

City of Charlotte

*Charlotte-Mecklenburg Government Center
600 East 4th Street
Charlotte, NC 28202*



Meeting Agenda

Monday, December 13, 2021

Council Chambers

City Council Business Meeting

Mayor Vi Lyles

Mayor Pro Tem Julie Eiselt

Council Member Dimple Ajmera

Council Member Tariq Scott Bokhari

Council Member Ed Driggs

Council Member Larken Egleston

Council Member Malcolm Graham

Council Member Reneé Johnson

Council Member Greg Phipps

Council Member Matt Newton

Council Member Victoria Watlington

Council Member Braxton Winston II

5:00 P.M. CITY COUNCIL ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM ROOM 267

This meeting will also be accessible via the Government Channel, the City's Facebook page, and the City's YouTube channel.

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

[2021-12-13 Council Agenda QA](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Unified Development Ordinance and Strategic Mobility Plan Update

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide an update on the Unified Development Ordinance and Strategic Mobility Plan.

[Unified Development Ordinance and Strategic Mobility Plan Update](#)

4. Closed Session (as necessary)

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

5. Public Forum

CONSENT

- 6. Consent agenda items 27 through 76 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

- A. Items that have not been pulled, and
- B. Items with residents signed up to speak to the item.

PUBLIC HEARING

7. Public Hearing on Proposed Amendments to the Floodplain Ordinance

Action:

- A. Conduct a public hearing on proposed amendments to City of Charlotte Code of Ordinances Chapter 9 - Floodplain Regulations, and

- B. Adopt an ordinance amending the City of Charlotte Code of Ordinances Chapter 9 - Floodplain Regulations.

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Daryl Hammock, Storm Water Services

Explanation

- Mecklenburg County administers the City of Charlotte's floodplain ordinance and all other floodplain ordinances in the County. The purpose of the ordinance is to promote public health, safety, and welfare and minimize flood losses.
- Charlotte-Mecklenburg Storm Water Services assembled a stakeholder group composed of staff and outside professionals in the fields of engineering, real estate development, and environmental to review methods used to predict future flood height. A study was conducted using land use data, rainfall, floodplain storage, and mapping calibration. The study concluded that predicted future flood heights could be approximately one foot higher on average.
- The stakeholder group unanimously recommended changes to the flood prediction models used by engineers to create more accurate maps.
- Due to re-mapping time constraints, the group recommended increasing flood protection elevation for new structures by one foot until new maps are completed.
- The Charlotte-Mecklenburg Storm Water Advisory Committee reviewed and unanimously approved the stakeholder recommendation.
- Proposed changes also incorporate the conditions to be met by a petitioner so that a variance is not required for vehicular access and construction of parking areas in the floodplain.

Proposed Changes

- Proposed amendments to the Floodplain Ordinance include:
 - Update Section 9-21 to amend the definition of Flood Protection Elevation.
 - Update Section 9-102(d)4.c. and (k) to add conditions to avoid a variance for the dryland access requirement and the parking requirement.
- The proposed effective date of these changes is January 1, 2022.

Attachment(s)

Floodplain Ordinance - redline

[City of Charlotte Code of Ordinances Chapter 9 - Floodplain Regulations - Redline](#)

8. Public Hearing and Decision on the Hampton Woods Area Voluntary Annexation

Action:

- A. Conduct a public hearing for the Hampton Woods Area voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of December 13, 2021, to extend the corporate limits to include this property and assign it to the adjacent City Council District 5.**

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 13.611-acre property located along the west side of Interstate 485, the north side of Rocky River Road, and southeast of Caldwell Road.
- The property is owned by Hampton Woods Residential, LLC.
- The property is currently vacant and is zoned R-3 which allows for single-family residential uses.
- The petitioned area consists of a portion of one parcel; parcel identification number (PID): 105-381-02. Most of this parcel is already located within City limits; this annexation area would bring the rest of the parcel into City limits.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of 27 single-family residential units on the site.

Consistent with City Council Policies

- The annexation is consistent with City voluntary annexation policies approved by the City Council on March 24, 2003; more specifically this annexation:
 - Is consistent with the policy to not adversely affect the City's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on City finances or services; and
- The annexation is inconsistent with the policy to not create unincorporated areas that will be encompassed by new City limits; however, the petitioner is unable to acquire PID 105-181-62, and the parcel is unable to be developed due to environmental constraints.
- This annexation petition is recommended for approval because despite encompassing PID 105-181-62 with new City limits, the proposed annexation will have a positive impact on City resources and aid the future development of the area.

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Hampton Woods Area Annexation Map](#)

[Hampton Woods Area Annexation Survey](#)

[Ordinance - Hampton Woods Area Annexation](#)

9. Public Hearing and Decision on the Hooks Landing Area Voluntary Annexation

Action:

- A. Conduct a public hearing for the Hooks Landing Area voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of December 13, 2021, to extend the corporate limits to include this property and assign it to the adjacent City Council District 5.**

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 10.97-acre property located along the east side of Interstate 485, the west side of Plaza Road Extension, and south of Rocky River Road.
- The property is owned by Nancy Noles Hooks, Clyde Hooks Jr., Tommy E. Hooks, Ronald W. Hooks, and Diane H. Kelly.
- The property currently has large-lot residential, agriculture, single-family, and utility uses and is zoned R-8MF which allows for multi-family residential uses.
- The petitioned area consists of four parcels; parcel identification numbers: 105-201-08, 105-201-17, 105-201-07, and 105-201-30.
- The property is located within Charlotte's extraterritorial jurisdiction and does not share boundaries with current City limits.
- The intent of the annexation is to enable the development of 66 multi-family, townhome-style units on the site.

Consistent with City Council Policies

- The annexation is consistent with City voluntary annexation policies approved by the City Council on March 24, 2003; more specifically this annexation:
 - Is consistent with the policy to not adversely affect the City's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on City finances or services; and
 - Is consistent with the policy to not create unincorporated areas will be encompassed by new City limits.

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Hooks Landing Area Annexation Map Revised](#)

[Hooks Landing Area Annexation Survey](#)

[Ordinance - Hooks Landing Area Annexation](#)

10. Public Hearing on a Resolution to Close an Alleyway off North Brevard Street between Alpha Mill Lane and Belmont Avenue

Action:

- A. Conduct a public hearing to close an alleyway off North Brevard Street between Alpha Mill Lane and Belmont Avenue, and
- B. Adopt a resolution and close an alleyway off North Brevard Street between Alpha Mill Lane and Belmont Avenue.

Staff Resource(s):

Liz Babson, Transportation
Casey Mashburn, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The alleyway to be closed is located in Council District 1.

Petitioner

White Point Paces Partners, LLC

Right-of-Way to be Abandoned

Alleyway off North Brevard Street between Alpha Mill Lane and Belmont Avenue

Reason

Per the petition submitted by White Point Paces Partners, LLC, the abandonment is a part of the redevelopment of the abutting parcels. The City has no objections.

Notification

As part of the City's notification process, and in compliance with NC General Statute Section 160A-299, CDOT submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

White Point Paces Partners, LLC - No objections
WP Yandle, LLC - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map
Resolution

[2021-01A Alleyway off Brevard Abandonment Map](#)

[2021-01A Resolution to Close 12.13.2021](#)

11. Public Hearing on a Resolution to Close a Portion of West 27th Street at North Pine Street

Action:

- A. Conduct a public hearing to close a portion of West 27th Street at North Pine, and
- B. Adopt a resolution and close a portion of West 27th Street at North Pine.

