

This City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, April 25, 2016, at 5:20 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Al Austin, John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, James Mitchell, Greg Phipps, and Kenny Smith.

**ABSENT:** Councilmember Mayfield

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

**Mayor Roberts** said if we have any consent agenda questions or items that any Councilmember has a question about for staff we can let staff know about those if there are any. It looks like there may not be any, any questions from Council?

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#### **ITEM NO. 2: TRAIN HORN NOISE MITIGATION**

**Debbie Smith, Transportation** said I am here tonight to talk to you about train horn noise mitigation, and specifically we are here to talk about providing information on community concerns, some of the challenges that we have faced, and some opportunities that we have with the train horn noise mitigation. I am going to also talk to you about city wide railroad activity. I am going to talk to you about the Federal Rail Administration's horn rule, and what that horn rule tells is that it is a requirement that the train blow the horn before entering a crossing and before it fully occupies that crossing.

I am going to go into some specifics surrounding what that train horn rule actually outlines, then I am going to talk about Charlotte's rail crossings in the city and talk about next steps. To summarize the issue, we were approached several years ago from residents in the Chantilly neighborhood about their concerns with what they termed as excessive and continuous train horn notice. Since that time, we have heard from another of other communities; we have heard from folks on the west side. We have heard from Historic Washington Heights, McCrorey Heights. We have heard from Westley Heights and Lincoln Heights. On the northeast side, we have heard from Faires Farm Community and other folks around the Back Creek Church Road area. Once again, we also heard a lot more from the Chantilly neighborhood. They wanted to find out what they could do to eliminate train horn noise. We were hearing about that same time that the Federal Rail Administration had produced this train horn rule, so we wanted to understand more about it. We know that there has been increase train activity within Charlotte, so we were expecting and anticipating more communities to be concerned about this particular issue but really surrounding the quality of life, while most of our complaints and concerns have been about rail noise at night, because the ambient background noise is much lower, so that train horn does sound a lot louder. We know that it is also a concern for communities through the day as well.

So, depending on the presence of leaves on the trees, the air pressure, the ambient noise in the background, we hear complains more in the winter time, but we know that this is a concern and certainly a quality of life issue that we are dealing with. Some of the challenges that we have, it is a very costly infrastructure, so when the Federal Rail Administration produced the train horn rule, that requires the trains to blow their horn unless very specifically infrastructure was put in place that would equal the safety measures of that train horn being sounded, they did not make any provisions for how that would be funded since the state and the federal government basically are putting that burden or concern onto the municipalities to carry that. State and feds use most of their money for safety improvements and for maintenance upgrades and very limited participation. The state is very happy that railroads are very excited to help close crossings and illuminate that, but we think that is absolutely counter to our connectivity culture. We have don't that in a few instances, but it is been very specific reasons that we have a look to close crossings.

We have found opportunities. We have found a tremendous amount of opportunity for community engagement, and outreach, and education. So, we have gone out and at the request of Councilmember Austin, we have met with the west side residence on two occasions to talk about what the federal Horn Rule requires and where we are as a city in terms of our understanding on that issue. We have had the opportunity to do outreach with CSX Railroad. Based on the west side's concerns, we reached out to the Federal Rail Administration on behalf of the west side community to issue a complaint about the excessive train noise. The Federal Rail Administration

did conduct an interview in February of 2015 and found that the train was operating within the compliance and within the tolerances, but we certainly hear that it is a serious concern and an ongoing concern. City Councilmembers, some of you had an opportunity to participate in the Operation Life Saver in July of 2015. That is a non-profit rail safety education program. That is another way to do outreach, getting out and talking about real safety.

Moving on to what we have city wide, we have three railroads that are governed by the Federal Rail Administration. They are required to do self-reporting on the Federal Rail Administration's website. The statistics and the information that I am going to tell you about for the train activity is a self-reported number. The first company that we have operating in Charlotte is Norfolk Southern, and they operate in the north with about seven trains a day. We think that number is a little high, but one again it is self-reported. They operate in the south corridor, and that is with about 14 trains a day, and a portion of that corridor is shared by CATS operating their light rail. They operate in the northeast corridor with 24 trains a day. They also operate on the west corridor with 40 trains a day. If you remember, this is the area where the Charlotte Intermodal facility is located. Another rail company that we have that operates in Charlotte is CSX. They operate in the northwest, with about 14 trains a day and then in the southeast with about 19 trains a day. Our third company that is governed by the Federal Rail Administration is Aberdeen, Carolina and Western. They are on the east, and they operate about two trains a week, once again self-reporting information. What we know is that we have 160 public crossings in Charlotte, and we have about 52,000 residents that are within a 1,000 foot buffer, now that is by no means trying to capture the only people that are affected by rail horn noise, but we thought that it was a good start to understand who are the people that are most directly impacted by rail horn noise, and we have over 52,000 residence that are within 1,000 feet of that buffer. So, what does that mean for Charlotte? Freight in Charlotte is absolutely big business. Charlotte largest employment sector is the freight and distribution industry; we are the nation's fifth largest distribution center, primarily due to our proximity to wonderful southeastern ports, and we have excellent highway access, I-77, I-85, and I-485. Then we have an extensive rail network that is already here. It helps to have the Charlotte Regional Intermodal facility at the Charlotte Douglas International Airport. We expect that industry to really keep growing. The intermodal facility alone is expecting to create 7,000 new jobs by 2030, and we anticipate that that is going to general \$7.6 billion in the next 20 years.

Let me switch gears a little bit; I am going to talk about the train horn rule by the Federal Rail Administration. The train blows a horn for safety reasons. It has a particular pattern that it blows that horn as it approaches and enters a crossing, and that sound pattern is two long bursts, followed by a short burst, followed by a long burst, and they continue that pattern until they enter the crossing and fully occupy that crossing. Then they repeat that pattern as they go to another crossing. So, what happens when we have crossings that are very closely spaced together is by the time that sequence and pattern is completed, they are going to that sequence and pattern for the next crossing? It can absolutely sound like continuous horn noise, so we certainly understand. There are other reasons that the train engineer would blow the horn, depending on their operations; if they are backing up, they are required to blow the horn, but also the trespass issue. If a person, or an animal, or a vehicle is trying to go around those gate arms, the engineer is given wide latitude to use their train horn to warn people of the approaching train. What we know is the Train Horn Rule offers specific infrastructure that can be put in place to eliminate that routine and regular sounding of the horn, but what we know is it would not eliminate all horn noise.

The Federal Rail Administration's rule about mitigating that horn noise, that regular, recurring horn noise, is what we commonly are referring to as a quiet zone. When people are talking about it they are talking about it as a quiet zone. This next slide goes through the specific infrastructure necessary to qualify for a quiet zone. The information that I will go through pretty quickly is the minimum qualifying criteria. So, at a minimum, you have to have a half of a mile in length, and that is along the rail crossing, and you have to have one public crossing within that half mile. Then you have flashing lights. You have gate arms. You have warning bells, and you have something calls constant warning time, which is a type of detection actually on the rail tracks and something called a power out indicator which is located on the signal box. Once again, all of these are the minimum infrastructure that you have to start with. So, if a location does not have these items, we would have to go in and help fund putting those items in.

Then we move on to something called the supplemental safety measures. The way I like to term these is these are one for one. One for one this is supposed to equal the safety of the train horn. So, the first one is pretty obvious, street closure. If you eliminate that conflict, the train does not have to routinely sound its horn. The next one is grade separation, also that same thing, removing that conflict, and the regular noise can be eliminated. The next couple of items are that one for one infrastructure, something called four quadrant gates. So, an additional set of gate arms for really trying to keep people from driving around or circumventing and putting someone at harm's way. These last two items are just median separations with delineators or ballers on top of those, and once again, the purpose would be that we are creating a location that is as safe as the Federal Rail Administration feels the train horn is. There are some alternatives. The alternative of the wayside horn, it still would be sound directed at the road way, but where you get the real big benefit in the wayside horn is that sound away from the crossing is greatly diminished. So, folks who live right at the crossing or businesses that are located at the crossing would likely hear no difference, but it is folks away from and that ambient sound that carries. This infrastructure is typically less expensive. We are talking somewhere in the order of about \$100,000 for this type of device when you compare it to \$500,000 or so for quite zone infrastructure. It is slightly less expensive. The one thing that we found is that not all rail companies will allow these devices on their alignment. CSX is one of those companies that right now, there is a policy that they do not allow these devices on their rail alignment.

City staff has taken the next step in identifying those 160 crossings, organizing them into 40 possible quiet zone corridors, and we looked at criteria to possibly rank these. We included things like: total number of trains per day, how many residential parcels are affected if we have had community requests and the type of infrastructure at that crossing. So, here we are to next steps. We have a fantastic opportunity to put in an application for an established Charlotte's first quiet zone in the northeast at McLean Road. The reason that we have this great opportunity is work that has been done by the state. The state has put in all the necessary infrastructure, those supplemental safety measures that I mentioned previously, those are being put in place with the state upgrade project for high-speed rail. So, by default, with just the work of staff doing an application, we have an opportunity to create that quiet zone in the northeast.

**Councilmember Phipps** said I appreciate the notice of intent from McLean Road; what about the Back Creek Church Road crossing?

Ms. Smith said so what we decided to do is separate those into two separate quiet zones. The length themselves give us the opportunity to do that. We are still working through with the state on the infrastructure that they are putting in place; the median that they are putting back is slightly shorter than the median that is out there today. We are going to have to work with them and negotiate with them on how to qualify for a quiet zone for that one, but we are still actively working on that one.

Mr. Phipps said I thought all of the necessary infrastructure improvements were already done for the Back Creek crossing, new rail, new breaks, new everything.

Ms. Smith said it is all brand new equipment out there. The catch that we are running into is just the length of the median nose at that intersection, and so it is slightly less than the requirement for what they term as that supplemental safety measure, but we are absolutely working on it, but what we do not want to do is hold up Mclean until we resolve those issues with Back Creek Church. We would like to go ahead and move forward with Mclean and get that one underway while we work through these other issues, but we are absolutely committed to working through those.

**Councilmember Austin** said I was the one who kind of asked staff to bring this to Council. It has been very devastating for the residents in my community. As she spoke about the fact that they need to blow the horn three times in an effort to create safety at the crossings, I have Rozzelles Ferry Road that has like four crossings on it. It sounds like one continuous blaring horn, and my neighbors are just up in arm. We have had a tremendous amount of increase. Now, a couple of years ago, it wasn't so bad. We get it a little now and then, but lately it has been unbearable and is really contributing to the quality of life. Selfishly, I can tell you also, I live downtown, and my Third Ward and Fourth Ward communities, these homes are just blowing us out of the bed really, to be honest with you. So, I was trying to help my neighbors, my community and try to come up with some solutions around this as Debbie said. We even met

with CSX. Not very open to new technology, which is very disappointing, it is very disappointing when we have this new technology that might help and relieve some of that stress in our neighborhoods and relieve some of the noise, but it has just been a real challenge for my communities, and they need to sleep, as well as I.

Mayor Roberts said the point you make about increasing, I notice I live, I am one of those people within 1,000 feet, and it seems to me that there are more trains now than there were 10 years ago. Do we know how that trend line has changed?

Ms. Smith said we do not know in all of the instances, but we know with Councilmember Austin's area that CSX, even two years ago, was only operating about ten trains and have increased to 14. We do not typically track that trend across the city.

Mayor Roberts said the biggest one was 24 trains a day?

Ms. Smith said it was, yes. Once again, that was a one day snap shot on what they are self-reporting, depending on what their customers demand, it may actually be higher than that.

**Councilmember Kinsey** said as someone who grew up on the railroad tracks, I have very little empathy for people who are concerned about the trains or the horns, because I find it very comforting. Yes, I do hear them where I live now. The interesting thing to me is that some of these people moved in, and the tracks were there. They moved in later, because the tracks have been there for a long time. My concern is the cost. If we do it for one crossing, we are going to have to do it for all crossings. It is not fair, unless they are in the middle of nowhere, but inside the city. I am not sure that this is something, particularly right now with the budget leering us and staring us in the face. I don't see how we can do it for some and not for all.

Mr. Phipps said that corridor, I guess from Charlotte going up to Harrisburg, I was told that Norfolk Southern route was one of the busiest in the state, and I know that several years ago they had 55 trains a day going there. How did it reduce by almost 50%?

Mr. Smith said what we find is that our best information is sometimes not always the accurate information. When we go to that FRA database, it is self-reporting, and they are not always updating it as often as we would like. There are fluctuations, and so by no means am I trying to represent that as exactly how many trains. We know there is a large variation in that.

**Councilmember Lyles** said I know this is going to sound odd, but it would be great to hear the horns at the decibels level at the neighborhoods. We all know what we are talking about, and I do not know what it sounds like; I do not live close to a railroad, but I think if we are going to learn about it we ought to learn the whole thing around it, and I do not know how to do that with technology, but I am sure that there is an app that can go on my phone. I think that is why they want me to avoid those things.

Mr. Austin said Councilmember Lyles, I do believe some of my community leaders may have taped some of those.

Ms. Lyles said let's not tonight, but I think it is good to get that to us. I have a couple questions; Asheville has a River Arts District, and you know they have that big round about for their freight there, and they have a no train horn area. Can we get some information about: how they did it, how they approached this on a funded mandate, and what did they do to actually make this happen? I hear lots of process here and lots of things to negotiate; let's get a comparison to what they did there. I think the other thing is this is going to be tough, and we have underway a freight study right now. As we are talking about this and we are at the table, I wonder if we ought to try to incorporate some of the things that we see as issues into that freight study, maybe it is already there. I know Tim Gibbs goes to those meetings. I try to go every now and again, but it is about the entire growth of freight, because we are encouraging it. For economic development, it is one of our primary job growth areas at high wages, and there is a price that we are paying for that, but we are actually, in our economic development focus, targeting more of this. If we are going to have this issue, we need to begin to think through: what can we do, what are our choices, how far, how many, can you do something different day at night, how often, and maybe close some streets and make it work? I don't know, but I heard you say that railroads are not always receptive to technology. I would say that that is being very generous of you Debbie to say that.

I think we have to look at this regionally and bigger and figure out what we are going to do, because this is something we do not have a plan for right now. If we are going to do both, attract jobs, have health neighborhoods, and safe neighborhoods, we have to figure out how that matches.

Ms. Smith said I will share with Council that our Transportation Action Plan is that step that we are taking. We have introduced it as a new item, a new policy and program within our Transportation Action Plan Update. We have put the price tag on it at \$70 million, and I know the Transportation Planning Committee have started those conversations about it, so that is where we are right now.

Mr. Austin said just lastly, we have had a conversation with Congresswoman Alma Adam's office about possible grant opportunities with the federal government. Any resolve from any of that?

Ms. Smith said yes, we have looked into the Tiger Grant being a potential opportunity. Tiger Grants comes with a lot of information that has to be prepared. I think that we have missed this cycle as far as the Tiger Grants.

Mr. Austin said were they Tiger Grants or another type of grants? I thought that we had some conversation that we were not trying to compete against ourselves.

Ms. Smith said right, the two opportunities, one was the Tiger Grant and another was Safety Infrastructure that Alma Adams, her office was basically suggesting that we try to go that route through this safety upgrades. Most of what the infrastructure is, it's centered around the safety aspect to it, so we are still looking into that one.

Mr. Austin said thank you. Just finally, I definitely don't share Councilmember Kinsey's, this is a quieting of the community, and I would sleep well with it. I think it has become an issue, and as we continue to grow we are going to have more and more of this and we need to be able to come up with some type of a plan to help the mitigation and the quality of life in our neighborhoods.

Ms. Smith said any more questions? We are at the end, yes. You guys jumped ahead to the questions, which is great.

Ms. Lyles said the Transportation Action Plan has been referred to the Transportation and Planning Committee; it is also a part of CARPO and the freight study, maybe that is where we can actually combine some of this and say what are the opportunities? While we are talking about the healthy and quieter neighborhoods, what the train industry is thinking is no fatalities on the track. Those are very difficult things to balance. I don't have an answer; I wish it were that easy, but we are going to have to get a lot more educated about what we can accomplish and what we can do, and what technology can help us and just bring in some ideas from the freight study, I think to get a broader conversation with our partners, I think are the people that we have to talk with. They may not be partners yet.

Mr. Austin said they are not partners.

Mayor Roberts said partners to be.

Mr. Phipps said this issue, even in the early 2000's before I was on Council, we raised this issue up and because of the collisions of the train and the vehicle collisions at the crossings, for safety reasons, and a lot of these tracks pre-date in a lot of development that was there. The tracks were there first and then members of Council voted to approve certain new residences along the tracks. Even now, they are putting in a second set of tracks along that corridor that I just mentioned, because it is their right-of-way. So, \$70 million is a lot of money. You could probably get everybody their own earphones or something for everyone. That is just a lot of money. I think it would be wishful thinking to get some sort of a grant for that magnitude for some quite zones, I really do.

**Councilmember Autry** said we are getting 200,000 lifts right now at the Intermodal. For reference, I think a couple of years ago, whenever they first opened up, we had a presentation that said at capacity, when it is fully built out, we will be experiencing 600,000 lifts per year. So,

if you think that the train traffic is busy around here right now, just wait until the Intermodal is going 600,000 lifts a year.

