we've done this far and there are some things you will be seeing shortly that we want to share with you, talk about the next steps to this larger effort. Just as a reminder, the last time you saw this was about a year ago; we brought this forward as a Council briefing and also an action to provide us the ability to contract with consulting team. We've been working with that team now for the last year, and it is an important resource to provide the needs that we have for this effort. It has been in front of the Transportation and Planning Committee (TAP), and since then we've been providing regular updates, and as Ms. Lyles just described this is an opportunity to bring it back to full Council to give you an update.

Let me talk about the Why and the What, and if you will bear with me just for a few minutes, what I want to do is paint the broader picture and remind us about what a unique opportunity this is. You've seen this before, and I'm not going to belabor the number; you know we are growing. Just a week ago we sat through zoning cases and you've got a few more tonight. You know that but I want to make a point here; the growth isn't the reason. We are doing lots of things and we are a growing City and that is an important thing but for us it is an opportunity, so that growth is an opportunity for us to shape the City we aspire to be and the policies and the tools, the ordinances that we put together are how we do that so this is a really important opportunity. One other point is that growth doesn't hit our City in the same way in every part of our City, so one of the things we want to be looking at through this ordinance is not just the places that are growing fast but the places that aren't and making sure that our ordinances and policies certainly are not getting in the way but also doing things that we can to encourage investment in the places that we want to.

Another reminder here, this is things you've seen before and you are familiar obviously and it is a new sense of urgency about the things that are important to us as a City; the Ten Traits, certainly the Community Letter. The Planning Commission itself has been doing a lot of thinking about the future vision of our City. All those things do begin to align around things about the kinds of places that we want to create, the nature of their affordability, how we are providing for economic mobility. I can't solve all those things in these efforts, but certainly there are lots of opportunities in the work that we are going to do to touch many of those. We are also in unique times, so I think you have probably heard before in the history of the world this is a unique time when more people are living in cities than ever before. We are in a new century of sort of urban places and we are competing in many ways, both good and bad, with all cities around the world to bring it a little bit more closer to home. There are lots of our peer cities that are doing the things, either have done or are in the process of doing or about to do the kind of work that we are talking about here tonight, thinking about our vision and thinking about the tools and the ordinances that we use to implement those and those are just some of the ones that are very important peer cities for us, and it is an important opportunity for us to both lead but also keep up with the competition.

Vision is important; the thing that we've done, the history of Charlotte is a great example of that, so we have set a vision and we have built that vision. We have put our money where our mouth is, and it is an important part that is not a passive activity. We need to set that and update that regularly, so this is an important opportunity for us to make sure that we are clear about our vision, and we have a clear way to implement it. I won't belabor the vision that we



have; it is relevant. It hits upon many of the issues that we've been talking about, affordable housing, quality of life in the places we are trying to create, but it is also important that we refresh that vision. We can't rest on our laurels and I use this example as hopefully a timely one; thinking about one of the biggest economic development opportunities that North America faces and one of the things we can learn from that is that these kinds of corporations, the kind of investment that is being made is looking for good places, great places and this is an opportunity for us to create some of the best places and be competitive in the long-term and really be on the leading edge of where we know we need to go as a City. What does that mean for Charlotte? The challenge and the opportunity here is to shape that vision to create a community of great places or what I would call our Charlotte. These words are just words that I've pulled from all of those visions and the opportunity for us is to really define that even more, make it relevant to the place that we are today and then make sure we have tools to implement that. How are we going to do that? A couple things I want to remind us about and sort of stay focused on; one is to make sure that we've got and design our ordinance and policies with a focus around reflecting the vision that we have and making sure that it builds the community character that we are trying to place. It is important, as I just mentioned, that we are moving from this kind of urban century where places are important so that the notion of our policies and our ordinances have to move on from a focus just about use or just about the specifics of land use to the kind of places we want to create. This focus on place making is critical.

Lastly, in the place that we are today, transparency is ever more important. User friendly is critical to this; if we can't communicate what we are trying to do both to the community, to developers, to investors, to ourselves, then we fail. So, it is really important that the details of the tools that we are creating and the vision we are using to create them has a clarity about them that everybody understands and has predictable outcomes. Those are the high level goals that we want to stay focused on as we move into what will be a process of extreme amount of detail. Bringing that closer to our policies let me talk a little bit about what this effort is for us. We've described this in the past as really two components of one effort, this notion that we need to update and revise and think through some important parts of our vision and then make sure that we've got a strategy and specific tools to implement it. It is about making sure we are defining the places that we want to create and we have clarity about that and then we have exact tools in our ordinances to implement them. What I will talk about tonight is how we do that is through place types and through the ordinance itself, and what I'm describing here is a unified development ordinance, and I will talk through the details of the components that go into each of those.

Let me just spend a moment about what we do today, and some of this should be familiar given the review and the assessments and decisions you make on development and land use policies. Today under vision we have this broader notion of where we want growth to go; that is our growth framework, so we want growth to go in centers, we want it to go in corridors, and we want to protect our neighborhoods. We have General Development Policies that guide the broader uses that we see throughout the City and then we have very specific Area Plans that get into the details. These are the documents that you use and we use to assess development proposals and ultimately make decisions upon. What are some of the opportunities of this notion of this shift that we are doing requires us to think about some new vocabularies an opportunity for us to update our vision, think through the things that are relevant to us today, give us a new vocabulary, and I will talk about this with place attached to it and really articulate City wide the kind of vision for the places that we have. We do that very well and very specifically in Area Plans, but as you know, the scale of our City requires us to really have a better set of vocabulary to touch upon all the places in Charlotte. Ultimately, it will give us in this policy tool a better way to assess the land use decisions that we are making and most fundamentally, to this larger effort, it will make it clear about what we are trying to create so that the tools the ordinance serves to build that. It gives us the vision to be the foundation for our ordinance.

**Councilmember Phipps** said that second bullet, are we saying that our Small Area Plans, once updated, will they continue to be viewed as guides or are they going to be something more descriptive in terms of what we require?

Mr. McKinney said if the question is around how we will use Area Plans in the future, we will use them in much the same way that we do today. It gives us the ability to deal with things

that are specific to a neighborhood to an area that you just can view at a City wide level. That will always exist. As you know, it is very difficult for us to go into that level of detail throughout the City. One of our members on the Advisory Committee as we've been talking about place types sort mention, she worked very heavily on the Prosperity/Huck Area Plan, and one of the revelations was if we had had that vocabulary of place types, it would have made the Area Plan more efficient. It would have allowed us to have a better conversation quickly with the community about the places and then let us focus the rest of that time on the specifics of their neighborhood and their place and let the Area Plan define those things and not have to recreate the wheel every time about what we are trying to create. The answer is yes, Area Plans will continue to be important; they will continue to have some level of detail to them so that it gives us some good guidance for the decisions you have to make. We really believe there is sort of a missing gap there that could help and make those Area Plans more efficient and earlier to communicate with the community.

**Councilmember Driggs** said since we are on area plans, the one from my district is 24-years old, and it is entirely irrelevant, and in fact it only has the effect that I'm being told this should stay R-3, and it was something that was in the middle of a huge swath of farm land when it got that designation, and some people don't like higher intensity uses and are now arguing with me about why can't that just stay R-3? I try to explain to them, that is irrelevant, and it is irrelevant, so I guess I'm wondering as a practical matter; these are great ideas, but as a practical matter when will I get to the point where I've got more specific and current guidance about things that are being considered today?

Mr. McKinney said let me talk a little bit about the process and come back to that question, but again the point I want to make here is we believe we can get to that question quicker with this effort on place types. It will give us a really valuable tool to then quickly go back out to the community and deal with the specifics that are going on and update. You are not the only one; we have lots of plans throughout the City that it is really just impossible for us to keep up with the amount of change that is happening. It is important for us to have a tool to better communicate that.

Place Types, for us it is just a simple way to describe the values we have and the places that we want to create. I won't go into detail; we've been thinking about how we are going to define those. There will be sort of a vocabulary them around neighborhoods and around centers, around districts and sectors, and we will be talking with you more about those details. The point here is it gives us a way to describe the characteristics and diversity of those places that we have different types of centers of different intensities, and we have different types of neighborhoods and this gives us a way to articulate that to the community and hopefully articulate that for the decisions that you make. To the point here of the narrowly defined way that we think about change in our City, let me try to use this as a way to talk to that. One of our Area Plans is just about use; we just talked about the future use of it and for us we have to go from just talking about use to talking about the place, the characteristics of it. It is not just about whether it is residential or retail or commercial; it is the qualities that we want to put into it. Again, these are details that we see in area plans, but only in the ones that are recent and the ones that we have time to dive into those details with the community. This will give us a vocabulary of that, talking about form and character and again these things will then become important foundational parts for how we would write zoning and ordinance around them. Ultimately, don't get too focused on the details of this, but there will be a pallet of those places, so we will have a range of them again to the design, to the diversity of the places that we have and becomes an important foundation for how we would design development tools and zoning around it. It is the idea of moving from just a single focus around use into a broader sense of design.

Let me transition a little bit to the connection to the idea of the ordinance. We have this idea of vision, the places we want to create; we want to update our vision around the way we grow. We talked a little bit about updating our growth framework and thinking about the policies and visions around that. The places we create is that vocabulary and it is then that vocabulary will be connected directly to the ordinance and will make sure that we've got a way to build that through the ordinance. If the ordinance is software and is the design to build our City then it is important that we know and have a clear expectation of what that software is intended to create. That is what the place type says for us; we can't simply do it in the abstract.

Let me talk a couple minutes about the ordinance piece of it, and it is complex really fast so I will just kind of wet your whistle about the complexity of what we are trying to do. I've highlighted here that the Zoning Ordinance is just one component of that; it is at the top but there are lots of others. You are familiar with some of these our Subdivision, our Tree Ordinance and others but all of those have pretty profound impacts on development; what you can do on a site and the characteristics of that site. It was important for us as we got deeper into this to realize that it couldn't just be about the zoning and it had to be all those together. As you can imagine, that expands the complexity of this will really involve almost every department in the City in terms of its impact and how we implement these things.

Ms. Lyles said when I'm out talking to people in the development community, this is probably the one that they have the most difficulty figuring out; is this like a sequential number of steps, it is something that everybody is going to be changing, and it is going to be blended and I struggle with how to respond to this question that is being raised, because as all of us know things are quickly moving. We start talking about trees and tree save and people want to know an answer today for what is going on. I guess I struggle with a couple of things, one, not understanding, you were saying complex, and I really don't understand how this works. The second thing is I think I struggle, because I know that we are unique and special, but I don't have a vision for who else is doing this or what models are out there, so when we start talking about this overall zoning ordinance and the integration of all of these regulatory and ordinances I have no roadmap for example of what is our range, and I really struggle with this, because right now I'm not sure that I'm capable of an explanation to people that expect me to have one if that makes sense.

Mr. McKinney said it is specific to the idea of unifying our development ordinance?

Ms. Lyles said it is specific to this idea, the zoning ordinance is there, and we are working on that, because we've got I think I understand the places and the sense of all of those things that you've just gone through. What I don't understand is when you actually get to implementation if these are all going to be integrated into one ordinance if they are going to be rewritten, and there is a sequence for how they are done, and I don't have a vision of the outcome.

Mr. Driggs said I just wanted to say I agree with that, and I sense there is some apprehension in the kind of developer and business community about how prescriptive and how onerous this could all turn out to be. I just want to say I'm watching myself very critically to make sure that we don't encourage huge costs in the pursuit of ideals that were developed here by the City government and without the sufficient inclusion from other people who actually invest the money and do most of this.

Ms. Lyles said I think that is why; if we had something that we could really say this is what the outcome looks like it might be a little bit easier to understand and know if we are going in the right direction. I just don't know that we have that. I just put that out on the table and this is why I say we need to come back and talk about these because we can't go further if we can't explain to our communities what this is going to accomplish and how.

Mr. McKinney said we've heard this before and this is some of the things I do want to have time to conclude with to begin to address these kinds of questions, some of which are giving the scale of what we are doing I will talk about in just a minute. We just need to take some incremental steps to get to some of that clarity, and I will talk about that in a minute.

**Councilmember Ajmera** said I do agree with some of the concerns that Ms. Lyles brought up. Also, I do want to add when I talk to developers I often hear how complicated or how complex and how much time it takes, especially the zoning. I see here the second bullet that says easy to use and understand. Are we in any way as a result of some of these opportunities streamlining the current process where it eliminates some of the barriers when it comes out developer and business community?

