

DINNER BRIEFING

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, December 17, 2012, at 5:01 p.m. in Room CH-14 of the Charlotte-Mecklenburg Government Center with Mayor Foxx presiding. Councilmembers present were: John Autry; Michael Barnes; Patrick Cannon; Warren Cooksey; Andy Dulin; Claire Fallon; Patsy Kinsey; LaWana Mayfield; James Mitchell and Beth Pickering.

Absent: Councilmember Howard

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Tammie Keplinger, Planning, reviewed the public hearings, decisions and deferrals on the agenda and responded to questions. Planning Director, Debra Campbell, reviewed the area plan status and text amendment update.

The briefing was recessed at 5:51 p.m. for the Council to move to the Council Chambers for the Zoning Meeting.

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ZONING MEETING

The City Council reconvened at 6:04 p.m. in the Council Meeting Chambers of the Charlotte-Mecklenburg Government Center with Mayor Foxx presiding. John Autry; Michael Barnes; Patrick Cannon; Warren Cooksey; Andy Dulin; Claire Fallon; Patsy Kinsey; LaWana Mayfield; James Mitchell and Beth Pickering.

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INVOCATION AND PLEDGE

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

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EXPLANATION OF ZONING MEETING

Mayor Foxx explained the Zoning process and introduced the Chair of the Zoning and Planning Commissions, Ms. Yolanda Johnson. Ms. Johnson introduced her Committee members and explained the Zoning process.

Ms. Johnson said the Zoning Committee will meet Wednesday, January 9th at 4:30 here at the Government Center. At that meeting the Zoning Committee will meet to discuss and make recommendations on the petitions that have public hearings tonight. The public is welcomed at that meeting but please note it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting you are welcome to contact us to provide input. You may find our contact information and information on each petition on the City's website at charlotteplanning.org.

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DEFERRALS

Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, and carried unanimously to defer Item No. 5, Petition No. 2012-087 and Item No. 15, Petition No. 2012-090, for one month.
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HISTORIC LANDMARKS

ITEM NO. 1: A PUBLIC HEARING TO CONSIDER HISTORIC LANDMARK DESIGNATION OF THE PROPERTY KNOWN AS THE "PAUL AND WILKIE BEATTY HOUSE" INCLUDING THE INTERIOR AND EXTERIOR OF THE HOUSE, AND THE PARCEL OF LAND LISTED UNDER TAX PARCEL NUMBER 07321815 LOCATED AT 215 SOUTH IRWIN AVENUE, CHARLOTTE, NORTH CAROLINA.

The scheduled public Hearing was held on the subject property.
djw

Real Estate Coordinator, Stewart Gray said thank you I can make a brief summary of the significance of the property and then answer questions you may have about the historic property. The Paul and Wilkie Beatty house is located in Third Ward. It is a well preserved example of a vernacular interpretation of the prairie style four square plan house. Never common, this house type is now rare in all of Charlotte's historic neighborhoods especially in the City's historic urban core. The Paul and Wilkie Beatty house is a reminder of the earlier 20th Century residential nature of Charlotte's urban core and it helps demonstrates the social, economic, diversity that once existed in neighborhoods like Woodlawn which is unlike much of the residential development in Charlotte. The house is also an important surviving element of the Woodlawn neighborhood and the early street car suburb.

Allen Brooks, 2021 Euclid Avenue, 28203 said I'm signed up to speak for all three of the properties that are slated for consideration of designation and with the three minutes allotted if I may I'd like to combine them all in just the beginning and speak for all three collectively.

Mayor Foxx said is there a problem with that City Attorney?

City Attorney, Terrie Hagler-Gray said no sir.

Mayor Foxx said okay are you going to do that within three minutes?

Mr. Brooks said no but if you add them all up it will be less than the nine.

City Attorney, Terrie Hagler-Gray said then that is a problem.

Mayor Foxx said I think it is a problem for our legal purposes so we can break it up.

Mr. Brooks said okay I've kind of got my presentation geared toward reflective on all three that support the preservation or the designation of all three kind of story wise, but okay I'll just start off. I appreciate the opportunity to speak about the historic fabric in Charlotte and these three Third Ward properties seeking designation. I am Allen Brooks of 2021 Euclid Avenue, Charlotte and the property is also known as the historic Bell Helms house circa 1899 designated by City Council in the year 2000. As a past two term Commissioner for the Charlotte Mecklenburg Historic Landmarks Commission; and also for the Charlotte Historic District Commission as a City County appointee, I'm well aware of the factors of what must be considered for designation. There are three important factors I would like for you to consider. No residential structures have landmark designation in Charlotte's Third Ward. Secondly, there is and will be great economic pressure for intense development in the inner city; thirdly, even if these houses were to become within a local or historic or conservation district, it will not ensure their future architectural integrity or indiscriminate alterations to the interior. Having practice architecture for many years and numerous properties in our inner city neighborhoods many houses of the relative size and scale of these three proposed properties for designation, I as an architect for similar properties, have implemented designs that have substantially altered the square footage size and plan with modern kitchens, open to large dens, master suites addition second floor. So these alterations according to their client's desires have been for the historic districts and even approval for the state's Historic Preservation Office for Tax Credits. The important thing to remember is local historic landmark designation can provide that special ability to obtain the essence of such properties with building scale and mass in uniquely for the interior of the house. Even within the private citizen real estate market. It's important to distinguish these three properties because of their integrity.

In comparison to other designated landmarks these houses are more modest in plan and design execution and they have a front, formal parlor, service floor kitchens, modest bathrooms and baths. They are not grand tram posing or unique or magnificent but they are representative of every man's house that evoke the imagery of the time and lifestyle in the aspiring middle class of the third ward of a past era that disappears more with every successive generation. Personally myself and I will be entering my own historic designation.

Mayor Foxx said thank you very much, alright with that any questions, is there a motion to close?

Motion was made by Councilmember Mitchell to close the public hearing.
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Councilmember Barnes said I appreciate Mr. Brooks speaking to these items. I tell you Mr. Brooks I understand what you're saying with respect to the first house, the second two I don't quite appreciate in the same way because to some extent at least this third one certainly, you know they come a dime a dozen in certain areas of the city. And so perhaps my thinking may change on the second two but I doubt it. But I do appreciate your being here.

Mayor Foxx said Motion has been made but it has not been second.

Motion was seconded by Councilmember Cannon and carried unanimously to close the public hearing.

ITEM NO. 2: A PUBLIC HEARING TO CONSIDER HISTORIC LANDMARK DESIGNATION OF THE PROPERTY KNOWN AS THE "STRATTON HOUSE" INCLUDING THE INTERIOR AND EXTERIOR OF THE HOUSE, AND THE PARCELS OF LAND LISTED UNDER TAX PARCEL NUMBERS 07321325, 07321326, AND 07321327 LOCATED AT 911 WEST FOURTH STREET EXTENSION, CHARLOTTE, NORTH CAROLINA.

The scheduled public Hearing was held on the subject property.

Real Estate Coordinator, Stewart Gray said the Stratton House helps maintain the Historic residential character of Charlotte's Third Ward in representing the Apex of Center City, upper middle class residential construction in the early 20th Century. In fact the Stratton House may be the last true upper middle class home to have been built in Third Ward. The Stratton House was designed by Charlotte Architect, William Peeps and is the only Peeps designed residential structure still extant in the center city. I will add one more note about the Stratton House. It may be one of the last if not the last architect design residence to remain the center city. And that's just a reflection of how drastically the built environment has changed in uptown and the surrounding neighborhoods.

Allen Brooks, 2021 Euclid Avenue, 28203 said I've all but entered my own designated historic house, much a Dilworth yeoman's house, and the same thing as the other three houses preservation designation. Everyone is very appreciate of the commitment made to honor and keep a local historic landmark that depicts our historic past and I think all of these three properties exhibit those factors. Furthermore the designation assures the preservation not only of the property, but moreover a greater influence in the neighborhood and the City at large. The three houses also are relatively similar in scale but inherently different, but are really good examples for the Third Ward neighborhood. The Woodlawn Bungalow which was the last one that will come up, well I will talk about the Beatty House first in circa 1911, it has been painstakingly restored, the interior of the woodwork; interior finish is panel doors and multiple fireplaces. When one walks into this house you get a sense of walking in the past. And that's very important because in renovations that can occur in houses without interior designation lose all of that. It has a fine example of the dining room and a smaller kitchen, all in wood with wooden doors and it's just very important to protect that. And mentioning about the Stratton House, in contrast it's a tutor style house but it has a different floor plan of a different era that depicts a different lifestyle; sort of progressing toward more modern, and the contrast is important as is the similarities.

Councilmember Kinsey said I do have a question, I can't find the year that this house was built. I may just have missed it.

Mr. Gray said 1931.

Ms. Kinsey said well I'm struggling a little bit with this because there are other houses around the City that resemble this but I don't know whether or not they were designed by Williams Peeps. But having lived in an English Tudor for many years I'm pretty familiar with it. I am going to go ahead and support it because it was designed by Mr. Peeps but also because it was built for a business family here in Charlotte that have made contributions to the businesses here in Charlotte. I'm going to support it but I am concerned that we don't continue to designate houses or properties that are not totally unique. But I'm stretching for this but I'm going to do it, however I will not be supporting the next one I do believe there are many of those around Charlotte. It is a charming bungalow. It's very charming, but I believe that we have a number of them here in Charlotte and I'm not comfortable supporting that.

Motion was made by Councilmember Mitchell seconded by Councilmember Mayfield to close the public hearing.

A vote was taken on the Motion and was recorded as follows:

YEAS: Councilmembers Autry; Barnes; Cannon; Cooksey; Fallon; Kinsey; Mayfield; Mitchell and Pickering.

NAYS: Councilmember Dulin

ITEM NO. 3: A PUBLIC HEARING TO CONSIDER HISTORIC LANDMARK DESIGNATION OF THE PROPERTY KNOWN AS THE “WOODLAWN BUNGALOW” INCLUDING THE INTERIOR AND EXTERIOR OF THE HOUSE, AND THE PARCEL OF LAND LISTED UNDER TAX PARCEL NUMBER 07321513 LOCATED AT 1015 WEST FOURTH STREET, CHARLOTTE, NORTH CAROLINA.

The scheduled public Hearing was held on the subject property.

Real Estate Coordinator, Stewart Gray said the Woodlawn Bungalow is a remarkably well preserved example of a craftsman style bungalow. Typical of the house type that was constructed for middle class residents of Charlotte in the City’s urban core for a brief period of time in the early 1900’s. The Woodlawn Bungalow likely contains the most complete and best preserved craftsman style bungalow interior in the City of Charlotte. The Woodlawn Bungalow is an important element of the Woodlawn neighborhood an early street car suburb and is an important reminder of the early 20th Century residential nature of Charlotte’s urban core. I will add that there are many bungalows that have survived in Charlotte. Bungalows were a popular building style during our period of growth in the early 20th century so many neighborhoods were populated with bungalows. This bungalow however is significant and is special. We’ve looked at many of these bungalows and this one truly appears to have the best preserved interior that the folks at the Commission have seen. It’s basically unaltered from when it was built. So that is unusual, it’s extremely rare and it does and staff, and in the Commission’s opinion does elevate this property to a level of Special Significance and Special Significance is what is required by State Law for a body to designate a property as a historic landmark. So I just wanted to clarify that. I also will add that this property and the reports for the other two properties all did receive a positive letter from the State of Historic Preservation Office. Thank you very much.

Allen Brooks, 2021 Euclid Avenue, 28203 said adding further to that, this structure possesses all of the interior spaces as they were originally designed it is virtually the house that it was that was built over 100 years ago with the original sinks of the period, light fixtures, the doors, the moldings, the interior china cabinet. The plate rail in the dining room and it even has the Mother of Pearl push button light switches. So again it’s very authentic and very important to preserve something that is so intact and evokes such an imagery of a lifestyle that has gone and past. And I think this one house really does that.

Councilmember Dulin said our write-up has a really big new wooden porch on the back of this house. Doesn’t that knock some of the historic off of it?

Mr. Gray said the way we would look at that is we have to pragmatic. This is a community center house, basically no one is going to live there, it’s going to be a center for the community gather and meet. I believe there are accessible issues about getting wheelchairs into the property. We did talk to the owners of the property when they were proposing the changes and found that that would be appropriate, that would be something we would approve. If this property were already designated and they came to us for a certificate of appropriateness that rear deck would have been appropriate.

Councilmember Kinsey said I just want to make it clear that this is a hearing, so it’s not a final decision, correct.

Mayor Foxx said that’s correct.

Councilmember Barnes said I want to ask you a question, regarding the exterior of the building is the trim and the siding all original?

Mr. Gray said the trimming and the siding are all original on this house. Certain boards may have been replaced which is typical but we cannot detect that there have been any material alterations to the exterior, except for the rear porch.

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

Mr. Dulin said Mayor I voted “no” on the second house to not close the public hearing. It passed against my “no” vote is there a chance that we can go back and make that unanimous to close?