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The road to be closed is located in Council District 1.

Petitioner

North Poplar Development Partners

Right-of-Way to be Abandoned

A portion of West 27th Street at North Pine Street

Reason

Per the petition submitted by North Poplar Development Partners, the abandonment is a part of the redevelopment of the site for multi-family development. The City has no objections.

Notification

As part of the City's notification process, and in compliance with NC General Statute Section 160A-299, CDOT submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

MREC Vision Northend, LLC - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map

Resolution

[2021-02A Portion of W 27th Abandonment Map](#)

[2021-02A Resolution to Close 12.13.2021](#)

12. Public Hearing on a Resolution to Close Multiple Alleyways Bound by 6th Street, North Tryon Street, 7th Street, and North College Street

Action:

- A. Conduct a public hearing to close multiple alleyways Bound by 6th Street, North Tryon Street, 7th Street, and North College Street, and
- B. Adopt a resolution and close Multiple Alleyways Bound by 6th Street, North Tryon Street, 7th Street, and North College Street.

Staff Resource(s):

Liz Babson, Transportation
Casey Mashburn, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The alleyways to be closed are located in Council District 1.

Petitioner

Mecklenburg County
Bank of America
Inlivian (F/K/A Charlotte Housing Authority)

Right-of-Way to be Abandoned

Multiple alleyways bound by 6th Street, North Tryon Street, 7th Street, and North College Street

Reason

Per the petition submitted by Mecklenburg County, Bank of America, and Inlivian, the abandonment is a part of the mixed-use redevelopment of the site. The City has no objections.

Notification

As part of the City's notification process, and in compliance with NC General Statute Section 160A-299, CDOT submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

Charlotte-Mecklenburg Public Library - No objections
Mecklenburg County - No objections
Nationsbank of North Carolina, N.A. - No objections
Housing Authority of the City of Charlotte, N.C. - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map

Resolution

[2021-21A Alleyways on 6th St, 7th St & Tryon Abandonment Map](#)

[2021-21A Resolution to Close 12.13.2021](#)

13. Public Hearing on a Resolution to Close Old Nations Ford Road

Action:

- A. Conduct a public hearing to close Old Nations Ford Road, and
- B. Adopt a resolution and close Old Nations Ford Road.

Staff Resource(s):

Liz Babson, Transportation
Casey Mashburn, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The road to be closed is located in Council District 3.

Petitioner

Vulcan Lands, Inc.

Right-of-Way to be Abandoned

Old Nations Ford Road

Reason

Per the petition submitted by Vulcan Lands, Inc., the abandonment will allow the petitioner to make more productive use of its existing property in relation to their operating facilities. The City has no objections.

Notification

As part of the City's notification process, and in compliance with NC General Statute Section 160A-299, CDOT submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

Vulcan Lands, Inc. - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map
Resolution

[2020-14A Old Nations Ford Abandonment Map Revised 2](#)

[2020-14A Resolution to Close 12.13.2021](#)

14. Public Hearing on a Resolution to Close South Tryon - College Connector Street

Action:

- A. Conduct a public hearing to close South Tryon - College Connector Street, and
- B. Adopt a resolution and close South Tryon - College Connector Street

Staff Resource(s):

Liz Babson, Transportation
Casey Mashburn, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached Resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The road to be closed is located in Council District 1.

Petitioner

Riverside Investment & Development Company

Right-of-Way to be Abandoned

South Tryon - College Connector Street

Reason

Per the petition submitted by Riverside Investment & Development Company, the abandonment of the street will allow the creation of a uniform pattern of blocks and streets. The City has no objections.

Notification

As part of the City's notification process, and in compliance with NC General Statute 160A-299, the CDOT submitted this abandonment petition for review by the public and City departments.

Adjoining property owner(s)

Morehead Tryon Properties, LLC - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map
Resolution

[2021-22A S Tryon & College Connector Abandonment Map](#)

[2021-22A Resolution to Close 12.13.2021](#)

15. Public Hearing on a Resolution to Close West Avenue Unopened Right-of-Way

Action:

- A. Conduct a public hearing to close West Avenue Unopened Right-of-Way, and
- B. Adopt a resolution and close West Avenue Unopened Right-of-Way.

Staff Resource(s):

Liz Babson, Transportation
Casey Mashburn, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The right-of-way to be closed is located in Council District 2.

Petitioner

Trucker Guys, LLC

Right-of-Way to be Abandoned

West Avenue Unopened Right-of-Way

Reason

Per the petition submitted by Trucker Guys, LLC, the abandonment is needed in order to recombine the two parcels that abut the unopened right-of-way. The City has no objections.

Notification

As part of the City's notification process, and in compliance with NC General Statute Section 160A-299, CDOT submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

Trucker Guys, LLC - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map
Resolution

[2021-17A W Ave Unopened ROW Abandonment Map](#)

[2021-17A Resolution to Close 12.13.2021](#)

POLICY

16. City Manager's Report

17. Amend Code of Ordinances Chapter 3 - Animals

Action:

- A. **Receive an update from the City Attorney on proposed amendments to Chapter 3 - Animals of the City of Charlotte Code of Ordinances, and**
- B. **Adopt an ordinance amending Chapter 3 - Animals.**

Staff Resource(s):

Patrick Baker, City Attorney's Office
Johnny Jennings, Police
Joshua Fisher, Police

Current Ordinance

- In the City of Charlotte Code of Ordinances Chapter 3 - Animals, one of the stated purposes of this chapter is "the protection of animals from abuse or conditions harmful to their well-being."
- The section on Exotic or wild Animals has not been updated since 1985. The current provisions include:
 - Defining exotic and wild animals,
 - Restraint requirements, and
 - Establishing who can possess these types of animals.
- To address recent concerns over the treatment of circus animals, proposed amendments add provisions for the protection of exotic or wild animals used in performances.

Proposed Changes

- At the September 7, 2021 Strategy Session, Council directed the City Attorney to prepare an ordinance amendment for subsequent Council consideration with the following changes which are attached as Proposed Version A:
 - Update Section 3-3 - Definitions, to add the definition of bullhooks, electric prods, and whips.
 - Update Section 3-73 - Exotic or Wild Animals to add subsection (f):
 - (f) Handling. The handling of exotic or wild animals exempted from subsection (a) of this section by subsection (b) of this section must meet the regulations promulgated by the state wildlife commission, the minimum standards under the Animal Welfare Act and all applicable rules promulgated by the United States Department of Agriculture. In addition to meeting these minimum standards, no permanent or transient animal exhibition or circus shall induce or encourage animals to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering. Further, the use of bullhooks, electric prods, or whips to handle, train, or otherwise interact with exotic or wild animals when they are on display, performing or being trained is prohibited. All equipment used on a performing animal shall fit properly and be in good working condition.
- Proposed Version A was included in a Request for Council Action (RCA) that appeared on the September 27, 2021 Council Business meeting agenda. This agenda item was deferred at that meeting to allow additional time for the City Attorney to engage with interested parties on Proposed Version A.
- A specific counterproposal to Proposed Version A was submitted to the City Attorney by an interested party and is attached as Proposed Version B. The requested edits are highlighted within the document. It should be noted that a substantial number of opposing interested parties have voiced their objections to both proposed versions and continue to advocate for a complete ban of the display of wild and exotic animals in live performances within the City of Charlotte.
- The proposed effective date of revisions to the Animal Ordinance is July 1, 2022.