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### **ITEM NO. 3: AN UPDATE ON OPEN STREETS 704**

**Scott Curry, Transportation** said I am here to give you all an update on Open Streets 704, which is coming up in six days. This is a really fun and exciting event; this presentation is really more of an invitation than an update. We are hoping that you all will come participate in the event and participate in some of that fun with us. Just quickly wanted to define what Open Streets are, for those of you who might not be familiar. Open Streets Initiatives are events that temporarily close streets to vehicular , so that folks can use them for walking, biking, dancing, playing, meeting their neighbors. Really these kinds of events are about four things: public health, recreation, active transportation, and community building. The places that have done these and have done them well have seen a lot of positive impacts in these areas; so we are hoping to see some of that as well in Charlotte.

Some of you may remember that last September we got a visit from a guy name Gil Penalosa, he is a world leader on pedestrian and bicycle issues, and he is really the one who sort of gets the credit for starting the Open Streets movement in Latin America and eventually bringing it to North America. So, he got a bunch of folks fired up, including city staff and folks from the Knight Foundation, about getting our own Open Streets Program going here in Charlotte. So, there have been a number of very passionate folks working on that since he was with us in September and we are excited to see that come to fruition on Sunday. We have done some research after Mr. Penalosa's visit, and we know now that there are over 100 of these programs in North America. Charlotte definitely isn't the first, and we have lots of great examples to learn from. I just put together a couple of photos from some other Open Street events from around the country. Atlanta is probably our closest big city neighbor that has an Open Streets Program. They call it their Streets Alive program. There are also small cities in North Carolina that have already started to do these kinds of things. Durham and Ashville have held Open Streets events.

Again, I am here on behalf of lots of passionate folks that have been working hard over the past few months to make this happen. There are four partner organizations on the steering team: Partners for Parks, a local non-profit; Mecklenburg County Park and Rec; Mecklenburg County Health Department, and the City of Charlotte. Those are the four organizations that have come together to do the lion share of the work for this first event. Our goal for this first event is really just to keep it simple. We know that we have three more events after this. We have committed to doing an event in spring and fall this year and then another pair of events in spring and fall of 2017. We expect that each of those events will sort of build on each other, so the folks that partner with us to make this first event a success, we are going to approach them again, in addition to new partners and substituent events. We expect this to maybe start small but grow so that by fall of 2017 we really get a taste of what it is like to get a successful Open Streets Program in Charlotte. Our primary goal for this first event, first and for most, we are going to keep everybody safe. We expect to learn a lot, and we expect to have a lot of fun along the way. Hopefully y'all can come and see some of that and join us.

We talked a lot about different routes for having this kind of Open Streets event. There are a lot of different models across the country. What we found is that the simplest and least disruptive type of route is just a simple, linear, route with soft closures that allow traffic to cross. That is what we are doing for this first event. It seems to have worked well in other places, and the input that we have gotten from other public safety folks is that this is their preference as well. The average route length for Open Streets events in North America is just under four miles. The route that we have chosen for the first even in Charlotte will be right around three miles. So, it is a lot of street space for folks to come out and meet neighbors and occupy the street and walk and bike. This is the route for the first event coming up on Sunday. Our steering team put together a list of criteria for trying to hone in on a spot that we thought would be really compelling and successful in the first event. One of the foremost criteria for us was trying to connect walkable activity centers to our fantastic parks and greenway system. This route from NoDa down through Uptown and over to Little Sugar Creek Greenway is a great way for us to do that. We looked at lots of different routes near Uptown for this first event. Ultimately, the reason why we settled on this one was because of some preliminary guidance that we got from our public safety folks.

Again, trying to keep everybody safe on the route, this was the simplest and least disruptive way to achieve the goals that our committee had in mind.

There are four activity zones on the route, and if you go to [Openstreets704.com](http://Openstreets704.com). there is a long list of all of the fun events that are going to be happening in each one of these zones. On the Seventh Street bridge area, down by CPCC campus, we have a wellness zone, so that is all health and wellness focused events. Park and Rec is taking over ownership of the activities on the green zone. We would be doing things like tree plantings and seed giveaways in that area. The family zone, by Cordelia Park, that is going to have lots of games and events for kids. There will be some food trucks near that portion of the route. Then in the arts and science zone, up near NoDa, we are going to have musical performances and some neighborhood activities to bring lots of folks out onto the route.

**Mayor Roberts** said what is the time frame for the Open Streets?

Mr. Curry said it is Sunday, May 1, 2016 from 12:00 noon to 4:00 p.m. It is just a one afternoon event. I did want to stress this; we expect that future events will engage different parts of town. Event number one we are doing it in a place that we felt really good about hosting a successful event. Once we get this one under our belts, we really have a desire amongst the folks putting this on, to branch out and see what other types of communities and neighborhoods might want to participate in this. For us, it has been a very bottom up neighborhood focus kind of thing. We have had lots of interaction with the communities along the route. We have invited them to come out and host activities and have received a lot of positive feedback from these folks that are looking forward to having the neighborhoods participate in that.

Some of the branding, I think some of you have some of that on your tables. We are doing stickers; we have fliers that we mailed to all of the residents. Open Street 704 is obviously a nod to the most prevalent area code in our region. We have a marketing consultant that is under contract with Park and Rec and Partners for Parks that put together our branding and marketing materials. We have been really happy with the response we have been getting from folks so far. Just wanted you all to be aware of the public outreach that we have done to this day on Open Streets, we have published a number of Council-Manager memos. The website has been up and running since February. We have done a Go Notify call to every resident within a quarter mile of the route twice already. We will be doing two more of those calls this week. We have mailed flyers to everyone near the route. We had a public meeting back in March; we have had calls and meetings with residents, some of the businesses, and institutions on the route. Our social media presence has been very active too on Nextdoor and Facebook and Instagram. I think you all have some door hangers too. Those door hangers are going to be going up along the route this week to every resident along the route. We have some yard signs that we will be putting up along the route as well. So, you will see these starting to pop up this week with the Open Streets logo and our slogan "a day of carefree streets." So, you will start to see these around town along the route. We are also having some radio ads; we have a newspaper insert. We have already gotten lots of great media coverage. There was an Observer Article this weekend. A couple of the TV stations have carried it as well. Our goal is by May 1, 2016, the folks along the route will have been notified and invited to participate at least six times. We do not want there to be any surprises, again this is a very neighborhood driving type of event. We want those folks to be out with us on the street. Lastly, I just want to encourage you all to come participate and see what the event is all about. It is on Sunday, May 1st. Bring your bike if you have one, if not bring your walking shoes or roller blades. Invite friends and family. Lastly, I wanted to let you all know about the kick-off parade. This is how we are going to start off the event. This will begin on the Seventh Street Bridge, near the intersection of Seventh Street and King's Drive. It will start at noon, and we will ride the whole route together. If you are interested in participating in that, we are trying to arrange some bicycle cabs for any of our elective officials or City Managers who may want to join us for this. Reach out to me if you are interested. We will see what we can do. Otherwise we just hope to see you along the route and thank you for your time.

**Councilmember Smith** said are you insinuating that we are not fit enough to ride our bikes or walk with you?

Mr. Curry said we want you to be the honorary leaders of the pack for the parade. I have some CMPD bike officers out there for the parade as well.

**Councilmember Kinsey** said you do not follow North Davidson all the way down do you?

Mr. Curry said that is correct.

Ms. Kinsey said do you go the greenway?

Mr. Curry said it goes down North Davidson until Belmont Street; it takes a right there on Belmont over to Brevard. Brevard is an easier street to get across, I-277 because of the ramp configuration, so we are taking Brevard down through Uptown.

**Councilmember Phipps** said Speed Street would not qualify as an Open Street celebration or whatever?

Mr. Curry said I guess it depends on how you define it, but Open Street events are typically not as highly programed as a Speed Street type of festival. The places that have done this well see neighbors come out of the woodwork and host their own activities on the event. That doesn't necessarily need to be programed. So, that is what we are hoping will happen with this Open Streets event. We have some activities that are programed, but really we want a lot of this to be neighborhood driven.

Mayor Roberts said what are you telling people about bringing pets?

Mr. Curry said pets are absolutely welcomed. I think our partners at the county are trying to get some Mutt Mitt Stations out there. It is going to be a pet friendly event for sure.

**Councilmember Eiselt** said I think it is very exciting to see this coming, and I hope we will get to the point at some future date that we can take a street and close it ever Sunday and make it an Open Street festival type atmosphere.

Mr. Driggs said are there special rules for food trucks, or how does that work along there?

Mr. Curry said there are others who understand this better than I do, but let me speak from my limited knowledge, there is an approved vendor list of the food trucks within the city, and we can pull from that list to come to different events that the city hosts. That is what we have done for this event. That is honestly about all I know about our food truck outreach.

Mayor Roberts said I remember talking to someone about how in Washington they closed down Rock Creek Parkway. It is every Sunday; it is long, but it is great for biking and walking. They really have quite a few people who come out to be part of that. I think this is a great idea. I think there are even more opportunities to do it and really become places where people expect and look forward to having those days where the streets are closed, and they can do a lot of different activities. I am looking forward to it. I hope the first one is very successful. I have already tweeted about it, several times.

**City Manager Ron Carlee** said that wraps us up for our dinner session. We do not need to have closed session as it turns out. If you would like, you could start the meeting early. We have Citizens' Forum beginning at 6:30 p.m. Bob is behind me. Is there anything you want to say about starting early?

**City Attorney Bob Hagemann** said we can start early but the time slot for the people who signed up may not be here.

Mayor Roberts said can we also start the regular meeting and then go to the Citizen's Forum right at 6:30 p.m.?

Mr. Hagemann said yes.

The meeting was recessed at 6:03 p.m. to move to the Meeting Chamber for the regularly scheduled Business Meeting.

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## **BUSINESS MEETING**

This City Council of the City of Charlotte, North Carolina reconvened for a Business Meeting and Citizens' Forum on Monday, April 25, 2016, at 6:15 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding.

Councilmembers present were Al Austin, John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, James Mitchell, Greg Phipps, and Kenny Smith.

**ABSENT:** Councilmember Mayfield

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### INVOCATION AND PLEDGE

Councilmember Smith gave the Invocation followed by the Pledge of Allegiance.

\* \* \* \* \*

**Councilmember Mitchell** said when we were going out to CIAA, one integral employee of the CIAA was Jeff McLeod, and he is the Assistant to the Commissioner at that time. Jeff unfortunately lost his battle with cancer today, and I will ask that we have a moment of silent prayer for Jeff and his family, thank you.

**Mayor Roberts** said since we are starting early, we are not going to do public hearings yet; we want to make sure folks are here. It was advertised at 6:30 p.m., and we are eager and ahead of time. We are going to start with the first business item on the agenda. That is number eight, the Bank of America Stadium Agreement Addendum and Convention Center Refunding. Actually, let's vote on consent items first.

\* \* \* \* \*

### CONSENT AGENDA

Motion was made by Councilmember Austin, seconded by Councilmember Mitchell, and carried unanimously to approve the consent agenda as presented.
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The following items were approved:

**Item No. 20: Small Business Website Services**

(A) Approve a contract for \$132,000 with CGR Creative for Small Business Website Services for an initial term of three years, (B) Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract based on the City's business needs and the purpose for which the contract was approved.

**Item No. 21: Charlotte Regional Transportation Planning Organization- Congestion Management Process and Performance Measure Development**

Approve a contract on behalf of the Charlotte Regional Transportation Planning Organization in the amount of \$383,571 with RS&H Architects-Engineers-Planners, Inc. to update the congestion management process and for the development of performance measures.

**Item No. 22: Sandy Porter Road/Brown-Grier Road Neighborhood Improvement Projects**

Approve a contract in an amount not to exceed \$415,000 with CALYX Engineers and Consultants, Inc. to provide engineering services for the Sandy Porter Road and Brown-Grier Road projects, part of the Whitehall/Ayrsley Comprehensive Neighborhood Improvement Area.

**Item No. 23: Reimbursement and Developer Agreement with Solis Ballantyne Owner, LLC**

(A) Approve a Reimbursement and Developer Agreement between the City of Charlotte and Solis Ballantyne Owner, LLC, and (B) Adopt Budget Ordinance 8016-X appropriating a contribution of \$107,333 from Solis Ballantyne Owner, LLC to Community House Road Widening - Phase 2 project.

The ordinance is recorded in full in Ordinance Book 60 at Page 34.

**Item No. 24: Airport Baggage Tag and Boarding Pass Supplies**

(A) Award a unit price contract to the lowest responsive bidder RR Donnelly and Sons Company for the purchase of baggage tag and boarding pass supplies for the term of one year, and (B) Authorize the City Manager to renew the contract up to four additional, one-year terms with

possible price adjustments, and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Summary of Bids**

Print-O-Tape, Inc.*	Mundelein, IL	\$330,558.42
RR Donnelly	Durham, NC	\$349,816.53
Magnetic Ticket & Label Corp.	Dallas, TX	\$430,228.00
Uzo 1 International, Ltd.	Buffalo, NY	\$439,032.73
Vidtronix Ticket + Label, LLC	Shawnee, KS	\$869,890.58

\*Bidder was non-responsive.

**Item No. 25: Airport Checked Baggage Inline System Spare Parts**

(A) Approve the purchase of Checked Baggage Inline System spare parts as authorized by the sole source exemption of G.S. 143-129 (e)(6), (B) Approve a unit price contract with Interroll Engineering West, Inc. for the purchase of spare parts used in the Checked Baggage Inline conveyor system for the term of three years, and (C) Authorize the City Manager to renew the contract for one additional, three-year term with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 26: Airport Pavement Management Plan Update Design Services Contract**

Approve a contract in the amount of \$229,769 with W.K. Dickson & Co. Inc. for airfield design services to update the Airport's Pavement Management Plan.

**Item No. 27: Airport Snow Removal Equipment**

Approve the purchase of snow removal equipment from a cooperative purchasing contract as authorized by G.S. 143-129(e) (3) under the National Joint Powers Alliance (contract # 080114-MBC).

**Item No. 28: Portable Aviation Noise Monitor Lease and Subscription Services**

Award a contract with Bruel and Kjaer for the lease of portable noise monitors with subscription services for the term of three years.

**Item No. 29: Supplemental Municipal Agreement for Water and Sewer Line Relocations/Adjustments**

Adopt a resolution authorizing the City Manager to execute a supplemental municipal agreement with the North Carolina Department of Transportation for design and construction of water and sewer line relocations and adjustments in the amount of \$227,095.26.

The resolution is recorded in full in Resolution Book 47, at Page 313.

**Item No. 30: Idlewild Road Booster Pumping Station Piping Improvements Construction Contact Change Order #2**

Approve change order #2 for \$250,000 to Sanders Utility Construction Company, Inc. for additional site improvements at the Idlewild Road Booster Pumping Station Piping Improvements project.

**Item No. 31: McDowell Creek Wastewater Treatment Plant Monorail Crane and Small Diameter Piping Replacement**

Award a contract in the amount of \$106,000 to the lowest responsive bidder BW Solutions, LLC for the McDowell Creek Wastewater Treatment Plant Dewatering Building Monorail Crane and Small Diameter Piping Replacement project.

**Summary of Bids**

BW Solutions, LLC	\$106,000.00
Roper Construction	\$175,588.00

**Item No. 32: Small Diameter Water and Sewer Service Installations (Fiscal Year 2016)**

(A) Award a contract in the amount of \$1,999,233.50 to the lowest responsive bidder B.R.S., Inc. for the installation of small diameter water and sewer services, and (B) Authorize the City

Manager to renew the contract for up to one additional term with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Summary of Bids**

BRS, Inc.	\$1,999,233.50
State Utility Contractors, Inc.	\$2,663,391.50

**Item No. 33: CATS Bridge Inspection Services**

(A) Approve a unit price contract with WSP/Parsons Brinckerhoff for bridge inspection services for a term of two years, and (B) Authorize the City Manager to renew the contract for up to one additional, two-year term and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 34: CATS Bus Engine Parts**

(A) Approve the purchase of Original Equipment Manufacturer bus engine parts as authorized by the sole source purchasing exception of G.S. 143-129 (e)(6), (B) Approve unit price contracts for the purchase of Original Equipment Manufacturer bus engine parts with the following vendors: Rush International Truck Center, Clarke Power Services, and North American Bus Industries, and (C) Authorize the City Manager to approve up to two additional, one-year renewal terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 35: Enterprise Human Resources Management System Software Upgrade**

(A) Authorize the City Manager to negotiate and approve a contract with SkyBridge Global in an estimated amount of \$2.1 million to provide upgrade services related to the PeopleSoft 9.2 Upgrade, (B) Approve the purchase of Oracle Upgrade Lab services from a federal contract as authorized by G.S. 143-129(9a); (C) Approve a contract with DLT Solutions, Inc. in an estimated amount of \$310,000 for the purchase of Oracle Upgrade Lab services for a term of one year under GSA Schedule GS-35F-4543G, effective November 18, 2012, (D) Authorize the City Manager to purchase additional software licenses, services, hosting and hardware as needed to optimize the City's use of the system, (E) Authorize the City Manager to approve price adjustments and amend the contracts consistent with the City's funding availability, business needs, and the purpose for which the contracts were awarded, and (F) Authorize the City Manager to purchase maintenance and support for as long as the City uses the system.

