

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: **CITY ATTORNEY REPORT**

DATE: November 20, 2018

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 Zoning Appeal**. I am awaiting the Roberts Real Estate revised brief, in light of the hearing and action taken by the City Council in this matter. It should be filed with the court prior to the Council meeting. From the date that I receive the brief, I will have 21 days within which to file my response.

2. **Ford Hamman v MERS**. Mr. Hamman has withdrawn his appeal in light of the fact that MERS has now agreed with Mr. Hamman, insofar as he is entitled to certain credit earned while at the City of Jackson, which would make him eligible for an early retirement pension that is not reduced because he had less than 20 years in service. While MERS had initially concluded that Mr. Hamman was entitled to 20 years credited service, which would include three years with the City of Jackson, when it finalized Mr. Hamman's pension, it only concluded that he was entitled to 17 "credited years." MERS has now changed its position in light of an Attorney General's opinion, and an unappealed Kent County Circuit Court opinion from several years ago.

Mr. Hamman had hoped that he was to receive a pension amount based on 20 years of payments. As he only had 17 "paid up" years with the City of Charlotte, the money he actually received was based on 17 years, which is what he had earned with the City of Charlotte.

TMH:ddy