Attachment(s)

Chapter 3 Animals Ordinance Revisions (Versions A and B)

[Animal Ordinance Proposed Amendments - Version A](#)

[Animal Ordinance Proposed Amendments - Version B](#)

[Animal Ordinance Amendments - Full Ban Version \(COUNCIL ADOPTED\)](#)

18. Center City All In 2040 Vision Plan

Action:

To consider approval of the Charlotte-Mecklenburg Planning Committee's recommendation to adopt the Center City 2040 Vision Plan.

Committee Chair:

Julie Eiselt, Transportation, Planning, and Environment

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Monica Holmes, Planning, Design, and Development

Explanation

- The Center City 2040 Vision Plan (Plan) updates prior Center City Vision Plans, including the vision, goals, and focus areas to reflect the changing dynamic in Center City.
- The Plan focuses on the area located within a two-mile ring from the intersection of Trade and Tryon Streets in Council Districts 1, 2, and 3 and was created by compiling extensive input from community leaders, business owners, residents, and other stakeholders. It envisions a Center City that is inclusive, resilient, and diverse.
- The plan includes a Preamble that outlines what the Vision plan is and language that outlines that the vision plan is aspirational in nature and does not commit the city to funding any particular recommendation or project.
- Recommendations in the plan will require additional study and will be developed into more specific projects or actions that can then be funded and implemented by partners as appropriate.
- The Planning Committee voted unanimously (six to none) to recommended to adopt the plan.
- The County will vote to endorse the plan in early 2022 following the City's recommendation.

Community Input

- The project management team held multiple public meetings and facilitated several Steering Committee meetings throughout the process. Beginning in late summer 2019 and continuing through 2020, the team had several rounds of engagement that included pop-up events, a Mobility Summit, the Innovators Action Forum, and Library Branch Outreach events. During the COVID-19 pandemic, outreach included an online community meeting in November 2020.
- At the November 22, 2021 Business Meeting, City Council held a public comment period on the Plan. Nine people gave comments on the plan, with all of them showing support.

Plan Recommendations

- The Plan includes a refreshed vision statement, along with goals and implementation strategies to achieve that vision.
- The Plan includes 10 focus areas, inside and adjacent to Uptown Charlotte, including Second Ward, the Blue Line/Silver Line crossing, Tryon Street, Brevard Street, and the Foundry District/Cedar Yards.

Transportation, Planning, and Environment Council Committee

- Prior to fall 2021, the Plan was presented for information at several earlier Transportation, Planning, and Environment Council Committee meetings, including two additional meetings in 2021 and once each in 2019 and 2020.
- The Plan was presented for information and discussion at the September 22, 2021 Committee meeting.
- On October 25, 2021, the Committee voted unanimously (Council members Eiselt (Chair), Driggs, Newton, and Winston) (Vice Chair Egleston was absent) to refer the Plan to the full City Council for public comment.

Next Steps

- Incorporate policy goals into future planning and the Unified Development Ordinance.
- Coordinate with City departments on next steps and further studies to examine the recommendations and prioritize.

Attachment(s)

The Center City Vision Plan can be found at www.Allin2040.com.

November 22, 2021 Presentation

[Charlotte Center City 2040 Plan Draft 11.22.21](#)

BUSINESS

19. Process to Create SouthPark Municipal Service District

Action:

- A. **Approve the process for considering creation of a SouthPark Municipal Service District, and**
- B. **Authorize the City Manager to direct staff to prepare reports documenting district boundaries, tax rate and revenue, and plan for providing services.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Policy

- State law allows cities to create municipal service districts (MSDs) to promote economic development and/or provide services at a higher level in the district than provided for the entire city.
- MSDs are funded through an assessment on all property owners within the district boundaries. All the money raised by the MSD assessment must be spent on district enhancement programs.
- The City currently has MSDs in Center City, South End, and University City.

Explanation

- In 2016, members of SouthPark's business community began discussions to create a municipal service district (MSD) in the SouthPark area to enhance the economic vitality of the area.
- SouthPark Community Partners is the leading business and community advocacy group for the creation of the SouthPark MSD. This group of business and community leaders have participated in SouthPark studies and intend to lead efforts to enhance the SouthPark community. City of Charlotte staff will serve as support to the group as they explore the establishment of an MSD.
- Since 2000, there have been several studies completed to address the future of SouthPark. The creation of an MSD would be an action towards implementing recommendations from the various studies. Beginning with the 2016 Urban Land Institute's (ULI) SouthPark: Envisioning a More Walkable, Multimodal, Future for SouthPark, implementation strategies in each plan have recommended the use of an MSD as an effective and appropriate tool to support a successful vision for SouthPark. Completed SouthPark studies include:
 - 2000: Charlotte City Council's SouthPark Small Area Plan;
 - 2010: City of Charlotte's Centers, Corridors, and Wedges Growth Framework;
 - 2016: Urban Land Institute's (ULI) SouthPark: Envisioning a More Walkable, Multimodal, Future for SouthPark;
 - 2018: City of Charlotte's Community Neighborhood Improvement Plan (CNIP); and
 - 2019: The Loop Framework Plan.
- Following a review of several options, the proposed boundaries of the SouthPark MSD are focused on the commercial core of the area. The boundary follows along the edge of the commercial core, excluding the single-family neighborhoods. The SouthPark MSD boundary follows property lines and includes commercial properties south of Scofield Road and Wickersham Road, west of Sharon Road and Cameron Valley Parkway, north of Sharon View Road, and east of Park South Drive.
- The proposed MSD tax rate would be four cents per \$100 in valuation, which would generate an estimated \$1,350,000 annually. This funding would be used to hire administrative personnel, provide advocacy, marketing, and promotion efforts, enhance safety, fund capital investments, and support other economic development initiatives identified through the previously completed South Park studies.
- The SouthPark Coalition has requested that the SouthPark MSD be effective beginning on July 1, 2022. To meet this request and enable the City to follow required statutory guidelines, staff proposes the following process for considering creation of this district:
 - December 13, 2021 - Council action to prepare MSD report,
 - January 2022 - City notifies affected property owners about MSD,
 - January 2022 - City staff finalize and distributes MSD report,
 - February 28, 2022 - Council conducts a public hearing,

- March 14, 2022 - Council resolution to create MSD.
- The timing of this process is also designed to coincide with the Fiscal Year 2023 budget process as the MSD tax rates and revenues must be included in the total City budget estimates. This process is similar to the process for creating the University City MSD in 2003.
- The City is required to prepare the MSD finding of need report before conducting the public hearing. This report will document proposed district boundaries, tax rate, and plan for providing services. Upon completion, this report will be distributed to Council and key stakeholders. It will also be available through the City Clerk's Office and the City's Internet site.

Attachment(s)

Proposed SouthPark Municipal Service District Map

[12132021 South Park MSD Boundary Map](#)

20. Mallard Creek Church Infrastructure Reimbursement Agreement

Action:

Authorize the City Manager to negotiate and execute an infrastructure reimbursement agreement with Centene Management Company, LLC in an amount not to exceed \$6,500,000 for municipal infrastructure improvements, which are expected to be reimbursed to the developer in two payments of \$3 million and \$3.5 million split between the 2022 and 2024 Bond Referendum.