**Item No. 36: Actuarial Services**

(A) Authorize the City Manager to negotiate and execute a unit price contract with Aon Risk Services South for actuarial services for an initial term of three years, and (B) Authorize the City Manager to renew the contract for up to two additional, one-year terms.

**Item No. 37: Refund of Property Taxes**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$8,143.92.

The resolution is recorded in full in Resolution Book 47, at Pages 314-315.

**Item No. 38: Meeting Minutes**

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of: March 16, 2016, Budget Workshop and March 21, 2016, Zoning Meeting.

**PROPERTY TRANSACTIONS**

**Item No. 39: Land Transfer to the North Carolina Department of Transportation**

Approve the transfer of 1,939 square feet (0.04 acres) of right-of-way (parcel tax identification 191-011-01) to the North Carolina Department of Transportation to construct a right turn lane on Monroe Road at the southeast intersection of Monroe Road and Idlewild Road.

**Item No. 40: 2000 North Tryon Street**

Acquisition of 343 square feet (.008 acres) in Storm Drainage Easement, plus 270 square feet (.006 acres) in Sidewalk and Utility Easement, plus 1,041 square feet (.024 acres) in Temporary

Construction Easement, plus 51 square feet (.001 acres) in Bus Stop Easement, plus 3,777 square feet (.087 acres) in Utility Easement at 2000 North Tryon Street from King's Property of NC, Inc. for \$56,500 for North Tryon Business Corridor, Parcel #26.

**Item No. 41: 1501 North Tryon Street**

Resolution of condemnation of 439 square feet (.01 acres) in Sidewalk and Utility Easement, plus 2,002 square feet (.046 acres) in Temporary Construction Easement, plus 102 square feet (.002 acres) in Bus Stop Easement, plus 779 square feet (.018 acre)s in Utility Easement at 1501 North Tryon Street from James Wier Family, LLC for \$37,125 for North Tryon Business Corridor, Parcel #13.

The resolution is recorded in full in Resolution Book 47, at Page 316.

**Item No. 42: 1601 North Tryon Street**

Resolution of condemnation of 649 square feet (.015 acres) in Fee Simple 449 square feet (.01 acres) in Storm Drainage Easement, plus 304 square feet. (.007 acres) in Sidewalk and Utility Easement, plus 50 square feet (.001acres) in Temporary Construction Easement, plus 2,211 square feet. (.051 acres) in Utility Easement at 1601 North Tryon Street from Stephen Ernest Lee, Sr. and Diane L. Hoffman for \$59,725 for North Tryon Business Corridor, Parcel #16

The resolution is recorded in full in Resolution Book 47, at Page 317.

**Item No. 43: 1621 North Tryon Street**

Resolution of condemnation of 991 square feet (.023 acres) in Fee Simple 619 square feet (.014 acre) in Storm Drainage Easement, plus 454 square feet (.01 acres) in Sidewalk and Utility Easement, plus 1,179 square feet (.027 acres) in Temporary Construction Easement, plus 1,610 square feet (.037 acres) in Utility Easement from Stephen Ernest Lee and Diane L. Hoffman for \$36,400 for North Tryon Business Corridor, Parcel #17.

The resolution is recorded in full in Resolution Book 47, at Page 318.

**Item No. 44: 117 West 29th Street**

Resolution of condemnation of 4,707 square feet (.108 acres) in Fee Simple and 4,083 square feet (.094 acres) in Storm Drainage Easement, plus 3,537 square feet (.081 acres) in Sidewalk, Utility and Retaining Wall Easement, plus 3,953 square feet (.091 acre) in Temporary Construction Easement from Reza Shirzad and Frouzan Shirzad for \$37,600 for North Tryon Business Corridor, Parcel #67.

The resolution is recorded in full in Resolution Book 47, at Page 319.

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**POLICY**

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

City Manager Ron Carlee said I have no report. We can then go to 10 and keep going to 6:30 p.m. or as you choose.

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**ITEM NO. 10: HOUSING TRUST FUND DEVELOPMENT RECOMMENDATIONS (FY2016)**

Councilmember Autry said this is the recommendation for the disbursement of Housing Trust Fund money to help with housing development, on April 6, 2016, a Neighborhood and Business Services staff presented to the Neighborhood Development Committee, and the committee unanimously voted to approve Housing Trust Fund allocations for the Baxter Street, Catawba II, Magnolia Gardens, and Tuckaseegee development. The committee voted three to one to approve a Housing Trust Fund allocation for the Weddington Road development. The committee voted unanimously to deny a housing trust allocation for the Cedarwood development. I would like to thank all of the committee members for their continued work on this item, but we are going to see three separate motion.

Motion was made by Councilmember Autry, seconded by Councilmember Lyles, and carried unanimously to approve the Housing & Neighborhood Development Committee recommendation of Housing Trust Fund allocations for the following Multi-family Tax Credit developments for a total of \$10,297,000 to: Baxter Street, \$1,450,000; Catawba II, \$585,000; Magnolia Garden, \$1,400,000; and Tuckaseegee Senior, \$2,392,000.

Motion was made by Councilmember Autry and seconded by Councilmember Kinsey to approve Housing Trust Fund allocation for the Weddington Road Apartments in the amount of \$3,150,000.

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

YEAS: Councilmembers Austin, Autry, Eiselt, Fallon, Kinsey, Lyles, Mitchell, Phipps, and Smith

NAYS: Councilmember Driggs

Motion was made by Councilmember Autry to deny the Housing Trust Fund allocation for the Cedarwood Development in the amount of \$1,320,000.

Without a second, the motion was not considered.

Motion was made by Councilmember Lyles, and seconded by Councilmember Kinsey to approve the Housing Trust Fund allocation for the Cedarwood development in the amount of \$1,320,000.

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

YEAS: Councilmembers Eiselt, Kinsey, Lyles, Phipps, and Smith.

NAYS: Councilmembers Austin, Autry, Driggs, Fallon, and Mitchell.

Mr. Autry said I am going to have to speak to this. This is the item that the committee voted three to one to not approve. So, the recommendation from the committee was to not approve this item for Housing Trust Fund Allocation. It is a senior development along Harrisburg Road; there has been very strong opposition from the community, and the recommendation from the Housing and Neighborhood Development Committee reflects that opposition, so I will not be supporting the motion, and I want to encourage my colleagues to do likewise.

**Councilmember Lyles** said after the committee had its meeting and made the full presentation to the City Council, there was a discussion around this particular project, and the Council had previously not approved this for affordable housing, but this is a significant difference. This one is a senior development. It is something that when we look at the design and the standards for the type of housing that we wanted, it is something that would move forward and would be similar to the ones that we just approved. So, I think that there has been some discussion around the site and with the number of seniors that we have coming to this community and staying, or some of us who are aging in place in this community and want to stay, I really think that we have the opportunity to go before the Housing Trust Fund to ask for their consideration of the project, and I would hope that we would do so.

Mr. Autry said do we have any speakers signed up to speak about this item?

**Deputy City Clerk Emily Kunze** said no sir.

**Councilmember Mitchell** said can I ask a question of staff? I think that at the end of the day Council, we still have to present these to the Raleigh, North Carolina Housing Financial Agency. It is not a good chance that we will get all five of them funded, correct? So, I just want to make sure those that have an excellent chance of getting funding, we definitely need to have unanimous support. Pam, can you talk about the process and just give us some guidance about those that might get funded in criteria please?

**Deputy Director of Neighborhood and Business Services Pamela Wideman** said you are correct, Mr. Mitchell. All of these meet your policy. All of these are being recommended for funding; it speaks to your goal of doing 5,000 in five years. It speaks to your goal of preserving and building new, affordable housing. We will submit these to the finance agency. They are before you tonight because they all have a perfect site score. They meet your policies. We will submit these to the finance agency, or developers will, in May. You are right, they will not all get funded, but they all have a perfect site score and meet your policy.

Mr. Mitchell said so, what impact would our vote have on how they view or score it? Does it look good to have 11 in support or seven or four?

Ms. Wideman said that is not specific. The bottom line is, without your trust fund dollars, this will likely not get funded from the state, but it needs a local effort.

Mr. Autry said so, if the project is recommended by Council to go forward, and it is not approved by the finance authority, does the process for achieving acceptance with housing trust fund dollars and the North Carolina Finance Authority start all over again, or is there a leg up by having gone this far in the process?

Ms. Wideman said the developer could choose to resubmit this development in the next round of your allocations, which would be February of 2017.

**Councilmember Driggs** said it is going to be a tie.

Mayor Roberts said: so, now I have to vote?

**City Attorney Bob Hagemann** said you are authorized to vote but you are not legally required to vote.

Mr. Driggs said I would think you have to vote to break a tie.

Mayor Roberts said this is a rare opportunity that the Mayor of Charlotte actually gets to vote on something. Generally, the Mayor does not vote. I get to vote in the case of a tie or with a protest petition, so I am going to vote with those against.

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

YEAS: Councilmember Eiselt, Kinsey, Lyles, Phipps, and Smith

NAYS: Mayor Roberts and Councilmembers Austin, Autry, Driggs, Fallon, and Mitchell

Mayor Roberts said I think that something that isn't supported 100% is not going to have a good opportunity anyway.

Ms. Lyles said I just want to remind us. We have a process. We have a number of steps and you check the boxes and do that. So, in this, again we have a goal to build 5,000 affordable housing units in this community, sorely needed, workforce and affordable housing. When we ask, our developer does all of this work, and when it does not happen, what message are we sending to those who are going to do this? Now, I recognize that sites can be very difficult, but at the same time, we have talked about where and how. I have encouraged this developer to please submit in the 2017 cycle, thank you.

Mayor Roberts said we absolutely have a commitment to affordable housing, and we look forward to continuing to review more projects that will be approved by the Council with a bigger vote.

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## CITIZENS' FORUM

### **Bullhook Ban**

**Rhyan Antonowicz, 11626 Norkett Drive** said I am seven years old. I am here because I care about animals. My family and I protest the circus because animals like camels, tigers, zebras, bears, elephants, and many others are getting abused every day. The circus trainers and employees use many bad things to train the animals to do tricks and make them obey them. They use electroshocks, whips, bull hooks, and they beat them to make them listen. They also keep

them chained up so that they cannot move around while they are not being trained or used in shows. They are also taken away from their moms and families. I think animals should not be used for our entertainment. The circus can be a very fun, happy, and cruelty free experience without animals suffering. It would be fun with just the acrobats, clowns, and other entertainers. Wild animals should not be in captivity because they should be with their families in the natural habitat. They should not be in chains just to make their owners money. It makes a lot of people very, very sad to know the animals are being hurt. Animals are amazing, and they deserve better than how we treat them. Please think about how you would feel if you were being abused and hurt every day and ripped away from your homes and families. I am asking you to please stop the circuses from using wild animals here in Charlotte. Thank you.

### **Bullhook Ban**

**Burton Pinckney, 8934 Whistlers Chase Drive** said before I get started, I want to say that I met the young lady who just spoke, Rhyan two years ago at her first animal circus protest. In that two years, she has volunteered more time to help others than most people my age have in their entire lives. In my eyes, she is a hero. I am a native Charlottean, and I represent no organization. Rhyan, myself, and the next speaker, Kristen Moyer are here to talk about restricting use of performing wild animals and traveling circuses in the City of Charlotte. I am going to speak to you about the life that wild animals endure in the circus, and then my colleague Kristen will speak to you about the public safety element and the action being taken in the cities and countries around the world to restrict wild animals in traveling shows. There is extensive evidence that the very nature of traveling circuses causes deficits to animal welfare and therefore suffering is almost inevitable. The need for facilities to be small, collapsible, and mobile, the long, arduous journeys, the extended periods inside of trucks and trailers contribute to welfare problems. The chronic stress that this causes has been observed and recorded in the abnormal behavior of these animals. Large cats, such as lions and tigers, spend between 75 and 99% of their time in cages barely bigger than the animals themselves. Elephants spend 58 to 98% of their time chained by at least one leg and more commonly by both a front and hind leg, only able to take one step forward or back. Studies have shown, during transport animals suffer increased heart rate, lower immunity to disease, weight loss, apathy, aggression, repetitive behavior, and often are forced to stand in their own urine and feces. For these reasons, we believe it is important to separate the issues of animals used in traveling shows, those where animals brought to a specific location to perform tricks, from that of animals who were normally kept in a permanent facility. These tricks that these animals are forced to perform require extreme physical coercion and often involve violent training methods. Investigations and undercover footage reveal that training is often used by bull hooks, which is a heavy bar with a sharp point and hook at the end. Also used are stun guns, metal bars, whips, deprivation of food and water, and intimidation. Often, poorly paid circus workers who lack expertise about the species they are handling resort to screaming, punching, kicking, and even beating the animals. The training sessions go on behind the scenes and out of the public eye and have many times been exposed by undercover investigations. Animals are taken away from their mothers at an early age to insure emotional and physical dependence on humans. They are subjected to a regiment that includes being bound with ropes, chained, jabbed and struck with bull hooks, or the use of other weapons. Keeping animals in chains, confining them to small cages, and forcing them to perform unnatural tricks for the sole purpose of human entertainment is increasingly difficult to justify in today's society. Before I turn it over to Kristen, I have one last question I would like to ask. Years from now, would you be able to tell your grandchildren that you were a leader in stopping the suffering and abuse, or will you have to explain why it was allowed to continued when you were one of the few that had a chance to stop it?

### **Bullhook Ban**

**Kristen Moyer, 1922 Luther Street** said I am a local animal advocate. I am here to ask you to consider revising animal control Ordinance Section 3-73 entitled Exotic or Wild Animals to ban the exhibition of wild and exotic animals in traveling circuses. I would like to talk for a moment about the public safety issue. Traveling circuses pose a serious threat to public safety. Keeping wild animals confined, under duress, in dangerously close proximity to the public, in light weight temporary enclosures has proven disastrous many times in the past. Circus workers and members of the public, including children, have been killed and maimed by circus animals. Lions, tigers, elephants, and zebras have all escaped from circuses in the past. In the last year, I have witnessed two circuses here within the City of Charlotte that have allowed elephant and camel rides with up

to six adults and children riding on these animals at one time. Allowing performing wild animals to be in close proximity to the public in Charlotte presents an unnecessary risk to public safety on the grounds that circuses have inadequate control of the animals that are, by nature, wild and unpredictable. The chronic stress and violent subjugation of the natural desires and behaviors of these animals make an attack or escape inevitable. An estimated 12% of captive elephants in North America are infected with Tuberculosis, a contagious disease that can be passed from elephants to humans. Most elephants with active TB have no outward signs of disease. As you have likely heard, Ringling Brothers and some smaller circuses have announced lately that they have planned to retire their use of elephants in training shows. While this is a step in the right direction, it does not solve the issues. Lions, tigers, camels, zebras, and others, will continue to be used and many circuses will continue to use elephants as well. That is why Charlotte needs to join the growing number of cities around the world that have recognized the importance of protecting wild animals and the public. In the US, 45 cities and 21 states have already taken action to restrict wild animals from traveling circuses. Over 30 countries have outlawed the use of wild animals in this way. We circulated a petition on the internet via care.com and we have nearly 12,000 supporters who have signed in support of banning exotic animal acts in Charlotte. I have included a copy of the petition and a packet of information that I am about to give you. We are asking that the Council study this matter at a committee level and consider amending Animal Control Ordinance Section 3-73 to ban the use of performing wild animals in travel circuses within the City of Charlotte.

### **Improving Transportation, Working Conditions and Services to the Public**

**Vincent Parson, 11021 Featherbrook Road** said I am a cab driver with Diamond Cab in the City of Charlotte. I want to thank you guys, the city, City Council, and the Mayor for the opportunity to speak on making conditions better for the cab drivers. We the cab drivers and the cab company have taken the hit. We are pretty much taken advantage of, at this point, we as cab drivers have nowhere to work. About 50% of our business has been taken away from us. The biggest problem is Uber. Uber can operate in this city anyway it wants to. They have their own parking lot at the airport with no commercial insurance, no city inspection, no medallions, and no background checks. They can obstruct traffic around the Epicenter or any arena or stadium around a big event and parking in taxi stands as well. Not even the citizens of Charlotte can get away with most of the stuff that Uber drivers can do. The next one is city and charter buses, is another problem that we as cab drivers are dealing with. Most of the scheduled big events or the parking attendant or the guys wearing the yellow vests, they usually load buses right into the taxi stands, whether it is the Panthers Stadium, Time Warner Arena, or the Convention Center, this problem can easily be solved if we separate the cabs from the big buses or the city buses, or the charter buses. Designate an area for taxis and other areas instead of just loading city and charter buses into taxi stands. One more thing, we need better access to the Panther's Stadium, if possible. With cops directing traffic, it is just making it really hard for us to work when there is a Panther's game or any big arena with the cops directing traffic. Those are some of the things that we have already talked about. Like I said, I have a few other guys that are on the list that have other things. At one time, and I am just asking the City Council, I had to add him to the list, but the Clerk didn't miss it. I emailed her twice, but she didn't get it. So, he was the last one that was added. I know that I probably wouldn't take the whole three minutes of time.