Mayor Foxx said Madam Parliamentarian using my discretion as chair I will allow Mr. Dulin to change his vote.

Attorney Terrie Hagler-Gray said sure I think if you want to re-vote usually someone from the prevailing side makes the motion.

Motion was made by Councilmember Mitchell seconded by Councilmember Cannon and carried unanimously to reopen Item No. 2.

Motion was made by Councilmember Cooksey seconded by Councilmember Barnes and carried unanimously to close Item No. 2.

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DECISIONS

ITEM NO. 4: ORDINANCE NO. 5014-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 18.8 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF JOHNSTON ROAD AND MARVIN ROAD FROM R-3 TO UR-2(CD).

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the South District Plan but to be reasonable and in the public interest.

Motion was made by Councilmember Cooksey seconded by Councilmember Barnes to approve the Statement of Consistency and Petition No. 2012-085 for the above rezoning by Childress Klein Properties as modified and as recommended by the Zoning Committee.

Councilmember Pickering said I struggled with this petition as my district representative knows and it's no surprise. I'm familiar with the area, I live in the area. My concern of course is the number of apartments going in we just recently approved another petition right around the corner on Lancaster so I appreciate what Childress Klein has done with both the traffic improvements so much and with the Greenway. I only wish that we can get the traffic improvements without the 281 apartments, nothing personal. So I'm not going to be able to support this tonight but I do want to acknowledge their hard work and they've done a fine job. You understand, thank you.

A vote was taken on the Motion and was recorded as follows:
YEAS: Councilmember Autry; Barnes; Cannon; Cooksey; Dulin; Fallon; Kinsey; Mayfield, and Mitchell.
NAYS: Councilmember Pickering

The modifications are:

1. Addressed CDOT comments as follows:
 - a. The proposed right-of-way on Marvin Road accommodates a future five-foot bike lane, an eight-foot planting strip and a six-foot sidewalk.
 - b. Provided a note committing to the dedication of additional right-of-way necessary to accommodate the required planting strip and sidewalk on Marvin Road.
 - c. Added a prefix to the "Transportation" Section that states "All described transportation improvements below shall be implemented prior to the issuance of the site's first building certificate of occupancy."
 - d. Provided a 150-foot long painted median on Marvin Road between the site's proposed private street connection and Donnington Drive.
 - e. Included a typical cross-section along with a schematic drawing depicting the proposed road improvements on Marvin Road, which include the existing and future right-of-way, Johnston Road's edge of shoulder, Marvin Road's proposed back-of-curb, future travel/turning and bike lanes, painted medians, proposed building setback lines, and proposed curb and gutter.
 - f. Amended Note D under the heading of "Transportation" to state "the petitioner shall construct a southbound directional crossover with a minimum of 150 feet of storage on Johnston Road to provide left-over access to the Site's access point to Johnston Road".
2. Tree save areas have been shown and labeled.
3. Garage building along Lancaster Highway has been relocated out of the setback.
4. Sidewalk along Lancaster Highway has been shown and labeled.

5. Label the proposed private street on Sheet RZ-2 and specify under the heading of "Transportation" on Sheet RZ-3. Staff has rescinded this request.
6. Specify layout of parking abutting the private street as per the following note: "Required sidewalk width along the private street varies depending upon parking configuration." Staff has rescinded this request.
7. Increase the width of the planting strip along the private street to a minimum eight feet if the planting strip is required for parking per the Tree Ordinance. Staff has rescinded this request.
8. Labeled buildings on Sheet RZ-2 to correspond with elevations and building types shown on Sheet RZ-4.
9. Specified fence type as a precast concrete wall with stone finish and provided an elevation of the fence.
10. Indicated on Sheet RZ-3 that the amenity area shall include a swimming pool, seating areas, and landscaping.
11. Amend the Residential Section on Sheet RZ-2 to include the width of the sidewalk and planting strip. Staff has rescinded this request.
12. Specified maximum building height as a maximum of 75 feet and four stories on Sheet RZ-3 under heading of Development Standards.
13. Labeled height of buildings in feet and stories on Sheet RZ-4.
14. Added note that the 10-foot asphalt greenway trail between Marvin Road and the greenway dedication area will be built, owned, maintained and controlled privately and the trail will be built to the Mecklenburg County Park and Recreation greenway trail standards.
15. Correctly labeled the 14-foot setback along U. S. Highway 521 from "existing right-of-way" instead of from the existing edge of pavement.
16. Amended Note 2b under the heading of "Transportation" to specify that a partial traffic signal will be installed at the intersection of Johnston Road and Marvin Road, which provides signaling for phasing to allow protected and permitted turning movements for southbound left turns from Johnston Road and northbound right turns from Marvin Road.
17. Added Note 3e under heading of "Architectural Standards" to add that for buildings to be constructed within the area currently designated as tax parcel 223-531-06, second and third floor units that face tax parcel 223-531-08 shall incorporate sunrooms in lieu of balconies.
18. Added Note 4b under heading of "Streetscape and Landscaping" to state that abutting tax parcel 223-531-08 and extending south to the northern boundary of the new public street extending from Johnston Road to tax parcel 223-531-09 the petitioner shall install and maintain Chesapeake Holly trees and Japanese Cedars planted twelve feet on center. Such trees shall measure at least six feet in height at the time of installation. Provided an illustration of the buffer plan.
19. Deleted reference to planting strip and sidewalk along a proposed private street.
20. Combined two buildings along U. S. Highway 521.
21. Added Note 2l under the heading of "Transportation" to provide two options for a pedestrian connection from the southern boundary of the new public street connection to Johnston Road to the existing sidewalk on tax parcel 223-531-03. Note specifies that approval of this connection as well as any requirements for signage, lighting, maintenance and confirmation of appropriate easements will be handled through the subdivision review process. Depending on the option chosen, a deadline for installation and a time frame for maintenance have been included.
22. Decreased the maximum height of detached lighting from 25 feet to 20 feet.

The Ordinance is recorded in full in Ordinance Book 58, at Page(s) 7-8.

ITEM NO. 6: ORDINANCE NO. 5015-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 20.0 ACRES LOCATED ON THE NORTH SIDE OF GARRON POINT DRIVE BETWEEN MT HOLLY-HUNTERSVILLE ROAD AND POINTER RIDGE DRIVE FROM MX-2 LWCA, LWPA TO R-12MF(CD) LWCA, LWPA.

Mayor Foxx said the Zoning Committee found the petition to be consistent with the Northwest District Plan and to be reasonable and in the public interest.

Tammie Keplinger, Planning Manager, Rezoning Section said this item is protested. We do have some of the names removed but it is still sufficient under the Council Policy this item would automatically be deferred to your next business meeting or meeting where there is a full Council unless the petitioner requests a decision tonight. As of late this afternoon, the petitioner is requesting a decision.

Motion was made by Councilmember Mitchell seconded by Councilmember Cannon and carried unanimously to approve the Statement of Consistency and Petition No. 2012-091 for the above rezoning by Anthony W. Packer as modified and as recommended by the Zoning Committee.

The modification is:

1. Modified the tree preservation calculations under the "Site Information" table to indicate the development will comply with the minimum 15 percent tree save requirements.

The Ordinance is recorded in full in Ordinance Book 58, at Page(s) 9-10.

ITEM NO. 7: ORDINANCE NO. 5016-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.93 ACRES LOCATED ON THE EAST SIDE AND WEST SIDE OF EASTWAY DRIVE BETWEEN SPRINGWAY DRIVE AND HILLARD DRIVE FROM R-17MF TO O-1(CD).

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the Eastland Area Plan but to be reasonable and in the public interest.

Motion was made by Councilmember Kinsey seconded by Councilmember Mayfield and carried unanimously to approve the Statement of Consistency and Petition No. 2012-092 for the above rezoning by the NASR N. Basily as modified and as recommended by the Zoning Committee.

The modifications are:

1. The transitional setback has been removed from the site plan.
2. The required 10' buffer has been provided along new zoning lines as indicated for lot associated with the address 1634 Eastway Drive.
3. The petitioner has added a note to the site plan stating that the proposed driveway to serve 1641 Eastway Drive will encroach onto the property located at 1637 Eastway Drive and require an access easement to accommodate its construction.

The Ordinance is recorded in full in Ordinance Book 58, at Page(s) 11-12.

ITEM NO. 8: ORDINANCE NO. 5017-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.41 ACRES LOCATED AT THE INTERSECTION OF COLONY ROAD AND ROXBOROUGH ROAD FROM R-17MF AND MUDD-O TO MUDD-O AND MUDD-O SPA.

Mayor Foxx said the Zoning Committee found the petition to be consistent with the South District Plan and to be reasonable and in the public interest.

Motion was made by Councilmember Cannon seconded by Councilmember Barnes to approve the Statement of Consistency and Petition No. 2012-093 for the above rezoning by the Grubb Properties as modified and as recommended by the Zoning Committee.

Councilmember Fallon said I just don't understand something or I do understand it and it bothers me. Often we have these petitions and they come in and it's supposed to be inconsistent. But we've waiving everything, what's the point of having these things set up if we're going to keep waiving them? If they need to be revised, the plans, then revise them. But it's very hard to sit here and constantly have things brought to us that need to be revised or that have been revised even though they are against the plan. And this is a nice long list.

Mayor Foxx said Ms. Keplinger do you have an answer? I think the question was being proposed to staff let me have the staff respond and then I will come back to you.

Tammie Keplinger, Planning Manager, Rezoning Section said this petition is actually consistent with the South District plan. There is a list of outstanding issues that have been resolved; most of those issues were technical in nature and were not of significance, but they have been resolved.

Ms. Fallon said yeah but we have so many others, there was another one before this one that was inconsistent. Can we get our "ducks in a row" so if we're doing consistent be consistent and if we're doing inconsistent be inconsistent, revise the rules if we have to.

Ms. Keplinger said we look at each individual rezoning case and as I said this one actually is consistent with the South District Plan.

Councilmember Cannon said just as a matter of a Point of Order; I didn't want the general public to think that somehow that this particular petition was inconsistent with the plans for the area when they happen to be. Next time I would just suggest that if we want to call some things to be inconsistent that they be applied to a particular petition that we might be referring too so that we don't send mixed signatures to the general public. I've made a motion and I think it was seconded, Mr. Mayor.

Councilmember Cooksey said just to take a brief teaching moment when the opportunity arises historically over the past 10 years or so it's worth noting that anywhere from 92-95% or so, I see our Planning Director nodding, of the petitions we approve are consistent with adopted plans. We still, however, as Council retain discretion over what we approve because if the plans were to be all and end all we wouldn't vote on any rezonings at all, it would just simply be a staff analysis of whether it was consistent or not and rezonings would happen. The plans are a guideline and 92-95% of the time, depending on the year, that's what we follow. But sometimes a plan will come to us or a petition will come to us that we consider worth adopting even if it is inconsistent with the plan and we retain that discretion.

Councilmember Autry said sometimes it may be labeled as inconsistent with the area plan but the codicil that follows up with that is that they are prudent and in the public interest and bares the public good to approve the plan.

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

The modifications are:

1. Corrected density to reflect 70.92 units per acre.
2. Listed optional request to one detached, ground mounted sign limited to 32 square feet in size and up to four feet in height.
3. Amended Note 2 under heading of General Provisions as follows:
4. Deleted reference to rezoning petition 2004-015;
5. Removed reference to alignment of internal streets;
6. Noted that buildings will be constructed in a manner similar to the schematic elevations provided on Sheet RZ-3;
7. Deleted reference to an optional provision from previous petition 2004-015.
8. Amended Note 4C under the heading of "Permitted Uses" to add business centers as an accessory use to the residential development.
9. Amended Note 5B under the heading of "Transportation" to reference Site Plan instead of Schematic Plan.
10. Changed to notes under the heading of "Architectural Standards" as follows:
11. Removed reference to "mixed use portion of the site" under Note 6C.
12. Amended Note D to state that the petitioner agrees not to install any rooftop mounted heating, ventilation or air conditioning equipment unless such equipment is completely screened on all four sides and a sloped roof structure on top of the screening walls.
13. Added Note E, which indicates that, in order to reduce the number of rooftop mechanical units, the petitioner agrees to install packaged terminal air conditioner systems in each of the residential units unless installation is not practically feasible given the design and layout of a particular unit, in which case a split heating, ventilation and air conditioning system may be used for such unit; provided, however, in no event shall a split system be used in more than 10 percent of the total units constructed and any equipment placed on the roof for such units using a split system and for any common areas of the building will be screened as provided in Note 6D.
14. Added Note F stating that no public assembly space or improvements will be constructed on the roof of any building other than a terrace that may be constructed on the roof of a parking structure and which will be integrated as a part of the building configuration.
15. Amended Note H to add that exterior balconies may cantilever out from the building a distance not to exceed approximately 18 inches.
16. Added Note I to state that dumpster areas will be enclosed on all four sides by an opaque wall with one side being a hinged opaque gate. If one of more sides of a dumpster adjoin a side or rear wall of a building, then the side or rear wall may be substituted for a side. No dumpster will be permitted within 100 feet of the northern property line abutting residential zoning classification.