Staff Resource(s):

Tracy Dodson, City Manager's Office

Explanation

- Centene Management Company, LLC (Centene) announced a new East Coast Headquarters and Technology Hub in Charlotte in July 2020. Centene will invest \$1 billion dollars and create 3,237 new jobs.
- On August 10, 2020, City Council approved a Business Investment Grant in an amount not to exceed \$31,588,352 over twelve years with Centene to bring these jobs to the City of Charlotte.
- Centene is currently developing 80 acres in the University Research Park and will provide required offsite municipal improvements as a part of their development permitting.
- In addition to, and a part of, the business recruitment efforts to bring Centene to Charlotte, Centene agreed to partner with the City to construct regional transportation improvements along Mallard Creek Church Road that will improve overall traffic flow in the University City area located in Council District 4.
- These improvements advance the City's goals of providing future road capacity, maximizing network connections and traffic mitigation, and increasing economic development and the local tax base.
- Under the terms of this agreement, the Developer would build the municipal infrastructure improvements recommended by the Charlotte Department of Transportation and be reimbursed 50 percent of the total project cost upon acceptance of the infrastructure, dedication of right-of-way, and approval of the 2022 and 2024 bonds.
- Municipal infrastructure improvements include design and construction of improvements at the intersection at West Mallard Creek Church Road and Claude Freeman Drive with the intention to address the findings of the University Research Park Mobility Study Traffic Analysis prepared by Kittelson & Associates on behalf of the City of Charlotte.
- A planned multi-use path adjacent to Centene's development will also be installed as a part of this reimbursement.

Charlotte Business INclusion

Prior to the City Manager executing the infrastructure reimbursement agreement, Charlotte Business INclusion will work with the Developer to negotiate and incorporate an approved MWSBE participation plan with subcontracting goals on all work tied to all phases of the agreement. (Part G, Section 2.6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Capital Investment Plan or in a combination of payments from other municipal funding sources.

Attachment(s)

August 10, 2020 Centene Corporation Business Investment Grant Approved by City Council

[August 10, 2020 Centene Corporation Business Investment Grant Approved by City Council](#)

21. Upset Bid Process for City-Owned Property on Dixie River Road

Action:

- A. **Approve a resolution authorizing the upset bid process for the proposed sale of a portion of City-owned property (parcel identification number 113-291-02) located on Dixie River Road, including a temporary easement for future construction of right of way improvements, and**
- B. **Direct the City Clerk to cause a notice of the proposed sale to be published, which shall describe the property, the amount of the offer, and shall state the terms under which the offer may be upset.**

Staff Resource(s):

Phil Reiger, General Services
Greg Crawford, General Services
Angela Charles, Charlotte Water

Explanation

- Crescent River District, LLC ("Crescent"), a private builder, proposes to purchase approximately 37,299 square feet (0.857 acres) of City-owned property on Dixie River Road in Council District 6 for a road widening project. After completion of road construction, Crescent will dedicate the property back to the North Carolina Department of Transportation. As part of this transaction, the City will grant 20,646 square feet (0.474 acres) of Temporary Construction Easement to Crescent to complete the road widening improvements.
- The property to be sold is zoned R-5 Single-Family Residential. The Dixie-Berryhill Strategic Plan (adopted in 2003) recommends park/open space for this site. The adjacent parcels were rezoned by petition 2016-056 to Mixed-Use Development District as part of the River District rezoning.
- City Council has the authority to sell property through upset bid based on NC General Statute Section 160A-269 and its Charter, Section 8.22.
- On May 18, 2021, the Charlotte-Mecklenburg Planning Commission reviewed and approved the request.
- The portion of property for purchase was appraised by Crescent on January 8, 2021 for \$22,125.
- An offer to purchase in the amount of \$22,125, along with the required five percent deposit from Crescent River District, LLC, has been made.
- This action is consistent with City Council's adopted City-Owned Real Estate and Facilities Policy and Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing.

Fiscal Note

Funding: Proceeds from the sale will be deposited in Charlotte Water's Operating Budget

Attachment(s)

Map
Resolution

[Map Upset Bid Process for City-Owned Property on Dixie River Road](#)

[Resolution Authorizing Upset Bid Process 12 7](#)

22. Sale of City-Owned Property on Denver Avenue

Action:

- A. Adopt a resolution approving the sale of approximately 29.159 acres of vacant City-owned property on Denver Avenue (parcel identification numbers 061-043-03, 061-043-04, 061-081-48, 061-081-02, 061-043-17, 061-043-10, 061-081-38, 061-043-02, 061-081-50, 061-081-40, 061-043-06, 061-043-07, 061-043-01, 061-043-09, 061-081-41, 061-081-01, 061-043-08, 061-081-39, and 061-043-05) to SteelFab, Inc. for \$2,616,000, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of the property.**

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- Aviation is selling Federal Aviation Administration (FAA) Part 150 Noise land/Airport Master Plan Land on Denver Avenue. The sale is made up of 19 vacant parcels of land zoned I-1 and R-22MF, totaling approximately 29.159 acres. The R-22MF acreage, which allows for residential multi-family use, is proposed to be rezoned to I-1, which allows for light industrial use.
- Aviation participates in FAA's Part 150 Noise Program. The FAA Part 150 Noise Program requires airports to purchase properties significantly impacted by noise and put this land back into a compatible, productive use.
- The City has acquired multiple parcels of land located along Denver Avenue as part of the Part 150 Noise Program.
- Aviation received an offer to purchase this property from SteelFab, Inc. for \$2,616,000. On September 3, 2021, Aviation advertised this offer to purchase to solicit any upset bids during a 10-day period, and no upset bids were received.
- This sale is contingent upon FAA approval.

Fiscal Note

Funding: Proceeds from the sale will be deposited in the Aviation Capital Investment Plan.

Attachment(s)

Map

Resolution

[Denver Ave Resolution](#)

[DenverAve_V2](#)

23. Sale of City-Owned Property on Steele Creek Road

Action:

- A. Adopt a resolution approving the sale of approximately 76.74 acres of City-owned property on Steele Creek Road (certain portions of parcel identification numbers 141-211-11, 141-041-23, 141-211-20, and 141-221-26, and the entirety of 141-211-01 (improved), 141-211-02, 141-211-03, 141-221-04, 141-221-03, 141-221-02 and 141-221-01) to Foundry Commercial, LLC for \$9,650,000, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of the property.**

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- Aviation is selling Federal Aviation Administration (FAA) Part 150 Noise land/Airport Master Plan Land on Steele Creek Road in Council District 3. The sale is made up of one improved parcel of land containing the Steele Creek Presbyterian Church building and 10 vacant parcels of land surrounding the church building zoned I-2, which allows for heavy industrial development, totaling approximately 76.74 acres.
- Aviation participates in the FAA's Part 150 Noise Program. The FAA Part 150 Noise Program requires airports to purchase properties significantly impacted by noise and put this land back into a compatible, productive use.
- The City has acquired multiple parcels of land located along Steele Creek Road as part of the Part 150 Noise Program.
- On March 1, 2021, Aviation advertised a Request for Proposals for the sale and redevelopment of these properties. Aviation received three complete responses.
- The Airport Evaluation Committee selected Foundry Commercial, LLC as they provided the proposal offering the highest compensation and adherence to the deed restriction requirement.
- This sale is contingent upon FAA approval.