Mr. McKinney said I think embedded in that idea easy to use and understand; it is that. We want to make sure that we are not doing anything in these ordinances that inadvertently is making things harder when they don't need to be. The point about this is that because all



these ordinances are in different places, have been written in different types there are some embedded things that have just made it difficult because of that so a big opportunity of putting them together. It sounds very simple and you begin to realize how they relate to each other and where there is lack of clarity or where there is potentially inconsistencies and the goal of that would essentially be to make sure that we minimize those, stay focused on the goals that we have, but we don't want to get in the way if we don't need to.

Let me move to this and talk about the relationships. This isn't new, we have this opportunity to define places throughout our City. The example that maybe is most tangible is thinking about uptown. We have a lot of thinking and a lot of planning has gone around uptown. We would potentially in a place type vocabulary call that Center City. We actually do have a zoning ordinance around that; it was written specifically around the development we want to see. Again, you are familiar with the Uptown Mixed Use District. The idea here is we want to provide that kind of clarity throughout the City. We want to make sure we've got a vision for the places and then ordinance and tools to get there. Ultimately that is the goal to make sure we've got that vision and that connection to our implementation tools.

Ms. Ajmera said I had brought this up during our Transportation Committee Meeting about how we have specific vision plans or area plans for certain parts of our City and not like one overall higher level plan throughout the City. I see that in this slide it says all of our places, so are we looking at the entire more of a big picture type of vision plan for the City?

Mr. McKinney said we do have a plan, as I showed in the slide before; we have our Centers, Corridors and Growth Framework; that is our plan for our City. We have policies that support that, and we have Area Plans that go into more detail. We believe there is some opportunity to augment that and to provide a vocabulary that would touch the City as a whole and give us more clarity about the kind of places that need attention. It doesn't eliminate Area Plans, but it gives us a unique way to kind of update our plans throughout the City.

Ms. Ajmera said I know in the last Transportation Committee Meeting, we had reviewed South End Vision Plan, and I know a couple of my colleagues had also raised this; we had talked about sort of a vision plan and how do we avoid gentrification etc. I think it was more reaction to the growth that we had seen rather than being more proactive as we are seeing the growth throughout the City. I would hope that as we look at this more of a high-level plan we are becoming more proactive as we are experiencing growth opportunities throughout the City.

Mr. McKinney said that is the intent.

Just a little summary of what we've done. We've been out in the community as I mentioned; we formed an Advisory Committee that includes both community members and folks from the development industry, the Planning Commission has been heavily involved; Transportation and Planning Committee, and I don't want to slight over the detail and the amount of work that will happen and has happened with all the departments in the City to work through the level of detail, so lots of work and a lot of technical pieces to this. We've been out in the community, and we have a portal for the beginning to share information on our website, [charlotteudo.org](http://charlotteudo.org). We spent some time this past year going directly out to neighborhood groups; we did some workshops earlier last year, and that is really the foundation for more work that we will be heading into. We've heard a few things, some of which I'm hearing again tonight. We will need to make sure that Council is consistently updated because of the complexity of this. There is a need to continue to clarify this relationship between places types in our ordinance. We did hear clearly that the idea of unification is important and would find a way to make clear some of these relationships between our ordinances. Engagement and then the last thing I will say is length of process and that is going to get into my conclusions here.

We've done some work around our palette of place types, more public engagement to happen around that. We have wired what we think the structure of this is; it may sound simple but it is taking some time to work through the details of that with our interdepartmental folks that deal with these ordinances. The last thing that leads to some conclusions and next steps is we've also heard that the notion of doing this and identifying priorities is really important. We've done a lot of work with our Advisory Committee and others to lay those out



and let me share with you what that looks like. The question was, do we have to do this all at once? The length of the process and not getting to a point where we are offline with where the Council and where the Committee wants to go, so the answer is no. Clearly, we have some priorities and I want to share a few of those some of which you are going to see pretty quickly. Walkability, a broad topic, one of the things that came out of our Charlotte Walks Plan that you adopted just this past year are some very specific provisions in our ordinance that need some tweaking. You will see this in the next couple of weeks, but this is a Text Amendment to Chapter 19; it is not our Zoning Ordinance. It is the ordinance that deals with streets, but it is a great example of how that ordinance has a profound impact on providing for sidewalks. We will share a lot more detail with you on that, but this is an example of very small Text Amendments that can be done as we are continuing on the larger work.

**Councilmember Mayfield** said when we are thinking about this particular slide and you are absolutely right, the walkability we are seeing it now with a lot of the new development. Are you also having conversations regarding when we do five-vested rights? Because what we've also seen is even though we recognize the importance of walkability today there is new development that is getting ready to come out of the ground or came out of the ground within the last year and a half that was still able to fall under the old requirements and then we are trying to figure out how to infill or backfill areas as we are moving forward and having these conversations. I think we also need to think about creating more flexibility so that one, you know I'm not a fan of five-year vested rights, but something that will trigger for them to have come back if we've made any substantial changes like walkability and accessibility where even though they are in that vested rights they would still have to fall under new designs. Do you know if you all have had any conversations?

Mr. McKinney said what I would say is we know that to be an issue, and we don't have a thoughtful answer for you on that. That is a great example of the kind of implementation challenges that we will have to face and we are pretty aware of it, and it is one of the things that we will have to come back to you on.

Transit Oriented Development – you've talked lots about that through your zoning review; this notion of raising the bar and thinking about the investment we want to see happen given the public investment that we've created. The Planning Commission has done a lot of work on that so one of our next steps is to dive into that and it will be a great example to test this tool to test how it would wire into our ordinance, give you the community and others a way to really see it and understand it in greater detail so that we don't move farther on this ordinance effort without having some clarity about the direction that we are going.

Affordable Housing is another one; this is a priority that has come up, and it is again a certainly a priority that is first and foremost for us. There is a lot of work that Housing and Neighborhood Services are doing; we are working and partnering with them that will look at potential tweaks and Text Amendments and things in our ordinance and then other policy and process things that relate, so we will be coming back with you on some of those as well. A couple of others I will highlight; there are some Administrative things that we've identified to think about how the ordinance is related and how we make decisions about conflicts between them. We've identified with a lot of our development partners the kind of issues that do get in the way of the notion that we have some expectations and goals about redevelopment that sometimes our ordinances make it harder. We are facing lots of challenges with our neighborhoods, and we know there are some tools that we might want to investigate to deal with those. Again, I won't go into detail tonight, but we will be coming back with you through the early part of this process sort of in term work that will be building to the larger ordinance.

Last slide so just let me talk about next year; to things Place Types and the Ordinance. We are going to be back out in the public pretty heavily in the first part of next year to talk more about this notion of Place Types and engage them about the future of our City. We want to conclude that with a draft document through the middle of the year so that we can be back in front of you and in front of the Planning Commission with a policy document that we are moving forward through review and adoption. At the same time, we want to be advancing the work I just described so as we move forward some of those items you will be seeing as we go through the process in the early part of next year, those are our priorities, while at the same time working through the overall ordinance work with a pretty aggressive goal to come back and have a full draft while we are doing those advanced pieces by the end of next year or

early 2019, the notion of having a complete draft that gives us just the starting point for some pretty intensive review iterations adding some things that would happen well in 2019 and moving into 2020. I wanted to shape with you what the next year looks like; we do understand there is a sense of urgency about the work that we are doing, and we need to provide you better examples and case studies of the things that we are doing. That is the goal of this advance work, but we also want to move aggressively, and we've got a really strong vision that we want to shape and bring back to you before the end of 2018.

**Councilmember Eiselt** said it is possible to get a more exact timeline? I think what happens is we say work on ordinance priorities 2017/2018, and we lose track of all of those because we don't really know that that means, whereas if you even if it is on the far side of that timeframe, put a date down so that we can say oh, June 30th we were supposed to have something on this; where are we on it. These are all pretty fluid, and I just think we lose track. I really would like something more definite so that can really know what the timeline is and also to the point you said we could do some of it part at a time. When we talk about affordable housing, it has been a year and we keep hearing about low hanging fruit with some of these ordinances, but we haven't seen anything so what can we do now within this sort of tentative timeline? If we introduce the new ordinance, how does that mess up the UDO or does it? Can you introduce a new ordinance or is that completely off the table? I don't know; the timeline for me is a little bit too gray.

**Councilmember Smith** said the one thing I didn't see and I think this should be a priority and that is to deliver something that will help the market have consistency and predictability. I think right now one of the largest complaints about the rezoning process is things are subjective and all across the board with this major overhaul that is costing us money and person hours. I think delivering something that the development community when they come into something they understand the rules they need to follow and the product that will subsequently be delivered. I think that will be a huge win if we hit that, and if we don't hit that, I think we are falling short of our goal, because I don't think we want to over conflict the matter.

**Councilmember Kinsey** said I appreciate the fact that we are looking at TOD, but I'm extremely disappointed that we are not doing some other things that some of us have been talking about for a long time, or I've been talking about it for a long time and that is the conservation district. That would go a long way, I think toward protecting our neighborhoods that are threatened and the pedestrian overlay, because the pedestrian overlay as it is seen now is really messing up some of our neighborhoods. There is no sense of urgency, although I've been talking about it for a long time, and we keep sort of muddling along and not getting anywhere with those two items.

Mr. Driggs said I made the point before but I look at this slide that says who is involved and the people that need to put up a great majority of the money in order to realize this are not even mentioned; investors, developers, the business community, so we better get them on board. The other thing is do we have kind of economic impact analysis for all of this? Are we looking at what kind of commitments the City would have to make in order to make many of the things we want to do here come true? I assume it does require investment from us; this is just not going to happen because we told somebody you need to lay out your buildings this way. Some of these things will have to be public money, right?

**Mayor Roberts** said some of these answers may have to come by e-mail or at the next meeting, because we are way into our Public Forum, but we can get one more question in.

Ms. Lyles said I don't have a question; I actually want to address the comments that were made. I've written them all down, and I think that maybe the best way to do this, we are often rushed in these meetings, and perhaps we should have a TAP Meeting that everyone is invited to, and you have an opportunity, so I would like to say that would be one way to address this. I know that people attend a lot of committee meetings, but Mayor if that is possible I think that at our TAP Meeting wherever it is that we actually invite the entire Council and review some of this and have Mr. McKinney take questions that are pertinent around it and do that. I think that would be a lot better than trying to do at a Dinner Briefing.

Mayor Roberts said that next meeting in November would be great. Hold those questions and we will have that Committee Meeting. I agree with that deferral.

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

There were no Consent Item questions.

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The Dinner Briefing was recessed at 6:43 p.m. to move to the Meeting Chamber for the regularly scheduled Public Forum and Business Meeting.

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The City Council of the City of Charlotte, North Carolina reconvened on Monday, October 23, 2017 at 6:52 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center for the Public Forum with Mayor Jennifer Robert presiding. Councilmembers present were Dimple Ajmera, Ed Driggs, Julie Eiselt, Claire Fallon, Carlenia Ivory, Patsy Kinsey, Vi Lyles, LaWana Mayfield, James Mitchell, Greg Phipps and Kenny Smith.

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**PUBLIC FORUM**

**Mayor Roberts** explained the rules and procedures of the Public Forum.

**Mini Bus for After School Outreach Reading Program**

**Pastor Brenda Stevenson, 3900 Gossett Avenue** said the reason I'm here is we have been feeding and clothing the community for 45 years this year. We feed and clothe twice a year, but I'm here because this is season of Thanksgiving and Christmas where people who are poor and homeless and the low income needs help with Thanksgiving Dinner. On the day after Thanksgiving we give them a turkey dinner and groceries and they get clothing because school is out. I want to give thanks real quick, because our Mayor, Jennifer Roberts. We haven't even called her for the last two years. I knew here before she came here; she would come every Christmas morning at 7:00 a.m. where we serve breakfast and gifts to the public. Mr. Mitchell also pops up and I'm looking for him this year, haven't seen him in two years. Ms. Ajmera has knocked on doors, fed the seniors in honor of her father, so we came down here asking for a donation. Last year some of you did and we appreciate it, and we want you to come volunteer and see what is going on. We signed up Edwin Towers, and we getting ready to sign up Woodland Heights and their seniors on Woodland Road.

**Sylvia Sewor** said we fed close to 4,000 last year but we would like to do a whole lot more and Ms. Roberts can be our witness; she has been there with us for several years.

Ms. Stevenson said what we are asking for individually; I don't know if the City Council has any money, but I know you all and we are asking for a donation. We are a 501c(3).