17. Added Note J stating that any loading and dumpster area shall be constructed to accommodate not less than a 24-foot moving truck in such a manner as to avoid such truck from extending into, or blocking traffic on any internal private streets serving the Site. Petitioner will plant large maturing trees on either side of the drive in order to provide screening between the dumpster and adjacent properties across Lloyd Church Road.
18. Added Note K stating that the Petitioner agrees to construct and make available to residents of any building developed on the Site amenities which shall include, without limitation, a swimming pool, clubhouse with business capabilities such as Wi-Fi and printer, a fitness center and parking. The pool and fitness center will be of sufficient size to reasonably service the residents of the building.
19. Amended Note 7H under the heading of "Streetscape and Landscaping" to state that all roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from an elevation of approximately 75 feet above grade.
20. Added Note I under the heading of "Streetscape and Landscaping" to state that the swimming pool amenity area will be screened from Colony Road and from Sharon Township Lane with either opaque fencing, walls, landscaped plantings or any combination of such screening methods to a maximum height of four feet.
21. Amended Note 12A under the heading of "Lighting" to delete reference to a walking trail.
22. Amended Note 8 under the heading of "Environmental Features" to state that Storm water retention areas will be at existing off-site retention facilities pursuant to existing easements appurtenant to the Site as set forth on Rezoning Petition 2004-015. Site development permits will be conditioned upon submittal of sufficient documentation to verify the existing storm water retention facilities have been properly designed and constructed to serve the proposed development.

The Ordinance is recorded in full in Ordinance Book 58, at Page(s)13-14.

ITEM NO. 9: ORDINANCE NO. 5018-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.36 ACRES LOCATED ON NORTHWEST CORNER AT THE INTERSECTION OF WAKE STREET AND FRAZIER AVENUE FROM UR-1(CD) TO R-6.

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the West End Land Use & Pedscape Plan but to be reasonable and in the public interest.

Motion was made by Councilmember Mitchell seconded by Councilmember Mayfield and carried unanimously to approve the Statement of Consistency and Petition No. 2012-094 for the above rezoning by Kelley E. Moulton as recommended by the Zoning Committee.

The Ordinance is recorded in full in Ordinance Book 58, at Page(s) 15-16.

ITEM NO. 10: ORDINANCE NO. 5019-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.35 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF MOCKINGBIRD LANE AND PARK ROAD FROM O-2 TO MUDD-O.

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the South District Plan but to be consistent with the land use recommendation in the draft Park Woodlawn Area Plan and to be reasonable and in the public interest.

Motion was made by Councilmember Dulin seconded by Councilmember Barnes and carried unanimously to approve the Statement of Consistency and Petition No. 2012-095 for the above rezoning by Michael Brawley as modified and as recommended by the Zoning Committee.

The modifications are:

1. Modified the proposed uses listed in the "Development Data Table" to indicate uses allowed within the MUDD zoning district.
2. Indicated the requested optional provision for screening as referenced in Note 7.d. under Note 3 "Optional Provisions".
3. Reduced the maximum building height to 40 feet.

The Ordinance is recorded in full in Ordinance Book 58, at Page(s) 17-18.

ITEM NO. 11: ORDINANCE NO. 5020-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.18 ACRES LOCATED ON THE WEST SIDE OF DAVIS LAKE PARKWAY BETWEEN DAVID COX ROAD AND HARRIS WOODS BOULEVARD FROM MX-2(INNOV) TO INST(CD).

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the Northeast District Plan but to be reasonable and in the public interest.

Motion was made by Councilmember Mitchell seconded by Councilmember Mayfield and carried unanimously to approve the Statement of Consistency and Petition No. 2012-096 for the above rezoning by Edencare, Inc. as recommended by the Zoning Committee.

The Ordinance is recorded in full in Ordinance Book 58, at Page(s) 19-20.

ITEM NO. 12: ORDINANCE NO. 5021-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.02 ACRES LOCATED ON THE EAST SIDE OF NORTH SHARON AMITY ROAD ACROSS FROM DELANE AVENUE FROM O-15(CD) TO O-1(CD).

Mayor Foxx said the Zoning Committee found the petition to be consistent with the South District Plan and to be reasonable and in the public interest.

Motion was made by Councilmember Autry seconded by Councilmember Kinsey and carried unanimously to approve the Statement of Consistency and Petition No. 2012-097 for the above rezoning by Time Warner Cable as modified and as recommended by the Zoning Committee.

The modifications are:

1. The proposed zoning district has been added to the site data table.
2. Rezoning petition number 2012-097 has been added to the site plan.
3. A 38-foot Class C buffer has been provided adjacent to residential zoned property.
4. References to administrative approvals have been removed from the site plan.
5. Removed references to the original approved site plan.
6. A site data table listing site acreage, tax parcel numbers, existing and proposed zoning, proposed use, and current and proposed expansion square footage has been added to the site plan.
7. Existing buildings and square footages have been labeled on the site plan.
8. CDOT, CATS, and Engineering have been addressed as follows:
 - a. Per request from CDOT, the petitioner has dedicated 20' feet of right-of-way along Sharon Amity Road.
 - b. Per request from CATS, the petitioner has added a note regarding a proposed bus pad stating, "Pad at bus stop would be from curb to 9 feet back of curb and be 5 feet in width. Pad must be flush with sidewalk and level within 2% when measured perpendicular to street for compliance with the ADA."
 - c. Per request from Engineering Land Development, petitioner has removed language regarding increase in impervious area since current zoning and increase in impervious area since 1978.
9. The site plan has been corrected to note 7.02 acres (parcel acreage).

The Ordinance is recorded in full in Ordinance Book 58, at Page(s) 21-22.

ITEM NO. 13: ORDINANCE NO. 5022-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 45.64 ACRES LOCATED ON THE NORTH SIDE OF WILKINSON BOULEVARD AT THE INTERSECTION OF WILKINSON BOULEVARD AND MARSHALL DRIVE FROM R-3 LLWPA AND B-2 LLWPA TO I-2 LLWPA.

Mayor Foxx said the Zoning Committee found the petition to be consistent with the Westside Strategic Plan and the Southwest District Plan and to be reasonable and in the public interest.

Motion was made by Councilmember Mayfield seconded by Councilmember Mitchell and carried unanimously to approve the Statement of Consistency and Petition No. 2012-098 for the above rezoning by City of Charlotte - Aviation Department as recommended by the Zoning Committee.

The Ordinance is recorded in full in Ordinance Book 58, at Page(s) 23-24.

HEARINGS

ITEM NO. 14: PETITION NO. 2012-064 BY CHARLOTTE AREA TRANSIT SYSTEM FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO 1) ADD NEW DEFINITIONS FOR PASSENGER RAIL STATION, PASSENGER RAIL PLATFORM, AND ADVERTISING SIGNS ON PASSENGER RAIL PLATFORMS, 2) ALLOW ADVERTISING SIGNS ON PASSENGER RAIL PLATFORMS WITH PRESCRIBED CONDITIONS.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning Manager, Rezoning Section said Sandy Montgomery of the Planning Commission Staff is going to present this item.

Sandy Montgomery, Planning Coordinator said this is a text amendment filed by CATS and it's to add three definitions, one for passenger rail platforms; passenger rail stations and lastly for advertising signs on passenger rail platforms. The text amendment also recommends allowing advertising signs on passenger rail platforms with prescribed conditions. Olaf Kinard from CATS is here to go into more detail and to make a presentation. Staff is recommending approval.

Councilmember Kinsey says there's a presentation isn't there?

Carolyn Flowers, CATS said this is an opportunity for CATS to continue to leverage their assets to provide further opportunities for ancillary revenue to support our operations.

Councilmember Barnes said excellent.

Councilmember Kinsey said I just wondered this is saying advertising signs and we got into a little bit of a quandary lately about advertising. So what are the guidelines for that?

Ms. Flowers said the guidelines are that through this text amendment we would be allowed to advertise any product that is currently part of the policy, so that is part of the discussion.

Mr. Barnes said does that include the alcohol ads?

Ms. Flowers said that could include alcohol.

Mr. Barnes said you know I have some energy around a workshop presentation on the alcohol ads and our inability to have been able to say something. I understand the revenue impact of using the ads or not having the ads I understand that. But in terms of placement I would strongly encourage, in order to avoid negative action by some of us, you all to avoid putting alcohol ads on station platforms and rail platforms, in other words the fixed real estate. It's one thing for it to be on a, and you and I have talked about this Ms. Flowers, it's one thing for it to be on a bus or a train which is bad enough, but when we're putting it on stations and a number of these stations both on the south corridor and on the extension are in distressed areas now. So the last thing some of us want to see is you know like the silver bullet flying down South Boulevard which you see but I would ask you to avoid, to the extent you can, putting them on those stations.

Ms. Flowers said yes, we can revisit that issue because this is not an MTC policy decision. This is a City of Charlotte decision.

Motion was made by Councilmember Barnes seconded by Councilmember Cannon and carried unanimously to close the public hearing.

Mayor Foxx said thank you very much, by the way that was a very compact presentation.

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ITEM NO. 16: PETITION NO. 2012-099 BY JOHN G. BLACKMAN AND DAVID E. FULLER, SR. FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.14 ACRES LOCATED ON THE EAST SIDE OF LITTLE ROCK ROAD BETWEEN SCOTT FURTRELL DRIVE AND INTERSTATE 85 FROM I-2 TO I-1.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning Manager, Rezoning Section said this is a conditional rezoning request for the property located off Little Rock Road, it's between a gas station and an existing motel. The request is to rezone it from I-2 to I-1. It is 2.14 acres. The rezoning request is consistent with the southwest district plan and staff is recommending approval.

Mayor Foxx said very well there are no speakers on this item are there questions at the dais?

Councilmember Mayfield said Tammie actually this question is going to be for the next two items. What I'm wondering is do we already have any current vacant space in this immediate location where they are requesting this rezoning? Because what I'm concerned about is that we would rezone this but we have vacant space that can be utilized for what they are considering in a very close proximity.

Ms. Keplinger said with a conventional rezoning request we don't know what the specific use is. So it would be hard to determine what their needs are for any other site. I'm sure that there are some other properties in the area that are zoned I-1. But again being able to determine whether they suit the petitioner's need or not I do not know.

Ms. Mayfield said that would be helpful for me to find out one, what we already have zoned in that area with consideration of what it is they are considering this rezoning for.

Ms. Keplinger said well it's not a conditional request so that's information that we will not be able to get from the petitioner.

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

ITEM NO. 17: PETITION NO. 2012-100 BY THE CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.34 ACRES LOCATED ALONG THE SOUTH SIDE OF WEST CATHERINE STREET BETWEEN SOUTH TRYON STREET AND WINNIFRED STREET FROM I-2 TO TOD-M.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning Manager, Rezoning Section said this request is also a conventional request for rezoning from I-2 to TOD-M. It's located on West Catherine Street between South Tryon Street and Winnifred. It's .34 acres a rather small site. You see from the aerial and you see the location. This rezoning will allow all uses that are permitted in the TOD-M District. It is consistent with the South End Transit Station area plan, which recommends transit oriented uses for this property. I'll be happy to answer any questions.

Mayor Foxx said no speakers on this item, questions from the dais?

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

ITEM NO. 18: PETITION NO. 2012-101 BY DIXIE RIVER LAND COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.63 ACRES LOCATED ON THE WEST SIDE OF STEELE CREEK ROAD BETWEEN DIXIE RIVER ROAD AND SHOPTON ROAD WEST FROM R-3 LLWPA TO CC LLWPA.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning Manager, Rezoning Section said this petition is for 4.63 acres. It is located in the Lower Lake Wylie Protected Area. The request is from R-3 LLWPA to CC LLWPA which is a commercial
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center. I want to show you the zoning map first so you can see what has happened in this area. We had a realignment of Shopton Road West. When this road was realigned, you can see the small area of R-3 Residential that was left remaining. This area is part of Berewick Town Center. The request that we have tonight is to take this R-3 which again is about 4.63 acres and rezone it CC to incorporate it into the Berewick Town Center. In terms of uses it would allow any use that's permitted in the CC district. The site plan shows up to 35,000 sq. ft. The architecture and landscape themes will be consistent with those of the rest of the Berewick Town Center. There's access to Steele Creek and to Shopton Road and future access to the rest of the Berewick Development. The site plan does show gas station with a convenient store; drive-thru restaurants and these are just a depiction of what one of the development scenarios that could occur on the site.

This is inconsistent with the Steele Creek Area Plan which recommends residential at six dwelling units per acre. However because of the road alignment, we feel that it is reasonable and should be approved to the CC District. It is consistent with the plans policy for the consideration of a mixed used residential office and retail center at this location. Again staff is recommending approval upon the resolution of outstanding issues.