Fiscal Note

Funding: Proceeds from the sale will be deposited in the Aviation Capital Investment Plan.

Attachment(s)

Map

Resolution

[Steele Creek Map](#)

[Steele Creek Rd Resolution](#)

24. Lease of City-Owned Property at the JW Clay Parking Deck

Action:

- A. Adopt a resolution approving a five-year lease agreement, with up to two three-year extension options, between the City of Charlotte and Dieudonne Kamba for a retail space in the LYNX Blue Line Extension JW Clay Parking Deck, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete this transaction.**

Staff Resource(s):

John Lewis, Jr., CATS

Allen C. Smith, CATS

Explanation

- The JW Clay Parking Deck on the LYNX Blue Line Extension (BLE), located at 8909 JW Clay Boulevard in Council District 4, incorporates 15,470 square feet of leasable space for office and retail.
- The leasable spaces provide opportunities for retail and business firms to offer goods and services to customers using the BLE and to customers from the surrounding area.
- Dieudonne Kamba proposes to open a hair salon in one of the retail suites in the JW Clay Parking Deck.
- The lease terms with Dieudonne Kamba include:
 - A five-year lease with up to two, three-year extensions,
 - 2,217 square feet of retail space,
 - Rent:
 - \$4,000 per month (\$48,000 per year) for year one,
 - A three percent annual increase, and
 - Tenant pays a share of common area maintenance costs.

Fiscal Note

Funding: Revenue from the lease will be deposited in the CATS Operating Budget.

Attachment(s)

Resolution

[Resolution](#)

25. Proposed 2022 City Council Meeting Schedule

Action:

Approve the 2022 City Council Regular and Budget Meeting Schedule.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- NC General Statute Section 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule be posted to the City's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- Due to the COVID-19 pandemic, the proposed City Council Meeting Schedule has been created to accommodate remote meetings and use of an electronic meeting format.
- The 2022 Council Budget Meeting dates have been included on this proposed schedule of meetings along with other meetings of state and national organizations in which the City has memberships.
 - Due to potential changes to the NC 2022 Primary and General Elections schedule, Council will be requested to amend its meeting schedule at a future date to accommodate election dates.
- For more information on City Council Meetings, visit the City Clerk's webpage at <https://charlottenc.gov/CityClerk/Pages/CityClerk.aspx>.

Attachment(s)

Proposed 2022 City Council Regular and Budget Meeting Schedule

[Proposed 2022 Council Meeting Schedule](#)

26. Municipal Records Retention and Disposition Schedule Update

Action:

Approve the updated North Carolina Municipal Records Retention and Disposition Schedule.

Staff Resource(s):

Stephanie C. Kelly, City Clerk's Office

Cheyenne Flotree, City Clerk's Office

Explanation

- North Carolina's Public Records law mandates that the North Carolina Department of Natural and Cultural Resources (DNCR) through the State Archive of North Carolina administer records management standards and procedures for any agency of North Carolina government or its subdivisions. Pursuant to state law, a municipality may only dispose of records with the consent of the DNCR.
- Beginning in 2019, the State Archive of North Carolina began updating all local records retention schedules on a semi-annual basis. Updating the schedules regularly creates greater consistency among government agencies. The first update was published March 1, 2019.
- The City of Charlotte's current Municipal Records Retention and Disposition Schedule was originally published on September 10, 2012; it was adopted by City Council on October 28, 2013. Subsequently, City Council has approved two amendments to the Schedule on October 28, 2013 and July 28, 2014.
- The City of Charlotte's current General Local Records Retention Schedule was originally published on March 1, 2019; it was adopted by City Council on April 22, 2019.
- The 2021 update will replace the City of Charlotte's current Municipal Records Retention and Disposition Schedule with the new Program Records Schedule for Local Government Agencies. When adopted it supersedes the following standards on all local schedules published prior to October 27, 2021:
 - Airport Authority Records,
 - Animal Services Records,
 - Code Enforcement Records,
 - Emergency Medical and Fire Department Records,
 - Parks and Recreation Records,
 - Planning and Regulation of Development Records,
 - Public Housing Authorities and Redevelopment Commission Records,
 - Public Transportation Systems Records,
 - Public Utilities and Environmental/Waste Management Records,
 - Street Maintenance, Public Works, and Engineering Records,
 - Law Enforcement Records (Municipal), and
 - Tax Records (Municipal).
- The 2021 update covering General Records is taking the form of a General Local Records Retention Schedule. When adopted it supersedes the following standards on all local schedules published prior to October 27, 2021:
 - Administration and Management Records,
 - Budget, Fiscal, and Payroll Records,
 - Geographic Information System Records,
 - Human Resource Records,
 - Information Technology Records,
 - Legal Records, and
 - Risk Management Records.
- A link to the new schedule will be accessible on the City Clerk's website and a hard copy maintained on file in the City Clerk's Office.

Attachment(s)

City of Charlotte's Adopted Municipal Records Retention and Disposition Schedule

City of Charlotte's Adopted Local Government Agencies General Records Retention and Disposition Schedule

2021 Local Government Agencies General Records Retention and Disposition Schedule

2021 Local Government Agencies Program Records Retention and Disposition Schedule

[Adopted General Records Schedule](#)

[Adopted Municipal Retention Schedule](#)

[2021 General Retention Schedule](#)

[2021 Program Retention Schedule](#)

CONSENT

27. Police Recruitment Advertising Services

Action:

- A. Approve a contract with Kelso Communications for recruitment advertising services for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Johnny Jennings, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) requires a professional recruitment advertising company to develop and implement a recruitment campaign. The company will manage all campaign services and provide a comprehensive plan to include media buying, creative development, and strategic advisement.
- On June 30, 2021, the City issued a Request for Proposals (RFP); four responses were received.
- Kelso Communication best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$200,000.

Charlotte Business INClusion

Kelso Communications is a City-certified SBE.

Per Charlotte Business INClusion Policy: Part C: Section 2.1(a) The City shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Police Operating Budget

28. Police Low-Velocity De-escalation Delivery Systems

Action:

- A. **Approve the purchase of low-velocity de-escalation delivery systems by the sole source exemption,**
- B. **Approve a contract with Lawmen’s Distribution, LLC for the purchase of low-velocity de-escalation delivery systems for the term of one year, and**
- C. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Johnny Jennings, Police
Julie Barry, Police
Steven Winterhalter, Police

Sole Source Exemption

- NC General Statute Section 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because the needed product is only available through one distributor in North Carolina.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- These low-velocity, de-escalation delivery systems discharge projectiles that can be used by Police in high-risk situations to preserve life.
- Annual expenditures are estimated to be \$55,000.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A, Appendix 1, Section 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Police Operating Budget

29. U.S. Department of Justice Fiscal Year 2021 Local Law Enforcement Crime Gun Intelligence Integration Initiative

Action:

Authorize the City Manager to accept a three-year Fiscal Year 2021 Local Law Enforcement Crime Gun Intelligence Integration Initiative Grant in the amount of \$700,000 from the U.S. Department of Justice.