### **Improving Transportation, Working Conditions and Services to the Public**

**Tony Moore, 7001 Barcliff Drive** said I would like to thank you all for giving us an opportunity to speak today. Mine will be brief, short, and to the point. Let me just leave this fable with you guys since I am getting older and gaining a lot of wisdom. It is foolish to make a decision without the facts. Make sense? It is foolish to make a decision without the facts. I am saying that for a specific reason. I do not know how it works with the City Council as far as getting information about transportation. I am in the transportation and limousine service, and I am a Sole Proprietor, and I have a company. I just want to share some things that I am not sure that you are privy to. You may be, but I am not sure. One of the things is that as chauffeur drivers, we have to pay a fee to get our license. We have to have a vehicle permit. We have to have a PVH business license. We have to have four inspections, including city and state. We are drug tested; we are finger printed. We pay every year these fees. My insurance went up from \$1,600 to \$2,600 dollars. That is a thousand dollar increase. As far as other businesses that have come to Charlotte that have come up with some ingenious ideas to make money, it is a capitalist country, more power to you. I do not have a problem with that. My problem is with the fees that we are

paying. I do not know if you all knew that Raleigh does not have a PVH. The state capital does not have Passenger Vehicle for Hire. South Carolina does not have a PVH. What we would like to ask you all to do, if you deem it worthy, is to look at this situation that is causing us money with everything going up for us, the loss of businesses for whatever reason, and understand that in Raleigh, they get For Hire tags, that is us. They have to cover \$1.5 million insurance liability. We got it. They have to be state inspected, we got it. The long and the short of it is this, we are regulated by PVH. That is one entity and then we are already vetted by the state. That is two for the limousine service. We are being regulated by two different entities; they are different. PVH is different; they have some other different stuff added, but in Raleigh this is what they go by, our state. For Hire tags, \$1.5 million insurance, and state inspection, and we feel, and this is all of the transportation and limousine services, that we should be excluded from the city ordinance and we regulate our own people anyways, if someone has been caught for DWI. We regulate them, and they do not have a job.

### **Improving Transportation, Working Conditions and Services to the Public**

**Rudolph Kirkpatrick, 1317 McDowell Farms Drive** said I have been a Vehicle for Hire business since 1987. What I am here about is the same situation we are talking about, Uber and Lyft. These folks have come in, we do not have a problem with the competition, but they kind have been giving carte blanche where they have been given slots at the airport. Everybody keeps trying to convince us that they do something different. A Vehicle for Hire is a Vehicle for Hire, no matter how you get the pickup, whether it is telepathy, because I have been told the difference is that they work on an app. It doesn't matter. When the client gets the call, they call the customer, the customer calls the driver. It is the same thing. At the end, the person in the car pays for their ride. That is a Vehicle for Hire. We keep getting told, now are going to do a RFP at the airport. We have to qualify for this. We are local business people that have been locked out for the last five years because of something that happened in 2011. I want to first think Mr. Al Austin and Ms. Eiselt and the Community Safe Committee because they are addressing the ordinance situation, but what we have a problem with is now Uber has been given an opportunity to go to the airport, and we are left out. Our drivers are still out. Our companies, we work here, we are hired here locally. A matter of fact, one of our cab companies doesn't even have an office here. They are making all of the money that we should be able to have an opportunity to make as well. I am asking City Council to please look into this, because we are suffering out here. The drivers are suffering and Uber and Lift have a slot at the airport. I was told, oh they don't do anything the difference is we need new cars because we are For Hire; we are on demand, but when a person comes out of the airport and Uber isn't at every airport, they look down and see that Uber, they can book it on their phone. They do not have to wait, but we are told the difference between them is it is pre-booked. If they are pre-booked, why do they have to have a slot at the airport? We are not even allowed to go out there and sit on a regular basis like they are. Now we have an RFP that is requiring new cars, with a lot of stuff from us, nothing that we can't do, but we want to know why? Why are we being pushed to that? Look at the fees right there. That is what it cost to put a car and a driver to work. We have to go through a class that takes months at a time. It costs quite a bit. Now, add \$20,000 for a new vehicle. This is what it cost our people. These people are business owners because they are all independent contractors, the owner/operators. This is what it is going to cost them and we are asking them to put more out? They just bought new cars in 2011. Half of them are not even paid for, and we are going at them again, at us should I say. We just don't understand and as small businesses, we are like, someone explain why. As far as telling me, Ubers not the same, I know better. I have been doing this 30 years; I know better. They are here. So, all that we ask for is an even playing field.

### **Improving Transportation, Working Conditions and Services to the Public**

**Hassan Ayanle, 1101 Tyvola Road** said three minutes is not enough really for something that took five years to be destroyed. I am going to show you visually, this is a vehicle permit. This is a driver permit. This is a city license. All of them come from the city, and then we have all of these fees. You can see all of them. The access of the city to make money is eliminated before even Uber came in. About five years ago, the town car took over downtown hotels, and they still sit in there. We are not allowed to go there. I think the last Council decided to give three companies out of 12 to the airport. So, think of it. They listed mine, and I know most of you do not even know the detail. That is why I am giving you this paper so you know how much it cost. A car with one year left, just one year that is what it will cost. So, the airport is taken by three companies and the downtown town cars. What is left for taxi? What is left is Amtrak and

Greyhound. Those two things left, then Uber came in. Uber complaining, we stopped complaining because there is nothing to complain. They are everywhere. You can complain maybe 90% you can pretend, but if 100% of things go south, what do you do? Three minutes is not enough. If it is possible, we will talk to the Safety Committee and they gave us good time last time. We did not talk; they were listening. The PVH doesn't represent an old cab driver. They present the same companies you give to the airport. It is monopoly itself. They recommended to the Safety Community what to do with safety as far as what is concerned with taxi. If you look on the list of who is on that board, it is the companies at the airport. You go figure, if that is democracy, you can tell by my accent that I am not from here. I am from dictator, but you know where you stand. This democracy, I am learning, is confusing. There is no line of anything. Anybody can move the line. My English is limited. I cannot echo everybody, but those are the fees. The airport to the downtown and one brother mention the city buses coming everywhere. We are paying a fee to operate for the city providing free service. I do not think that is fair. You cannot provide a free lunch for restaurants and say, you know what, you guys can have your own business, and we are going to provide free lunch, but when you are doing free lunch the buses running the Panther's game; they are running Amtrak; they are running everywhere. Until everything I told you guys, but this I am mentioning because that is under the city really. The city owns all of this.

**Councilmember Eiselt** said as Chair of the Community Safety Committee, we are committed to looking at this ordinance, especially since the General Assembly passed legislation last year that prohibited the city from regulating Uber and Lyft. Our goal in reviewing the ordinance is to level the playing field, because we do feel that is something that we should look at. It does take time, and we do appreciate all of you that have come in to meet with us and do come into the public committee meetings. The next one is on May 19, 2016 at noon, and we welcome you. You can come and listen. It is not an opportunity to speak, as you know, for those of you who have been there, but we have offered the opportunity to get ahold of us. We have met with some of you. You can also continue to engage with the PVH staff, in particular, PVH manager Kurt Young, and Assistant City Attorney Thomas Powers, and we will continue to work towards looking at the ordinance, streamlining it and making it fair to everybody to be able to operate efficiently, profitably, and safely in Charlotte.

### **Belmont Community Updates**

**Vicki Jones, 1237 Allen Street** said I am President of the Belmont Community Association. I spoke last month about progress toward our mission to continue making Belmont a safe, friendly, and diverse community of neighbors working together. Today, I am pleased to provide you with our Belmont Area Revitalization Plan Community Update document. This document is the result of a consensus based update to the original plan that was adopted in 2003. Certainly circumstances have changed in the past 13 years. We were seeing the development pressures in the surrounding neighborhoods and wanted to get in front of what we were anticipating was coming our way. As a result, the Belmont Land Use Committee was created just over a year ago. We are lucky to have dedicated community members, including two architects who have come together to lead the work. They presented the visioning goals of the adopted plan at four community meetings last fall to see if it still resonated. During that fourth meeting, the community members unanimously agreed that the vision and goals that is noted in your hand out, still applied. We are pleased to have 40 community members, representing both long term and new residents attending our monthly meeting. With their endorsement, the community began a more detailed assessment of current and future state. It was determined that while the neighborhood should pertain predominately single family character, targeted density and mixed uses are critical for cultivating economic and cultural diversity. The community update document identifies corridors of interest, economic development nodes, preservation identification of heritage buildings and commercial land uses. The proposed updates were presented to the community and unanimously approved at our March meeting. We then met with Mandy Vari, Community Planning division, and Todd DeLong, Commercial Redevelopment Manager to present this vision for development aligned with the city goals for the Belmont Community. We understand that the adopted Belmont Area Revitalization plan will remain the primary planning guideline; however, we ask that developers are directed to our community update document and ask to work with the Land Use Committee in the best interest of Belmont. I would like to recognize Councilmember Kinsey for her diligence and encouraging developers to work with the community. A great example of a developer working closely with us is the upcoming rezoning of petition 2016-045, Belmont Mills at Seigle and 10<sup>th</sup>. This is an example of

a rezoning request that does not align with the adopted plan, but due to the collaborative approach taken by the developer working closely with our Land Use Committee; changes were made that will improve quality of life. The community voted in favor of this petition. We need your and city staff, and ongoing support in asking developers to work with us to help realize the revision of the revitalization plan and the highest potential for Belmont. Thank you and please let us know if you have any questions.

### **Public Safety Concerns**

**Karen Jensen, 311 Baldwin Avenue** said I am here to ask again for the police records and city records that I have requested numerous times over an extended period of time, as you are aware. I have received no response from the city. The Clerk did tell me a couple of weeks ago that she would be responding and that she is collecting some sort of public records. I do not know if she means six years' worth or a weeks' worth or what she was planning to respond to, but I did not receive a response when she told me she would. These are recordings, audio, video, emails, other records that have been subpoenaed. There have been judge's orders; there have been other public records requests, and I still do not have them. The police are still giving false information to judges; the lawyers that work here are still giving false information to judges. My neighbor, as recently as a couple of Fridays ago, is still out following me just when I am walking from my door to my car, yelling at me about guns and being afraid, and you all are still lying about it. So, I am asking again, to have my records, to have a correction about the lies that are being told about the crimes at my house, and the misconduct by police officers, which lies seem to be perpetuated because of the information I gave about police misconduct. So, when I come here and hear the hypocritical statements about how all of you care about civil rights and everybody's equal rights, it is really disheartening to come here again and again and have you ignore this. If you think that because your attorney told you to, that is not going to be a legal defense for anything, because when you attorney tells you to do something which is blatantly illegal and you know it; that is not going to help you. I am asking you again to correct this. I am asking you again, I would love an answer to when this will be fixed and stopped. I do not know if anybody is confused about what my statements are or my questions are, all the convictions in court, the evidence you have, the video tapes you have, which you all keep denying, but if you have a question, this would be a good time to ask me.

Mayor Roberts said Ms. Jensen, I think I explained that we listen to citizens at this part of our hearing, and we do not respond in this forum, but we know that you have had contact, and we will look forward to continuing to work with that. I cannot respond right here.

Ms. Jensen said well, you are not responding to anything anywhere else either, and you do often ask questions of people when they are here, so you have that freedom if you choose to, and I am not getting an answer. I am not getting any resolution. I am not getting my records; I am not getting crimes charged. I am not getting an answer to police misconduct.

### **Non-Discrimination Ordinance**

**Reverend Philip Benham, 761 Harris Street, Concord** said I am here again on behalf of HB2 and on behalf of what has happened to our city, now moved to our state, and now to our nation. You have opened up a Pandora's Box. You have simply because you chose to do that, simply because you had the ability to do that, to call that which is evil, good, and that which is good, evil. There always comes a time in history when the man that dares to say that two plus two equals four is going to be punished with prison or death. The issue is not what reward or punishment is the cause of that reasoning; the issue is whether or not two plus two equals four. We have an objective truth. Truth is a person. Truth is Jesus, who is the Christ. You have picked a fight, this city, with Almighty God. You have done so for no other reason than just the compassion of trying to open up bathrooms so that everyone can go up there; .03% of the population could use a ladies restroom. This is a crime against Christ, His church, and the people of this city. I am just asking you to repent of this, to back up on everything, to just stop going the way that you are going. We cannot depend on our friends from Raleigh to fix what you have done. Ms. Roberts, you have been the one that has been instrumental in this. It has been your purpose; it is how you got elected, and now we are dealing with the consequences of it. I thank God for HB2. I thank God for the fact that our schools are not going to be subjected to this, and you are not going to be able to open up restrooms and locker rooms in school for men to go in and for boys to go in them. I am thankful for that. I am thankful for the fact that this building will

be protected from those that would choose to use the ladies room. I could have followed you right in to the ladies room, would that have been alright with you? Ms. Roberts, if I said to you that I am a woman, what would you say to me? If I said to you that I am Chinese, what would you say? If I said to you, that I am seven years old, what would you say? That is my expression; that is what I feel. Would I be allowed to enroll in a first grade class Ms. Roberts? If I said I was 6'5, what would you say? I mean, it could be my expression in my little world; you laugh, but it is family policy institute. Ask those questions of kids in the University of Washington, and the kids dare not say well we shouldn't make a judgment, if that is the way you feel, it is okay. This is insane, and you have opened us up to that insanity and chaos. Jesus is asking you, ma'am I want to look right in your eyes, Jesus is asking you to repent, in Jesus name.

Mayor Roberts said I want to make one mention just for an item that we had on our agenda a week or so ago about an update on our procedure for speaking. Today is the first meeting where Council's updated rules are in effect. They were reviewed and approved by the Governance and Accountability Committee and presented to the Council on the April 4, 2016 Workshop and adopted by Council at the April 10, 2016 Business Meeting. The changes are intended to streamline the language and Rules of Procedure, and one of the changes enables all community members an equal opportunity to speak. The guidelines now say that speakers may participate in the Citizens' Forum once each quarter. Glad to have the Boy Scouts here. Sorry I did not notice you earlier. I would have recognized you. Thank you all for coming. Thanks to the troop. Speakers may participate in the Citizens' Forum once each quarter. The public may continue to speak on any individual items on the agenda through the year. The new Rules of Procedure are available online at the City Clerk's site at charmeck.org. I just wanted to give everybody that reminder, since today is the first day that those new rules are in affect.

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#### **PUBLIC HEARING**

#### **ITEM NO. 6: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF GREENWOOD CLIFF**

Motion was made by Councilmember Driggs, seconded by Councilmember Kinsey, and carried unanimously to continue a public hearing to close a portion of Greenwood Cliff to May 23, 2016.

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#### **ITEM NO. 7: PUBLIC HEARING ON THE ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT (FY 2017)**

**Mayor Roberts** declared the public hearing open.

**Councilmember Autry** said every year the Department of Housing and Urban Development mandates that the municipalities that receive Community Development Block Grant money develop an action plan, and this year's plan, we understand from the HUD regional office in the upcoming year, we expect to get \$10 million in Community Development Block Grant money. That is Home Investment and Partnerships, Emergency Solution Grant money, and Housing Opportunity for Persons with AIDS and HIV Funding. Neighborhood and Business Service staff convened two public meetings to receive community input to develop the plan. Additionally, a copy of the draft plan in both English and Spanish was placed on the Charlotte Housing Authority main office, Old City Hall, and several libraries throughout the city. On March 2, 2016, the Housing and Neighborhood Development Committee unanimously voted to approve the draft plan, and this item will be on your May 9, 2016 agenda for approval. The plan will then be submitted to HUD or before May 15, 2016. Thank you Mayor.

There being no speakers, either for or against, a motion was made by Councilmember Autry, seconded by Councilmember Driggs, and carried unanimously to close the Public Hearing.

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**ITEM NO. 8: BANK OF AMERICA STADIUM AGREEMENT AMENDMENT AND CONVENTION CENTER REFUNDINGS**

**Mayor Roberts** declared the public hearing open.

**Deputy City Manager Ron Kimble** said I am here to talk with you tonight briefly about the partnership that we have with the Carolina Panthers and Bank of America Stadium. I think it might be first, good to describe the current agreement, what it says and then talk about the tweak that we are bringing forward to you tonight. The action tonight will be to first conduct a public hearing on the portion related to the Panthers, the Bank of America Stadium and then have an action, if you are so inclined, that partners with this money and a refinancing of Convention Center debt that is item D in your agenda item tonight under Item No. 8.

The current agreement with the Panthers was struck in 2013. It says the following: in 2014, the City of Charlotte would partner with the Panthers and Bank of America Stadium to do \$28 million worth of improvements to the stadium. That was done and predominately was the escalators that were added to the stadium in 2014. The agreement also said that in 2016, we would do \$23.5 million worth of improvements to Bank of America Stadium. Those are underway, in progress. Everything has been done on time, on budget, in a great partnership way with the Panthers. Those improvements will be done sometime in early July in time for us to host a great international soccer match on July 30th, this year, also making sure that we can host college football games in Labor Day each year. In 2018, it was contemplated that another \$23.5 million would be put into Bank of America Stadium, funded by the public, and those would predominately be the 100 level concourse improvements.