Mayor Foxx said we do have two speakers in favor of this item, Walter Fields and Peter Pappas.

Peter Pappas, 1111 Metropolitan Avenue, Ste. 325, 28204 said good evening and Happy Holidays to you and your families. Thank you for the opportunity to just make a few comments concerning this petition to rezone 4.6 acres on Hwy. 160 and to incorporate this site on the Berewick Town Center. Berewick as you are probably aware is a large master plan community in Southwest Charlotte. We have about 920 single family homes there and 170 townhomes and an important part of the master plan was to develop a town center that would include retail services to the community and to the surrounding area. This petition allows us to take a piece of property that was part of the Freeman family property that we were unable to acquire when we assembled the original site and now incorporate it into the Berewick Town Center, so that we can develop a Harris Teeter which would service the residents of Berewick and the surrounding areas. We are working with staff on the outstanding site plan issues. This board just shows some of the illustrative images of the Harris Teeter; the banks, the restaurants, the potential drugstore for the Hwy. 160 frontage. I'd like to yield a few minutes of my time to Ms. Freeman who owns the property and whose family is a long time resident of the Steele Creek area. There are some outstanding site plan issues that staff has mentioned. Mr. Fields and I will be meeting with staff this week to try to resolve those before the Holidays. Thank you for your time and this is Mrs. Ann Freeman whose family owns the real estate.

Mayor Foxx said thank you Mr. Pappas.

Ann Freeman, Freeman Family Property Owner said this property appears as a small dot on the map that you have. But I think it would be a very viable part to the project that Mr. Pappas has. My parents lived there for about 65 years. That property was in the family for longer than that and I am willing to give that property up and give it to Mr. Pappas who I'm sure will take very good care of it and it seems just to be a logical fit into what he is trying to do there and I would urge you to pass the rezoning request. Thank you.

Mayor Foxx said thank you very much, does that conclude the presentation.

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

ITEM NO. 19: PETITION NO. 2012-103 BY KENNETH LIN AND JON BRANHAM FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.20 ACRES FRONTING BOTH NORTH DAVIDSON STREET AND YADKIN AVENUE BETWEEN EAST 34TH STREET AND EAST 35TH STREET FROM R-5 AND B-1 TO TOD-MO.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning Manager, Rezoning Section said this is a petition to rezone .020 acres from R-5 and B-1 to TOD-MO which is a mixed-use optional district. The property is located on North Davidson between North Davidson and Yadkin Avenue. The future land use map shows the main parcel as commercial. You see from the aerial there is an existing building on this site, it might be a little hard to tell this property is vacant. In terms of the proposal this is for the reuse and expansion of an existing building. The building is located along Davidson Street; the proposal will have two stories in the front with a balcony and then increase to three stories in the rear. There is a deck to the rear also. There is a 10-foot wide buffer along the rear

property line with the adjacent residential property. There is a note on the site plan that says that that 10-foot buffer can be reduced by the 25% which is allowed by the ordinance and the petitioner has agreed that if they do that reduction which will be to 8 feet that they will build a brick or masonry wall in that location. The dumpster will be provided along the lot that is to the rear of the site. There are several optional requests that are associated with this development as it is the reuse of an existing building. They are asking to eliminate the 16-foot setback because the building is existing; they are asking to eliminate the 8-foot sidewalk and 8-foot planning strip again as the building is existing. They are also asking to eliminate the one parking space per 250 sq. ft. that is required by the Ordinance for a restaurant, bar or lounge. They are actually showing two parallel parking spaces in the front of the building. They are asking to allow maneuvering within the right of way, loading between the use and setback and loading services to be allowed next to the residential property. In terms of this request the use is consistent with the North Charlotte plan which was developed in 1995. It is also consistent with The Draft Blue Line Extension 36th Street Transit Station Area Plan. It is within a quarter of a mile of a transit station and upon resolution of the outstanding issues, staff is recommending approval.

Councilmember Kinsey said I am concerned about the lack of parking. Can somebody talk me through that and make me feel a little bit better about that? Because the parking in NoDa is just horrific and I just wonder how we're going to handle some additional parking for this restaurant.

Ms. Keplinger said Ms. Kinsey that is certainly something that we have thought about. The original petition had some additional parking on the rear site. And we are going to try to work through some of that to see if there's a way to get any additional parking for this site. So that is listed as one of our outstanding issues that we will be working on.

Ms. Kinsey said also there is a comment from the neighborhood about the building being right up on the sidewalk which is obviously good. But the door opening into the sidewalk and maybe being a little bit of a problem for pedestrians.

Ms. Keplinger said I believe that may be a building code regulation. That's something that we will check into and have in our follow report next month.

Ms. Kinsey said I've been a little bit concerned about where they are going to put a dumpster that long, how are they going to access that?

Ms. Keplinger said that's one of the things that they will have to show I believe that they're going to actually be accessing it off of Yadkin, coming in from this direction.

Ms. Kinsey said and that's going to be screened? There are residences all along there.

Ms. Keplinger said yes it has screening requirements.

Ms. Kinsey said okay thank you.

Councilmember Barnes said actually my questions have been answered so I move to close.

Motion was made by Councilmember Barnes seconded by Councilmember Kinsey to and carried unanimously to close the public hearing.

ITEM NO. 20: PETITION NO. 2012-104 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A VOLUNTARY INCENTIVE BASED DENSITY BONUS TEXT AMENDMENT TO ADD "MIXED INCOME HOUSING DEVELOPMENT" AS A PERMITTED DEVELOPMENT TYPE WITHIN THE R-3, R-4, R-5, AND R-6 SINGLE FAMILY ZONING DISTRICTS WITH DESIGN AND LOCATIONAL CRITERIA. THE AMENDMENT WOULD PROVIDE AN INCENTIVE FOR DEVELOPERS TO INCORPORATE HOUSING FOR INDIVIDUALS WITH INCOMES AT OR BELOW 80% OF THE AREA MEDIAN INCOME WITHIN NEW DEVELOPMENTS BY 1) ALLOWING FOR A DENSITY BONUS OF UP TO THREE UNITS ABOVE THE BASE DENSITY, 2) ALLOWING A MIX OF HOUSING TYPES TO BE BUILT THAT WOULD INCLUDE SINGLE FAMILY, DUPLEX, TRIPLEX AND QUADRAPLEX DWELLINGS, AND 3) MODIFYING DEVELOPMENT STANDARDS SUCH AS LOT SIZES, SETBACKS/YARDS, LOT WIDTHS, ETC.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning Manager, Rezoning Section said I'm going to turn this over to Shad Spencer with the Planning Department's staff to present this to you.

Shad Spencer, Planning Department said I'm here to present the mixed income housing development text amendment which is Petition No. 2012-104. I know that several of y'all that are on the HAND Committee have already heard some of these presentations so just bear with us a little bit and we'll go through it. The purpose of this text amendment is to permit mixed income housing developments through a voluntary incentive based density bonus within the R-3, R-4, R-5, and R-6 single family zoning districts. The goal of this amendment is to encourage private sector development of mixed income housing; allow a variety of housing types and provide the opportunity for individuals to age in place. Just to give you a little background on this petition, back in June of 2011 Council adopted an action plan requesting staff to pursue five regulatory and six financial strategies to incent private sector development of affordable housing. What you see in front of you are those five regulatory strategies. Tonight we're dealing with the single family density bonus. Next month in January we will present y'all with the multi-family density bonus. We've dealt with the fee waivers. We've also dealt with the expedited reviews and we did have a public hearing a couple of months ago on the duplex. There were some citizen concerns on that text amendment so that has gone back to the Citizen Advisory Group. We're making some changes to that and hopefully we will have that back before y'all early or before spring of next year. And then for the accessory dwelling units, y'all did adopt a text amendment on that a couple of months ago. And to study these five regulatory strategies; a Citizen Advisory Group was developed and there are several members of that group here tonight and I think some of them have signed up to speak later, and we've got a good representation across the City on that group. That includes the development community, neighborhood leaders from all over the City and we want to thank Councilmember Cooksey for getting us some good representation from South Charlotte.

We've had over 16 meetings with the Citizen's Advisory Group over the past year. We've had some public outreach efforts, which include a meeting with the Ballantyne Breakfast Club and also the Chamber Land Use Committee and Charlotte Mecklenburg Coalition for Housing. Again the purpose that I mentioned a little earlier of this text amendment is to permit mixed income housing developments through a voluntary, incentive based density bonus within those single family districts other than R-8 and mixed income housing development is defined as a planned single development that has a percentage of the dwelling units targeted to income levels at or below 80% of the area median income which is AMI and developed according to an approved preliminary site plan. Now I'm going to go over some of the development regulations that are part of this single family density bonus strategy tip that will help to encourage mixed income housing developments.

The first participation is voluntary it is not required. The next is the density bonus up to three units per acre above the base density, it would be allowed in this development in the R-3, R-4, R-5, and R-6 zoning districts. Locational criteria; this developments would be required to be located within census block groups that are at or above the median home value according to five year estimates from the American Community Survey. That figure is currently \$153,000 and staff would reevaluate that figure every five years. The set-aside, 50% of the additional units that are achieved by this density bonus would be required to be set aside as affordable units. However no more than 25% of the overall units within the development could be identified as affordable units. When we talk about affordable, that is you're targeting income levels at or below 80% area median income which currently is \$54,800. The other incentives within this program are reduced lot size and lot width requirements so on the perimeter of these developments, you get slightly smaller lot sizes and lot widths but then internal to these developments; you get somewhat greater reduced lot sizes. Also it would allow for a mix of housing types which would be duplexes, triplexes and quadraplexes. Now these unit types would be required to be internal to the development. They couldn't be along the perimeter or butting existing single family developments. There are also design guidelines associated with this and that the affordable units must be disbursed and blend in architecturally with other units. Some of the things to be looking at are similar building material, roof pitches, window types and foundations; so when you look at this illustration, these three homes look similar in architecture but they one to the far right is slightly smaller, so that could possibly be the one that would be deemed to target income levels at or below 80% area median income.

Since this is a voluntary density bonus program, I was going to explain what density bonus was so I will just verbally tell you since you can't read that. What it is, it allows for an increase in the number of dwelling units permitted over the maximum allowed density under the existing zoning district. We currently have these types of density bonuses in the MX Zoning District; in our Storm Water Ordinance and also our Residential Tree Ordinance. For an example, if you have a 10-acre site and it has a base density of three dwelling units per acre, you are allowed to go up to four dwelling units per acre. That would be an increase from 30 units to 40 units, so

you get an additional 10 units on that 10-acre site. So if you use the development standards of this proposed text amendment where 50% of those additional units must be affordable, that means 5 of those 10 additional units must be set aside as affordable.

I'm briefly going to go over an R-3 development scenario, where you can kind of picture what some of the text in this text amendment proposes and kind of see what it looks like on the ground. So this would be an R-3 zoned property that's vacant and zoned, I mean it's a 9.4 acre site. First it has to meet all the open space, post construction, tree save and all those other ordinance requirements, so you've set aside the tree save. Then the perimeter lots must be single family and so the ones along the perimeter here are slightly smaller than what the R-3 standard is, it's what we call R-3 cluster; then the interior single family lots can be reduced even further. The mixed housing type which are the duplexes, triplexes and quadraplexes, are required to be located on the interior portions of the development, they are not along the perimeter of the interior to the site. Those types of units are limited to 50% of the additional units that you get through the density bonus. For comparison, if that same site is developed under the R-3 standards, you could get 23 units at a base density of three dwellings per acre. In the scenario we just went through, it yielded a unit count of 50 which comes to a density of about 5.3 dwelling units per acre. It's a net increase from 28 to 50 of 22 dwelling units. Half of those, or half of 22 is 11, so 11 of those units must be set aside as affordable.

In conclusion, the proposed text amendment would create a new tool to disburse housing for individuals with a range of incomes; encourage private sector development of mixed income housing; allow a variety of housing types and provide the opportunity for individuals to age in place.

Mayor Foxx said Shad I know we have speakers, but one question and it may be for the speakers to help us answer or it may be for you as well; is the strategy that's outlined here, is this something's that's been lifted from another part of the country and what kind of success rates have they had with this or is this something completely unique to Charlotte?

Mr. Spencer said we have studied other communities around the country. Most of what we found is mandatory for larger cities. They are voluntary programs but what we found with the voluntary programs is you had to provide a big carrot to get the private sector to participate. So yes we have found some but most of them are mandatory.

Mayor Foxx said okay more on that as we get our speakers. I'm going to redo this, Joe Padilla; Joanne Mazzaferro, Wilbert Russell, Mary Klenz, and Madelyn Baer here to speak in favor. And we have Tom Mangum who is here to speak in opposition to this particular item. I'd like to call the speakers forward, both sides have 10 minutes. The 10 minutes have to be allocated evenly and then the petitioners have an additional 2 minutes to respond after those in opposition to. There is a question for Shad Spencer before the speakers start.