Staff Resource(s):

Johnny Jennings, Police

Coerte Voorhees, Police

Ryan Butler, Police

Explanation

- The goal of this grant program is to address illegal firearm-related crime and forensics through the establishment of Crime Gun Intelligence Centers (CGIC).
- The grant will fund three full-time positions which include a Criminalist Firearms Examiner, an Assistant District Attorney, and a Data Analytics Specialist.
- Funds will be used to provide the Charlotte-Mecklenburg Police Department (CMPD) the ability to establish a CGIC to facilitate the immediate collection, management, and analysis of crime gun evidence by using intelligence, technology, and community engagement to swiftly identify unlawfully used firearms and help to make the community safer.
- Additionally, funds will be used to support a program evaluation that will be conducted by an academic organization.
- According to grant parameters, the City must accept the grant award by January 7, 2022, to receive the funding.
- The grant is for a three-year term from October 1, 2021, to September 30, 2024.
- No matching contribution from the City is required.

Fiscal Note

Funding: General Grants Fund

30. Habitat for Humanity of the Charlotte Region Funding for Single-Family Rehabilitation

Action:

- A. **Authorize the City Manager to negotiate and execute a contract with Habitat for Humanity of the Charlotte Region for single-family rehabilitation in the amount of \$2,000,000, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

Explanation

- Each year, the City of Charlotte receives Community Development Block Grant (CDBG) funding from the U.S. Department of Housing and Urban Development (HUD).
 - In Fiscal Year 2022, the City received \$5,952,854 in CDBG funding.
- The funds are designed to provide a broad range of assistance for low- and moderate-income residents.
- Habitat for Humanity of the Charlotte Region (Habitat) is requesting \$2,000,000 of CDBG funding to continue partnering with the City to rehabilitate the homes of low- and moderate-income families through its Critical Home Repair Program.
- The proposed funding will assist in the rehabilitation of 100 homes owned by low- and moderate-income homeowners over a two-year period.
- Repairs will focus on increasing the useful life of the structure and homeowner safety. Repairs typically include heating, ventilation and air conditioning, plumbing, electrical, and roofing systems along with safety improvements to flooring, stairs, and the installation of ramps.
- Since 2010, Habitat has played a significant role in the City's housing rehabilitation strategy. To date, the City of Charlotte and Habitat have partnered on the repair of over 600 homes.
- The need for housing rehabilitation services outpaces the City's ability to respond to every request. By partnering with Habitat, City funding is leveraged with private donations and volunteer labor resulting in an increased impact of the City's investment.

Background

- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends expanding the supply of high-quality housing by building new affordable housing, preserving existing naturally occurring affordable housing, and promoting family-self-sufficiency initiatives such as homeownership. The proposed project is consistent with the plan and utilizes innovative approaches considered best practices.
- The proposed project is consistent with the HUD Annual Action Plan (Plan) adopted by City Council on April 26, 2021. The Plan:
 - Identifies the need for affordable, safe, and decent housing for low- and moderate-income families, and
 - Reaffirms three basic goals of the City's housing policy:
 - Preserve the existing housing stock;
 - Expand the supply of affordable housing; and
 - Support family self-sufficiency initiatives.

Charlotte Business INclusion

This is a contract with a waiver of solicitation for services and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Community Development Block Grant

31. Construct Sweden Road Repaving Phase 2

Action:

- A. Reject the low bid submitted by RAM Pavement Service, Inc. for the Sweden Road Repaving Phase 2 project, and**
- B. Approve a contract in the amount of \$1,043,197.38 to the lowest responsive, responsible bidder NJR Group Inc. for the Sweden Road Repaving Phase 2 project.**

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Veronica Wallace, General Services

Explanation

- This project will include pavement repair at the Fleet Management Sweden Road Facility located at 4600 Sweden Road in Council District 3.
- Work will include both concrete and asphalt pavement replacement and installation.
- On September 28, 2021, the City issued an Invitation to Bid; five bids were received.
- NJR Group Inc. was selected as the lowest responsive, responsible bidder.
- This project is anticipated to be complete by the end of third quarter 2022.

Reject Low-Bid Explanation

- The bid from RAM Pavement Service, Inc. in the amount of \$820,721.20 did not meet the City's Charlotte Business INclusion Program goal and was found to be non-responsive.

Charlotte Business INclusion

Established MBE Goal: 7.00%

Committed MBE Goal: 7.19%

NJR Group Inc. exceeded the established MBE subcontracting goal and has committed 7.19% (\$75,023) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc. (MBE, SBE) (\$75,023) (concrete pavement)

Established SBE Goal: 15.00%

Committed SBE Goal: 21.36%

NJR Group Inc. exceeded the established SBE subcontracting goal and has committed 21.36% (\$222,855) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc. (MBE, SBE) (\$222,855) (curb, pipe bollards, reinforcing steel)

Fiscal Note

General Capital Investment Plan

Attachment(s)

Map

[Map Construct Sweden Road Repaving Phase 2](#)

32. Cross Charlotte Trail Design Services

Action:

Approve a contract in the amount of \$503,200 with The John R. McAdams Company, Inc. for design services for the Cross Charlotte Trail Segment 10 - Mallard Creek Church Road to Pavilion Boulevard.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Veronica Wallace, General Services

Explanation

- The Cross Charlotte Trail is a joint project of the City of Charlotte and Mecklenburg County to create a 26-mile trail and greenway facility.
- This contract will include design services for the Cross Charlotte Trail Segment 10 - Mallard Creek Church Road to Pavilion Boulevard in Council District 4.
- Design services will include asphalt and concrete pathway, bridges, elevated boardwalk, storm drainage, landscaping, erosion control, and traffic control.
- This segment will add approximately 1.43 miles of the main alignment to the existing Toby Creek Greenway built by Mecklenburg County and will connect to the future segment 11 of the Cross Charlotte Trail project.
- On September 19, 2019, the City issued a Request for Qualifications (RFQ); 30 responses were received.
- The John R. McAdams Company, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- In June 2020, the City Manager approved a planning contract with The John R. McAdams Company, Inc. in the amount of \$194,130.
- City Council will be asked to approve future contracts for real estate acquisition and construction.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). The John R. McAdams Company, Inc. has committed 12.78% (\$64,310) of the total contract amount to the following firm:

- Froehling & Roberson, Inc. (MBE) (geotechnical engineering/construction services)

Fiscal Note

General Capital Investment Plan

Attachment(s)

Map

[Map Cross Charlotte Trail Design Services](#)

33. Electrical Engineering Design Services and Power Quality Studies

Action:

- A. Approve unit price contracts with the following companies for electrical engineering design services and power quality studies for an initial term of three years:**
- **AME Consulting Engineers, PC (SBE),**
 - **Atom Engineering, PLLC (SBE),**
 - **Current Solutions Professional Engineering, Estimating and Consulting, PC (SBE),**
 - **McKim & Creed, PA**
 - **Quality Consulting Engineers, PLLC (SBE), and**
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services
Kay Elmore, General Services
David Wolfe, General Services

Explanation

- The City is responsible for the operations and maintenance of over 180 municipal facilities, structures, and assets, with a range of uses including office, warehouse, storage, parking, vehicle maintenance, communication towers, and public safety.
- These contracts will provide as-needed electrical engineering design services for maintenance and renovation projects across City facilities.
- Service requests may include critical infrastructure, standby emergency generators, ground fault protection systems, building automation control systems, design of new or replacement systems, load studies, and analysis and reporting on power quality.
- On September 9, 2021, the City issued a Request for Proposals (RFP); 12 responses were received.
- The companies selected best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual aggregate expenditures are estimated to be \$1,735,000.