The ones going in today, 2016 are the 500 level. Remember that the agreement also said that we would not put any of our public money into the suite areas, the private areas of the stadium, and we have not done so that this point in time. The tweak is that we sat down with the Panthers, and we talked about what might happen if the 2018 improvements were moved up one year. I will tell you why that is a good idea from both perspectives. Number one, we are in a rising interest rate environment; it's expected that the feds might raise interest rates over the coming year, and if we were to issue the last tranche of debt one year earlier, we would be able to take advantage of what we feel is lower interest rates as a result of issuing that debt one year early. Also, we can partner that particular \$23.5 million that we would move up one year, with the convention center refinancing that is in front of you tonight, which is saving money with the lower interest rates that are here, and when we do that, we can save bond issuance costs, underwriters fees, attorney's fees, and partner the \$23.5 million by moving it up and partnering with the convention center's refinancing. There is no other debt that we are anticipating that would be in a year from now, so we would have free standing, stand alone cost, for issuance on underwriting fees, bond attorney's fees, other fees, and we estimate those costs to be somewhere around \$200,000 in those kinds of issuance costs that if we put this debt from the \$23.5 million, line it up with the refinancing, then we would have one set of bond underwriters, one set of lawyers' fees, one set of issuance costs, and thereby saving that amount of money. Moving it up one year earlier also allows the 100 level patrons to experience the improvements that we would have one year earlier than otherwise expected.

I would also add that when we had this conversation with the Panthers, we also wanted codified in the agreement, the window for us being able to book the rent free use days. Right now, in the agreement, we get the Belk Bowl, plus four other rent free use days, but the agreement says that those rent free use days have to be booked between January 15th and June 30th, mainly the end of the football season one year up until June 30th. Well, by practice, the Panthers have been allowing us by letter to have these games that I talked about, the international soccer matches in July and college Labor Day weekend football games, but they are not by agreement. They are by letter for each one individually when we bring them, and it is felt, that in order to make sure that this agreement lasts all the way through 2023 and anything that might happen during that time, to get those rent free use days codified in the agreement. With the conversations that we have had with the Panthers, they have agreed that we should be able to codify those into the agreement, and they have said that they will allow the rent free booking window to go from January 15th, not to June 30th each year but to go January 15th to September 7th each year, which is just before the start of each NFL football season. I would also add that our agreement was to place \$75 million in the stadium over that five year period. We will have done so. The Panther's agreement was to put \$37.5 million of their money into the stadium. I am proud to report that by

the time 2017 rolls around, they are expected to have placed \$102 million worth of improvements into the stadium rather than the required \$37.5 million, almost three times the amount that they had agreed to in the agreement back in 2013. For all of these reasons, we believe that it is a wise partnership to move up the last set of improvements from 2018 to 2017 and package that debt financing with the convention center refinancing that is in front of you tonight on your agenda as well. I would be glad to answer and questions. I know that you have a Public Hearing. You can either answer the Council's questions now, or we could wait until after any citizens may have signed up to speak.

**Councilmember Smith** said is it fair to say that if this measure were not to pass, the same improvements will happen and yet cost the city anywhere from \$4 to \$5 million more?

Mr. Kimble said the \$4 to \$5 million is not the amount that is attributable to this Panthers. That \$4 to \$5 million was the convention center refinancing, but there is a savings in our mind by going early at a lower interest rate, even though it costs us a little bit more in interest dollars for seven years' worth of debt, because all of these are retired by 2023 rather than six. Interest rates are on the move up, and we figured that would counter balance it and then when you factor in the bond issuance cost savings that we are going to have, we feel that we will achieve savings by doing it this way, when you compare interest rates and bond issuance cost.

Mr. Smith said so the work happens, and regardless of the amount will just cost the city more money?

Mr. Kimble said it would cost more money to wait.

Mr. Smith said for those that are out there that may have had disagreements with the originally \$75 million offering, just to clarify, that is happening. It will only cost the city more money if this were not to pass?

Mr. Kimble said our analysis is if you wait one year, the regular year it will cost you more than rather than doing it one year early.

**Councilmember Phipps** said how concerned should we be over the prospects of potentially sustained reductions in tourism avenues associated with the approval of HB2?

Mr. Kimble said we have a contractual commitment to make these payments in the agreement, and we would feel that we need to move forward to honor the contract provisions. The convention center capacity, from which these dollars come, could be impacted by HB2, but right now we don't feel it would impact it to take it below a zero capacity. We have this outstanding commitment that we need to honor with the Panthers.

**Councilmember Driggs** said Ron I just wanted to understand the pieces here. As far as the Panthers are concerned, we are basically accelerating the last piece of our investment, right?

Mr. Kimble said correct.

Mr. Driggs said it doesn't change the total amount of our investment?

Mr. Kimble said correct.

Mr. Driggs said it doesn't change the tether?

Mr. Kimble said correct.

Mr. Driggs said so; the benefit to us is, as far as the Panthers are concerned, that we have formally additional access to the stadium at a time when we were probably informally able to use it or maybe not. That essentially is out quip pro quo with the team. The other things that you mentioned are benefits that we will expect to derive on the financing side that are not necessarily at their expense?

Mr. Kimble said we are deriving those benefits to us by issuing one year early and also they are granting the codification of July and August and all the way through September 7th, so that we are guaranteed that those dates are available to us, and that is when we booked the great events, the soccer matches and the college football Labor Day games. That is important to us to have those codified in the agreement.

Mr. Driggs said I see the advantage of that, so I can see that benefit. I would take exception with your suggestion that acting now in this current interest rate environment is a benefit to us because that is really kind of speculative. The markets are actually pretty efficient about that, and if you really had a strongly held view about rates, you could enter into transactions to lock in. So, I think the assumption that we are going to get a better rate than we would get into the future is the kind of thing if I knew for sure, I certainly wouldn't be here.

Mr. Kimble said it is why we are doing the Convention Center refinancing right now, because we believe that rates are at a low point, and they might move to an increase on us. So, our analysis and the economies and the economists believe that this is an optimum time for us.

Mr. Driggs said I have seen that analysis, but I am just saying, that particular piece of this is speculative. Let's put it that way. I do recognize also that there are certain efficiencies from the combining fees and so on. On balance, I am coming out in favor of where I come from saying that we have to do it now because we are going to get a better rate is dangerous. I think on balance, the equities here are in favor, so I intend to support it.

**Councilmember Fallon** said Mr. Kimble, what is the bottom line? What are we saved?

Mr. Kimble said we saved bond issuance costs and underwriters fees.

Ms. Fallon said how much money?

Mr. Kimble said that is probably \$200,000 right there, and then we pay more interest costs by going one year early, because we pay interest over seven years rather than six, but we believe it is to our advantage to issue now in combination with the Convention Center debt at a low interest rate according to our experts that are advising us on the issuance of debt. We also get the codification of the dates assured for July, August, all the way through September 7th.

**Councilmember Eiselt** said so, that was partly my question Mr. Kimble. If we issue the debt next year, that would be \$200,000 issuance and underwriting cost, that we are now bundling with the Convention Center. So, we have eliminated that, and you believe that the cost savings, even though we are paying for the debt for an extra year, would still, even if the interest rates didn't change at all, you still believe we would still be saving money?

Mr. Kimble said we are still coming out on the good side.

Mr. Eiselt said thank you.

Mr. Smith said I am going to support this is well, but with regards to that extra Labor Day potential for opening the college football season, I would suggest or hope that we do a better job on our pricing matrix. I attended last year and the ticket prices, it was a little bit disappointed that we could not showcase a full stadium instead of an empty stadium, and I think if we are going to get that extra date into September and be able to highlight the city and Panther's stadium in opening weekend, let's make sure those prices are a matrix that will maximize that exposure.

Mr. Kimble said we will pass that word along.

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

Motion was made by Councilmember Mitchell, seconded by Councilmember Autry and carried unanimous to (A) Approve an amendment to the agreement between the City and Panthers Stadium, LLC (September 9, 2013) extending the rent-free use period for City events at Bank of America Stadium from June 30 to September 7 each year through 2022, and moving up the payment date of the final installment of the City's contribution for stadium improvements from December 1, 2017, to December 1, 2016, (C) Adopt a resolution approving the financing of \$23,500,000 in Certificates of Participation to pay the final installment of the City's contribution for stadium improvements and renovations, and (D) Adopt a resolution approving refunding of \$19,490,000 of 2003B Convention Center variable rate COPS and \$19,160,000 of 2005C Convention Center fixed rate COPS.

The resolutions are recorded in full in Resolution Book 47, at Pages 304-312.

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## POLICY

### ITEM NO. 11: AMEND THE 2016 CITY COUNCIL AND BUDGET MEETING SCHEDULE

Motion was made by Councilmember Mitchel, seconded by Councilmember Austin, and carried unanimously to approve amendments to the 2016 City Council and Budget Meeting Schedule.

**Mayor Roberts** said this is to add May 5, 2016 to our meeting schedule, which will be a tour of the North End Smart District with Congresswoman Alma Adams.

**Councilmember Driggs** said we are going to receive instructions about how that is going to work on May 5, 2016, but members will be requested to meet in the lobby of the Charlotte Mecklenburg Government Center at 9:00 a.m. that day to board the bus that will be taking us on the tour for those who are participating.

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## BUSINESS

### ITEM NO. 12: SALE OF THE 11.4 ACRES OF THE FORMER EASTLAND MALL SITE TO THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION

**Mayor Roberts** said I want to recognize Councilmember Mitchell as the Chair of the Economic Development Committee to talk about this for a minute and then we can hear our speakers who are signed up.

**Councilmember Mitchell** said the ED Committee had this topic on our agenda, and we had a nice presentation by the CMS Superintendent as well. I would like to think all of the Councilmembers who were present at that time. We had a special visit by Councilmember Autry and Councilmember Kinsey, as well as the Mayor. Just a brief background, we are talking about the city purchase 80 acres of the former Eastland Mall site. The east side strategy has developed guiding principle for the redevelopment of this property. They are as following: enhance the perception of the Eastland and East Charlotte, unify local communities, create a connective walkability for surrounding neighborhoods, take advantage of a natural features, and create opportunity for civic development. In our committee, we talked very long and hard about this particular sale to the CMS and how it could be a collaborative effort among the City of Charlotte as well as CMS. They did an excellent job of showing the demand in this area to prevent over crowdedness in the current eastside area. With that said, it was passed three to zero and to recommend to Council to sale this parcel to CMS.

**Edward Garber, 1401 Tarrington Avenue** said I am a native east sider; I have been involved in Eastland Mall for many years. We have a petition tonight; there is now 597 signatures on it, and 45 of those signatures are from Wilora Lake. I want to put that in perspective for you. Forty-five people that know how important Eastland is and how bad it looks right now, are willing to keep it the way it is, so they can get a long term solution for Eastland Mall that really drives economic development. If there is anybody from Wilora Lake tonight that is here and they do not support Eastland, can they raise their hand now? So, just going through this plan, it is a school, and schools are known for not creating a lot of business around them. They do not develop around businesses. This is a mix-use plan that did not get traction for about five years. Now, the idea is to introduce a school, which is a known deterrent to development, that is not residential. In 14 months, this plan has not seemed to get any traction from developers, and Ray Farms has been cited as an example of a success. Those houses that are already there are between \$400,000 to \$2 million. So, when we are talking about an anchor that is going to proceed the development at Eastland Mall, not in unison with it and it does not have developers, it is a very risky proposition. Now, when we talk about business and revenue, 35 acres, 11 acres for the school, 22 acres for a park, and about two acres for a bus station are all government owned land. That is not going to generate any revenue for the city, no tax revenue. It is really important to realize that 40% of that property is not going to be used for economic development. All of the benefits that

have been sold about the magnet school, it could be applied to any of the three schools or at least some of the three schools in the immediate areas. So, there would be four schools in one square mile. I do not know where else in Charlotte that exists, but they could take that magnet school and get all of the intended benefits of it, because I think this is a carrot on a stick. You can take that magnet school, and you can get improved test scores. You can get moderately improved home prices. You can get improved test scores and grades for school, you can do all of that and put it at Winterfield, which has 11 extra acres. There is like seven acres that the county owns; they can expand there. There are five unused. There is Eastway Middle that has 11 unused undeveloped acres and another five privately owned behind it. Albemarle Road has an additional 18 county owned acres. It has a total of 79 possible acres that they can develop.

**Coner Money, 5901 Wilora Lake Road** said I am a concerned but I would rather use the word caring, citizen of the City of Charlotte. My wife and six month old son and I now live currently in Wilora Lake, which is in East Charlotte and is close to this proposed school. I have been grateful over the past year of homeownership in East Charlotte, to be a community member and I've really been amazed to see the community that has developed there over 40 to 50 years. Now, we are millennials, and so we are looking to settle down in Charlotte. We have enjoyed homeownership again, since 2015. I am a local youth pastor in East Charlotte. My wife is a teacher here in Charlotte. Ultimately, we look to raise our family here. Now, recently there have been some discussions of this school being proposed, and we recognize the possibility of Wilora Lake Road being reconnected from Albemarle Road to Sharon Amity Road. That is what I want to talk about tonight, essentially, the possibility of creating a thoroughfare through our neighborhood. The future of the Eastland property and its development I know is still unknown, but we would like assurance as homeowners and citizens of Charlotte, that such a move would not be made. From my calculation, there are 174 properties in our neighborhood, 30 directly on Wilora Lake Road. Our neighbors, some here tonight, live in these houses and would be affected, I believe greatly, by this move. Not to mention the apartment complexes on Wilora Lake Road and the nursing home that is there on our road. One neighbor of ours told me the story of life in our neighborhood over 40 years ago when this road was connected, one through road, and how he witnessed firsthand tragically the killing of a boy who was hit by a driver going way too fast around a corner, again, from one of those major thoroughfares, Sharon Amity Road to the other, Albemarle Road. Again, I heard from another neighbor. That is such a project to disconnect the roads was because of the city's concern of too much traffic coming about because of the Eastland Mall opening there in 1975 and thus disturbing this, our residential area. One more consequence would be the much more congested Albemarle Road. Since I have heard that with connecting, if there was that proposal of reconnecting Wilora Lake Road, there would then have to be a traffic light on Albemarle Road, surely creating much more congestion than there already is on Albemarle Road. So, I ask for you City Council and the Mayor, to be sure to consider the consequences of the possibility of reconnecting this. We understand that it would allow for people to access from Sharon Amity Road, but it also again would create a thoroughfare through such an amazing neighborhood that we have that is called Wilora Lake. Thank you for your efforts, I know it is challenging to be in your seats, and thank you for your service to the city. Please do consider keeping our neighborhood the way it is and cul-de-sacs the way they are.

**Maureen Gilewski, 7518 Linda Lake Drive** said I am a 41 year resident of the east side, and I am here in support of the sale of the property to the school. I personally have been involved with the Eastland Master Plan for over the past four years. I am an advocate for genuine opportunity of continued improvement of Central Avenue fanning out to Hickory Grove, Albemarle Road, and Monroe Road. I am an advocate for continuing to foster small business growth on our historic Central Avenue corridor, and I am an advocate for finding ways to unify our rich, cultural diversities. I am an advocate for the master plan. Those of us who have been long term residents of Charlotte's eastside, we personally understand the long standing negative perceptions and the impact associated with these perceptions on our neighborhoods and our communities. It takes an inordinate amount of advocacy and some wow to find a developer to take a path less traveled, and that entity is not yet reviled. So, let's look at the wow in the master plan. A park, no it is not just a park. It is Charlotte East Central Park. The Eastland property is a wonderful location. It is an incredible asset that this park and plan mixed income community is along the Carolina Thread. It is going to be a desired location in the Charlotte east community. The thread will connect us to the Cross City Trail, the Gold Line from the Eastland property, into the center city, to the west, to the south, to the north, and this really excites me, and it really excites me more so for those that will come after me and see the reality of this. Schools are

important. They are an important part of civic development and strong communities. We need to be involved and insure the best decision is made about future schools and for the plans for student reassignments that address our concentrations of poverty and struggling performance within our community schools. So, instead of petitioning against the school, we should be asking questions such as: is a partial magnet and dual language school the right choice or is it just a short term choice to alleviate overcrowding at Albemarle and surrounding area schools? Our community needs net gain and diversity and performance within our schools. Let's stay involved in the process. Some in this room do not agree that the school is the right starting point, yet they are not against the school, just the sequencing of the development of the Eastland property. To be successful, the project requires that we have collaborative partnership between the city, county, and the private sector. This is not for the faint of heart. The eastside needs to unite to advocate for this successful partnership. Today, we need to support the sale of the property and continue to advocate with CMS, the county, the city, and private sector to see this master plan unfold its wow.