**Parking Issues on Latrobe Drive**

**Vicky Kaseorg, 5624 Hillbrook Drive** said once again pro-choice advocates are petitioning for no parking zoning on Latrobe Drive. As the City's pro-life camps are on the sidewalks several days a week, I have seen numerous reporters, as well as Vi Lyles come to the clinic over recent months. Vi Lyles did not speak to us at all, but spent extensive time in the abortion lots speaking with the pro-choice group. As Vi Lyles drove away, I was talking to a woman who had pulled her car over to the curb; she was weeping as she spoke to me. The woman had considered abortion but didn't want to do it and didn't know how she could manage not to. She said she was deeply depressed and felt trapped in a decision again her conscious. I was offering her tangible help and resources, giving her my name and number and listing the ways we could help. When Vi Lyles drove by, I was sharing the gospel with the woman who ultimately accepted Jesus as Lord right there. At the time as we spoke of the



hope and love of God, Vi Lyles pulled up and shouted were you blocking the road. I was flabbergasted; no, I told her I am sharing our hope and resource with this woman as I do with every woman who is willing to talk with us. Vi Lyles continued speaking angrily about how we block the road. I turned my back and continued ministering to this broken woman in the car. Many of my fellow counselors observed this interaction. As you can imagine, this left a very negative view in my mind about whether our City Council intends to represent all its citizens or is targeting a group that they do not intend to represent. Misapplication of sign ordinances, which we are currently pursuing legally, resulted in our expensive signs being seized by the City and destroyed. No warrant, no due process. Now the latest dissolve is revisiting a no parking zoning for Latrobe Drive, a four car width street with little traffic, an issue which was settled months ago, nothing has changed. This is an attempt to prevent women from having access to our valuable mobile ultrasound RV. We have helped hundreds of women this year alone. Not only do we offer a way out of abortion, which many if not most, really do not want to do, but we offer help accessing resources such as housing, training programs, baby showers that provide the first full two-years of the baby's needs. Many women have told us that they are lied to in the clinic, are not allowed to see their baby on the ultrasound even when they ask and are given minimal counseling about any option other than abortion. Many also thank us for being the one voice that is offering tangible reasons and resources to let their babies live. We strongly oppose any attempt to silence, thwart, or limit our constitutional right to be there and to help these women. The City should be thanking us, not threatening us.

### **Parking on Latrobe Drive**

**Daniel Parks, 8040 Cedarbrook Drive** said I am before you again to address the issue of placing no parking signs along Latrobe Drive. This is not the first time this issue has been brought up. It was just last March that around 500 pro-life Christians in our City rallied in this very Chamber and in the overflow to say that no parking restrictions are an unnecessary measure, and they are clearly targeted against the prolife groups that regularly pray and offer help outside the Latrobe Abortion Clinic. I've heard talk about some on City Council making some kind of compromise and only restricting parking on one side of the road. This is still a targeted effort designed to keep us from parking these lifesaving mobile ultrasound units in the most effective place. If safety is a real concern then a real solution would be to lower the speed limit on Latrobe Drive. This would hopefully encourage the pro-abortion individuals, who routinely drive recklessly down this road, to slow down and truly consider safety. Now, I want to touch on a few points as it concerns restricting prolife activity at a Preferred Women's Health Center. First, prolife ministries' have been offering help to those seeking abortions at the Latrobe Clinic for over 12-years. Second, in those years we have helped over 3,000 women and families in the Charlotte area and beyond with resources that do not put a burden on taxpayers. Third, we have had very little incident that would merit any restrictions on our activity in those 12-years. Fourth, that has been zero traffic incidents or accidents that would be remedied by parking restrictions. Fifth, C-DOT has already conducted, from my knowledge, two separate traffic studies on this road and both have found that parking restrictions are unnecessary. Sixth, all of the efforts of City Council concerning protests at the Latrobe Abortion Clinic have been one sided. Those on City Council who have pretended to be concerned with safety have failed to reach out to those that they claim are causing a safety issue. Mayor Roberts, Vi Lyles, and Julie Eiselt have all expressed the desire to restrict our prolife activities under the guise of community safety, but neither of them have been bothered to reach out to the prolife groups in this City to see from our perspective what changes may be helpful. We minister and pray and offer practical help at the local abortion clinics because God's love for all lives, including those yet to be born, is in our heart. You can continue to believe the false narrative perpetuated by the pro-abortion crowd and continue to push for restrictions on our rights if you want, or you can open your eyes and open your heart to the reality that though you may not agree with what we stand for and what we believe, we do have the right to live out those convictions in the public square at the local abortion clinics. As for the prolife ministries in Charlotte, we will continue to do what God's word commands us to do in Proverbs 31:8-9 that says this: "Open your mouth for the speechless and the cause of all who are appointed to die. Open your mouth judge righteously and plead the cause of the poor and needy". The children that are scheduled to die at the Latrobe Abortion Clinic are poor and in need of a voice and Cities for Life along with other prolife ministries will continue to give them a voice. No matter what restrictions you seek to place on us nothing will restrict our desire and resolve to follow in the footsteps of our Savior Jesus Christ by laying our lives down for the sake of our unborn neighbors.



### **Address City Council Regarding Latrobe Drive**

**Dr. Gabriel Rogers, 5832 Freedom Drive** said thank you for allowing us to share tonight. I'm the Senior Pastor of Kingdom Christian Church; I also own the Angel Gabriel Company, a professional counseling practice here in the City of Charlotte. I brought the small contingency of our leaders with us here tonight to express our concerns with this idea of putting parking signs up to disallow those life mobiles to park and allow moms to have their choice, and that is the key word, the choice to hear their babies heartbeat. We adamantly stand against those ideas. I was blessed to have the first life conference held at our new edifice on the west side. It was awesome and we saw babies that had been saved down at that clinic clapping their hands, happy to be alive. I understand that this is a prochoice world, and most certainly there are people who will still abort their children and we have our practice in line, so that they can come and heal from that trauma, but I want to assure you that safety is not an issue, but I must say there is one safety concern and that is the bloody murder that happens every day down on Latrobe Drive. The safety issue is that young kids, not riding their bike, unlike the lies you've heard from the prochoice crowd, young kids not riding their bike are at risk, it is the young babies who have not had an opportunity to learn how to ride a bike that are at risk every single day when they go down on Latrobe, and your efforts to inhibit our actions to allow moms to hear their heartbeat will not be stood for. I stand with a slightly different bench, because as you can tell I'm an African American Pastor, and this issue is not just an issue that affects babies in general. While I stand for all children, Jesus loves the little children, all the children of the world, red and yellow, black and white, they are all precious in His sight. I must tell you that as a black man, an intelligent man with a real PHD, I know you had some social researchers down here, but I got a real one. As a black man with real credentials, I have real struggles with the fact that most of those kids, in fact over 70% are African American children that are born. And you know what this is, this is very similar to the Negro project of 1939 and you all are aware that Margaret Singer put in place to thwart population growth of poor minorities and I'm telling you we will not stand for it. I know you are having safety meetings and you have plans but let me give you scripture; Proverbs 19:21 "Many are the plans of a man's heart". You might have a lot of plans to move us off of those blocks but the Bible declares it is the council of the Lord that will stand in Jesus name. Love you, thanks for having me tonight.

### **Appearance of Express Buses on Providence Road**

**Maarten Pennink, 1712 Garden Terrace** said congestion and a way around it. In order to bring home the need for decreased air pollution and congestion and to encourage the increased use of public transportation and alternate ways of transportation like bikes, etc., the undersigned propose the consideration of express buses truly becoming express buses. Imagine the stretch of Providence Road at Wendover Road to Union County line at Weddington from 4:00 p.m. until 6:30 p.m. week days with the following traffic pattern: A. One lane traffic into town, three lane traffic out of town, as follows: The two standard lanes out as usual, the third lane taken from the in-bound traffic strictly for express bus traffic from 4:00 p.m. until 6:30 p.m. Those are just guideline times. Needed: Installation of red-illuminated X signs from Providence Road to the Union County Line along the third outward bound bus-lane. Example, 7th Street from Hawthorne Lane outward bound. Initially expresses buses leaving the downtown bus terminal every 15 minutes the buses only become express vehicles at Providence Road and Wendover Road where the last pick-up stop might be or you can choose. I give you some leeway. From this key point on only drop-off stops are made. Obstacles: the turn-offs for the opposite traffic are being accommodated by special median left-turn lanes so as to minimize interference with in-bound turning traffic. The last Express leaving the bus terminal passing under each X will have an electronic device which automatically turns off each one, which then gradually normalizes the income lanes. Remember your quote in the Transportation report. Ultimately, ITS can improve traffic management and allow our transportation system to operate more efficiently within the existing roadways and minimize the need for road widening in some cases. You have to start thinking public transportation for all. Yes, you will get objections. That happens with all good ideas under the heading don't take my freedom away, even if it takes hours being stuck in one-person occupied cars and away from the precious family. Positive: The Express bus will make individual drivers drool and then switch to use the public transportation. People will

praise you for break-through thinking at re-election time, minimal investment, and maximum effect.

**Councilmember Phipps** said I would like for C-DOT to take a look at this proposal and get back with us to see the appropriateness of what has been proposed.

### **Parking on Latrobe Drive**

**Angela Fisher, 3518 Essex Pointe Drive, Monroe** said tonight I would like to express my concern regarding Mayor Roberts' desired changes to Latrobe Drive. I'm a sidewalk counselor for Cities for Life, and I've been going down to Latrobe Drive weekly for five years, so tonight I speak to you with firsthand experience and more than just a brief view of Latrobe. Mayor Roberts has stated concern over public safety on Latrobe Drive, but since Charlotte Department of Transportation has already done a study this year on Latrobe and concluded that no parking signs are necessary then one must ask why Mayor Roberts or anyone else would continue to push this issue and waste your time as well as taxpayer's money. I believe that this is because they have an agenda to silence anyone who differs from their opinion regarding abortion. Please see that this is an attack on the very fabric of American life that is our rights granted to us in the First Amendment. Not only is she attempting to silence our voices, she is also attempting to do great harm to the women of Charlotte. The Elliott Institute Research has found that 95% of women who have had abortions wish they had been given more information before making that decision. My desire as a sidewalk counselor is to offer women coming to have abortions, many in crisis situations, additional options and resources. I do not believe that you can be prochoice and pro-women's rights if you also desire to keep women ignorant about their bodies and other options regarding their unborn babies. By prohibiting parking on Latrobe Drive will prevent us from parking our mobile ultrasound unit and offering free help and resources to women who desire our help. This year alone, we have helped over 300 women that have felt alone and pressured into having an abortion come to us and ask for help and that is just what we've done. I cannot understand any good reason to prevent women from receiving help offered on the ultrasound unit just as I could not understand or imagine having the Red Cross Blood Drawn Mobile Unit being prevented from parking on that street or any other public street. A Red Cross Mobile Unit wouldn't be targeted for discrimination and this attempt to prevent us from offering help is nothing short of religious discrimination. Just last night, I was texting with a woman I met three months ago who came down to Latrobe Drive to abort her twin babies. Kay came to abort, not because she didn't want her babies; she came because she thought she didn't have any other options. She was hiding in a battered women's shelter from her abusive husband; she was distraught and overwhelmed. We have been able to help her with countless resources, and when I told her last night about my meeting today and the agenda that we are addressing she texted me, and I quote "if it had not been for you it makes me sick to think my babies would be dead. You all saved me and my babies' lives. If those people have kids or even a heart then you being there shouldn't be a problem; you are only helping". Today this is not a question on whether you think abortion is right or wrong; this is about you protecting my First Amendment rights, but also I beg you to protect women like Kay. She deserves to be given all the information and all the help available to her before making a life altering decision. Please empower the women of Charlotte with knowledge.