Councilmember Fallon said did you say 10% tree save?

Mr. Spencer said yes that's just the tree ordinance requirement.

Ms. Fallon said I thought it was a little more than that?

Mr. Spencer said for commercial it is 15%; for residential it is 10%.

Joe Padilla, 1201 Greenwood Cliff, 28204 said thank you Mr. Mayor and members of Council, Happy Holidays. My name is Joe Padilla I'm the executive director of the Real Estate and Building Industry Coalition (REBIC) here in Charlotte. On behalf of the thousands of homebuilders, developers and realtor members represented by our organization; I'm here to ask for your support for the Mixed Income Development Ordinance for single family neighborhoods. You know about 18 months ago REBIC and our members signed on to this initiative that your staff launched to create a toolbox of programs that would encourage the increased construction of affordable priced housing in areas of our City where such product is becoming increasingly scarce. We looked at a number of ways to achieve this; some of which like the Accessory Dwelling Ordinance, you have already approved. We didn't agree on everything but we did reach consensus on the big picture issues and at the end of the task force we found we all still liked each other and got along which was quite a good thing. We think the ordinance before you tonight will help remove some of the regulatory obstacles and economic distances that have hindered the development of neighborhoods with a mix of product types, styles and price points. In doing so it will provide more opportunity for people at all income levels to find housing in parts of Charlotte where appreciation and consumer demand are putting rents and home pricing increasingly out of reach. If Charlotte continues to grow, it will critical for us to do everything we can to keep housing

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affordable in all areas of our City and to avoid creating communities that are segregated by income or class. Beyond the obvious social benefits, this approach also carries practical benefits. It gives teachers an opportunity to live in the same community as our students. It allows police and firefighters to own homes in the neighborhoods they protect and it helps reduce the traffic congestion that costs all of us time at our jobs and with our families.

There are a few things we'd like to point out about the Ordinance. First it only applies to new development, not to neighborhoods that have already been zoned or in the process of being built out. So everyone buying a home in one of these mixed income neighborhoods will know what they are getting into and they won't be surprised when a townhome is built next to their single family home. Also this program will work not by subsidizing the cost of housing, but by providing market rate housing that the price per family is earning 80% of area median income or below. These homes will be affordable by virtue of their square footage and interior finish and with a density bonus that creates an economic incentive for their construction in which I should point out is a lot more comprehensive than in the slide that you saw a minute or two ago. Fundamentally we believe the ordinance will provide a valuable tool in putting homeownership in greater reach to our neighbors and creating stronger more sustainable neighborhoods. It is an important step in assuring Charlotte remains affordable to those who teach our children, serve us at our favorite restaurants and keep our community safe. And we ask for your support.

Joanne Mazzaferro, 9609 Stanton Greet Ct., 28277 said I'm Joanne Mazzaferro. I'm a realtor here in North Carolina, also licensed in South Carolina and I'm the rising chair of The Charlotte Regional Realtor® Association's Housing Opportunity Foundation. So I've come today to talk to you about supporting this petition. I'd just like to give you some of my experience as a realtor. This past year rental rates had been going up dramatically and I've been getting a lot of calls from renters who have decided to come off the fence and buy because the rental rates were going up sometimes from \$100-\$200 a month. So it has become not as affordable to rent and they've decided to buy this year. What they've been looking for are places that allow them to live and play near where they work. So you look at our job hubs here in Charlotte and we have a big job hub in the Ballantyne area, in the Ballantyne corporate center also we're developing job hubs all across the City. But I happen to live in the Ballantyne area so that's why I wanted to speak to that one. I personally moved to the Ballantyne area in 2009 because my husband's job moved to the Ballantyne Corporate Center and he got on I-485 one day and sat 45 minutes in traffic and said I'm not doing this we're moving down there. So we moved down to that area and I can certainly understand why my clientele feels the same way. If they work in a job area such as Ballantyne; they want to be able to live and play in that area as well. Unfortunately most of these people, because they are first time homebuyers they are making less than the area median income. And there just is not product in that area that I can sell them. They just cannot afford to live close to where they work. This petition would help give me that product that would meet their needs and then they could live in the area closer to where they work. It would reduce their commute time and improve their quality of life because they would have shops, restaurants nearby also that wonderful greenway because a lot of them are dog owners and they love that.

Another important reason for doing this is because when I haven't been able to meet their needs this year, what I've had to do increasingly is bring them over the border into South Carolina into Indian Land because that's where their needs can be met. So we are losing their tax revenue. They're going and paying taxes in South Carolina, but driving on our Charlotte roads to get to their office, hanging out in Charlotte, but we're not getting any tax revenue from them. So passing this petition is going to keep that tax revenue here where we are spending money to meet their needs, that's another reason to pass it. Finally you had asked the question about what is being done in other cities and Shad had talked about in other cities it is mandatory. I would encourage you to keep it voluntary because again there is plenty of building occurring in Union County and also in Indian Land, South Carolina so if we do put mandatory regulations in place it's going to make it more economically feasible for builders to go across the line into South Carolina or into Union County. And that's not going to solve the issue at all so that's the reason why I would advocate for it being left voluntary.

Wilbert Russell, 10010 University Park Lane, 28213 said my name is Will Russell and I am here to ask for your support in this petition. Compromise, it's the settlement of differences by mutual concessions; unfortunately compromise is a trade that is in short supply. From the halls of federal government to the corridors and chambers of state and local government compromise it seems is a dirty word, laced with negative connotations, deemed as weak and ineffective in a society bent on winning at all costs. However it was in the spirit of compromise that this petition for the incentive based inclusionary housing was developed. From concerned citizens, neighbors and neighborhoods, builders and developers to city staff and housing professionals, all of us came together to develop this initiative. Did any of these groups who participated achieve complete permanency in the development of this amendment? No, but what we did achieve was the

development of a policy that we believe would help the City of Charlotte address its lack of affordable housing. While it may not be perfect it is a bold step toward remedying the needs of our less fortunate citizens. How does it begin to remedy those needs? By developing a density bonus that will provide civic minded-builders and developers, the tools to increase the number of units above what is zoned; to provide extra housing stock at more financially attainable levels. It adheres to the locational policy that prevents whole swabs of the City from becoming innovated by homes perceived to be below market and detrimental to its surrounding communities. It also establishes affordability targets to help the least of us gain a foot hole to home ownership and a prosperous future. And this petition maintains developmental and architectural standards to prevent drastic changes to neighborhood character and content while implementing design guidelines to prevent the construction of dwellings that would affect the pride, morale and investment of homeowners and its neighbors. Through it all one principle guided us. One principle developed the standards that have been put forth in this petition. That same standard has allowed us to enter a room; discuss our differences and positions and craft a policy for incentive based inclusionary housing, and that principle was compromise. With that I ask members of this esteemed Council to join in the cooperative spirit in which this petition was created and vote yes. Vote yes for this petition, vote yes for Charlotte. Vote yes for incentive based inclusionary housing and vote yes for compromise.

Mary Klenz, 7404 Sherwood Forest Dr., 28226 said I can't add much more to what's already been said but just a little bit of context into this. I'm Mary Klenz Chair of the Mixed Income Housing Coalition; I'm here to speak in support of this petition. The process was open, transparent and inclusive. Over many months participants heard from a variety of interest with a variety of views; sometimes very robust but always respectful. We worked through details, listened to the people's concerns and were able to craft the wording that we believed put us in a better place to meet the needs of the community. A number of the pieces in the policy support more inclusive housing policies here in Charlotte-Mecklenburg. The affordability set aside for the AMI levels of 80% or less; the location criteria and census blocks with meeting values of more than \$153,000 in the inclusion of a wide variety of housing types all made for better housing policies.

Mayor Foxx said I know you have a question (speaking to a councilmember); can we hear from the folks in opposition and then come back to the question?

Tom Mangum, 8014 Park Vista Circle, 28226 said before I actually start and there's been a lot of eloquent speakers before me and really what I'd come down here to do was just more or less ask for a deferral on this because it's the first time part of my community has heard about this thing and we wanted to make sure we're not going to be repeating some of our past history. Before I really get started Curt I'd like to just tell you that I really appreciate all your dedication and hard work that you've put forward to this community in all these years you've been here. And I was honored to be able to work with you all the way back and I hate to say this, close to 22 years ago. I just wanted to say thank you very much for your commitment to this community you've done an excellent job.

Mr. Walton said thank you Tom, I appreciate it.

Mr. Mangum said back to this issue we really just came down here, my group, wanted to say, just defer this. Just give us a chance to look at this. This the first time we've heard about this and apparently it's been going on for a pretty good while. Back when I was on City Council we took tours all over this City and we correctively rezoned a lot of residential areas from multi-family zoning to single family zoning because that's what was on the ground. We went in the neighborhoods and saw four townhomes sandwiched in-between two houses because it was allowed to happen. I don't want to see us repeat this. Yes this is voluntary; yes it's saying it's only for new development. But a wise mayor once said to me that "if you can stretch a chicken path in the ground do it." You can do anything you want to with it after you have it. And this is kind of the same thing, once we get it there and it's voluntary; the next step is well, let's make it mandatory. Well let's do this with it. We are also looking at the idea that, what are you going to do with transportation for these types of things. When we addressed it years ago, the problems were on any kind of affordable housing you had to have some kind of mass transit within walking distance, a grocery store, a drugstore those type of things within walking distance for people that can't afford cars to get around with. You're going to have that kind of same issues come up. My concern was just let us have a little more time to look at it. Let us address those; we haven't had a chance to talk to any Council members about this or anything. We got notice a week and a half ago. I got it just three days ago. We were told by staff that they would get us the staff summary in our hands but that the site was down. We never got that. So here we are today down here just you know bare chested and going shoot me if you want too. I can't tell you much more or give you a really solid argument about this issue. I just am requesting more time to look at it. If it has been here this long and has been worked on for this this much time; what's another 30 days. That's all we're asking.

Mayor Foxx said thank you very much. There's a two minute rebuttal; an opportunity for those who are in favor, should you chose to use it.

Councilmember Mayfield said it just seemed that toward the end of what you were sharing, that I was just going to see if you had maybe another minute or so to complete that last thought, it just seems like time ran out right out the end in the middle of your sentence.

Ms. Klenz said thank you. What I didn't say and what I wanted to say was I particularly wanted to thank the staff for all the work that they have put on this whole issue and we really look forward to having your support, the Council, on these changes so that our community can move toward a more inclusive and offer more housing type choices and housing types for the future. Thank you to staff for all their good work and we really appreciate your support on Council. Thank you.

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

Mayor Foxx said very well thank you and thank all of you for coming on this topic too. Okay we have a property transactions, Item 21.

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BUSINESS ITEMS

ITEM NO. 21: 3826 RALEIGH STREET

Councilmember Kinsey said Mr. Mayor I believe that the speaker has let us know that he will not be here. And I think Laura Rushing is here, she received a message from the owner of the property and I'd like to have that shared.

Laura Rushing, Engineering & Property Management said Mr. Sam Waldman did inform staff this afternoon that he would not, in fact be here tonight to speak. He did, however, ask if I would on his behalf, express to you all his appreciation for deferring this from last week's agenda. He also wanted me to let you know that we are continuing to work together and that he looks forward to being able to come to a positive resolution.

Motion was made by Councilmember Kinsey seconded by Councilmember Mayfield and carried unanimously to (A) Adopt the following Resolution of Condemnation of 14,433 sq. ft. (.331 ac.) in Railroad Easement, plus 1,413 sq. ft. (.032 ac.) in Temporary Construction Easement at 3826 Raleigh Street from SRI Holdings, LLC and Any Other Parties of Interest for \$26,750 for Blue Line Extension, Parcel # 1285.

The Resolution is recorded in full in Resolution Book 44 at Page (s) 153.

Mayor Foxx said Zoning Committee I think you all can have a great holiday. Thank you so much for your help.

ITEM NO. 22: CAROLINA THEATRE SITE SALE AND REDEVELOPMENT

Councilmember Mitchell said first of all let me thank my committee members who have worked extremely hard on this particular item Vice Chairman Mayor Pro Tem Patrick Cannon, LaWana Mayfield, Warren Cooksey and David Howard. The action today is to approve the Economic Development Committee recommendation to authorize the City Manager to negotiate the sale of the Carolina Theatre site to The Foundation for the Carolinas better known as (FFTC) with the condition that the FFTC will preserve and renovate the theater to a standard which will receive a Letter of Appropriateness from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC). Mayor let me just add an addition to that because our theatre expert, our own Patsy Kinsey want us to further clarify but Patsy I think you are exactly right that the Letter of Appropriateness will be the baseline for historic renovation of the theatre and the guidelines used locally by the Historic Landmark Commission will be the same as the secretary of the interior standards for rehabilitation and guidelines for rehabilitating historic buildings. With that Mayor and Council I know we have some speakers who would like to speak to this issue.