Charlotte Business INclusion

AME Consulting Engineers, PC; Atom Engineering, PLLC; Current Solutions Professional Engineering, Estimating and Consulting, PC; and Quality Consulting Engineers, PLLC are City-certified SBEs.

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The City shall not establish Subcontracting Goals for contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scope of work that the City regards as realistic opportunities for subcontracting.

These contracts meet the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Various Departments' Operating and Capital Budgets

34. Roof Inspection and Maintenance Services

Action:

- A. Approve unit price contracts with the following companies for roof inspection and maintenance services for an initial term of three years:**
- **Corner Stone Construction Services, Inc. (SBE),**
 - **TeamCraft Roofing, Inc.,**
 - **Tecta America Carolinas, LLC, and**
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services
Kay Elmore, General Services
David Wolfe, General Services

Explanation

- The City is responsible for the operations and maintenance of over 180 municipal facilities, including offices, fire stations, police division offices, terminals, equipment shops, cultural facilities, and other structures.
- These contracts will provide inspection, routine maintenance, and minor repair services for roofs across city-owned buildings.
- On September 14, 2021, the City issued a Request for Proposals (RFP); four responses were received.
- The companies selected best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual aggregate expenditures are estimated to be \$1,305,000.

Charlotte Business INclusion

Corner Stone Construction Services, Inc. is a City-certified SBE.

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The City shall not establish Subcontracting Goals for contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scope of work that the City regards as realistic opportunities for subcontracting.

These contracts meet the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Various Departments' Operating and Capital Budgets

35. Training Academy HVAC Control System Replacement

Action:

Approve a contract in the amount of \$968,750 to the lowest responsive bidder Action Mechanical Contractors, Inc. for the Charlotte Police and Fire Training Academy Control System Replacement project.

Staff Resource(s):

Phil Reiger, General Services
David Wolfe, General Services
John Mrzygod, General Services

Explanation

- This project includes the replacement of all HVAC building automation at the Charlotte Police and Fire Training Academy (1750 Shopton Road) in Council District 3.
- The existing controllers are original to the building and past their typical service life. Replacement will improve comfort for occupants as well as increase building efficiency.
- On September 8, 2021, the City issued an Invitation to Bid; two bids were received.
- Action Mechanical Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2022.

Charlotte Business INclusion

Established MBE Goal: 3.00%

Committed MBE Goal: 0.66%

Action Mechanical Contractors, Inc. failed to meet the established MBE subcontracting goal but has earned the required Good Faith Efforts (Part C: Section 5 of the Charlotte Business INclusion Policy). Prime has committed 0.66% (\$6,370) of the total contract amount to the following certified firm(s):

- R & F Insulation Group L.L.C. (MBE) (\$6,370) (pipe insulation)

Established SBE Goal: 4.00%

Committed SBE Goal: 56.03%

Action Mechanical Contractors, Inc. exceeded the established SBE subcontracting goal and has committed 56.03% (\$542,834) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Carolina Building Controls LLC (SBE) (\$542,834) (controls)

Fiscal Note

Funding: General Capital Investment Plan

[Map Charlotte Police & Fire Training Academy Control System Replacement](#)

36. Airport Area Water Line Construction

Action:

Approve a guaranteed maximum price of \$11,636,111.32 to Garney Companies, Inc. for Design-Build construction services for the Airport Area Water Line project.

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- Garney Companies, Inc. has developed a guaranteed maximum price (GMP) for construction of the proposed Airport Area Water Line project, which will provide a redundant source of water to support continuity of operations for the Charlotte Douglas International Airport and western Mecklenburg County, located in Council District 3.
- On August 26, 2019, the City issued a Request for Qualifications (RFQ); 12 responses were received.
- Garney Companies, Inc. was the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- On April 27, 2020, City Council approved a contract for \$2,028,409.90 with Garney Companies, Inc. for Design-Build design services. Based on the design, a GMP for construction services was developed.
- The project is anticipated to be complete by fourth quarter 2022.

Charlotte Business INclusion

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). Garney Companies, Inc. has committed \$1,662,416 or approximately 14.29% of the total contract for construction services to the following certified firm:

- Fuller & Co. Construction, LLC (SBE) (\$1,448,035) (jack and bore)
- Sanders Constructors, Inc. (SBE) (\$92,500) (clearing and trimming)
- Soggy Bottom Erosion Control, LLC (SBE) (\$45,505) (seeding and erosion control)
- Froehling & Robertson, Inc. (MBE) (\$40,000) (compaction testing)
- All Points Trucking, Inc. (WBE, SBE) (\$36,376) (hauling)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Airport Area Water Line Construction](#)

37. Mallard Creek Interceptor Phase 1 and 2 Improvements Design

Action:

- A. **Approve a contract in the amount of \$6,505,969 with RH Price Inc. for Design-Build design services for the Mallard Creek Interceptor Improvements Phase 1 and 2 project, and**
- B. **Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.**

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- As part of the Mallard Creek Basin Program, located in Council District 4, this contract will provide detailed design for Mallard Creek interceptor improvements, extending from the Mallard Creek Wastewater Treatment Plant to the Toby Creek confluence point near North Tryon Street (Phase 1) and then to Mallard Creek Road (Phase 2).
- On May 14, 2021, the City issued a Request for Qualifications (RFQ); seven responses were received.
- RH Price Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- In the future, City Council will receive requests for the approval of guaranteed maximum prices for construction of project Phases once they are established.

Charlotte Business INCLUSION

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INCLUSION Policy). RH Price Inc. has committed \$721,450 or approximately 11.09% of the total contract for construction services to the following certified firm:

- Capstone Civil Engineering Inc. (MBE, SBE) (\$200,000) (geotechnical evaluation)
- Crittek Engineering Group, P.C. (MBE, SBE) (\$196,000) (design)
- TKG PLLC (WBE, SBE) (\$60,000) (QAQC and design)
- Carolina Wetland Services, Inc. (WBE, SBE) (\$51,550) (wetland delineation and environmental permitting)
- Avioimage Mapping Services, Inc. (SBE) (\$48,900) (aerial imagery)
- Pipe Pros LLC (SBE) (\$45,000) (cctv)
- Hinde Engineering, Inc. (SBE) (\$40,000) (NCDOT/CDOT coordination and permitting)
- Yellow Duck Marketing LLC (WBE, SBE) (\$40,000) (communications)
- CES Group Engineers, LLP (WBE) (\$20,000) (surveying)
- Mohawk Traffic Services, LLC (SBE) (\$20,000) (traffic control)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Mallard Creek Interceptor Phase 1 and 2 Improvements Design](#)

38. McAlpine Creek Wastewater Treatment Process Improvements

Action:

Approve a contract in the amount of \$33,236,220 to the lowest responsive bidder State Utility Contractors, Inc. for the McAlpine Creek Wastewater Treatment Plant Waste Activated Sludge Equalization, Blending, and Odor Control Improvements Construction project.