### **The Impact of Sidewalk Counselors on Latrobe Drive**

**Valerie Miller Ouangre, Concord** said I'm just going to give you my story; I was told to just give you my story. I was at the abortion clinic before, but let me just say this, this is about parking and all those other things, but it is imperative for the future of our children and the United States for these people to be out there saving these babies' lives. To begin with my story, just a little background information about me; I do have a Bachelor's Degree; I'm 35 years old. I have been married and so at the time I went to the abortion clinic I was separated from my husband, and I had had a child with someone else. My husband and I had been separated for about three years, and I had gotten into a relationship with somebody else, and I just felt I shouldn't be having a baby right now, because I'm still married and I don't want to bring another child into the world while I'm married. I went to the abortion clinic ready to have an abortion, and the sidewalk counselors stopped me; they talked to me about God, and they let me get onto the RV, so I could see my baby because I actually did go into the Center. Then I heard them on the loud speaker saying 'come let us save your baby; your

baby is important and your baby is alive, and your baby can hear you. Your baby has a heartbeat'. So, I walked out of the abortion clinic, and I went to the RV, and I heard my daughter's heartbeat. At that time I did make an instant decision, gave my life back to Christ. I am a Christian. I grew Christian all my life, so I gave my life back to Christ at that moment. I did save my baby and eight months later she was born on my birthday, and she is my only little girl out of three boys. Life continues to go on; things were good as they have stated. They do help you with the first two years with the baby's clothes and things like that and support and things of that nature. I lost my job at the dentist's office back in December and these counselors and Vickie, she has been my mentor, and she has been working with me. She has always encouraged me to stop living without being married; she said just give God a chance. So, what I did I said okay. I put the guy out, and I just started living, and I got a job with Carolina's Healthcare System. I'd been trying to get on with the hospital forever and in 17 days my husband came home and now we are back together, and he is working. I'm working, and we are raising our family. I do have a little girl, and he has accepted the little girl. I'm not on welfare, and our family unit is together, and my boys do have their dad, and it is all because of these people here. Whatever you all have going on you just have to fix it but let these people stay.

### **Parking on Latrobe Drive**

**Eliana Smith, 6412 Hermsley Road** said I sat there just listening and watching the Councilmembers and seeing their facial expressions to what has been said, I've noticed that some of you are shaking your head in disapproval making snarky faces at what things are being said, but as Mayor Roberts said you guys are here to hear the voices of the people that are here and hear our concerns. Well, we've been voicing our concerns for months, and for months now you continue to ignore them and instead you find new ways to hinder the great work that is being done, hinder the work that Vickie and the work that this young girl just experienced. We've been volunteering with Cities for Life for over five years now, and my children, my entire family have been going out there for years. My children actually enjoy going out there; I know it sounds weird, but they actually appreciate being out there doing something for the community, helping the community, offering these women tangible help and my children have not experienced any kind of safety concern other than what Daniel mentioned, the pro-choice community coming in there at crazy speeds, so we've had to make sure that our children stay on the sidewalk which they always do, but five years, and I've never seen any kind of safety concern and my children have been coming out with me for that entire time. That is just one testimony, but I can tell you that I constantly get pictures from moms who have chosen life. I've been at hospitals with these women; I have helped them by doing baby showers; we've helped them find jobs. This is a real thing that we are doing and that you are trying to essentially take away from these women. We are helping them get jobs; we are helping them get back on their feet, and I'm not sure why you are not able to see the help that is being offered to them. These no parking signs, I really feel are just an attempt for you to push your agenda, which is for them not to have the help that we are offering and for them to only be there and not hear the other side. You know there is another side to the pro-choice argument and there is another choice and the choice of life, the choice to save your baby, the choice to make a different choice, and if you don't want that that is the kind of message you are sending across. Mayor Roberts, I know that you have lost the upcoming election, and I would just ask the City Councilmembers to take note of what is happening and to see that these 500 plus people that have shown up, and they are going to vote and we are excited for Mr. Kenny Smith, who is supporting us, and we are excited for those that are listening to our voices, and we just really beg you and ask you to really listen to what we are saying and really take us serious, because there are no parking concerns, there are no safety concerns out there. As they have said before, it has already been looked at so right now it is just a matter of your opinion and you not listening to our voices.

### **Parking on Latrobe Drive**

**Brian Ottinger, 10346 Wesson Hunt Road, Huntersville** said I Pastor a church, Convergence Church in North Charlotte, and it is a pleasure to be here. I just want to share with you my personal testimony. About 10-years ago, I was a completely different person than I am now. There is no way on earth I would ever expect that I would be here talking to you guys about this. I love myself; I was narcissistic. I did everything that I thought pleased me, everything that I thought would make me look good. In the process, I didn't care who I



hurt along the way. One day I had a pregnant girlfriend come to me and tell me the news about the problem, so I gave her a few hundred bucks and sent her on her way to Latrobe or somewhere I don't even know which one it was and I had her take care of the problem. I'm here today not from a point of saying I can't relate; I'm saying I'm a post-abortive father. This is something that is personal to me; I'm a baby murderer. I've murdered my child, and that is not something I can say lightly with holding the tears back in my eyes. At the time I murdered my child, I had no hope in this world; I was condemned by my own sin, but by God's grace seven years ago God looked down on a baby murdered and showed me grace and mercy. You see God's plan all along was that each one of us would have a relationship with him that we would be restored. He created us so that we would be in perfect relationship with him, but when sin entered into the world it broke that relationship, but God being a loving and merciful God sent his only Son Jesus Christ to die and pay the penalty that we deserve. He lived the perfect life and died the sinner's death. He was buried and rose three days later from the grave proving that he was the all sufficient God and that his sacrifice was complete that he was indeed the Lord of Lords and the King of Kings. When the Lord saved me He gave me grace; the author of eternity gave me eternal life, and He made me someone that not only loved Him but made me love others. For the first time in my life, I put others above myself, so I'm here today to tell you that I have a beautiful wife and five children and the Lord willing we are going to keep having more. I'm here today to speak on behalf of the unborn. You guys were put here in place; you were voted in to protect and care for the citizens of this City, but many of you have neglected the persons in the womb. You will one day have to answer to God for these actions. You have blood on your hands. If you vote for this parking ban you are essentially saying you do not care about being prochoice, because of these testimonies that have been given that is exactly what has happened. Women are coming out there choosing live, they are being regenerated; they are being born again, so you cannot claim to be prochoice and still vote for this parking band. I'm not here today just to tell you not to vote for the no parking band; I know that has got to be the work of the Holy Spirit, so I pray that you all would repent and believe the good news of Jesus Christ, that we would spend eternity together praising and worshipping our Lord Jesus Christ.

### **Injustice at the Fire Department**

**Linda Lockhart, 933 Stanfield Drive** said I have been here before and many of you know me; I'm back again, and I will continue to come back until the problem that you all have created gets fixed, which is the Charlotte Fire Department. I went out on FMLA, because they put me in a room and questioned me about my mother who died in 2004. It upset me so much I had to take time off, and while I was out of work they gave part of my job away, which I was doing for \$18.95 an hour. I was hemming 25 pairs of pants, and now they are paying a lady to hem one pair of pants ten times as much. Where I was fixing four firefighter coat zippers when they are broke, hemming, mending and everything, now they are paying for one coat taxpayer money, they are paying \$125. Then I came back and they wouldn't change my job title; they would classify me as being a seamstress; they didn't have the time or the money. I get back to work and they tell me they created a job out of the sky for this guy, a white male. They found time and money to create a position. I keep asking why and they tell me leave it alone. On the top of that, I ask them to put in my job description what I was doing and they did not find time but when the white female is doing this they found time to put it in her job description. We had an opening for a store keeper; 285 people applied for that job, not any black was even interviewed for that job. I ask that question, and you know what they told me? The next time you ask that question, you will get written up, and I want to know why. To the Manager Jones, I went them with each question I'm asking you all tonight; the same question I went to the Fire Department with; they told me to leave it alone. Now, I'm bringing it back to you all and I want to say Ms. Fallon you are my rock girl; you are my rock, because you have helped us to sustain the Fire Department, especially the black females in the Fire Department. We want to thank you, and we commend you for that. We would take a knee for you, thank you so very much. You are our sister; not any of you now the difficulty that you set our system up. You are our girl, you have really been my rock, and I want to thank you for that.

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**BUSINESS MEETING**

The City Council of the City of Charlotte, North Carolina convened the normally scheduled Business Meeting on Monday, October 23, 2017 at 7:31 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Dimple Ajmera, Ed Driggs, Julie Eiselt, Claire Fallon, Carlenia Ivory, Patsy Kinsey, Vi Lyles, LaWana Mayfield, James Mitchell, Greg Phipps and Kenny Smith.

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**INVOCATION AND PLEDGE**

Mayor Roberts explained the protocol for the invocation.

Councilmember Ivory gave the invocation followed by the Pledge of Allegiance to the Flag.

\* \* \* \* \*

**CONSENT AGENDA**

Motion was made by Councilmember Driggs and seconded by Councilmember Ajmera, to approve the Consent Agenda as presented with the exception of Item Nos. 15, 18, 28, 32, and 33 which were pulled for comment or for a separate vote.

**Mayor Roberts** said Item Nos. 13 and 14 have to do with grants for the Crime Lab and I want to just let the community know that we are working very hard; I applaud CMPD and our Crime Lab for reducing the number of rape kits that have not been tested. These grants are going to help us become current. Currently, there are 211 sexual assault kits that have not been tested and an additional 600 that have been partially tested, and these grants are going to help us reduce this backlog so that we will be up to current by February 2018 with sexual assault kit testing and a total of 264 kits have been submitted to CMPD in 2017. This is also the case with the DNA texting; we are going to be bringing those tests current very soon, and I want to let folks know that federal grants have made this possible. Since 2015, over \$70 million has been made available through federal grants to assist cities and states with the issue of untested assault kits. I wanted to bring that to the awareness of the community and to thank our Crime Lab and CMPD for getting those grants and for continuing to reduce that backlog.

**Councilmember Mitchell** said on Item No. 26 – LYNX Blue Line Extension Bus Shelters - this is strictly information Mayor and Council and to John Lewis and CATS. Thank you so much; when you look at the write-up our established DBE goal was zero and we actually awarded 100% to BSL Galbreath, Inc., so thank you to CATS for making sure some of our CBI and DBE can participate.

A vote was taken on the motion and carried unanimously.

The following items were approved:

**Item No. 13: U. S. Department of Justice National Sexual Assault Kit Initiative Grant**  
Authorize the City Manager to accept a grant in the amount of \$837,343 from the U. S. Department of Justice over a three year period to test backlogged sexual assault kits and hire personnel for the Charlotte-Mecklenburg Police Department’s Crime Laboratory Division and Sexual Assault Unit/Cold Case Unit.

**Item No. 14: U. S. Department of Justice FY2017 DNA Capacity Enhancement Backlog Reduction Program**  
Authorize the City Manager to accept a grant from the U. S. Department of Justice in the amount of \$331,814 to continue funding four existing DNA positions and a quality assurance audit in the Charlotte-Mecklenburg Police Department DNA Crime Laboratory Division.

**Item No. 16: Private Developer Funds for Traffic Signal Improvements**

Adopt Budget Ordinance No. 9205-X appropriating \$21,200 in private developer funds for traffic signal improvements and related work.

The ordinance is recorded in full in Ordinance Book 61, at Page 140.

**Item No. 17: Parking Citation Management System and Related Services Contract Amendment**

Approve a contract amendment with Complus Data Innovation, Inc. for a parking citation management system and related services for an extension period of six months.

**Item No. 19: Charlotte-Mecklenburg Police Department Central Division Construction Manager at Risk Pre-Construction Services**

Approve a contract in the amount of \$157,700 with Edifice, Inc. for Construction Manager at Risk Pre-Construction Services for the Charlotte-Mecklenburg Police Department Central Division Station.

**Item No. 20: Storm Water Repair and Improvement Contract (Fiscal Year 2018-C)**

Award a contract in the amount of \$3,579,712.25 to the lowest bidder Blythe Development Company for the Storm Water Repair and Improvement Fiscal Year 2018-C project.

**Summary of Bids**

Blythe Development Company	\$3,579,712.25
United of Carolinas, Inc.	\$3,636,678.93
Onsite Development, LLC	\$3,782,410.00
Showalter Construction Co., Inc.	\$4,172,250.00
R. H. Price, Inc.	\$4,360,951.05

**Item No. 21: McAlpine Creek Wastewater Treatment Plant Equipment Procurement**

(A) Approve the purchase of submersible mixers and submersible pumps, as authorized by the sole source exemption of G. S. 143-129 (e)(6), (B) Approve a contract with Xylem Water Solutions USA, Inc. for the purchase of Flygt Pumps and mixers for a term of one year.

**Item No. 22: Water service Parts and Fittings**

Award a two-year unit price contract to each of the lowest bidders Core &Y Main LP and Fortiline, Inc. for the purchase of water service parts and fittings.

**Summary of Bids**

A complete list of the Summary of Bids is on file in the City Clerk's Office.

**Item No. 23: Professional Engineering Services for Small Water and Sewer Related Projects**

Approve a contract in the amount of \$500,000 with Gavel & Dorn Engineering, PLLC for design and construction inspection services of small water and sewer related projects.