Motion was made by Councilmember Mitchell seconded by Councilmember Kinsey to approve the Economic Development Committee's recommendation to authorize the City Manager to negotiate the sale of the Carolina Theatre site to The Foundation for the Carolinas (FFTC) with the condition that the FFTC preserve and renovate the theater to a standard that will receive a Letter of Appropriateness from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC).

Lee Keesler, 310 N. Tryon Street, 28202 said I'm Lee Keesler with the Charlotte Mecklenburg Library. I'm here tonight to speak in support of The Foundation for the Carolinas and its offer to develop to develop the Carolina Theatre Property. To do that let me connect two dots for you. Dot number 1 is about lessons learned. Several years ago some of you will remember a number of institutions and individuals including the City and The Foundation for Carolina and others worked together to expand the culture infrastructure of our community and to create what is now known as the Levine Center for the Arts on South Tryon Street. Among the learnings that that experience taught us was this; large scale civic ventures require a champion. A champion who can visualize an outcome that advances the ball for our community; who can create followership among participating stakeholders who can inspire those participating parties to subordinate their individual interests and work collaboratively; who has the influence to attract the necessary resources to make the vision a reality and who can invest its own resources in the project. In the case of the Levine Center for the Arts, while Wachovia Bank and Bob Burgess played the role of champion, The Foundation for the Carolinas played a critical role behind the scenes at every important stage of the venture. Consulting with individual organizations on the feasibility of their respective projects; investing its own financial capital in the private fundraising component of the venture; bringing others to the table to participate and contribute and at the very end, helping the private fundraising component achieve its goal. Dot number 2 is about future possibilities. Across our Center City there are numerous hubs and centers and spears of activity that have developed overtime and give texture to life inside I-277. At Tryon and 6th and 7th Streets is a unique opportunity to create a new Center City hub for civic leadership. The vision for this hub is a critical mass of organizations all active civic leaders in our community; residing and working together for the greater good. Imagine a neighborhood along North Tryon where co-location would encourage collaboration and resource sharing at the highest levels as the organizations continue their work to serve our community. Now let me connect these two dots.

The redevelopment of the Carolina Theatre space and the potential creation of something more enduring and impactful for our community will require a champion with vision, influence, resources, patience and the ability to convene and collaborate. We need look no further than the Levine Center for the Arts, the renovation of the old Mataldo's building and the new Pocket Park at 6th and Tryon to see the kind of progress that The Foundation for the Carolinas is capable of creating. The Foundation is perfectly positioned to play a role of champion and catalyst working with others in our community to create something unique and special along North Tryon. As a neighbor of the Carolina Theatre and The Foundation for the Carolinas, the library welcomes the redevelopment of the theatre space and beyond.

Linda Brooks, 6719 Coneratory Lane, 28210 said I am here this evening before you as the Board Chair of the Arts & Science Council. And appreciate the opportunity to share the ASC's perspective. And I'm here to speak in favor of Economic Development Committee's recommendation and support of The Foundation for the Carolinas. The Committee has endorsed a visionary proposal for the civic campus on Tryon Street, spearheaded by The Foundation. And as you heard Lee say, it's already taken route with the renovation and the opening, of the new Center for Philanthropy that opened just one year ago. Adjacent to the facility that The Foundation has renovated is the incredible Carolina Theatre. That theatre is waiting for the renovation to become part of the second phase and the proposal of the civic campus. The campus is very important to the Arts & Science Council and our cultural partners. Our partners have an interest in using the Carolina Theatre as a performance venue for music and entertainment; there's also an interest in the unique offering of film that is lacking in our mix. For groups that you've heard from the public library to other cultural partners like Discovery Place and Levine Museum of the New South; a Civic Theatre for lectures and debates and speakers and symposiums, the greater capacity is very much needed.

The Carolina Theatre renovated would be large enough to convene those opportunities to discuss, to debate and to learn. Last month the ASC sent a letter to Michael Marsicano, Ph.D. expressing our interest in discussing potential tenancy in the office tower that will be developed in front of the Carolina Theatre. We have an existing lease arrangement that would need to be reviewed; but we are very excited about this opportunity. The ASC believes that it's important that the Council place this strategically located property in the hands of a trusted partner that has a track record of working with diverse constituent groups in a fair and equitable manner. These facilities will be integrated and designed with The Foundation Center for Philanthropy and we believe that increased Philanthropy in our city lessens the needs for tax supported activities. And as you know that

office tower would then be placed on the tax rolls. On behalf of the Arts & Science Council; I ask for your support of this resolution.

Dorlisa Flur, 15008 Fanning Manor Ct., 28277 said I am the immediate past chair of Blumenthal Performing Arts Board of Trustees. I'm here tonight on behalf of the Blumenthal Board to express our enthusiastic support for the proposal that has been submitted by The Foundation for the Carolinas to redevelop the Carolina Theatre property. We support their vision for the property but more importantly believe they are in the strongest position to get the job done for this community's benefit. For those who feel passionate about the venue and its heritage, we believe the interest will best be served by allowing The Foundation to proceed with the plan as they have proposed. The Foundation uniquely has the capacity as you've heard from Lee and others, to make the venue and the adjoining parcel, an important new player in the neighborhood. We have already begun to have some terrific discussions among our peers like the public library, Discovery Place, the Arts & Science Council about working together to create a new campus for lifelong learning that would bring things like public lectures and discussions and community meetings and classes and we're thinking an approximately renovated Carolina Theatre, operated by The Foundation, will be a great asset to our community. Some of you, I know Councilmember Fallon are aware of a similar model in New York, the 92nd Street Y; which for generations has served that community exceptionally well and we believe we've got an opportunity to create a similar hub for civic discourse and learning here in Charlotte. The Foundation has stated in its proposal that it would enter into a discovery process to identify a partner to operate the Carolina Theatre. If they are awarded the project it is our intention as the Blumenthal to apply as a part of the process, to operate the venue as part of what is already a portfolio of six nearby theatres. We believe we bring some important efficiencies and other strengths to bear that would help ensure this venue success.

Finally as a corporate executive in Charlotte for the past 12 years; I have watched The Foundation and Michael in particular, as they worked their magic on other signature projects things like the Carolina Thread Trail and Project L.I.F.T. I personally experienced this magic almost 8 years ago when I had the opportunity to coach here the original blue ribbon committee for the Culture Facility's Master Plan. As you've heard mention that plan came to fruition in no small part due to The Foundation's Leadership of the Process. It's what we know today as the Levine Center for the Arts at the south end of Tryon. I think we're restoring the Carolina Theatre for a meaningful purpose.

Michael Marsicano, 220 N. Tryon St. 28202 said thank you for the time and attention you have given to all three proposals. All three are trying to do right by our community in regards to the Carolina Theatre property. The Commitment of The Foundation for the Carolinas to the best possible outcome to the theatre property has only grown in strength through your process of due diligence. We are even more excited today than we were yesterday. And that's a lot of excitement. You have taken time from busy schedules to hear our proposal to ask the tough questions and to provide constructive feedback. Should you select The Foundation as stewards of this important asset we promise to meet if not exceed your expectations. Some projects are best done by "for-profit" institutions. And some projects are best done by "non-profit" institutions. We believe this property is uniquely served by a calibration of both "for-profit and not-for-profit" entities. And we are eager to launch the process of inviting multiple partners to the table. Brining diverse constituent groups together to tackle complex challenges in search for the best solution is the hallmark of everything we have done at The Foundation. We know how to do this and we hope you will let us do it again with the theatre property. Our vision is clear. We intend to create a civic campus on N. Tryon Street and the signature element of that campus is the rebirth of the Carolina Theatre. There is much more at stake here than just a renovated auditorium. An elegant Carolina Theatre actively used by our citizens for the arts and for civic engagements becomes one of the few linkages of our past to our future.

We take very seriously the stewardship role you place before The Foundation should you decide to support the recommendation of your Economic Development Committee. Also, we take very seriously our proposal to place the property in front of the theatre back on the tax rolls. The quality of the renovated theatre however, is critical to the success of the proposed office tower. The officer tower will be bigger, bolder and generate greater tax revenue if the theatre redesign is well done. We are ready to begin fundraising for the theatre and lining up tenants for the office tower. The development of both simultaneously serves the best interest of the citizens and the City Council. It is our hope tonight that the Council will place a vote of confidence in your community's Foundation to do the community's work. Thank you for your thoughtful consideration.

Richard Lazes, 19401 Old Jetton Rd., 28203 said I'd like to start just by saying that I myself have a great deal of personal respect and gratitude for the philanthropic work that The Foundation has done for the City and Michael's stewardship of The Foundation. In fact we share a common goal and a common vision with The Foundation in terms of not only the restoration of the theatre but for a future use for civic community and

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non-profit use. Despite the best intentions however, the proposal that's on the table by The Foundation is inadequate to protect the public's good. It fails to provide reasonable assurances to the City or to our tax payers that the theatre will be, in fact, restored and that it will not come back once again to the City. There is absolutely no financial commitment by The Foundation, an agreement for no payment to the City they want to keep the theatre off the tax rolls in perpetuity. In fact there's not even a time line for the restoration of the theatre or for the funding of the theatre and the funding of the theatre under The Foundation's plan is actually contingent upon the development of the office tower. And while this seems to make some sense the reality of the situation is that in the current marketplace with 15% vacancy rates in average rentals of \$20 per square foot in uptown Charlotte; there is not in the foreseeable future the potential for the office tower to be even built. And to even support its own cost let alone the renovation of the theatre. Again I think that the goals of The Foundation are admirable; I think their future uses and the extension of developing not only the theatre but the surrounding areas, one block next to it and the civic and community and non-profit uses are commendable and are exactly what should be done here; however the key here is whether this will come to pass in a reasonable time frame. I urge you to vote no for this proposal and in your doing so you will ensure that the public good, the City and taxpayers are preserved and you will guarantee and force this situation and The Foundation and/or competing groups to work together to find a financial proposal that will absolutely guarantee the restoration of the theatre. It's continuing operation and perpetuity and the fact that it will never come back to the City for any funding or for future involvement by the City. Thank you for your time.

Pop Saddler, 1416 Wisnat St. 28206 said good afternoon. You know it's a pleasure to stand here this evening. I've heard from a lot of very influential people. I'm an original Charlottean, and I remember the Carolina Theatre well. I didn't attend it many times, but I remember it very well. Tonight I'm speaking on behalf of ordinary citizens, because we do have a voice also. I've come before this Council on numerous times and never have I come when I didn't have 100% confidence or if I wasn't 100% convicted in the reason for my being here. Tonight I am convicted because I know the Lazes, my neighbors next to the Greenville Community, they own the North Carolina Music Factory, has been a model for us. They've been inclusive the whole time, accessible and supportive of our neighborhood. We could not have hand picked a better neighbor had we had the opportunity. Right now I'm advocating on behalf of the Art Group for their proposal for the Carolina Theatre because I believe in them. I believe in the project that they are putting together here. Right now I just want to say to each of you, your consciences, your convictions, please vote it and be considerate of all concerns coming to you from ordinary citizens.

Noah Lazes, 19401 Old Jetton Rd. 28031 said thank you for the opportunity to speak to you this evening. As Mr. Lee Keesler so eloquently said, I too would like to try to connect the dots here for you. The proposal that's currently on the table versus some of the other proposals that are out there I think is not the most fiscally responsible proposal, that's Dot number 1. Our proposal is certainly the most fiscally responsible proposal; it guarantees a payment for the theatre. It guarantees property taxes. Dot number 2, will the theatre get done? The proposal that is on the table which has been pointed out does not guarantee that it will be done. We have the upmost confidence in The Foundation as we do in many of our leading non-profit organizations around town, but it doesn't guarantee that that money will ever be raised or this theatre will ever be open. Other proposals on the table guarantee that the theatre will be reopened. In fact construction will start in 18 months and we will reopen in 24 months; within the historic renovation by approving historic developer with proven track record to operate theatres which is extremely important here. This is a complex project that requires an operator that is going to be able to see through to the final stages of opening this theatre and bringing people and populating it once again. Dot number 3 is civic diversity. Our group ensures that there will be 100 civic events presented in this theatre annually, ensuring diverse and unique civic and non-profit opportunities in the Carolina Theatre. Dot number 4 certainly an important piece is that it doesn't come back to the City. Put it in private hands guarantees it is not coming back to the City. Once this is turned over and a check is written which will happen in less than 30 days under other proposals that are on the table, our proposal. The theatre gets taken off the City's hands and private enterprise ensures that the bills are being paid. So again I will ask that you reconsider the current motion on the table and consider some other options that are available to the City Council. Thank you for the opportunity to speak.