**Billy Maddalon, 2301 Belvedere Avenue** said I am here tonight as the Co-chair of the Eastland Area Strategies Team, better known as EAST. I am here this evening on behalf of the 24 community and business leaders from the Eastside who comprise our board and who have been working intimately for almost 10 years to fulfil the future promise of the former Eastland Mall site. I am specifically here to support the recommendation for the location of the school on the site, which has been our public position for several years. We have, from the very beginning, felt strongly that any redevelopment should create opportunity for civic development. We have identified a school as one potential solution to achieve this imperative, so long as it is part of an interconnected plan that works to achieve each and every other qualitative principle that Councilmember Mitchell mentioned. If the site is to be master planned by the city, which is the current solution, every single choice has to be carefully intergraded and considered as part of a whole, as if we were all solving a puzzle. We believe, a school can and will be an important part of this puzzle. Importantly, we established this principle without regard to the type of school or the current burden of overcrowding that we are experiencing in our middle schools, and if we are being completely honest, we have to acknowledge that schools are a major ongoing issue on the Eastside of Charlotte. Lately, we have heard some lament, the absent of a big or wow factor that has emerged after years of planning and collaboration. Some are suggesting that the proposed plan is nothing more that settling or an attempt to get a financial burden away from the cities tax rolls. Some have even questioned why we bought the property in the first place. In fact, the city bought the property because the city was trying to do something that was impactful for generations to come on the eastside of our city. We were trying to avoid HBU, highest and best use, which in and of itself, there is nothing wrong with unless it is counterproductive to the overall quality of life in an area of our city where there is terrific opportunity. There is nothing wrong with that. What EAST is trying to promote is integration of a lesser known real estate term know as public interest use. We have sought to have this principle become and integrated part of a larger market driven project. These things do not nearly put money into a developer's pocket, but they definitely create stability, certainty, and predictability, and add long term value to our surrounding communities, which eventually means more for the tax rolls. We are calling for a solution that is economically viable while taking into account the unique value of this site to a growing, prosperous East Charlotte. We are certain, that if done correctly, this project will become a multi-generational catalyst for an entire area of our city, where lots of young families are relocating. It is better to get it right than big or wow, and if we get it right, an entire area of Charlotte will be positively impacted for many years to come.

**Carolyn Millen, 1121 Westchester Boulevard** said I do not really have anything written. I tried several items to write something over the weekend, but it got down to every time I wrote it I would take back things, because I am extremely passionate. I am President of Eastway Park/Sheffield Park Neighborhood Association. I have been President for 10 years. I have been very involved in Eastland for the last 16 years, from when we met in the community room at Eastland Mall, and we have gotten our hopes up so many times. We have gotten excited so many times for plans. I have spoken with Mr. Mitchell in the past, John Autry and I have had conversations this time, respectfully disagree, but we have got to do something that actually makes East Charlotte want people to come and live. The mobility, real estate is location, location, location. Uptown is busting out at the seams. I am seeing every one of y'all's areas growing and economically growing. I am not seeing it on the Eastside. School, yes we need good schools, and I put that strongly, good schools. The schools in our area are a rate of one to ten ranking are one to three.

So, you are going to put in another school because we have overcrowding. I spoke with Tom Tate; there is a plan to extend Albemarle Road School. They can build up. It would create a neighborhood school where neighbors can still go and meet with their kid's teachers. Eastland isn't the site for a school to be the anchor. It may be way down here in this little level, but what we have been promised is the wonderful plan that was done in 2007, 2008. Green industry, solar, anything like that where we can bring in businesses and do mix-use. Retail, offices, homes \$200,000 and above, and then a school to complement what was built there. Wouldn't it be exciting to have a STEAM school at Eastland if we could get UNC-Charlotte on board or even ASU who is extremely well known for their green industry, and UNC-Charlotte for their engineering, would not every child in our school system not love to be able to go to a school like that? Personally, CMS is a whole other ballgame. I believe CMS that every child should go to a school that offers the same thing as any magnet. Why shouldn't a public educated child in our system not get every opportunity? We can't just keep moving children into a cinder block building because of overcrowding? We are missing too many children and the east side needs more.

**Kathrine Alexander, 3404 Campbell Drive** said it is so nice to be back in front of you. I wanted to speak on the same subject of Eastland property. I am a Latina. I live three blocks from the property. I am also a business owner and some of my Latino business owners on Central could not make it this evening because they are in a dinner meeting with the architect that has come from Chile. I spoke two weeks ago regarding the same subject, and we are very passionate on our side. As Carolyn, she is our homeowner's association president; we are not looking for a big wow factor. We are not looking for the Music Factory to come. We are simply looking for an economic driver with some higher education mix-use, and this valuable property, I have been in Charlotte 20 years. I am from Los Angeles, and I grew up in East L.A., and we have developed a lot of different areas, and it is just sad to see that you go down Central Avenue, what 10 miles, and you come right to downtown, but yet from downtown to this valuable property, holistically of 80 something acres, we cannot come up with a plan. Now South Park, they don't want to come here and develop. Martha Ray, they are not going to develop over here. Her properties are for \$500,000 to \$2 million over there. They are not going to build that over here. We understand that, but there is something that can work over here that will bring development, and it is not just a school. I want to see the property stay holistically together. A major developer will come. It is not the right time. I spoke with Michael Gallis and Associates, world renowned urban development; even the city has approached him. He said you need to be patient that you need to market it nationally and internationally. It has to have a story; it has to have an impact for those people who do not live in this area. In the interim, perhaps you should think about leasing the property on a short term. I talked to Metrolina Expo. They are being sold. The new owner is now building his place; it will be finished in 2018. Perhaps we could get him to come and bring some of those Metrolina Expo things here on this property. I mean, keep some revenue coming in, but there are other ways of handling this, and I wish when you are looking at it...I am only three blocks away. I do not want to see a school there. There are many different areas for schools, and we already know that.

**Louise Woods, 1327 Cedarwood Lane** said I am a proud 45 year eastside resident. I come to ask you to vote for the double language emersion school at the Eastland site. Thank you for working to create a combination of public investment and private development necessary to produce a vibrant town center for the Charlotte east that we envision. This combination has been part of the Eastland plan developed by the community ever sense Eastland's demise. The school was included as the part of the public investment, first in the Bert Hesse Plan and then the economic development proposal since. While fellow eastsiders differ at times about how best to reach our goal, we all passionately agree that the Eastland site is an unparalleled opportunity for sustained urban development near Uptown. Regarding the schools as a stimulus for development, let's look at the facts. Far from being a deterrent, potential developers have indicated that such activity will actually draw positive development to the larger site. Unfortunately, the press and others have spread the false rumor that it appears that the school will take over the site. We are just talking about a small portion that will stimulate development. There are many examples; I have seen them, in Atlanta and elsewhere where this has been the case. Secondly, partial magnet schools in our areas, such as a newly recreated Oakhurst on the eastside has already increased property values in this area significantly with houses selling at as much as one-third more than their original values. Third and in part, the superintendent of CMS is eager to work with Parks and Rec, the Y, and other interested groups to create the synergy necessary to serve the

community while attracting private development. CMS also is committed to involve the community in specific designs and planning. Why the Eastland site? The surrounding schools are tremendously over crowded by hundreds of students and need immediately relief. This is a midpoint for this area, which means these students can have an economically and culturally diverse school close to home. We need a language emersion on the east side. This award winning and effective model is an exciting attraction for area parents, and in fact, over 200 students go all the way to Collingswood for this opportunity. We need these active parents in our east side schools, and we need this energy at the Eastland site.

**Darrell Bonapart, 5707 Justin's Forests Drive** said I live in the Wilora Lake community. The proposed facility or school is to be build 100 feet from my backyard, right next door literally and also to the opening to our community. Today, I stand before you to ask that you consider not supporting the sale of the land for a school. Each and every scheduled planning meeting where the rezoning of the property was in the agenda, the Wilora Lake Community showed up and got letters to be here, and it kept getting rescheduled. The last rezoning meeting, we didn't even get to adequately speak or discuss the issue. At the last rezoning hearing, we did get a chance to get scheduled with the Planning Commission, and we had one meeting with the Planning Commission finally, but I need you all to please know and listen clearly. We were completely unaware of this going on. We received letters and our community residents had come when we had our meeting with the planning commission or the fact that we had a meeting outdoors with the development is going to also happen directly across the street or what they want to get to happen with the church that wants to buy 25 acres directly across the street from the school that is projected to have 1,200 members. The Wilora Lake community is not equipped, at this current time, for the type of traffic that is going to happen between Albemarle Road and Sharon Amity, not even closely equipped. Also, with the apartment community and the large independent living facility, Wilora Lake Lodge is right across the street from us. There are some questioned items that are still opened. The mall was an economic catalyst and brand for the eastside, as well as Charlotte, as well as the entire state of North Carolina, it was the largest mall in the entire state; it was our image; it was our brand. We were expecting to get something of that similar catalyst that was going to come back to that Eastland Site that is going to help drive. I was able to go to the North Carolina Department of Transportation's public hearings about the light rail possibly for Independence and Monroe road 15-20 years from now, and they made it very clear that there is no funding currently for a Gold Line or a street car to come to Eastland. As far as that being a driving engine or making that possible and having something that is really going to be a draw, we do not have any funding for that right now. A church is asking for the rezoning as I mentioned, right across the street. They are projected, as I said, to have 1,200 members, and they told us clearly at that meeting that CDOT wanting them to be the ones to open up Wilora Lake. Thirty five, forty years ago, this road had been closed because of a young man being killed. That street was always used for drag racing. I am a Charlotte native, born and raised. I made a point to know about the history of what is going on in my community where I live, and it has always been a dangerous street, and it has been closed and it has kept everyone safe. We do not have the sidewalk or all of the other structure to support the amount of traffic Albemarle Road, Sharon Amity, 20,000 plus cars per day that go up and down both of those roads. They will start using Wilora Lake Road, and there are no lights on either end to help with that traffic that will be coming through there.

**Chris Bakis, 6570 Idlebrook Drive** said I have a letter here from Randy Fink of the Charlotte Planning Commission, recommending against this sale. The proposed K-8 school is not consistent with the Eastland Mall area plan from 2003. This is an opportunity to increase economic viability. Economic viability is what we need in East Charlotte. This clearly misses the mark according to the City of Charlotte Planning Commission. I have never known, in all of my years of coming before the City Council, I have never known the City Council to ignore the recommendations of the Planning Commission, but now this time, you are thinking about doing so. That inconsistency just makes me wonder, why would you do this? A K-8 school there will not foster economic development; it will not. We all know it will not. If Albemarle Road Elementary and Albemarle Road Middle, they do need to be added on, so add on to those two schools. We just added on to Idlewild Elementary School. We just added on to McClintock Middle School. Now, we can do the same thing with Albemarle Road Middle and Albemarle Road Elementary. Hopkins Mechelon Group valued the property on behalf of the city of this 11.4 acres at \$1.42 million. T B Harris Jr. and Associates appraised the property for CMBE at \$638,400. So, if you push this sale and you rezone it, you will have instantly lost \$782,000 in tax

liability; \$782,000 of our money goes down the drain for no reason but for just signing a sale strip. CMBE wants to spend \$650,000 to buy the property and then spend another \$400,000 to set up infrastructure. That is \$1,500,000 just to begin to build a structure. I am not going to talk about how much it would cost to build a structure there, because my point is, expanding Albemarle Road Elementary and expanding Albemarle Road Middle, those two costs would be about the same I am assuming building the structures. Therefore, if you pass this tonight, you are going to throw, as far as the City of Charlotte and the County of Mecklenburg County, you will be wasting \$1.832 million, out the door. \$2 million of our tax payer money, you are just throwing it out. Please do not do this. We need a true economic engine that will be a seed to foster true economic growth.

**Councilmember Austin** said I am actually going to be supporting this particular item. At one point, I guess in my history of growing up in Charlotte, communities would be embracing schools in their communities and how they would help the long term growth and education of our citizens. I also see this particular sale as one way that we can really support our school systems. We go through rezoning all of the time, and we are negatively impacting communities, and we see them on our sheets that we are impacting 130% 150% into the schools, so I see this as one way that we can actually do something on the positive side. I think the other thing that I see is that it is 11 acres of 80. We have a lot of opportunity in the other 68 acres to do something. When I was on Economic Development prior to this, everybody got really excited and wanted a wow factor for this particular property, and unfortunately, that was debunked and did not happen. I think we are sorry about that, but that is being driven by market forces. I think having a school in this system is a great opportunity; it is a great start. It is not the end all, and it is only 11 acres. We still have an opportunity for something else. I am going to be supporting it.

**Councilmember Driggs** said I wanted to point out; I will be supporting it to. I am always reluctant to disregard input from neighbors. I know it means a lot to you, and this is a big decision. I would point out the city has already invested \$13 million in addressing a problem that existed in that area. What was there before was a derelict shopping center, with no prospects, and an asbestos problem. The city stepped up. We spent \$13 million trying to make the site more accessible to investors and more suitable for development. There were a couple of proposals there that got everybody's hopes up I think. They looked like they were visionary and could be great drivers, but they did not actually come to pass, and I think one of the problems we have right now is that people are still clinging to the hopes they had in conjunction with those proposals. At the same time, I talked to developers and explored ideas for partnerships and things like that and the general tone on the part of private capital is there are too many opportunities for them to invest in areas that do not require a long term vision and do not entail taking as much risk as this does. So, I am not confident that the thing that everybody hopes for is going to happen. I definitely agree with my colleague that the fact that we are taking 11 acres out of the site does not reduce the prospects that we can do that, and I do not think that the school is a big impediment to success there. As far as the location of the school is concerned, I think it is really up to CMS, more than us, to judge whether this is a great location for the school. They seem to think it is appropriate. So, on balance somewhat with regret, because I have heard a lot of people express opposition to this, I just think it is the best thing to do right now.

**Councilmember Autry** said I have some questions for staff. Someone mentioned earlier in some of the comments about the school should not be the anchor for the redevelopment for this project. Has a school ever been considered an anchor for redevelopment of this property?

**Director of Neighborhood and Business Services Pat Mumford** said no sir, the school is not intended to be the anchor but more of an asset and part of a comprehensive make up of uses on that site.

Mr. Autry said we also have in our plan a lot of green space, and even thought green space, if we should be able to work something out with the county government and Parks and Rec, potential for green space being an impact on development around that green space. What does that look like?

Mr. Mumford said the way that we see it, the school and the green space are assets to which development can respond. Today we are not seeing activity because there is, as some people may say, there is no there. We have seen throughout the community, downtown, and other parts of

this city where green space is really a driver for development. It's an amenity that supports future development. We feel strongly that that is the case here as well.

Mr. Autry said some of these other plans, for instance, 2006-2007 the ULI influence plan, we looked at dusting that plan off. Is that correct?

Mr. Mumford said yes sir.

Mr. Autry said and why is that plan not still viable for us?

Mr. Mumford said if you think back to 2007, at the time of the development of that drawing, it was not a hard and fast development plan. The economy was vastly different. What that showed is a town center, mixed uses, residential, retail, and fast forward to today. The market does not support that type of development. However, what we learned from that was open space, public space, mix of uses is important and that is what is integrated into the conceptual plan that you all have seen on several occasions.

Mr. Autry said there was some discussion about Alejandro Aravena, the Chilean architect who is meeting with community people this evening and sharing his concept of that and we have heard from him this afternoon. I understand that as an architect, he is the most recent winner of the Pritzker Prize, which I assume and has been shared with me, that prize is basically the equivalent to the Nobel Prize for architecture, correct?

Mr. Mumford said it is a prestigious award, yes.

Mr. Autry said in his concept, was the school included in that?

Mr. Mumford said yes sir.

Mr. Autry said was the school seen as detrimental to development in the area by him?

Mr. Mumford said no sir.

Mr. Autry said we also heard some concepts around higher education. Having the school there would not preclude the ability for higher education to take root in some aspect at some piece of that property, is that correct?

Mr. Mumford said I would agree with that, yes sir.

Mr. Autry said maybe this is a follow up opportunity to discuss, but Ms. Alexander mentioned the Metrolina Expo. Do we know how much acreage that is taking at this time; if we could just get a follow up with that.

Mr. Mumford said we will follow up on that.

Mr. Autry said a big economic driver, Eastland do as it were, as we talked about the 2006 or 2007 ULI Plan, I can also assume then that something like that big kind of commercial piece is not really in the books.

Mr. Mumford said we have talked to developers, local developers, national developers, to determine what interest level they might have to take on such a large amount of property in that location, and to date, we have not had anybody say they are willing to do that, to Mr. Driggs' points that he raised; however, I will tell you what they say is, a school and green space and some other infrastructure to be put in place, so they have something to which they can respond is beneficial. It is very difficult to develop when all you have is wide open space. So, they say framing that with some activity and bringing some certainty to this site would help.

Mr. Autry said I also heard that it was seen very not a really good bottom line business deal for the city, and I do not know if Mr. Kimble is still here. I do not know if Mr. Kimble is the person to speak to this or if Mr. Mumford you are prepared, but there are lots of moving pieces to this concept in what the benefits are to the city in the overall redevelopment of that property. Can you share what that means whenever we hear a loss of \$782,000?