**Item No. 24: Charlotte Water Construction Management Software**

(A) Approve a contract with e-Builder, Inc. in the amount of \$530,000 for the implementation of cloud-based construction management software as well as initial support and subscription-based licenses, (B) Authorize the City Manager to purchase subscription licenses, maintenance, and support for as long as the City uses the system, and (C) Authorize the City Manager to purchase additional software licenses, services, and hardware as needed to optimize the City's use of the system, and to approve other amendments consistent with the purpose for which the contract was approved.

**Item No. 25: Charlotte Water PCB Handling Services**

Approve a contract with Synagrow-WWT, Inc. for Polychlorinated Biphenyl (PCM) Handling Services for a term of five years.

**Item No. 26: LYNX Blue Line Extension Bus Shelters**

Award a contract in the amount of \$176,953.70 to BSL Galbreath Inc., for Bus Shelters along the LYNX Blue Line Extension to connect with CATS regional bus system.

**Item No. 27: Airport Terminal Lobby Expansion Design Services**

Approve a contract in the amount of \$21,750,000 with GS&P/NC, P.C. for architectural and engineering design services for the Terminal Lobby Expansion project.

**Item No. 29: Aviation Long Term Parking Lot 2 Repaving**

Award a contract in the amount of \$116,550 to the lowest responsive bidder Tarpon Construction, Inc. for the Overflow Parking in Long Term 2 Repaving project.

**Summary of Bids**

Tarpon Construction	\$116,550.00
Carolina Site	\$123,922.11

**Item No. 30: Information Technology Professional Services Contract Amendment**

Approve a contract amendment with CIBER Global, LLC for information technology professional services for a term of two years.

**Item No. 31: Meeting Minutes**

Approve the titles, motions, and votes reflected in the Clerk’s record as the minutes of September 25, 2017, Business Meeting and Public Forum and October 2, 1027 Council Workshop and Public Forum.

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**ITEM NO. 15: GRANITE POINTE APARTMENTS BOND ISSUANCE APPROVAL**

**Councilmember Mayfield** said this is the Bond Issuance Approval, so the action tonight is to adopt the resolution granting the Charlotte Housing Authority’s request to issue the multi-family housing revenue bonds in an amount not to exceed \$23 million to finance the development of Granite Point Apartments. This project, when first brought to Council in September of 2016, was a request for a waiver. I was out of town the particular night that this vote happened, but I sent a letter to my colleagues, because this is a development off of Nations Ford Road where the community that is already over there we have multiple-apartment complexes that will be considered affordable apartments, and we also have a lot of concerns in the community in this area, So tonight, even though it was mislabeled in a media report earlier today that this is a Charlotte Housing Authority Request it isn’t. Charlotte Housing Authority only holds the bonds, so this request specifically is for the issuance for one particular project and it is not in connection to the other five projects that the Committee, as well as all the Council approved for the upcoming five projects. This project I am going to be voting no; this is concentrating poverty. Every time we have a conversation we talk about well next time we will do better, next time is here, and I am concerned that in 2016 when this was moved forward by some of my colleagues, they did not listen to the multiple e-mails and calls that were received by the community requesting us to rethink what is going into that area, especially off of Nations Ford Road. I am moving for this particular request to be denied and if my colleagues choose to approve it I will be a no vote.

Motion was made by Councilmember Mayfield to deny a resolution granting the Charlotte Housing Authority’s request to issue multifamily housing revenue bonds in an amount not to exceed \$23 million to finance the development of Granite Point Apartments. There was no second therefore the motion was not considered.

Without a second, the motion was not considered.

**Councilmember Eiselt** said I want to remind the Council that when we looked at this project the AMI for this project I believe was 60% which is \$42,000. The average income for the area is a little over \$25,000, so the income that this is targeting is above the average income for the area and the project itself is fewer units than it would be by right. I think it is a good project, and I think it does actually lift the average income for the area.

Motion was made by Councilmember Eiselt and seconded by Councilmember Smith, to adopt a resolution granting the Charlotte Housing Authority's request to issue multifamily housing revenue bonds in an amount not to exceed \$23 million to finance the development of Granite Point Apartments.

**Councilmember Phipps** said I take exception with the language that was used in terms of this particular project being an effort to concentrate poverty in a particular area. I think we need to be careful how we characterize affordable-housing projects because we have a community that embraces affordable housing, but I think we are reluctant sometimes to have affordable-housing projects in a particular area for fear that with this kind of language would try to infer that the availability of such housing would be labeled as contributing to poverty. I think we have to be careful if we want to reach our goals of affordable housing, in terms of the language that we use, to try to have community acceptance because a lot of times when I go to meetings to talk about affordable housing, it turns into a discussion about avoidable housing. I just that we can be careful in future conversations to make sure that we embrace the language that would be more conducive to community acceptance of what we are trying to do in terms of focusing our goals to build more affordable housing in certain areas. I think with this project, the quality of this project I dare say this project would add in terms of quality, housing stock that would probably be far superior than other stock that is even available in that area now. I would hope that we would watch language on that going forward.

Ms. Mayfield said I appreciate my colleague's comments, but when we talk about the reality of diverse price point housing, there is a different conversation when you talk about the idea around affordable. Unfortunately, the reality is for a lot of people the word affordable has created some negative thoughts and when we talk about true diverse price point housing, we also need to think about impact on community. When I mention any conversation regarding the concentration of poverty the reality is government played a role. Will we go back to the creation of red lining when we look at projects that we have approved, when we look at having these conversations around this dais? The community had multiple concerns and questions regarding this project. There are multiple units that are already in that area that truly has diverse price point housing. When this project was presented, because affordable is the language that we use now, that is how this project was presented to Council. Yes, it is at 60%; the reality is in this area of Nations Ford Road there are some challenges. I had conversations with the potential developers, and had it moved a few blocks closer to light rail it would have been a very different conversation but the reality of what is happening in the apartment complexes that are already at the price point that this complex will come in at true diverse price point housing is the reality of a higher level of negativity than the community would like to see which is why they had concerns. We have multiple conversations where there are going to be times when we vote against the community's request; there are going to be times when we vote in support of. I chose to listen to the community when I asked my colleagues not to support this, because not only as a district rep, but someone who is in the area quite often, the conversation and concerns were very real, and I acknowledged them and I supported their recommendation for the area as new development is happening in the area simultaneously as this. Again, I respect my colleagues decision; I on the other hand am saying as I voted no through e-mails, since I was not in attendance at the meeting I am continuing that I have a concern with us issuing this particular bond request, but I respect where my colleagues land on this development.

**Mayor Roberts** said can I ask a technical question; is there someone on staff who could answer a question about the bond? If Council were to not approve this, since it does not impact our CIP, and it doesn't impact the City's budget but the authority to issue a bond at a 4% tax credit; does that leave the Housing Authority any option if we vote this down tonight?

**Randy Harrington, Chief Financial Officer** said I do not know what options that would provide the CHA, but under the IRS regulations they require City Council, in this case, the governing body in the area to approve it. I think it is fair to say without the approval it wouldn't go forward in its current form, but I'm not equipped to speak to what other options might be available.



Ms. Mayfield said remember CHA is only the holder of the bond so Charlotte Housing Authority is not requesting this and has no opinion in this particular project one way of the other. Their role is strictly as the bond holder.

**Troy Drawz, Charlotte Housing Authority** said first I want to thank you for clarifying the Housing Authority's role in this. We are merely the conduit issuer so it is the developer whether it is Pedcore, in this case, or CMHP or Laurel Street and any other kind of bond deals that happen in Charlotte, they have to go through this process. Essentially, if the Council is the highest governing body within the jurisdiction, does not approve it, it does essentially kill the project. Since the Housing Authority is just the conduit, there are really no options for the Housing Authority; we are merely a pass through to provide access to the bonds and the tax credit that comes from the state's bond cap allocation program.

**Councilmember Driggs** said I just wanted to say I'm impressed with a lot of the points that Ms. Mayfield has made. I do have a concern that we did actually make this decision and at our failure to implement this administrative step, which is basically what it is at this point would set a bad precedent. I think it would undermine our creditability. This is not actually the moment where we talk about the merits of this thing; we did that and this is the moment where we take an implementation step in order to carry out what we already decided to do. I'm just a little worried about sabotaging something that people assumed that we had already approved and relied on.

**Councilmember Ajmera** said with this tax credit, I realize its 4%. What are some of the other options that a developer would have if Council were not to approve it in terms of financing?

Mr. Drawz said as the deal is currently structured I would really want to defer to the developer on what they think their options are. If they were trying to do a tax credit deal differently, they could always apply to the North Carolina Housing Finance Agency for 9% credits, but I think you all know through the other projects that have come before you, it is highly competitive. I think it is oversubscribed 12 times, so there are 12 applications to everyone that wins. It is highly competitive and not very likely to get an award any given round, and it is really not for us to comment on how they would go about it. It would be an option that would be available if they chose to do that, but ultimately it is the developer's choice to decide which way they would like to go. Again the Housing Authority is just a conduit for them to have access to those funding sources.

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

YEAS: Councilmembers Ajmera, Driggs, Eiselt, Fallon, Ivory, Kinsey, Lyles, Mitchell, Phipps and Smith.

NAYS: Councilmember Mayfield.

Mayor Roberts said that was a very good discussion and it reflects some of the challenges we have as we continue to try to bring housing to Charlotte.

**Councilmember Mitchell** said City Manager, just for information I think it would be helpful as we get a current status of her District affordable housing units we have. As we move more and more towards where do we put affordable housing it is very important that we get an update because we have approved so many and I don't know which District we approved them in. I think it would help us in our further discussion so can we get a breakdown by District?

**Marcus Jones, City Manager** said yes.

The resolution is recorded in full in Resolution Book 48, at Pages 494-498.

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**ITEM NO. 18: MONROE ROAD STREETSCAPE PLANNING AND DESIGN CONTRACT**

**Councilmember Kinsey** said over a period of several years I’ve been asked what is going to happen to Monroe Road, when are we going to get something done. You know government moves slowly, but I wanted to let everybody know that there is a plan, and we are approving the contract tonight, I hope, in the amount of \$1,699,100 with Architects-Engineers to start the planning and design. The streetscape project was identified in the Independence Boulevard Area Plan. The proposed project includes making improvements between Briar Creek and Sharon Amity Road to create a more pedestrian oriented and mixed use development. Proposed improve include sidewalks, midblock crossing, bicycle lanes and on-street parking. This is just a contract for the planning and design phase, so it is going to be a little while before it is completed, but it is anticipated that the City Council will be asked for construction funding in hopefully not too distant future. I just wanted to let everybody know that it is coming, and I appreciate it.

Motion was made by Councilmember Kinsey and seconded by Councilmember Lyles, to approve a contract in the amount of \$1,699,100 with RS&H Architect-Engineers-Planners, Inc. for planning and design services for Monroe Road Streetscape.

**Councilmember Ajmera** said I would like to echo some of the comments that Ms. Kinsey made. This also extends to District 5, and when I attended some of the neighborhood meetings the Oakhurst, Amity Gardens, and Monroe residents, it was pretty clear that residents wanted improved infrastructure to create a more mixed-use development, so I think this directly addresses the needs of our community and I want to thank all the residents. I see some of them are here representing the east side. Also, I want to thank our staff; I have attended some of the Community Investment Plan meetings, especially with our engineering staff hosting those meetings over weekends and evenings to insure that residents can attend those meetings. I appreciate our Engineering staff’s commitment to this project and addressing the needs of our community.

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

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**ITEM NO. 28: AIRPORT TERMINAL LOBBY EXPANSION PRECONSTRUCTION SERVICES**

**Councilmember Lyles** said I wanted to bring this forward, because Councilmember Smith has raised the question whether or not my vote on September 25, 2017, on the Interlocal Agreement with the CRVA for the Convention Center Expansion and the allocation of Convention Center tax funding, was legal or ethical. Mr. Smith knows my son Kwame Alexander works as one of the Project Managers at R. J. Leeper. His accusation was made because the CRVA is contracting with a number of firms, including R. J. Leeper. Agenda Item No. 28 also includes R. J. Leeper as one of several firms selected for the Airport Lobby Expansion Preconstruction Services. I would like to ask the City Attorney to address the question of my obligation to vote on the September 25, 2017 decision as well as this agenda item.