Pam Lue-Hing, 1000 Seaboard St. 28206 said I am with Legacy Partners, LLC. As SBE Certified, small business owners, and consultants in the City of Charlotte we work with small businesses and organizations but we are equally as passionate about our work here in the community. Upon learning about our work in the community the art group asked us to partner with them to develop a diverse, robust and global 21st century grass roots civic engagement initiative. And we are definitely poised and in a positioned to carry the project out. The civic engagement initiative we are definitely committed too; a minimum of 100 civic engagement initiatives within the year. And we will work to provide a framework that will address every issue ranging from education, workforce development, a green economy, energy programs, the environment, healthcare, public

service and leadership to the arts and entertainment. As part of the civic engagement initiative, we will partner with cross sections of the citizens of Charlotte to provide a diverse advisory board. They will help us to arbitrate the projects and initiatives while stimulating unique programs, leveraging networks in the community and also serve as mentors to many of the projects.

We already have some individuals who have agreed to serve on our advisory board. People like Attorney Ken Harris who has the largest minority owned Energy Company in the Country. He's willing to work with our youth to bring that to the Carolina Theatre. Dennis LaCaria from the Board of Education who will represent the interest of the Educational Community and again we all know Pop Saddler who works tirelessly with the youth in our community. Your vote for the art group will be a vote for diverse and comprehensive energy programs for our youth; as diverse as that, to all the way to providing incubators for small businesses. Your vote will help us provide a venue to have CMS graduations and training and developments for CMS staff; and places for our young and seasonal alike to enjoy. A vote for the art group will become a venue for the residents; initiatives for the homeless, the under-served populations, collaborations with community servants, public officials and dignitaries alike. Finally your support of the art group will be a vote of confidence for small business like us to partner with major companies to create a sustainable grass root civic engagement initiative that can be replicated throughout North Carolina, the United States and throughout the world. Thank you for your consideration.

Mayor Foxx said there's been a motion made and seconded, Council I'm sure there's some discussion and questions.

Councilmember Cannon said one, as I said in committee, it's unfortunate that in the wake of a comment that was made by one of our speakers this evening about partnerships, that we could not have created a partnership from the offset on this particular item regarding the Carolina Theatre between two fine entities in that of The Foundation for the Carolinas as well as The Art Group. It's my hope that whatever happens this that that still will remain the goal or the thought and/or the idea to create collaborative partnerships that mean something and that make a difference in this community. Because simply stated working together works, especially with people of like interest and like minds. If you heard what was stated this evening, you certainly would have seen and/or heard the discussion center around really, all the different things that they have pretty much the same interest in. From civic engagement to music and entertainment; other forms of entertainment to wanting to do what's going to be in the best interest of making sure that theatre looks like something and then beyond that that we can enjoy something on the tax rolls in the future that can be returned back to the taxpayers. That's what this City is about. It's about again working together and partnering in accordingly to make the best out of what we know can be particular in our center city.

I want to reference a few things here because, well I need to ask a question of city staff, Mr. Mayor, about the motion that was made. Is it just that the recommendation from the Economic Development Committee is moved forward to authorize the city manager to negotiate the sale of the Carolina Theatre Site? I believe if I'm not mistaken that the proposed sale amount to The Foundation of the Carolinas is in the total amount of \$1.00? Is that what you're proposing to negotiate?

Councilmember Howard arrived at 7:50 p.m.

Brad Richardson, Neighborhood and Business Services said you are correct.

Mr. Cannon said so proposing \$1.00 to build and negotiate that number? With that said that I would like to say that we are in still some very tough times, economically. I think we still owe it to the citizens of this community that rely and depend on us to make good sound business decisions, to do just that. And it's with that said that I'm of the opinion to believe that it can't all be about the dollar. It has to be about something that's more comprehensive and that's why I would suggest making a substitute motion.

A substitute motion was made by Councilmember Cannon second by Councilmember Dulin for The Art Group to receive a vote this evening in the way of a recommendation to authorize the city manager to negotiate the sale of the Carolina Theatre Site to The Art Group with the condition that the Art Group preserve and renovate the theatre to a standard that will receive a letter of appropriateness from the Charlotte-Mecklenburg Historic Landmarks Commission. Additionally, the sale of this property will be one that is final and would not come back to this Mayor and City Council or even a future Mayor and City Council. That they remain committed to preserving the historic elements including the stage, the balconies, the opera boxes and other important ecstatic elements that will preserve into keeping with the character, of the original theatre. That The Art Group will begin to negotiate with the City an immediate payment of \$500,000 plus of course putting the property back on the tax rolls to help us meet public needs. Also let the motion reflect and/or suggest that for the life of the establishment that there be a city component that will remain in place for all the things that we've heard can and/or will take place for that level of civic engagement.

Mr. Cannon said if the Council would continue to bear with me. I want to state exactly why that motion has been made in addition to some of the other things here. This actually will allow us to move forward with an experienced developer, with a proven track record of success. They are well capitalized and financially capable of funding the renovation of the theatre. Additionally, they have a committed timeline for the renovation of the theatre. For a January, 2015 opening and that of course will start the process immediately and again they have a proven track record of sound fiscal management that can be witnessed in the developments that many of us are already familiar with in this community. So I will yield there, there's much more that I could talk about but I believe we would be doing the taxpayers a very good service if we indeed move forward with this particular proposal. Still understanding, that The Foundation of the Carolinas is a well to do organization, can still act, can still perform. But if it comes down to making the best business decision possible I believe this is the one that is most appropriate.

Councilmember Barnes said I actually had an opportunity as many of you did I believe to meet with the Art Group and with The Foundation representatives. And I found that The Foundation presented a fairly compelling presentation and story about what they hoped to do with the site. I felt the same way about what the art group presented. I was disappointed that a partnership did not work out and I'd like to know if Mr. Richardson or Mr. Marsicano or Mr. Lazes could tell us why the partnership effort failed, that would be helpful to me and while he's walking up; I should also say that for the last five years or so I've been trying to get this property into private hands so that it would become a revenue generating from a tax prospective and that my requirements for the last few years have been that the property be used by someone who would maintain the historical character and use of it and so Mr. Lazes if you could tell us why the partnership failed that would be helpful.

Mr. Lazes said I appreciate that question. We met with Mr. Marsicano on several occasions and confected an agreement that he submitted to his Board of Directors. That agreement included us, the Art Group guaranteeing the performance and the operations of the theatre in perpetuity; financially guaranteeing all negative cash flows from the theatre and from the theatre operations it included the fact that The Foundation would oversee and be completely in control and responsible for all the civic, cultural and non-profit events at the theatre. It included a guarantee by the Art Group that in the event The Foundation was unsuccessful in raising the funds to renovate the theatre that the Art Group would step in and provide those funds and it also included a joint venture agreement between the Art Group and The Foundation to fund the development of the office tower. However, it did not make the development of the office tower a prerequisite to the renovation of the theatre.

We think that those conversations were held in good faith and that it was the best of all worlds. That we would have a situation where the public and private sector could work together and preserve not only the historical aspects and relevance of the building itself but speak out and reach out to all the different levels of the community. This is a piece of real estate that's a treasure for all the people that live in Charlotte and should be available to all of them. So we were hopeful that we could reach that kind of agreement and work together on it, unfortunately and Mr. Marsicano please correct me if I am improperly stating this; when it was presented to the Board of Directors just a couple of days ago, the Board felt that they had made a commitment to go forward with the project and not to associate with any private developer prior to the deeding of the property to The Foundation and that they felt it was appropriate for them to maintain that strategy at least through tonight. It would seem that if tonight, and as recently as an hour ago Michael and I had a conversation in which I assured him that if we were successful by it being awarded by the Council, the contract to purchase the theatre, that our agreement with The Foundation, our offer would be preserved and would be in place and would not be modified or changed because of us having a position of power.

Mr. Barnes said well you know what's frustrating from our perspective is that The Foundation is excellent in the non-profit space that they occupy. They have almost a billion dollar value at this point and the Art Group has obviously proven its ability in the "for-profit" entertainment world as evidence by the Music Factory. So is there no chance, this feels like the budget, is there no chance you guys could,

Mr. Lazes said I think you're absolutely right. I think that if the Council their good wisdom either supports the arts group's position, the counter motion that we just made, and/or turns down The Foundation's proposal, or they force the two groups to go back to their groups and I think then perhaps Mr. Marsicano can go back to the board of The Foundation and explain to them that he honored their position up to this meeting but now because of the need to collaborate in order to support the greater public good, that the board could reconsider. I don't think, and Michael you will have to correct me if I'm wrong, I don't think that there was any disagreement on the terms of the collaboration. I think it was just a fact that it came about after the board had made a decision to

go it on their own. But I think that if the Council forces this into a position to, where we have to work together then we'll have no problem working together.

Mr. Barnes said Mr. Marsicano do you have a brief retort?

Mr. Marsicano said thank you for the question sir. The board of The Foundation did in fact review carefully a thoughtful proposal sent to the board by the Art group. The merits of that proposal were not debated in light of what was believed to be a higher calling of The Foundation's board's process. We started this last February in contacting the City and at that time The Foundation board made a decision and announced it to everybody that they were going to have a process of discovery opened up to multiple partners. That process does not preclude as an end result that we would partner with the Art group. But to short circuit that process is no different than the process that City Council announces as to how to go about doing things for the good of the public and so the process we put in motion, was the higher calling. It was not that there was anything per se that they discussed about being right or wrong with the Art group's proposal; it was more the process they had put in place to go forward and have promised everybody in the community.

Mr. Barnes and I think, and I'll finish with this Mr. Mayor and Council. I'd love to see the theatre back in operation and I'd love to see that office tower that we talked about on that corner. And again I don't know if there's a way to make that happen but that's what ideally I'd like to see. So thank you both very much.

Mayor Foxx said comments or questions? There's a substitute on the table.

Councilmember Cooksey said since we're heading to a vote I wanted to get this out. I really wish this were about money. Frankly I know this would be a non-starter so it's the first time I've said this at the Council but if I could wave the wand we'd just be selling this property to the highest bidder and be done with. The last estimate I saw was about \$3.9 million dollars which is probably the value of the property. But having watched this in previous councils address the issues of the Carolina Theatre even before I got on this Council and going back to the late 90's; I know that getting the value of the property in cash money is not the highest value of the Council, preserving the theatre is, it has been for some time. So I get to pick between the options of about what's going on with preserving the theatre not getting the greatest value out of the property. Right now it's about subsidizing one bidder to the tune of \$3.9 million and another bidder to the tune of \$3.4 million. That's \$3 million dollars plus that we're leaving on the table that we could get if we abandon the notion of restoration. Because we have this condition, I also look back at what we've done and what previous Councils have done in the past trying to sell properties with conditions, mostly recently Johnston and Mecklenburg Mills, sold with conditions and came back. Previous Councils went through two reiterations to try to sell the old convention center property; neither of the attempted purchases back when that happened were able to fill that deal that they offered to Council. And we wound up with a completely different developer developing it. Those are the key ones I think. There was also a proposal for the Carolina Theatre I remember in the late 90's. Someone from the Midwest was going to come in and put a nightclub in the basement, make the theatre itself a performing arts venue, do some open air performing arts on the roof and Council rejected that because it wouldn't preserve the theatre. I want this off Council's plate I said that in committee and I'm going to say it here today. Based on the skittishness I have about what happens when we put conditions on a sale, I am far more comfortable with The Foundation for the Carolinas taking this ball and running with it than I am with any other group doing so. And so I will not be voting for the substitute motion and if the substitute motion fails I will vote for the original motion.

Councilmember Pickering said these are two good proposals obviously. The Art group has a proven track record of success in this City with an absolute transformational North Carolina Music Factory and Mr. Saddler thank you for mentioning that they are also a good neighbor, did not know that and that's nice to hear. And The Foundation of course, just unbelievable fantastic work in this City. So to me these are two great proposals. I think both would do a fantastic job on the restoration of the theatre. So having said that, I guess at this point where we are dealing with budgetary concerns and difficult economic times; I do find it hard to turn down an offer, although not a huge one, for \$500,000 and an opportunity to keep the theatre on the tax rolls. I have been assured by the Art Group that this will not come back to us in any way, shape or form and they are willing to put that in writing. They've guaranteed construction to start in 18 months and to be completed by 2015.

I also like one other thing that hasn't really been mentioned before and that's the notion of retail. I've been talking about retail since I came on Council at least to the Center City Partners, I'd love to activate some retail uptown. I think of Charleston, and I think of Key West in my mind when I think about that. So that intrigues me and I'd like to see us pursue that. So I'm going to go for the fiscally responsible, some might say, view. I

think either proposal would be fantastic I'd be happy I'm sure with whomever gets it and whatever the final renovation with the office building turns out. So I will support the substitute motion.

Councilmember Fallon said Mr. Lazes may I ask you a question? Say that you get in there and you can't do it, what are you going to do with the property. If the theatre can't be renovated, if it is a mess, beyond repair. What would you do what with the property?

Mr. Lazes said we've been eight years in studying the engineer of this property. There is no question that we can renovate this theatre and bring it back to its original condition. We've renovated properties that were in far worse condition. The Music Factory was on the National Hazardous Waste Disposal list by the federal government you couldn't even go in there without a gas mask when we took it over. And we're going to financially guarantee that whatever it takes to renovate this property and bring it back to life that we're going to commit to it, in writing.

