

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: **CITY ATTORNEY REPORT**

DATE: August 23, 2018

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The following is my report to the City Council on issues in which our office has been engaged since the last Council meeting:

1. **Roberts Real Estate of Charlotte, LLC v City of Charlotte.** A hearing was held on Monday, August 13, 2018, before Judge Janice Cunningham. At the hearing, after oral arguments from both attorneys, the court ordered that this matter be remanded back to the Zoning Board of Appeals for a clear determination of the findings of fact that support what the Zoning Board of Appeals did. While provided with the transcript of the hearing, and the discussion of counsel, the court apparently did not believe that provided sufficient information to clearly understand what the Zoning Board of Appeals found as its ruling. Based on that, the court is reserving final judgment, pending a further hearing of the Zoning Board of Appeals to take further evidence if the Board desires but more importantly, to set forth specific findings that support the decision of the Zoning Board of Appeals.

I have conferred with the City Manager, and a new hearing of the Zoning Board of Appeals is scheduled for September 24, 2018. Both the City Manager and I will keep you apprized as we get closer to that date.

2. **Easement Review.** I reviewed another easement, this one for Consumers Energy.

TMH:ddy