**Bob Hagemann, City Attorney** said Ms. Lyles, you and I have had this conversation privately, and you’ve asked me to share my opinion publicly. What I will do is explain the law, and I recognize that some members of the community may disagree with the law and think it should be something different, but this is the law in North Carolina. The School of Government has stated that municipal and county governing boards have a duty to vote. There is no authority to abstain or be excused for a mere “appearance of impropriety”. Instead, State Law is specific about when members can be excused from voting, so there are two statutes, two laws in North Carolina that are at play right here. The first is G.S 160A-75; it is a statute that applies to cities in North Carolina. It applies to this Council as a governing board. It is entitled voting and it reads in relevant part, no member shall be excused from voting except upon matters involving the consideration of a member’s own financial interest or official conduct or on matters in which the member is prohibited from voting under G.S. 14-234 and a couple other statutes that aren’t relevant here. What the thrust of that statute is, is

that each of you have a duty to vote and you may not be excused, unless it is a matter involving your own financial interest of official conduct or you are prohibited from voting under G.S. 14-234. G.S. 14-234 deals with public officers and employees involved in the making and administration of contracts. In relevant part for this body, when you approve Council you are the maker of a contract, and the statute says that no public officer who is involved in making a contract on behalf of a public entity may derive a direct benefit from the contract except as otherwise authorized. You cannot vote and be involved in the award of a contract in which you would derive a direct benefit. The Statute goes on to define a direct benefit by saying a public officer derives a direct benefit from a contract if the person or his or his spouse (1) has more than a 10% ownership interest in the other party to the contract (2) derives any income or commission directly from the contract or (3) acquires property under the contract. The prohibition under that statute is triggered when the Councilmember or the Councilmember's spouse has a direct interest in the contract. We are dealing with two standards here; one each of your own personal financial interest and/or whether you or your spouse has an ownership interest, derives income or commission or property from a contract that is before you. You will note there is nothing in those statutes that spoke to a child or other relative of the Council and again, fair point on whether or not that should be disqualifying. I think people would have different points of view on that. Under North Carolina Law that is not a basis for recusal. I will conclude by stating that the voting statute emphasizes the fact of duty to vote by stating, and you are all familiar with this, the failure to vote by a member who is physically present or is withdrawn without being excused is recorded as an affirmative vote. There is no extension under North Carolina Law excusal or recusal only for own financial interest or under the contract law that I described. Finally, I did just out of an abundance of caution, I've been doing this for a long time, and I'm quite familiar and confident in my opinion, but I did confirm with the School of Government last week that I'm reading the law correctly.

Ms. Lyles said may I ask a follow-up as well? One of the questions about this has been the role of immediate family member. My son is an adult, has a family, but I wonder if you would also address should Council really look at the role of immediate family members as a conflict of interest. I know that is what the current law is, but I'm just really concerned that this reached an employee and an adult child.

Mr. Hagemann said I would provide two responses; certainly, it is in your prerogative of a body in seeking legislative change. If the body believes the law should be something other than what I described, you are well within your rights to pursue as a body or individually legislative change. The second point I will make is there are things that you do have discretion with and that has to do with disclosure for example. You have an ethics policy; your ethics policy can't contradict or trump state law, but you can do things with your ethics policy and in fact this body has. Several years ago, you all will recall that the Council amended the ethics policy by including a disclosure form, a statement of economic interest. It is sunshine; it is disclosure not prohibition on conduct or action and there are required disclosures that each of you are required to file with the City Clerk annually by the end of January regarding ownership interest that you or covered individuals have in areas such as stock and real estate, involvement in interest in corporations. There are a whole host of disclosures; I will remind you that the form requires you to disclose that information regarding yourself as well as it reads, your spouse, minor children and members of your extended family that reside in your household. Extended family includes your or your spouse, spouses adult children, grandchildren, parents, grandparents and siblings and spouses of each of those. Key to your disclosure is that that class of people, that immediate family which parents, grandparents, adult children, the disclosure is only required if they live in your immediate household but that was a decision that the Council made as to how far this should go and that certainly could be revisited.

**Mayor Roberts** said this came up when I was on the County; when you say you have to vote, if you out of abundance of caution, anybody in that extended family doesn't live with you was on a contract, if you wanted to recuse yourself, you are saying you are not allowed to do that either?

Mr. Hagemann said so I have conversations with a number of you over the course of time when you come to me and say this matter on the agenda, do I have a conflict. We talk it through; own financial interest really kind of falls on a continuum. There is a little bit of

subjectivity in that but when we talk about those things, we are usually talking about your own employment and whether or not voting on an action that involves your own employment even if you are not deriving a direct financial benefit it could be you are not on commission. You are salary, and it is not going to affect your pay, and it is not anything you are working on so we have those conversations but the short answer to your question is yes, as I said in the beginning, quoting from the School of Government, North Carolina, the duty to vote State, and I've talked with my colleagues around the State, School of Government and our consensus as to why that is the law is the legislature doesn't want to give you an easy out on difficult political questions.

**Councilmember Fallon** said so why did I excuse myself from that law case? I had no gain from it.

Mr. Hagemann said right, you were actually excused from the meeting. What I said was if you are not excused from a vote; it wasn't an excusal of a vote, it was an excusal from the Closed Session. So, you were excused from the meeting and the way the statute reads if you don't vote and you are present or have not been excused from the meeting your vote counts as a yes.

Ms. Fallon said so, I didn't have to be excused, I could stay. You told me I should be excused.

Mr. Hagemann said I would prefer to have that conversation privately.

Ms. Fallon said that is not an exception; the law is the law. If you are going to hold it one way then you hold it the other way.

**Councilmember Driggs** said I don't want to get in the middle of anything here, but you tell me that on all of the instances where people have recused themselves in the past; we applied this test rigorously? I'm not sure that we have, so I take what you are explaining to us and we got this explained to us during the orientation session and then I looked at subsequent events, I kind of thought well that is not the way it is actually happening, and we had situations where people were concerned about an association they had that didn't rise to the level of what you just described and we voted to recuse them. I don't know whether all of the things you just explained were applied in each of those cases.

Mr. Hagemann said I will be happy to go back and review some of those and take a look at them and see what the distinctions are. Mr. Driggs, I cannot recall in my time having discussions about recusals based on an adult child, a sibling, a parent those things where the conversation that I recall taking place are when the member individually has potentially a direct impact or effect.

Mr. Driggs said I wasn't trying to say anything; I just listened to what you said, and I thought about things that have happened in the past, and I'm not sure it has always happened exactly like that. That is all I'm saying.

**Councilmember Kinsey** said I have recused myself several times, but I made that decision, because I didn't want any perception because a firm that I worked for part time or maybe full time, but I got no money from it, and I talked with Bob, and I've talked with Mac McCarley and they told me the same thing that I didn't have to. I did it, because I felt better doing it.

Mr. Driggs said the point is they didn't tell you that you couldn't.

Ms. Lyles said I have the utmost respect when you are employed by or have something that is a direct relationship or something that causes you to have a personal gain here, and I have the utmost respect for even the question being raised because I always think it is really important to be very clear about these kinds of issues and for me what I wanted to really make clear was that I have no spouse. I have no extended family who live with me, I have no adult children living with me, and I am not employed by any of the companies that are involved in these decisions or these contracts. With that, I say I understand where people may have recused themselves, because there is a benefit from their employment or some



financial connection. In this instance, I just also want to be clear that I did not meet any of those criteria.

Motion was made by Councilmember Mitchell and seconded by Councilmember Kinsey, to approve a contract in the amount of \$3,500,000 with Holder/Edison Foard/Leeper, a Joint Venture, for preconstruction services for the Terminal Lobby Expansion project.

**Councilmember Smith** said I just want to say this vote passed 11-0; I voted for it, and I thought all the contractors that were awarded the contract deserved it. In no way shape or form am I questioning Mr. Leeper’s integrity. He has done a lot for our community and is going to do a lot more for our community with this work. To me this was about judgement, trust and transparency. I think on projects, especially of this size we owe that to our constituents. Again, I voted for this and it would have still passed. I have recused myself in the past on issues that I think there is an appearance of a conflict. One recently on the Chick-Fil-A vote that was very close and to me I did not feel like I should take part in it, I was granted that recusal and it is all a matter of what we can live with. This again to me is judgement, trust, and transparency.

Mayor Roberts said I think we are ready to vote and certain appreciate the conversation and absolutely we want to have every appearance of doing things the right way. Thank you Mr. Hagemann as well.

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

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**PROPERTY TRANSACTIONS**

**ITEM NO. 32: LAND PURCHASE FOR CHARLOTTE-MECKLENBURG POLICE DEPARTMENT UNIVERSITY CITY DIVISION STATION**

**ITEM NO. 33: PURCHASE OF 5516 CENTRAL AVENUE FOR INNOVATION AND TECHNOLOGY STAFF CONSOLIDATION**

**Councilmember Kinsey** said in the interest of time I would like to connect these two items together. The first one is land purchase for Charlotte Mecklenburg Police Department University City Division Station and the other one is the purchase on Central Avenue for 3.89 acre parcel for Innovation and Technology Staff Consolidation. The reason I pulled these, first of all I’m supporting them wholeheartedly, but the reason I pulled them is because I feel like the public should know that we are doing this and how much we are paying the Police Department, \$745,900. It is going to be on North Tryon Street in District 4 and Central Avenue, it is a \$2.4 million purchase, and it is in District 5. I totally support it, and I do think in the future issues like this or these types of things should go on the Business Agenda. We’ve gotten overloaded on the Consent items, and sometimes we don’t pay as much attention to the Consent items as we should, and I think in the future with this kind of outlay it should probably go on the Business Agenda.

Motion was made by Councilmember Kinsey and seconded by Councilmember Mitchell, Item No. 32, to approve the purchase of a 1.83 acre parcel (parcel identification number 049-336-01A located at 8446 North Tryon Street for the amount of \$745,900, and for Item No. 33, to approve the purchase of 3.89 acre parcel with a 36,865 square foot building located at 5516 Central Avenue parcel identification number 103-021-02 for the amount of \$2,400,000.

**Councilmember Driggs** said I will support this, but I did want to note that I had a meeting this afternoon talking about the status of the station that has been proposed in my district for years now and which seems to get overtaken by other projects, and it was explained to me that land costs and the availability of land in my district is a barrier, and I made the point during that meeting that this is a district that contributes 25% of the residential property tax base. If we have to pay more to get a proper police station there it seems appropriate. It goes hand in hand; we get a lot of tax revenue from there because the real estate is

expensive and we should reinvest some of it. I'm just commenting in the context of this that is an ongoing process; I was encouraged by the property manager's description of actions that are being taken, and I will be supporting this. Also, I just wanted to extend the courtesy of the Chamber to our former colleague and State Representative John Autry. John it is good to see you.

**Councilmember Ajmera** said I appreciate Ms. Kinsey to make a motion on behalf of District 5 for Item No. 33. I see many east side leaders here in support of this multi-million dollar investment to District 5 and especially our former Councilmember and our future Councilmember for East Charlotte. This investment will result in multi-million dollars in GDP impact with our investment in purchasing this building, also with construction of this vacant office building, and it will also help businesses along the corridor and further reinforce our commitment to economic development in East Charlotte. As I have been working very closely over the last few months with our Real Estate Department, Tony Korolos to understand the financials of leasing versus buying this building specifically for our Technology Department, being a CPA I was keen on understanding the financials especially the payback period and Mr. Korolos quickly walked me through the numbers and looking at the numbers it is going to take less than five-years payback period so it makes the financial sense. I appreciate Mr. Korolos' efforts with being so intentional in addressing community needs and economic opportunities, promoting community safety and stability along with addressing our employee needs. Last but not least, I would like to thank our CIO Jeff Stovall and congratulate him in being named as the Public Sector CIO of the Year. We look forward to welcoming you on the east side and neighbors are right here to welcome you and your staff to the east side. With this model, I'm looking forward to seeing more private sector investments following our lead and bringing additional investments and technology jobs to East Charlotte because east side is prime.

The vote was taken on the motion and recorded unanimous.

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**POLICY**

**ITEM NO. 9: CITY MANAGER'S REPORT**

**Marcus Jones, City Manager** said we have three awards we would like to hand out tonight during this time period. First I would like to start off with Victoria Johnson and her crew if they will come down. I'm very proud of her team; it is a unique award in that the Solid Waste Association of North America has awarded our great team with the City of Charlotte Solid Waste Services 2017 Innovation Award in Communication, Education, and Marketing. What is amazing about the award is that it is really related to healthy communities' education program where Victoria and her amazing team have worked with 5,000 people and talked about how we eat can help our environment. Thank you so much Victoria.

Second, Alexis Gordon recently received the 2017 Global Services Award for individuals under 40 for exemplifying the Rotary Club's model of service above self both in our local community and globally. Congratulations to Alexis Gordon.