Ms. Fallon says this is such a hard decision because what you've done at the Music Factory is a miracle. It's brought in the taxes; it's given people a place to go for entertainment that you needed. And what The Foundation has done is wonderful. It is really a quandary to have to make a decision.

I think a vote for the substitute amendment is the best of both worlds because we will guarantee that our offer to The Foundation remains in place as we've offered to them a week ago.

Ms. Fallon said is there no possibility that you all could work together. This is what we keep asking all the time. We want private-public connections in business. And this seems such a perfect opportunity for one of you to turn it down if it went to the Arts, is it a possibility that you could come in after and work with them? Could you go back to your board?

Mr. Marsicano said we want to assure the community that we have the best possible outcome. It is possible the Art Group might be that but we don't know that yet and we cannot pledge that to you. We will pledge to you that we have the best possible outcome with the process that we've set in motion.

Councilmember Dulin said this goes back to, I mean I've been dealing with this for six years now. Matter of fact voted against it a couple of times because I was perfectly happy with putting an office tower there and putting it back on the tax roll and just really didn't think much about the renovation of the theatre. And Patsy and I have been round and round on that in a good fashion. Now I've said alright well now look we've got some folks that are willing to renovate this theatre and it does have history. I was there as a boy myself you know, but it really intrigues me to turn this really sort of twisted, not twisted but move it a little bit from a renovation deal to a real estate deal. And although Mr. Cooksey we're not getting full retail value and by the way your numbers were way high we would not get those numbers for that corner there in today's market, if at all. The Art Group has come in, the folks from The Foundation, and proven themselves to this community that they can indeed do a real estate deal. Now those guys, the Art Group, have renovated, I didn't realize it was in such bad shape but it's astounding what they've done with worn out dilapidated warehouse buildings in an area of town underneath the Purina towers. I mean nothing was going to happen down there, next to a railroad track, next to a huge cemetery. And they went in there spending their own money, that's the important part here. Those guys go around they are putting at risk their own cash, not other people's cash and they've come through with their part of the bargain down there. My guess, my wife and I were down there several weeks ago and at one of the comedy clubs as a matter of fact, she's going down there tonight with her girlfriends, while I'm here. But my guess is that they've got 1,000 employees that they've created jobs for down there in all these different little (do-hickey) restaurants. And so you know tonight I'm going to vote to do a real estate deal and to get something rather than nothing. It really would be interesting for our real estate folks how long it takes to negotiate a one dollar contract for an uptown block but these guys have come through with their part of the deal, the substitute motion is of enough statute to me that it's worthy of consideration from councilmembers. There are enough things in there where they will bring that up. They will bring it up as high as anybody else on the planet with as much work as they've done. And remember these aren't a bunch of guys from out of town coming in here trying to talk us into a scam. These are guys that live in our community, are spending their money in our community and have proven themselves that they can do work like this and create tax revenue out of something rather than it being off the tax roll. And I think the substitute motion is well worth consideration, Mr. Mayor and I plan to support the substitute.

Mr. Cannon said one; I know that I'm not on the popular side in my opinion of how this vote will go down. I will say that it will still be my hope as I start out in the beginning that you all will find a way to work together as best you can on both sides because you have so much added value between the two of you until it just makes
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very good sense for you all to be working together which is why we try to have some hope that you will go in that direction on the committee level. I was having that discussion with the Chairman of the Economic Development Committee and we both felt very strongly about that. So again to Councilmember Barnes' point and several others around this dais, we really hope you can do something together. Don't know that the substitute will make it but we'll see what happens, as sound as it might be Mr. Dulin. Thank you.

Mayor Foxx said let me say before we vote that I appreciate the perspectives that have been shared. I've been through this for at least the last 7 ½ years. I think 12 amendments to the proposal, and by the way, the history of this is at least a recent history is that we have been trying to make this a real estate transaction with the asterisk that there is some historic preservation element attached to it. And after 12 amendments, we're still trying to figure out how to get this project done. Neither group actually walks into this discussion away from that context. That context is actually central to what the council's working through. This is a hard decision. Ms. Fallon said this is a hard decision. It is a hard decision and I understand what both parties bring to the table and by the way, I try to find agreement with my friends and I have friends on both sides of this discussion. But at the same time, the remarkable things that have been done over at the Music Factory which really is remarkable, and the remarkable things that The Foundation has done which has a long track record of very successful campaigns and initiatives that come to the benefit of the entire community.

I'm going to only make one comment about how we do business as a Council. And that is to say that we can't make these parties operate the way we might want them to operate. We can't force a partnership between these parties; nor can we really ask them to solve the challenge of a hard decision we face for us. It is what it is and we've heard that several times. And I grow a little concerned, my hair turns a little grayer and I see a little more of the way our City is changing that in seeking the type of outcomes that we might want to see; that as individuals become too muscular in pushing for those ideas behind closed doors and not around this dais and that's got to be very carefully watched. Because the reality is that this City has always done business transparently; it has always done business above-board; it has always done business working hand and glove with our partners. And so I just want to say that as a general proposition, that we've got a lot of equity to protect as this Council continues moving forward regardless of what the decision is today. With that we will have a vote on the substitute; we're going to do it by hand. So all in favor of the substitute which is to do the sale to the Art Group, the motion made by Mr. Cannon, please raise your hand if you are in favor of that.

A vote was taken on the Substitute Motion and was recorded as follows: YEAS: Councilmembers Barnes, Cannon, Dulin, Fallon and Pickering NAYS: Councilmembers Autry, Cooksey, Howard, Kinsey, Mayfield and Mitchell
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Mayor Foxx said we are now down to the base motion which is the motion made by Mr. Mitchell to sell the property to The Foundation for the Carolinas.

A vote was taken on the Base Motion and was recorded as follows: YEAS: Councilmembers Autry, Cooksey, Dulin, Howard, Mayfield and Mitchell NAYS: None

ITEM NO. 23: CITY MANAGER POSITION PROFILE

Mayor Foxx said Ms. Kinsey do you have a motion?

Ms. Kinsey said I do have a motion. Are you going to introduce it?

Mayor Foxx said ladies and gentlemen we have a very sad moment tonight. We are saying goodbye to our City Manager Curt Walton. Tonight is his last meeting as city manager of the City Council. He will probably have 50 meetings for the rest of the week but this is his last meeting down here. I have some comments to make about that later, but we also are in the middle of a city manager's search. Earlier today the City Council voted to approve a profile for the new city manager. That profile will go up tomorrow and very soon we will be soliciting applications to hire Mr. Walton's, I'm not going to say replacement, but the person to follow Mr. Walton. We will have an interim city manager, and that is the subject of Ms. Kinsey's motion, the City Council had a closed session meeting earlier today. We met and made some tentative decisions which we now need to make publicly. Ms. Kinsey.

Motion was made by Councilmember Kinsey seconded by Councilmember Mayfield to appoint Julie Burch as interim city manager, effective December 22, 2012 and that as part of this temporary assignment Ms. Burch's annual salary be temporarily increased by \$20,301 to \$223,314 during the period she serves as Interim City Manager.

Councilmember Cannon said does that represent the 10% increase Mr. Mayor is that right?

Ms. Kinsey said that's correct.

Councilmember Cooksey said and let's just be clear, that is an increase on the annual salary, that's not how much we're paying for the time she will be spending as an interim city manager, want to make sure everyone understands that.

Ms. Kinsey said that is correct.

Mr. Cannon said then at some point then, that number reverts back?

Ms. Kinsey said it's temporary, yes.

Mr. Cooksey said the annual salary would revert back when the city manager takes office.

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

Mayor Foxx said congratulations Ms. Burch. And now, it brings me great sadness although I'm thrilled to have Ms. Burch in an interim capacity, to say goodbye to our current City Manager, Curt Walton. For those of us who have been on the Council for six or seven years too long, some of us were involved in the decision to hire Mr. Walton as the City Manager. I have not been around long enough to have been involved in the original hire. He has been involved in public service for over 33 years and he's made such tremendous contributions to the City. I could go through a long list of those contributions but I know about a few of them. The fact that as budget director, you continue to guide the City through the fiscal stability that's been part of the City's history, keeping our AAA bond rating and helping to guide us forward. He was later appointed as an Assistant City Manager under Pam Sifford and served admirably there where he staffed a number of the Council Committees and then became the City Manager in 2007. Along the way, Curt has guided the City through some very difficult economic times. We didn't expect that in 2007, things were flying pretty high; but challenges such as the cradling of the half cent sales tax which threatened our ability to do further projects including the Blue Line Extension; helping us manage through losses in our revenue streams that would have threatened our ability to manage our resources within the property taxes that existed and continue to exist. Curt has helped us move resources, manage those resources well and frankly helped us avoid raising property taxes during this difficult time when so many other local governmental entities were having to do that very thing. So particularly in light of our most recent foray into managing the future of this City which I think Curt does not get enough credit for re-thinking the way we look at our capital programming. While our collective response has been a bit of a Rorschach test; Curt what you did was you forced the organization to rethink the way we deliver services which is exactly what an innovator should do and exactly what we should do in a time when a community is transitioning in so many ways, economically, demographically, and in many other context.

So I thought about what could we do to recognize you, however inadequately might we do it. And the first thing I'd like to present you with on behalf of the City Council is a framed skyline of the City that you have served so admirably over the last 33 years. The other gift is particularly appropriate in light of the discretions around the Capital Investment Plan. This is a bowl; it's not a street car it's a bowl, it's not even an alternative revenue source, it is an ambrosia maple bowl and it is made out of a maple tree that was attacked by the ambrosia beetle. But what's more important about this and interesting is that the maple tree used to create this piece was hit by lightning in the summer of 2002 and the bowl was harvested in the Autumn of 2002. So it's actually crafted by Charlotte resident, Ed Mackey, and he compares turning wood to learning to play a musical instrument in that there is a continual learning curve and in the beginning the results aren't always great. Maybe that will help you remember us. So we really thank you for everything not only that you've done for this Council but really when you do the job that you do you've helped numbers and numbers and numbers of people in elected offices; hundreds of people on your staff; you've grown what I think is one of the most diverse, one of the most effective city staffs in City Government anyplace in the Country. And I just admire what you've been able to do and I want to thank you for your service. So let me give you this.

Mayor Foxx said and with that I do want to remind the Council that we will have our Council Retreat on the 7th and 8th of February. I'll give you a very brief update; it looks like the location has been locked in at Whitehead Manor. The Council Manager's Relations Committee is still work on the facilitator and they will meet in January to study options on that.

Councilmember Cooksey said my apologies, but I got inspired to say something about what you said and I hope I can take a moment to say it. With regard to our departing City Manager I finally figured out what I should say to you. When you were getting us through the budget difficulties over the past few years, one of the things you kept pointing out to us is that we had the benefit of phenomenal decisions made by great leaders of the past of Charlotte. And I just wanted to say at the meeting and for the record, do keep in mind that come Friday, after you leave, you become one of those great leaders that future councils will say we are benefitting from decisions that were made by great leaders before us.

Mayor Foxx said and with that I want to wish the entire Council, the staff, the community a Happy New Year, a wonderful holiday season, please be safe and I'm going to end the way we started off tonight. I actually was at the mall earlier today briefly because I have a problem with my phone. And I ran into a teacher who was crying because this is a time of year when she was remembering a husband that she'd lost and she was sad about what had happened last week and I hope that over the holidays we can take the time whether it is with a teacher or with our children or with other people in the community who've experienced lost during this time of year to spread a little cheer to people. Because this is a really hard time for so many people particularly given what happened last week. Let's have a good holiday season and come back renewed and ready to do the people's work.

Councilmember Barnes said Mayor I want to say publicly with regard to the City Manager; Curt you've done a wonderful job as our manager. I consider you to be a friend, I think you've done a great job of service to the City and to the people of this city and I appreciate that. Thank you for what you've done and I know you've kind of taken some lumps along the way for us and I appreciate you doing that. Mayor on the topic that you just raised, I have yet to figure out why that happened and why we don't do more as a country to prevent it. I will talk to you and probably Chair of the Public Safety Committee and perhaps Chair of the Governmental Affairs Committee about whether there are things that we can do on a local level to let our leaders in Washington know that we don't want that happening in Charlotte. And that there are some things that they can do to prevent it and so that out of the 140,000 or so kids at CMS and the multitude of private schools in the City and Charter Schools that we don't have to hear that on the news here. As the parent of a kindergartener, I want to do what I can to make sure that it doesn't happen so thank you for brining that up.

Mayor Foxx said absolutely we're all on the same page there, any other comments?

Merry Christmas from around the dais.

ITEM NO. 24: CLOSED SESSION

Adopt a motion pursuant to North Carolina General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

ADJOURNMENT

The meeting was adjourned at 8:33 p.m. on December 17, 2012.

Ashleigh Price, Deputy Clerk

Length of Meeting: 3 Hours, 32 Minutes
Minutes Completed: February 28, 2013