Mr. Mumford said you saved the toughest one for last I guess. Yes, it is complicated, and what we had prior to the city purchasing that property were nine independent owners with a lot of restrictions on the use of that property, cross easements and things of that nature. So, the city was

able to come in and bring all of those together, purchase the property, and Neighborhood and Business Services were also responsible for code enforcement, and I could venture pretty safely the comment that had that mall stayed in existence and continue to deteriorate at the rate it was deteriorating I would be un in front of you today in my capacity as the Department Director talking about how we would code enforce \$1.2 million square feet of vacant decaying space. So, the benefit early on was to remove that blight. Now, clearly the opportunity to redevelop is dragging on longer than we hoped. I think it is important to remember that that blight was removed. Now, to bring the pieces and parts together, there was a mention of the mass transit component and a lack of funding today; however, in the planning process, we see this as a terminus, whether it is an enhanced bus service or indeed a street car service, that is coming into place. That is one part of the mix. The idea of a school is another to give back to the community, not just the school house for the children during the day, but this is public space as well. The public will have access to that facility after hours; the green space that is a part of the school will be incorporated into this facility. We want to be respectful to the existing neighborhoods and neighbors that spoke today; putting a lot of commercial development up against their back yard probably is not going to be received well. So, we are balancing the impact that this development has, not just on these 80 acres, but also much more widely and broadly down the corridors of Albemarle Road, Central Avenue, and into the neighborhoods. We feel strongly that we are in agreement with community leaders that say they want a sense of place, again, much similar to wanting a sense of place with the Eastland Mall. That will not look like the Eastland Mall of years ago. It will not have the same form. We feel the way it has developed and operated, we can regain that sense of place for Eastland Mall.

Mr. Autry said I guess my next question would be for Mr. McKinney; Council and Mayor, thank you for your indulgence with all of this.

**Mayor Roberts** said I think you are asking a lot of questions that the folks here and the people watching want to hear, so I think it is perfectly appropriate.

Mr. Autry said Mr. McKinney; you work in the Planning Department correct?

**Interim Planning Director Ed McKinney** said I am an Interim Planning Director for the City of Charlotte.

Mr. Autry said was there ever any planning around reconnecting the two different pieces of Wilora Lake Road and this project with this school?

Mr. McKinney said no, all of the site discussions and site design negotiations that we have had with CMS on the site, the 11 acres, have always assumed that the cul-de-sac that is Wilora Lake, remains. All the site design and access decisions that we have made were based on that and were really depending upon the access of this site currently has.

Mr. Autry said the planning for all of this around this school has always been that we will not be reconnecting the Wilora Lake Road as part of this project and that the traffic to and from the primary access would be from Albemarle Road.

Mr. McKinney said correct. I should say, ultimately though, the design to provide better connections into the ultimate site. One of the components of part of the site design negotiations with CMS is to extend Hollyfield Drive into the Eastland Mall site, so ultimately, that would be a connection that will go to the ultimate larger site and connect back to Central Avenue providing additional access to the school and to the site in the long term.

Mr. Autry said now, Mr. Kimble, we have had discussions about things like the retaining wall, the road, and so forth. Money going here, pay for there, the school then makes an investment, can you tell me a little bit about that please?

**Deputy City Manager Ron Kimble** said in the partnership transaction that we have in front of you tonight with Charlotte-Mecklenburg Schools; they would pay \$650,000 for the property. They would also pay, in addition to that, \$400,000 towards the cost of Hollyfield Road extension. They would also pay up to \$488,300; I think it is, for removal of a retaining wall that separates this property from the remainder of the Eastland Mall property. They would also pay into a temporary storm water detention pond that would be there until such time as the city was to develop the larger retention pond that would serve the entire 88 acres. At that time, they would agree to pay and buy into the responsibilities of feeding into the permanent retention pond that

would be built by the city. The city's obligation would be to take the \$650,000 that we received from the transaction, the purchase of the land, and put that same \$650,000, up to \$650,000 and partner with the schools on Hollywood Road extension, which is estimated to cost about \$1,050,000. The \$400,000 from the schools and the \$650,000 from the city would pay for the extension of Hollyfield. The important thing there is that Hollyfield not only serves the school, it also serves as an entry point to the remaining 69 acres of Eastland Mall, so we both get a benefit from the extension of Hollyfield Road.

Mr. Autry said the removal of the retaining wall, is that conducive to further development in the future?

Mr. Kimble said yes, it would be graded in such a way that it would be a great transition from the school site into the remainder of Eastland Mall, which it is not now at this point in time. So, they would be assisting us in the partnership in order to create the great opportunity to redevelop the other 69 acres when that time came.

Mr. Autry said to the community, I want to thank both sides for coming down tonight and speaking your peace and letting yourself be heard. It is important, and I thoroughly appreciate and respect the engagement. I have seen the petitions. I have read the petitions. I have read all of the comments, pro and con, but there is some element that did not sign the petition and that is not in the room tonight. That is the 1,000 children who would be attending this school who are currently in an overcrowded classroom somewhere across the city.

**Councilmember Kinsey** said I do feel the need to explain my no vote tonight. First, let me say that I have always supported our school system. I have volunteered many hours over the years. I am a product of the Charlotte City Schools, and I say Charlotte City Schools because when I graduated back in the dark ages, the schools were not consolidated. I also want you to know that my grandfather served on the county school board many years ago, and members of my family, including my dear sister, have taught in this system for many years. My children and grandchildren spent at least a part of their school years at CMS. I also have the utmost respect and admiration for CMS Superintendent Clark, and do not question at all her statement of need for more classrooms on the east side.

Mayor Roberts said by the way, I failed to recognize that she is in the audience. We appreciate you being here superintendent.

Ms. Kinsey said so, why am I not in favor of the issue before us tonight? It is simply because I do not believe that building a school on that empty piece of valuable property will provide the kind of catalyst we need in that area. Now, there are experts on both sides of this issue. We have heard from them; they are architects; they are planners, and I have probably heard from as many as Mr. Autry has. Saying that a school would not be a catalyst, but I am not one of those experts, so I have to go by how I feel deep inside. Therefore, I will be voting my conscious tonight, and my conscious tells me no, so, why? Chris Bakis mentioned the document dated October 21, 2015 and sent to Council from the Planning Committee of the Planning Commission. I realize those of you who are new to the Council probably have not seen it. The Planning Committee gave a few reasons why they were advising Council against the school proposal. Some of those reasons are as follows: they did not believe that K-8 school would in and of itself be an anchor or driver for future development or co-located uses; that it misses and opportunity to increase economic viability, by locating a use it drives other uses, that a self-contained use, like a school, would not integrate easily into an overall area concept and could negatively impact the image of the site as a large block opportunity for both new and traditional uses that could truly drive economic development, and that it could decrease the opportunity to improve the aesthetic quality of the area. It bothers me that we appear to be rushing ahead in order to say that we have done something at the Eastland Site. True, the school has certainly low hanging fruit. A staff member, here at the city, in a public meeting made the comment that it was the only offer that we had recently. A fellow Councilmember agreed with me when I had pinned that a school would not be the kind of catalyst we needed on the site but then they turned around and said they will be supporting the proposal anyway.

I end my comments by quoting once again the Planning Committee of the Planning Commission, and I quote "though selling a portion of the site to CMS for a school might be relatively easy and help the city reception a portion of its investment, any short term benefit is dramatically overshadowed by the risk to the overall opportunity to drive signification change in the Eastland Mall

area with redevelopment of this site.” I just simply think it is not the right catalyst, and I cannot in good conscious vote to put a school there. Thank you.

**Councilmember Fallon** said I have some questions Mr. Mumford. When would the school go in if it went in?

Mr. Mumford said this is scheduled to open in the fall of 2018.

Ms. Fallon said when would the greenway go in of the green space?

Mr. Mumford said that we do not know yet.

Ms. Fallon said so it would not be concomitant, alright.

Mr. Mumford said pardon me?

Mr. Fallon said when would the transportation go in? If I remember when you gave us the plans, it could be 10 to 15 years.

Mr. Mumford said that is a function of funding for the extension of the street car line. I have no way of knowing exactly when that would occur, but we are planning for it.

Ms. Fallon said well from what I understand is that may take 10-15 years. So, you are talking about a school standing alone by itself. Schools are not economic drivers, and you are talking a site that should be left alone until it develops, and you are putting something in temporarily that is not going to help it in the end. I cannot vote for it.

**Councilmember Eiselt** said as a CMS parent, I know that we have just got a tremendous challenge in our community, and I have heard over and over again, what is the city going to do to get involved in this discussion? Seventy percent of our schools are overcrowded. I look at it and say, this is a way that the city can get involved in helping CMS, in helping to build much needed schools. As a parent, I guess I do not understand not wanting to live by a school. My kids begged to be able to ride their bikes to school or walk to school. So, acknowledging that I do not understand that and I read every email that you all have sent. I have talked to constituents; I have tried to understand the issues, and because I am not a developer, I called local developers, and I asked their opinion, and I did not get a single one that said this was a detriment. So, is it catalyst? Is a school a catalyst? No, I am not sure school is supposed to be a catalyst, but this is 80 acres, it is 11 acres for the school on the side of the property that is not going to break up the Eastland Property. This isn't meant to parcel out Eastland. I think everybody on Council is very committed to finding an answer to Eastland. We know it is going to take time. We won't take no for an answer just because we can't get the street car out there for quite a while because of funding, we will continue to work on solutions that could absolutely incorporate this school into the plan and make it something novel. I am going to support this project.

**Councilmember Lyles** said many of the comments that have been made by my colleagues, I will not repeat, but there are three things that I want to say. I see this as a site that is part of a larger site, and that we are not making the entire decision around what will be in the future and as well it is around the idea that we can have a school that is located in an area where there is a need for space for school and particularly exciting is the dual-immersion concept, where the school has two languages taught during the day. I think that many of you know, I just recently had a grandchild and my kids, the first thing when they said they were looking for a house is they looked for a school. I see schools as being a place where families choose to live close by. This will be a magnet, and I understand a portion of it is a magnet, and there is a portion of it that will be relieving some of the overcrowding nature of the current schools within the area.

I too read the emails, and I have heard lots of discussion. We have set through a number of plans, and I can understand how disappointing it can be to always have something that is kind of thrown out, and it does not happen. It is slow. We will be diligent. I am going to support the school because I believe the location is correct; it is not abandoning the idea of economic development on this site.

**Councilmember Phipps** said I am going to be supporting the construction of the school. I think the 11 acres is a small portion of the overall site. It still gives another 69 acres of which, that we could strive for something that would be more to the communities liking in terms of an economic

engine or whatever, but I wanted to talk about the memo or the letter from the Planning Committee that was addressed to the Council. Can I get Ms. Campbell to answer a few questions that I have about that? Ms. Campbell, as you know, I have been on the Planning Commission. I served on the Planning Commission for about four years, but never in my whole time on the Planning Commission have I ever seen a letter of this sort directed to the Council trying to influence their vote. The Planning Committee, they deal with these mandatory referrals. When I was there, it was sort of like a very narrow focus by which we would opine on the appropriateness of a particular mandatory referral, so when I saw this particular letter in the tone and direction that it was giving us, I was sort of confused as to whether or not that was appropriate, because I do know, even with rezoning, when we get a recommendation from either the Planning Commission or the Zoning Committee, it is not really something that in a separate letter that is directed to us on which way to vote. Could you comment on whether or not that particular letter, is there precedent for it, or do you feel that was something that was appropriate? I was thoroughly surprised by it, given my tenure. I was only on commission for four years, but I have never seen anything like it before. I have never seen anything like it coming from either the Planning Commission or the Zoning Committee in the way that it was recommended or directed vote recommended that Council should vote on a particular matter. Could you please comment on that?

**Assistant City Manager Debra Campbell** said with regards to the roll of the Planning Committee as it relates to a mandatory referral. A mandatory referral is a process where if a piece of property that is owned by a public body, in particularly the City of Charlotte, it is going to be sold or there is going to be a long term lease, it is viewed by the Planning Committee with regards to consistency with adopted land use plans. Obviously, when I introduce myself, I said I am with the City Manager's Office, so I am no longer the Planning Director, I was not at the actual meeting where that discussion was held by the Planning Committee, but generally the scope of discussion of the Planning Committee as it relates to mandatory referrals revolves around the appropriateness of the sale of the land and the future use of the land and its consistence with adopted land use policy. So, if we thought about the Eastland Mall site and the Eastland Area Plan, this particular use as an institutional use would be appropriate from a land use perspective. I would need to ask for Ed McKinney who was at the actual meeting to give you more details about the specific conversation that was held, but again, from a mandatory referral perspective and the scope of the normal discussion by Planning Committee when these types of things are reviewed, is land use consistency. If you want more details I can ask Mr. McKinney.

Mr. McKinney said the discussion at the Planning Committee was, as Ms. Campbell just described, around staff recommendation that did the evaluation on this mandatory referral, which said the proposed use, the school, was consistent with the Eastland Plan, that the area plan has been adopted and all of our other land use policies and visions for the site. The discussion though, with the Planning Commission and committee, was in their opinion, and certainly they felt very strongly about this as described in their letter, that in their opinion felt inconsistent with the long term, in their minds, economic development strategy for the site. So, from a precedent stand point, again from a staff policy standpoint to the specifics of the mandatory referral process, our staff did an evaluation. We found it to be consistent without adopted policies, and it was ultimately the Planning Commissions and the committee's opinion otherwise and essentially, obviously did not recommend it and felt strongly enough to write the letter and describe the specific reasons.

Mr. Phipps said I was just trying to figure out from a protocol stand point, was that an appropriate action? If that action was appropriate then you would have the disagreement and then it would elevate to us.

Mr. McKinney said I would describe it as certainly unusual to take the added step of describing their rational in the letter and providing that was certainly a little unusual. Ultimately though, as it sits here before you, that mandatory referral recommendation one way or the other is part of the information that is provided to you as City Council for information. They felt, in addition to just their denials, or sort of asking for not recommending it; they felt strongly that they wanted to provide you, the City Council that additional information.

Mr. Phipps said we have a situation where the staff said it was consistent, but the committee said it was inconsistent, so it came to us with the final thing from them that it was inconsistent. I didn't realize that staff had said it was consistent. I just wanted to bring up that because I thought

it was highly unusual that we would receive a letter worded that strongly recommending how the Council should vote on this matter.

**Councilmember Smith** said I want to start off with saying and acknowledging the hard work of Councilmember Autry. I am not sure how he is necessarily going to vote on this, but he has poured his heart and soul into the Eastland Site over the past four to six years, and as a District Representative, I know how grueling that can be. I do know that it is appreciated as one of your colleagues, just knowing how hard you have worked over there. In order for this site to be worth \$783,000 or \$2 million, you have to have somebody who is going to pay that, and that is the problem. We have not had anybody willing to pay it. It is sort of the 80 acre elephant in the room. There has just been no private sector interested in the site, unless you consider an indoor ski-jump or a movie studio, in which the developer did not want to put any of his own money into it, and from where I sit, I do not view this as a rush. The city purchased it in 2012. It had been on the market three or four years prior to that. We are at about eight years. We have been trying to find somebody to purchase this site. If you ask developers, a lot of them may say they would not take it for free because of the tax liability in how long out it would take to redevelop the site. I grew up in Charlotte. I grew up by SouthPark. I can remember driving over to Eastland to go shopping, when the mall is a half mile from me. I remember how prominent the site once was. The fact of the matter is, on the private sector side, there isn't interest there, so what is the next best alternative? That is the opportunity to collaborate with a small portion of the site to help out CMS. I support it. I am going to support it, not because we do not have any lack of interest from Council in our efforts or from the city. It has been a lack of interest from the private sector, and I think pulling out a portion of the site, not the entire site, there is still going to be almost 70 acres left that we can sell in mass, but I think this is a good site for a school. I trust CMS's judgment on it. I think we have worked out a fair deal and it is a way for us partner. We get asked all the time questions about the schools and our answer is, it is a county issue, not the cities. I think this is an opportunity, we can partner; we can create a win again on a portion of the site. This will leave 70 acres left that we can continue efforts to try to revitalize the east side. We want it revitalized just as badly as you guys do. Now there has been no interest, and I am going to support it.

Ms. Fallon said on the Planning Commission, I remember once we had that, and it was something being put, if I am not mistaken, in the Historic District, and it was so modern we had a letter against it, if I recall. So, it doesn't set precedent.

Mr. Phipps said any monies that we receive for the sale, any proceeds we get from the sale, are those funds being reinvested into the project, into the site?

Mr. Mumford said the sale proceeds come to your general fund. What this proposal is is to take those proceeds and do just what you said, put back into the road construction so that we can prime the pump, if you will, for development, have access into the site. Again though, it is general fund money. The Council and staff have talked for years that revenue generated from activity on this site can go back into continue keeping it as a viable development opportunity.

Mr. Phipps said so it would not be fair to say that we were seeking to entertain this particular transaction over an anxiety to recoup any monies that we previously invested in the project then?

Mr. Mumford said that is not the way I would categorize it, no sir.

Mr. Autry said Mr. Driggs and Mr. Smith, in District 6 and District 7, and Mr. City Manager; correct me if I am wrong, I believe that is where 50% of the city's revenue comes from?

**City Manager Ron Carlee** said we will take that as a working assumption.

Mayor Roberts said a lot of it anyway.