**Mayor Roberts** said I was there at the Rotary event where she was given the award and everyone there knows Alexis and the great work she has done and they were all very complimentary.

Mr. Jones said she is doing an amazing job; thank you Alexis.

Lastly and I guess this is almost automatic; for the 32nd consecutive year, the City has been awarded GFOA's Certificate of Achievement for Excellence in Financial Reporting. I would like to have Randy Harrington and the whole crew come down.

Mayor Roberts said we have great City Employees, absolutely.

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**ITEM NO. 10: AMENDING THE CITY COUNCIL’S RESOLUTION ON BOARDS AND COMMISSIONS**

**Councilmember Smith** said we discussed this briefly upstairs but for the viewing public; we had a referral in July to the Governance and Accountability Committee (GAC) to review Boards and Commission appointment eligibility criteria and whether the criteria we are using for the Citizens’ Review Board should be expanded to other City Boards and Commissions. At the September meeting GAC reviewed appointment eligibility for the City’s 35 Boards and Commissions and discussed other potential options for consideration. During our Dinner Briefing tonight, staff made a brief presentation and walked us through the Committee’s recommended change. The Committee vote 4-0 to recommend this revision to the resolution on Boards and Commissions. I want to thank Councilmembers Mayfield, Vice Chair, Ms. Kinsey, Mr. Lyles and Mr. Phipps, and with that I would like to make a motion to approve the Governance and Accountability Committee’s recommendation.

Motion was made by Councilmember Smith, seconded by Councilmember Mayfield, and carried unanimously to approve the Governance and Accountability Committee’s recommendation and adopt a revised resolution on Boards and Commissions amending the appointment eligibility criteria for the Civil Service Board.

The resolution is recorded in full in Resolution Book 48, at Pages 489-493.

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**BUSINESS**

**ITEM NO. 11; APPOINTMENTS TO KEEP CHARLOTTE BEAUTIFUL**

The following nominees were considered for one appointment for a partial term beginning immediately and ending June 30, 2018:

- Jesse Boyd, nominated by Councilmembers Ajmera, Fallon, and Mitchell
- Tonya Clarkson, nominated by Councilmembers Kinsey and Lyles
- Myra Foster, nominated by Councilmembers Ivory and Mayfield
- Jordan McGee, nominated by Councilmembers Ivory and Mayfield
- Gita Patel, nominated by Councilmembers Ajmera and Mitchell

Results of the ballot were recorded as follows:

- Jesse Boyd, 5 votes – Councilmembers Ajmera, Ivory, Lyles, Mayfield and Mitchell
- Tonya Clarkson, 6 votes – Councilmembers Driggs, Eiselt, Fallon, Kinsey, Phipps, and Smith

Tonya Clarkson was appointed.

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**ITEM NO. 12: MAYOR AND CITY COUNCIL TOPICS**

**Mayor Roberts** said I want to remind folks that after the Mayor and City Council Topics we will adjourn the regular Business Meeting and resuming our recessed Zoning Meeting.

**Councilmember Driggs** said I spent the weekend in New York City, and it is funny how I lived in New York, and I’ve been there often, but since I’ve been on Council, when I go to a City like New York I see all kinds of examples of things to do and not to do. It is like your City Council brain is spinning all the time and the traffic it just boggles the mind. You get outside of New York and there are mile long, so I don’t think I need to tell everybody here this, but that is an example of something we need not to do.

**Councilmember Fallon** said I have to commend Danny Pleasant; there is never ever a day that I asked him to do something whether it was State or City but quietly it got done the next day without any showboating. I have nagged him for years about the Sunset Bridge and kept telling him it is shake, rattle, and roll every time I go over it I think I’m going to end up in the

highway under it. Well for the west and northwest Charlotte that bridge is being repaired and fixed, but within a time we will have a new bridge put in. That is the gift to west Charlotte.

Mayor Roberts said I just want to briefly say that thanks to all the bicycle advocates and organizers for the Biketoberfest that happened yesterday afternoon and also again to CDOT for helping implement some protective bike lanes that are temporary, but we want folks to try those out and let us know how they like them. There are on 5th Street and 6th Street going through uptown, connecting Little Sugar Creek Greenway and Irwin Creek Greenway and Stewart Greenway in there as well. You can ride for a long way on Greenways and use the protective bike lane. Give us feedback at the City website and thank you to Sustain Charlotte for the Biketoberfest and over 500 cyclist enthusiasts are helping us reimagine our City to avoid the traffic that Mr. Driggs was talking about, helping to get more people on bikes in a protected way and also showing how easy it is to get around and connecting our small businesses. It was a great event and Councilmember Eiselt was also there. Thanks to all the organizers and let us know about our bike lanes.

**Councilmember Phipps** said I would like to remind the citizens in northeast Charlotte to be careful in recognizing train safety. We had a couple of accidents recently on the McLain Crossing near UNCC and the Back Creek Crossing, one fatality on McLain Crossing and one near vehicle train collision last week at Back Creek. I don't know if you've gone to any of the CAT's Meetings where they talk about the Blue Line Extension; they have a pamphlet out there that talks about train safety, and you should never try to outrun the train or do things that would impede your car stopping on the tracks and such. It takes about a mile for a train that is really going to come to a stop, so I would just remind citizens to be careful. They had one quote in there that you shouldn't be walking on the tracks, and if you do walk on the tracks assume that a train is coming. I just want to make everybody aware of it, because we had a fatality and a near miss here recently in northeast Charlotte along the Norfolk-Southern Rail corridor.

**Councilmember Smith** said I have a committee referral that may need to go to the Manager and then figure out what Committee; I'm not sure if it will be Economic Development or Transportation and Planning. We read in the newspaper about the closing of Catch on Fish Market over on the Hawthorne Lane Bridge, and I know one of my favorite lunch spots Leo's Deli went out during Phase I years ago, and I don't think we have any sort of strategic plan in place during construction. I ate at 7th Street Deli a lot over at the corner of Hawthorne Lane and 7th Street, and I know they've had some business impact but as Phase II of the Gold Line begins to take on its life in other areas I think there are going to be some serious business disruptions. I know that we had some law firms, Former Mayor Knox was blocked in his law firm for a long time, and I don't know if this would come through Transportation and Planning but I think we do need some sort of strategic plan in place to make sure that we have as little business disruption along the line as possible.

**Marcus Jones, City Manager** said okay.

**Councilmember Mayfield** said I want to take a moment to thank you for a proclamation; I'm not going to read the proclamation right now. We had outreach, the Mayor and I from Rev. [inaudible] who is actually the Advocacy and Resource Manager at Change Choices and the Vice Chair of Re-entry Partners of Mecklenburg County. We will not be having any meetings until late November, but on November 3, 2017, which is a Friday, it has been requested to be designated as re-entry Day, and I think you Mayor for writing that proclamation. A number of the participants and those who really have been working hard around re-entry and helping those that may have had challenges or had any interaction with our judicial system have been working hard and they wanted to be here and sign up but we reached our max number so they weren't able to. I want to make sure that the community knows that on Friday, November 3, 2017 at 5:30 p.m. there will be a rally at Marshall Park; it is the Re-Entry Day Rally, and thanks to our Mayor we do have the letter of Proclamation for that rally. This rally is to bring attention to the needs of the people with criminal records here in Mecklenburg County, and they also wanted to insure that I publicly thank you for the past efforts you have had for our diverse community, and I want to thank the members of this Council since some will be leaving that were a part of the original conversation in 2013, when we past Ban the Box. We took that step to show the community how important we as government felt having the opportunity to get on with your life and be contributing members of society.



I also wanted to note as my colleague traveled this weekend, I had the opportunity to be in Nashville and visit their Chambers, thanks to one of my fellow colleagues there, Nancy VanReece. Their Chambers is a lot different since they have 40 members on their Council. Their Vice Mayor has a much higher title, so they have little computers and they look more like our General Assembly. Even though there are times when we may disagree and we may have deep discussions, I appreciate the fact that we have the opportunity to have that dialogue and come to agreement, because ultimately more often than not we are all on the same page with how we grow the City and the fact that there is a love for the City and for the roles that we have. I wanted to take that moment also to say thank you and how much I appreciate the fact that even though we might not agree all the time we still recognize the importance of doing this work and that we are not a 40-member dais. That would be a mad house.

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**ADJOURNMENT**

Motion was made by Councilmember Driggs, seconded by Councilmember Kinsey, and carried unanimously to adjourn the Business Meeting.

The Business Meeting was adjourned at 8:32 p.m.

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**RECESSED MEETING**

The City Council of the City of Charlotte, North Carolina convened for the conclusion of the October 16, 2017 recessed Zoning Meeting, on Monday, October 23, 2017 at 8:32 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Dimple Ajmera, Ed Driggs, Julie Eiselt, Claire Fallon, Carlenia Ivory, Patsy Kinsey, Vi Lyles, LaWana Mayfield, James Mitchell, Greg Phipps, and Kenny Smith.

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**EXPLANATION OF THE ZONING MEETING PROCESS**

**Mayor Roberts** explained the process and procedures of the recessed Zoning Meeting.

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**INTRODUCTION OF THE ZONING COMMITTEE**

**John Fryday, Chair of the Zoning Committee** introduced the Zoning Committee and said the Zoning Committee will meet on Wednesday, November 1, 2017 at 5:30 p.m. here in the Government Center. At that meeting the Zoning Committee will discuss and make recommendations on the petitions that have public hearings tonight. The public is welcome at that meeting, but this is not a continuation of the public hearing being held tonight. Prior to that meeting you are welcome to contact us to provide input; you can find the contact information on us and information on each petition on the City’s website at [charlotteplanning.org](http://charlotteplanning.org).

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**DEFERRALS**

Motion was made by Councilmember Driggs, seconded by Councilmember Kinsey, and carried unanimously to defer a hearing on Item No. 43, Petition No. 2017-130 by TwentyNine Fifteen Operations, LLC to November 20, 2017.

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## ZONING HEARINGS

**ITEM NO. 40: HEARING ON PETITION NO. 2017-123 BY HARRIS TEETER, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.53 ACRES LOCATED ON THE SOUTH SIDE OF UNIVERSITY CITY BOULEVARD, EAST OF EAST W. T. HARRIS BOULEVARD FROM B-1SCD (BUSINESS SHOPPING CENTER (OLD SHOPPING DISTRICT) TO B-2(CD) (GENERAL BUSINESS, CONDITIONAL).**

**Mayor Roberts** declared the hearing open.

**Tammie Keplinger, Planning** said the property is located in the northeast part of town along University City Boulevard; this is W. T. Harris Boulevard, this is our existing shopping center. The site we are talking about is totally within the confines and the boundaries of that existing shopping center. In terms of the existing zoning the shopping center is zoned B-1SCD, which is an old zoning classification that predates our current zoning ordinance, the shopping center district, and the request is to go to B-2(CD) which is general business conditional. Around the subject property across the street you see most of the University area; the State Employees Credit Union is located on the I-1(CD), office and professional parts in this area, multifamily and single-family residential and then as you move across W. T. Harris Boulevard you have more commercial development.

In terms of the future adopted land use, the Area Plan which is the University City Area Plan which was adopted in 2012 recommends office and retail for this entire strip of development including our subject property. The request before you tonight is for a gasoline station that is associated with an in-line grocery store that is already at the center. The permitted uses are limited to automotive fuel, gasoline center with a maximum of seven fueling stations and 14 pumps and accessory uses and those accessory uses might be vending machines and things of that nature, a small amount of retail. It does allow 250 square foot kiosk, and that would be for attendant's restrooms or some additional retail sales. An alternate use for this site is for surface parking and the alternates are in case the fueling station does not come to fruition, so it could be parking or it could be an express pick-up lane for the in-line grocery store, and if it is then the maximum building square footage would be limited to 2,000. Car washes are prohibited in all case. They have vehicular access to this site by the driveway on University City Boulevard and you can see University City Boulevard here; the traffic pattern for patrons that will use the existing traffic pattern through the center and also an existing signal that is located at W. T. Harris Boulevard and University City Boulevard.

As one of the conditions the petitioner has agreed to add a five-foot sidewalk connection in this location, which is off site from the property to be rezoned. That will enhance the pedestrian connectivity along this area. A couple things I want to mention in terms of why it is important that we don't have driveways for this particular part of development is because it keeps us from having driveway conflicts on University City Boulevard, because everything that is being used is already existing and internal to the site. Also, the Plan recommends a multiuse path along University City Boulevard, so it will avoid vehicular conflicts with the pedestrian path and also promote that pedestrian path through that additional connection that the petitioner had agreed to commit to.

These are the elevations for the proposed gas station, and you see the grocery store name on that. Staff is recommending approval of this petition upon the resolution of the outstanding issues, and in my presentation I went over the rationale that staff had for this approval. We do have outstanding issue that we feel will be addressed by the time this comes back to you for a decision.

**John Carmichael, 202 North Tryon Street** said I'm here tonight on behalf of Harris Teeter. Garret [inaudible] of Harris Teeter is with us, as are Steve Blakely and Maggie Jones of Kimley Horne should you have any questions. Tammie did a wonderful job going over the site plan; I just want to point a few things. The kiosk building would only be 250 square feet, and the only access that patrons would have to the interior portions of that building would be the restrooms. It is not a convenience store although there would be accessory snacks and drinks sold through vending machines and there will be an attendant there from 6:00 a.m. to 10:00 p.m. and the attendant would have an office in that kiosk. The columns for the canopy would have brick veneer as would the kiosk and the brick would match the existing Harris Teeter store in the shopping center. The pumps would be stainless steel and would be

located on tile islands. There would be a 360 degree security camera system in place, so it would be a secure facility, and it would be well lit. I will tell you that we did have a community meeting and only had three attendees, but the attendees lived in the residential part to the rear of our site and the proposal was well received and some of the comments they made where they felt like this would actually improve security in the shopping center. We are happy to answer any questions you may have and Harris Teeter is hopeful to get your support and this is an important business opportunity for them, and they are pursuing this throughout their stores in the Carolinas and beyond.

**Councilmember Phipps** said I know the proposal talks to up to seven stations and 14 pumps; have we reached a final decision on how many actual pumps and stations we are going to have?

Mr. Carmichael said as currently planned I believe there are five pumps and ten fueling stations. I think that was to give them a little bit of expansion area.

Mr. Phipps said I was also curious as to the trip generation that was computed and I know this is part of a complex that is already there and the grocery store is already there so how did you come up with these many trips. It seems like to me a lot of trips would be internal to the site. If somebody is going to Harris Teeter they say well since I'm here I might as well get some gas. I was curious how you go from zero, because there is nothing there but parking, to almost 2,300 trips.

**Steve Blakely, 200 South Tryon Street** said I'm with Kimley Horne, and these trips are the one that were calculated by CDOT using ITE the standard trip generation rate through the Transportation Engineers. We have done some studies as you are indicating that has looked at other facilities where there is a primary use associated with fuel just like this and the internal capture, you are exactly right, is around the 40% range so extremely higher, because patrons and the customers are already there buying groceries that takes trips off the road without having to go to another fueling center to get their car filled up.

Ms. Phipps said this will not have the same characteristics like a Costco where you would be able to get gas, you have to use Costco, so anybody can use this facility right?

Mr. Blakely said correct, yes sir. There are incentives like using the VIC Card.

Mr. Phipps said the elevations that you showed, are they the final elevations or are you still working with other parties to come up with more unique design?

Mr. Carmichael said these are the elevations that are pretty standard for the Harris Teeter Fuel Center and these are the ones that are part of the conditional rezoning plan. As I understand it they are the final elevations as we are here tonight.

Mr. Phipps said I was under the impression there was still some negotiation going on the actual aesthetics of the facility as presented.

Mr. Carmichael said we are working on some screening along University City Boulevard; we are certainly doing that.

**Councilmember Kinsey** said I don't know Harris Teeter is coming too; for my Harris Teeter, I can guarantee you I will not shop at a Harris Teeter that has a fuel center, and thank Heavens my Central Avenue Store doesn't have room for a gas station. I would certainly support this, but I will never go there. I'm not going to shop at a Harris Teeter where they have one of those; Harris Teeter is a grocery store.

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

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**ITEM NO. 41: HEARING ON PETITION NO. 2017-124 BY STOCKBRIDGE 77 CORPORATE PARK, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.77**

**ACRES LOCATED OFF SAINT VARDELL LANE, NORTH OF CLANTON ROAD, EAST OF I-77 FROM B-D (DISTRIBUTIVE BUSINESS) TO B-2(CD) (GENERAL BUSINESS, CONDITIONAL).**

**Mayor Roberts** declared the hearing open.

**Tammie Keplinger, Planning** said this property is located on the east side of I-77 north side of Clanton Road at Saint Vardell Lane. The property is shown in yellow, and it is an existing building with an existing parking. In terms of the existing zoning, you see the gray area that is shown; this is all distributive business zoning with one little place of B-1 zoning. The request is to go from BD which is distributive business to B-2 general business conditional. Across the interstate we have retail with residential behind it, industrial and then across Clanton Road we have additional retail. To the north of the site we have MUDD-O zoning.

This property is located in the South End Business Park, and the future land use plan calls for office and industrial warehouse distribution uses for this site, as well as the rest of the site within this center. The request is for the reuse of approximately 32,000 square foot building and its parking. There are to be no expansions associated with this rezoning. The property is in an existing business park; they have proposed to have uses such as indoor recreation, wholesale business, governmental buildings, and clinics, uses that are complimentary with other uses within the business park. They have agreed to prohibit uses that are not complimentary to other uses in the business park such as retail, eating, drinking and entertainment establishments, automotive type uses and it also prohibits residential uses. Staff is recommending approval of this petition upon the resolution of outstanding issues related to site design. The rationale for the staff recommendation, I actually went through as I presented the petition, and I will be happy to answer any questions.

**John Carmichael, 101 North Tryon Street** said as Ms. Keplinger said the existing building would remain in place; there will be no expansions. The whole purpose of this rezoning is to allow a martial arts studio that has been in business for over 20-years to locate in about a 7,000 square foot portion of this building. There is no intension to have uses that are note compatible with the existing uses. I was just looking at the Plan and we've got 34 prohibited uses under this rezoning in the B-2 District so it would be consistent with what is out there but here again the whole point was to allow an existing business that has been in our community for years to locate in this facility.

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

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**ITEM NO. 42: HEARING ON PETITION NO. 2017-125 BY EASTGROUP PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 24.23 ACRES LOCATED ON THE WEST SIDE OF SANDY PORTER ROAD, NORTH OF I-485 FROM R-3 AIR (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) AND I-1 (CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY) TO I-1 (CD) AIR (LIGHT INDUSTRIAL, AIRPORT NOISE OVERLAY) AND I-1 (CD) SPA AIR (LIGHT INDUSTRIAL, CONDITIONAL, SITE PLAN AMENDMENT, AIRPORT NOISE OVERLAY).**

**Mayor Robert** declared the hearing open.

**Tammie Keplinger, Planning** said this property is located off of I-485, which is shown here, and it is actually to the north between Gable Road and Sandy Porter Road. Just as a point of reference the Charlotte Premium Outlets are located a little off the map, but you can see the corner of the building. This request is to rezone from R-3, which is this little portion of the property and I-1(CD), all within the Airport Noise Overlay to I-1(CD) all with the Airport Noise Overlay. The future land use map shows the major portion of the property as industrial, and this is the result of the 2016 rezoning. At the time the property was rezoned the developer did not have control of this parcel of land which is currently zoned R-3. It is an existing legally non-conforming body shop that is on that property, which they have gained control of, and they are requesting that it be rezoned with the remaining portion of the property.



The rezoning proposes a little bit more than 250,000 square feet of buildings, Building One and Building Two. It prohibits a number of uses including vehicle rentals, service stations, repair garages, and ED banks. They commit to a maximum of 10% that may be devoted to office use in either Building One or Two. The height is limited to 45-feet; they provide streetscape and a 12-foot wide asphalt multiuse path along Sandy Porter Road. They are contributing \$25,000 to future plan improvements along Sandy Porter Road. The site plan actually provides architectural commitments regarding the character style and coloring for both of the buildings as well as transparency restrictions for the Building One that faces along Sandy Porter Road. This development is actually another phase of the development that we have seen all around this, which is back along Gable Road. We have had several rezonings back in here. The building materials commitments are to keep it similar with the rest of these properties consistent with the notes on those rezonings. There are buffers along with this petition, 50-feet to the north, 50-feet to the south, and 37.5 across the street from the residential properties on Sandy Porter Road. Also they provide limitations on the construction access and construction hours.

Staff is recommending approval of this petition upon the resolution of the outstanding issues. The Airport Noise Overlay says that this property is not conducive for residential development; the majority of the site is consistent with the Area Plan recommendation for office, warehouse distribution. The one little site that was previously zoned residential and has the non-conforming use on it is also appropriate for office uses although the adopted plan did recognize the existing use. This rezoning will expand the Industrial Park in an area where it is compatible and with uses that are compatible.

**John Carmichael, 101 North Tryon Street** said with me tonight are Nick Jones with the Petitioner and Gregg Welch with Oak Engineering. Ms. Keplinger did a really good job going through the plan, but I think essentially and one of the important things to note that as she indicated this property here, the site is this I-1(CD) portion, and this R-3 portion, 22 acres of the 24 acres was rezoned to I-1(CD) back in 2016 to accommodate Phase 4 of Steele Creek Commerce Park. Part of that 2016 petition was Phase 3 of Steele Creek Commerce Park and as Ms. Keplinger said the petitioner did not own this 2-acre portion. There was a non-conforming automotive repair shop on the R-3 portion of the site for years and once again the petitioner now has control and in fact has acquired that 2-acre site. The purpose of the rezoning is to amend the approved plan for the 22-acre portion of the site and rezone the R-3 2-acre site to I-1(CD) to incorporate the 2 acres into Steele Creek Commerce Park and to allow the development of up to two buildings on the reconfigured site. The two buildings could contain up to 255,570 square feet of office, warehouse, and distribution uses. The buildings would be consistent with other phases of Steele Creek Commerce Park; this is an existing building in Steele Creek Commerce Park, and the petitioner is providing C-DOT with \$25,000 towards street improvements on Sandy Porter Road.

Thank you for us allowing us to have these three hearings tonight rather than making us wait until the next Zoning Meeting. It is really important from a timing perspective, particularly for the martial arts studio operators. That is greatly appreciated.

**Councilmember Mayfield** said can we go back to the slide where it is shows where we are looking at improvements and how will the trucks and employees be entering and existing the new building?

Mr. Carmichael said this is Steele Creek Commerce Park; this is a church and these are other industrial uses that are not part of Steele Creek Commerce Park. These are the two buildings that are proposed pursuant to this petition. Vehicles would enter the site from Sandy Porter Road, and this would be the truck court back here and automotive parking would be here and here. This is where employees would park, and the trucks would be here so the truck court would be screened to the rear and to the front so you would not see the truck court from Sandy Porter Road. The front of the building that faces Sandy Porter Road; this is where the transparency commitments as Ms. Keplinger mentioned, but there is one entrance from Sandy Porter Road.

Ms. Mayfield said just for clarification, Tammie you can help me with this one; the St. Joseph Vietnamese Catholic Church is still there and the church is still active.

Mr. Carmichael said yes, it is still there.

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Ms. Mayfield said what I'm concerned about is that we definitely need more industrial, but I'm concerned about the fact that we are blocking in the church. As we are continuing to do this development, when you look at that buffer and how close it is to the church if the church were to expand, are we creating a situation where the church is going to end up having to relocate because have surrounded it with industrial. I know we didn't have the community show up at the meeting but have you had any conversations or has your client had any conversations with the church to see of their concerns if any?

Mr. Carmichael said I'm not aware of any conversations; they were invited to the neighborhood meeting, and as you know Ms. Mayfield we've had many rezonings out here and community meetings, and there may have been one meeting where an individual from the church came. We've had four rezonings out here, and typically there has been very little attendance. We are providing the buffers that are required on our site. I personally have not had any conversations with them.

Ms. Mayfield said Tammie; your office can help me with this by giving me the contact information for the St. Joseph Vietnamese Church or maybe from the City Clerk's Office where we reach out to the community. I think we need to do at least one specific call out to the church to make sure. The other developments have been pretty much on the back side and off to the east of it, so I want to make sure that this isn't going to cause a challenge. We can just talk to them and since we are still early in the hearing process that should help.

Mr. Carmichael said what has really happened here is the incorporation of the two acres and an additional building. There is one building approved now, and there is a bump in square footage from what is currently approved. It is about a 90,000 square foot bump that is being requested, because you have the additional two acres. It is not an office use as you know; you've been to the Park.

**Councilmember Mitchell** said Mr. Carmichael, what high school did you graduate from?

Mr. Carmichael said West Charlotte High School.


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

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**ADJOURNMENT**

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 9:00 p.m.

  
Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 50 Minutes  
Minutes Completed: November 2, 2017