Mr. Autry said I have heard it characterized over and over and over again that the city is just ignoring East Charlotte and has no interest in redeveloping or revitalizing it, but I anticipate in the next couple of weeks, as we get close to our budget, I will be hearing from my colleagues from District 6 and District 7 that they view their districts as the donor districts that help keep the rest of the city afloat. It is certainly within the city's objective to have all portions of the city contributing to the tax base equally. So, it is not really fair to characterize the city as being dismissive of one portion of the city or the other. It is imperative, and it is unsustainable for this situation to where we rely on the southern wedge for most of the cities revenue. It is imperative

that we have revitalization and reinvestment in all parts of the city, and I certainly think that the rail in the South End has certainly proved to be quite the catalyst. We are certainly experiencing in the north side, as it moves up to the Blue Line Extension, and all of the development that is going along there in District 2, District 1, and District 4. I hate beating that dead horse, but we really missed an opportunity in 2012, when the city passed on the City Manager's budget in 2012 to fully fund the Gold Line that would have gone from Rosa Parks Transit Center at Beatties Ford and 1-85 and terminating at the Eastland Transit Center. We would be seeing steel being laid in Central Avenue about now if we would have approved that. We did not. So, we are having to piece meal it, piece by piece, by piece. I long for the day that my grandson is able to get on the train at the Eastland Transit Center and ride it into the city, because I am pretty sure by the time that happens, I will have been dust for at least a decade. So, I just can't let that go anymore that the city does not care about East Charlotte. It is imperative that East Charlotte is a viable contributor to the city's tax base.

Mayor Roberts said we have had a really great discussion here. We have had great input from both sides, and I can count, this is going to pass so you do not have to have my vote, but I am a big believer in both/and, and I think this is a terrific collaboration between the city, the county, and the schools. We talk about that a lot, about how we need to work better together. This is a great example of how we can do that, and again, we know that we have many overcrowded schools. I also know from personal experience; I have a daughter who went through a language emersion program, language emersion and bilingual language learning is terrific for kids to be competitive in the 21st century, and it also expands their mind in other ways. The both/and part is that a school can absolutely exist in an economic center of activity, and there are four schools within a half of a mile of where we sit right now. We are a quarter of a mile from the biggest business district in our city, Uptown. There are four schools, in Uptown, and I think that it is doing great in a commercial activity. We absolutely can do both/and. We absolutely need to have some exciting things happen in Eastland. We need to extend that street car. We have talked about it in terms of thinking creatively about enhanced bus service that will connect phase two of our street car to go down Central to make that happen earlier until we can get the fixed rail. We are talking about enhanced bus service going up north the same way as a precursor to a commuter rail system. I serve on the Metropolitan Transit Commission. These are items in discussion, so we are going to work very hard to speed up that connectivity, to make sure that economic activity connects Eastland to our Uptown area.

I also just want to, one more time, appreciate the superintendent being here and sitting through our whole meeting. I have had two kids throughout five or six different CMS schools, and we are looking for and continuing to support our schools in whatever way that we can. I appreciate the Council's great comments on this, and we will continue to work hard to make sure that we are spending money and spreading opportunity on the east and the west side of our city, as well as the north and the south. With that, I think I need a motion.

Motion was made by Councilmember Mitchell and seconded by Councilmember Austin to (A) Approve the sale of 11.4 acres of the former Eastland Mall site to The Charlotte-Mecklenburg Board of Education for \$650,000, (B) Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of the property, and (C) Adopt Budget Ordinance 8015-X appropriating \$650,000 in sale proceeds for the City's portion of the Hollyfield Drive extension and removal of retaining walls.

Mr. Driggs said I just want to make it clear in light of recent comments that my support of this transaction does not constitute an endorsement of the Gold Line.

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

YEAS: Councilmembers Austin, Autry, Driggs, Eiselt, Lyles, Mitchell, Phipps, and Smith

NAYS: Councilmembers Kinsey and Fallon

The ordinance is recorded in full in Ordinance Book 60 at Page 33.

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**ITEM NO. 13: ORDINANCE NO. 8017-Z, PETITION NO. 2016-007 BY THE CITY OF CHARLOTTE, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 12.5 ACRES LOCATED ON THE EAST SIDE OF WILORA LAKE ROAD BETWEEN JUSTIN FOREST DRIVE AND HOLLYFIELD DRIVE FROM B-1SCD (BUSINESS SHOPPING CENTER, CONDITIONAL), O-15(CD) (OFFICE, CONDITIONAL), AND MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO R-4 (SINGLE FAMILY RESIDENTIAL).**

The Zoning Committee found that this petition is consistent with the Eastland Area Plan, based on information from the staff analysis and the public hearing and because the Eastland Area Plan recommends residential, office and retail uses within a Town Center environment; therefore, this petition is reasonable and in the public interest, based on information from the staff analysis and the public hearing and because the proposal is to rezone a portion of the former Eastland Mall property to a residential zoning district, which is one of the land uses identified as appropriate for this site; and in addition to single family homes, the R-4 (single family residential) district also allows uses such as religious institutions, schools of various types, and government buildings. These uses are also consistent with the plan recommendation; and, the site is adjacent to single family, multifamily and office uses along Wilora Lake Road, as well as the vacant Eastland Mall site. The uses allowed in the R-4 district are compatible with the surrounding development. The Zoning Committee voted 6-0 to recommend approval of this petition.

Motion was made by Councilmember Mitchell and seconded by Councilmember Austin, to approve Petition No. 2016-007 by the City of Charlotte.

Mayor Roberts said the public hearing for this petition was held on March 21st and this is connected to what we just voted on.

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

YEAS: Councilmembers Austin, Autry, Driggs, Eiselt, Fallon, Lyles, Mitchell, Phipps, and Smith

NAYS: Councilmember Kinsey

Motion was made by Councilmember Mitchell, seconded by Councilmember Austin, and carried unanimously that this petition is consistent with the Eastland Area Plan, based on information from the staff analysis and the public hearing, and because the Eastland Area Plan recommends residential, office, and retail uses within a Town Center environment; therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposal is to rezone a portion of the former Eastland Mall property to a residential zoning district, which is one of the land uses identified as appropriate for this site; and, in addition to single family homes, the R-4 single family residential district also allows uses such as religious institutions, schools of various types, and government buildings. These uses are also consistent with the plan recommendation; and, the site is adjacent to single family, multi-family, and office uses along Wilora Lake Road, as well as the vacant Eastland Mall site. The uses allowed in the R-4 district are compatible with the surrounding development.

The ordinance is recorded in full in Ordinance Book 60 at Pages 35-36.

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**ITEM NO. 14: APPOINTMENT TO THE BICYCLE ADVISORY COMMITTEE**

The following nominees were considered for one appointment for a partial term beginning immediately and ending December 31, 2017:

Leigh Altman, nominated by Councilmember Fallon.

Joel Bonasera, nominated by Councilmembers Kinsey and Phipps.

Charles Castle, nominated by Councilmembers Driggs, Eiselt, Mayfield, and Smith.

Elizabeth Frere, nominated by Councilmember Kinsey.

Kevin Kennedy, nominated by Councilmember Mitchell.  
Katherine Lloyd, nominated by Councilmembers Austin, Autry, Lyles, and Phipps.  
Catherine McLaurin, nominated by Councilmember Mayfield.  
Peter Noris, nominated by Councilmember Fallon.

Results of the first ballot were recorded as follows:

Joel Bonasera, 1 vote- Councilmember Phipps.  
Charles Caste, 1 vote- Councilmember Smith.  
Elizabeth Frere, 1 vote- Councilmember Kinsey.  
Kevin Kennedy, 1 vote- Councilmember Driggs.  
Katherine Lloyd, 4 votes- Councilmembers Austin, Autry, Lyles, and Mitchell.  
Peter Noris, 2 votes- Councilmembers Eiselt and Fallon

Since no nominee received at least six votes, a run-off was held between Katherine Lloyd and Peter Noris. Results of the second ballot were recorded as follows:

Katherine Lloyd, 7 votes- Councilmembers Austin, Autry, Driggs, Fallon, Kinsey, Mitchell, and Phipps.

Ms. Lloyd was appointed.

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**ITEM NO. 15: APPOINTMENT TO THE CHARLOTTE INTERNATIONAL CABINET**

The following nominees were considered for one appointment in the Cultural/Ethnic category for a partial term beginning immediately and ending June 30, 2018:

Larken Egleston, nominated by Councilmember Fallon.  
Nalan Karakaya Mulder, nominated by Councilmembers Driggs, Kinsey, Mitchell, and Phipps.  
Omar Kazzaz, nominated by Councilmember Eiselt.  
Ryan McGill, nominated by Councilmember Austin.  
Regina Owens, nominated by Councilmembers Autry and Mayfield.

Results of the ballot were recorded as follows:

Nalan Karakaya Mulder, 5 votes- Councilmembers Driggs, Kinsey, Lyles, Mitchell, and Phipps.  
Regina Owens, 1 vote- Councilmember Autry.  
Larken Egleston, 1 vote- Councilmember Fallon.  
Omar Kazzaz, 1 vote- Councilmember Eiselt.  
Ryan McGill, 1 vote- Councilmember Austin.

Motion was made by Councilmember Driggs, seconded by Councilmember Mitchell, and carried unanimously to appoint Ms. Mulder.

Ms. Karakaya Mulder was appointed.

\* \* \* \* \*

**ITEM NO. 16: APPOINTMENT TO THE HOUSING APPEALS BOARD**

The following nominees were considered for one appointment in the City Within a City Tenant category for a partial term beginning immediately and ending December 31, 2016.

Michael McLean, nominated by Councilmember Mitchell.  
Regina Tisdale, nominated by Councilmembers Austin, Fallon and Kinsey.

Since neither nominee fell into the required category, the appointment will be re-advertised for additional applicants. In addition, the Clerk's office will request recommendations from the Board Chairperson and the staff advisor to the board.

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**ITEM NO. 17: APPOINTMENTS TO THE NEIGHBORHOOD MATCHING GRANTS FUND**

The following nominees were considered for one appointment in the Business Representative category for a term beginning April 16, 2016 and ending April 15, 2018:

Laura McClettie, nominated by Councilmember Mitchell.

Results of the ballot were recorded as follows:

Laura McClettie, 7 votes- Councilmembers Austin, Autry, Fallon, Kinsey, Lyles, Mitchell, and Phipps.

Ms. McClettie was appointed.

The following nominees were considered for one appointment in the Neighborhood Representative category for a term beginning April 16, 2016 and ending April 15, 2018:

Christopher Corcoran, nominated by Councilmembers Driggs, Fallon, Kinsey, and Lyles.

James White III, nominated by Councilmembers Mitchell and Phipps.

Syretta Willis, nominated by Councilmembers Austin and Autry.

Results of the first ballot were recorded as follows:

Christopher Corcoran, 1 vote- Councilmember Lyles.

James White, 4 votes- Councilmembers Driggs, Kinsey, Mitchell, Phipps.

Syretta Willis, 3 votes- Councilmembers Austin, Autry, and Fallon.

Since no nominee received at least six votes, a run-off was held between James White and Syretta Willis. Results of the second ballot were recorded as follows:

James White, 10 votes- Councilmembers Austin, Autry, Driggs, Eiselt, Fallon, Kinsey, Lyles, Mitchell, Phipps, and Smith.

Mr. White was appointed.

\* \* \* \* \*

**ITEM NO. 18: APPOINTMENT TO THE TREE ADVISORY COMMISSION**

The following nominees were considered for one appointment to a term beginning March 1, 2016, and ending February 28, 2019.

Chris Breedlove, nominated by Councilmembers Fallon and Kinsey.

Rebecca Herron, nominated by Councilmembers Austin, Driggs, Mayfield, Mitchell, and Smith.

Michael Hughes, nominated by Councilmember Autry.

Results of the ballot were recorded as follows:

Chris Breedlove, 3 votes- Councilmembers Autry, Fallon, and Kinsey.

Rebecca Herron, 6 votes- Councilmembers Austin, Driggs, Lyles, Mitchell, Phipps, and Smith.

Ms. Herron was appointed.

\* \* \* \* \*

**ITEM NO. 19: MAYOR AND CITY COUNCIL TOPICS**

**Councilmember Smith** said really quickly, I just want to thank Kim Oliver, Alban Burney, Debra Campbell, Mike Davis, and Ed McKinney, for an incredibly good town hall meeting, and thank you to constituent Vi Lyles who joined and is a resident of District 6. On the ULI study, it was very well attended; 60-70 folks and staff really does make us look good, and we got there and had some AV issues and sort of amended everything on the fly, but it was a great night, very positive feel back. Sorry Ron Kimble, I left Ron off, Ron Kimble as well. It was a very good night, a lot of good feedback, and I really from the bottom of my heart thank you guys for all that you do.

**Councilmember Phipps** said I would like to congratulate the Charlotte Fire Department's 98 recruit class who graduated this past Friday. I was honored to participate in the ceremony. I got to go up on stage, which was a surprise to me, but hey if somebody calls you up there what are you supposed to do, right? I went up and shook everybody's hand, so we got a new group of firefighters joining part of the Airport Team as well as maybe a couple of fire stations out there. That was a good and happy event.

**Councilmember Lyles** said I would like to invite everyone in Charlotte to attend the Breath INK Youth Poetry Slam, which I am going to be a judge. I am not quite sure how lucky I am about that, but we are going to have a youth night, and it is going to be held this Friday at 8:00 p.m. Please look at [breatheinkpoetry.com](http://breatheinkpoetry.com) for more details, and please drop by.

Mayor Roberts said we have had so much going on last week. Just a quick update, I had the opportunity to speak to the Montcross Chamber, which is in eastern Gaston County, the towns of Cramerton, Lowell, McAdenville, Mount Holly, Stanley, and Belmont were all there, and many of their chamber members. They were very interested in what is going on in Charlotte, especially around the Airport and the west side and the connectivity there. It was a great attendance, and I just wanted to thank all of the mayors of those towns who came and their town managers as well. Thank you for that participation.

We also are having on Friday, April 29, 2016 the Mayor's Bike Ride. It is annual event that starts at the Dowd Y on Morehead Street, and we bike to the Government Center, which is not very far; it is pretty easy. There are some of us who are going to start at Park Road Shopping Center. Councilmember Autry will join us as well. We are going to go from there to the Dowd Y to the Uptown. The idea is to encourage people to bike. We are going to continue to work on more bike paths and bike lanes and greenways in our city, and I invite anybody who has a bicycle to come join us. We will have a very safe route and a safe ride, and there will be breakfast at the Government Center afterwards.

**Councilmember Eiselt** said speaking of biking, tonight we hear a presentation from 704 Open Streets, which is going to be a terrific event on May 1, 2016 from 12:00 p.m. to 4:00 p.m., starting in Davidson in NoDa, where all of the streets will be closed on that afternoon, and you can bring your bikes; you can bring your pets. You can walk; you can jog along the streets, and it will be sort of a festival atmosphere all the way into Uptown, about a 3.9 mile route. So, we hope everyone will come for this great street closure event and enjoy it.

**Councilmember Fallon** said I would like to thank Kim Oliver and her mama for making everything so coordinated and smooth for my town hall yesterday. Thank you so much Kim, as usual, a wonderful job.

**Councilmember Kinsey** said I want to thank the Board of Realtors. Realtors Care day was Friday, or at least one of their days, and Ms. Lyles came out to support the Druid Hills Community, and Ms. Mayfield was there as well, but they did 19 houses in Druid Hills. It was amazing what they were able to do. I was there for one hour and a half to two hours. They were all over the place, and also planting a community garden, so thank you realtors, you did a great job. This is not the only place they were working, but they were concentrating on Druid Hills this past Friday.

**Councilmember Autry** said I am going to speak a little slower, hopefully to encourage the people who use our transportation network of roads and street to observe the speed limit that the posted speed limit is posted at that rate for a particular reason, because those are the safest conditions which to navigate those streets. I would remind everyone that when we drive through the city, just imagine that your children are playing in the yards and along the sidewalks of those streets that you are driving on. So, please observe the posted speed limit.

**Councilmember Driggs** said colleagues; I just wanted to remind you that tomorrow is the first of our Mayor and Council trips to Raleigh. Councilmembers Mitchell and Phipps and I will be there with Dana Fenton for the day. Our second trip is scheduled for Wednesday, May 4, 2016. So far, Councilmembers Eiselt, Fallon, Mitchell, Phipps, and myself have signed up to be there. It is not too late if you would like to join the group on May 4, 2016. Please let Dana Fenton know.

**Councilmember Austin** said we will host a clean-up of trash or what not at Betties Ford Road and LaSalle Street on Saturday, starting at 9:00 a.m. everyone will meet at the Food Lion. It is being organized by Tiffany Hughes, who is a very active community leader in Oaklawn Park. Also, later that night, we are going to have Biddleville-Smallwood progressive dinner. This is an opportunity for residents to come out and meet their neighbors. That starts at 5:30 p.m. to 7:30 p.m. hopefully everyone will come out for that. Lastly, Councilmember Phipps and I will be doing a rendition of Purple Rain in remembrance of Prince.

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#### ADJOURNMENT

Motion was made by Councilmember Lyles, seconded by Councilmember Driggs, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 8:57 p.m.



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Emily A. Kunze, Deputy City Clerk

Length of Meeting: 3 Hours and 37 minutes  
Minutes Completed: May 31, 2016