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- This contract will provide upgrades to several facilities at the McAlpine Creek Wastewater Treatment Plant, located in the Town of Pineville (adjacent to Council District 7).
- Primary components include construction of a new waste activated sludge (WAS) equalization structure, pump station, and a new odor control system and duct work.
- The project is needed to allow for equalization and multi-plant blending of WAS for future enhancements in biosolids treatment.
- On September 16, 2021, the City issued an Invitation to Bid; three bids were received.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2024.

Charlotte Business INclusion

Established MBE Goal: 2.00%

Committed MBE Goal: 1.13%

State Utility Contractors, Inc. failed to meet the established MBE subcontracting goal but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy). State Utility Contractors has committed \$374,867 or approximately 0.98% of the total contract amount to the following certified firm:

- CITI, LLC (MBE) (\$324,867) (instrumentation and SCADA)
- Buffkin Trucking, Inc. (MBE, SBE) (\$35,000) (hauling)
- Rhythms Welding, LLC (MBE) (\$15,000) (welding)

Established SBE Goal: 2.00%

Committed SBE Goal: 5.81%

State Utility Contractors, Inc. exceeded the established SBE subcontracting goal and has committed \$1,932,250 or approximately 5.81% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- HG Global Services, Inc. (SBE) (\$724,000) (structural steel)
- Fuller & Co. Construction, LLC (SBE) (\$542,000) (tunneling)
- Stevens Interiors, Inc. (SBE) (\$351,250) (carpentry and insulation)
- Ram Pavement Services, Inc. (SBE) (\$225,000) (paving)
- All Points Trucking, Inc. (WBE, SBE) (\$37,500) (hauling)
- S&G Express, LLC (SBE) (\$37,500) (hauling)
- Soggy Bottom Erosion Control, LLC (SBE) (\$15,000) (erosion control services)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

39. Siphon Cleaning Services

Action:

- A. Approve a unit price contract with Dukes Root Control Inc. for siphon cleaning services for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Scott Clark, Charlotte Water

Explanation

- This contract will provide regular cleaning and condition assessments of approximately 50 sanitary sewer siphons throughout the service area.
- On September 21, 2021, the City issued a Request for Proposals (RFP); two responses were received.
- Dukes Root Control Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$820,000.

Charlotte Business INClusion

Per the Charlotte Business INClusion Policy: Part C: Section 2.1(a) The City shall not establish subcontracting goals for contracts where: (a) there are no subcontracting opportunities identified for the contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

40. CATS Rail Inventory Spare Brake Pads and Discs

Action:

- A. Approve unit price contracts with the following companies for spare brake pads and discs for an initial term of five years:**
- Siemens Mobility, Inc.,
 - Hi-Tec Enterprises, and
- B. Authorize the City Manager to renew the contracts for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

John Lewis, Jr., CATS

Allen C. Smith, CATS

Explanation

- Brake pads and discs are essential to maintaining the braking system on Light Rail Vehicles (LRVs) and Streetcars during preventative maintenance for revenue service.
- These are for replacement parts and inventory stock spares required to maintain the LRVs and Streetcars.
- On August 6, 2021, the City issued a Request for Proposals; two responses were received.
- The companies selected meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual aggregate expenditures are estimated to be \$200,000.

Disadvantaged Business Enterprise (DBE)

No goals shall be established on Contracts where: (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no DBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: CATS Operating Budget

41. Airport Baggage System Parts and Software Maintenance and Support Services

Action:

- A. **Approve the purchase of Allen-Bradley brand electrical control parts by the sole source exemption,**
- B. **Approve a contract with McNaughton-McKay Southeast, Inc. for the purchase of parts and software maintenance and support for the term of three years, and**
- C. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Sole Source Exemption

- NC General Statute Section 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because standardization or compatibility is the overriding consideration.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- The checked baggage in-line system (CBIS) sorts and screens over four million pieces of checked baggage annually and requires software system updates and part replacements to ensure ongoing operations and maintenance.
- Rockwell Automation software and Allen-Bradley products are used in the operation of CBIS at the Airport.
 - Allen-Bradley is a brand of electrical control parts produced by Rockwell Automation.
 - McNaughton-McKay Southeast, Inc. is the authorized distributor in the Charlotte area, and full factory products and support are made available only to the local authorized distributor.
- The support agreement with McNaughton-McKay Southeast, Inc. provides technical support services, including product updates for hardware and software components.
 - The service also provides software updates as well as online support to troubleshoot hardware and software issues.
- Annual expenditures are estimated to be \$30,997.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Operating Budget

42. Airport Financial Advisory Services

Action:

- A. Approve a contract with Frasca and Associates, LLC for airport financial advisory services for an initial term of five years, and**

- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Michael Hill, Aviation

Teresa Smith, Finance

Explanation

- Aviation has a five-year capital investment plan valued at over \$2.1 billion.
- Frasca and Associates, LLC will support the Airport in maintaining and updating the capital planning and funding, airline rates and charges, and key financial metrics model and projections.
- On September 27, 2021, the City issued a Request for Proposals (RFP); one response was received.
- Frasca and Associates, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$250,000.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Frasca and Associates, LLC has committed 10.00% (\$175,000) of the total contract amount to the following certified firm:

- Charles O Simmons, CPA PLLC (MBE) (\$175,000) (financial analysis)

Fiscal Note

Funding: Aviation Operating Budget

43. Airport Parking Management and Staffing Services

Action:

- A. **Authorize the City Manager to approve a three-month contract extension in the amount of \$895,137 with SP Plus Corporation for parking management and staffing services,**
- B. **Approve a contract with Republic Parking System, LLC for parking management and staffing services for an initial term of three years, and**
- C. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

Action A:

- SP Plus Corporation is the current provider of Airport parking management and staffing services.
- To ensure an efficient transition to the newly selected vendor, Aviation is requesting a contract extension to allow for overlap and training of new personnel.
- The total value of the contract including this amendment is \$26,633,807.

Actions B and C:

- Aviation is responsible for providing a safe, secure, and efficient parking product options at Charlotte Douglas International Airport (CLT).
- Republic Parking System, LLC will provide comprehensive parking management and staffing services to ensure the safe, secure, and efficient operations of parking lots and parking decks at CLT.
- On August 18, 2021, the City issued a Request for Proposals (RFP); six responses were received.
- Republic Parking System, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$4,000,000 with three percent annual escalations.
- This activity is occurring on Airport property, located in Council District 3.

Airport Concessions Disadvantaged Business Enterprise (ACDBE)

Action A:

The ACDBE participation goal is established at 25.38% and based on the total eligible expenses for goods and services. SP Plus Corporation has agreed to utilize certified ACDBE firms in order to meet or exceed the goal established for the duration of this contract. The obligations of both the City and SP Plus Corporation under this contract shall be subject to the provision of all federal regulations relating to the ACDBE program.

Action B:

The ACDBE participation goal is established at 25.00% and based on the total eligible expenses for goods and services. Republic Parking System, LLC has agreed to utilize certified ACDBE firms in order to meet or exceed the goal established for the duration of this contract. The obligations of both the City and Republic Parking System, LLC under this contract shall be subject to the provision of all federal regulations relating to the ACDBE program.

Fiscal Note

Funding: Aviation Operating Budget

44. Pest Control Services

Action:

- A. Approve a contract with Sustainable Pest Systems, Inc. for pest control services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation
John Lewis, CATS
Allen Smith, CATS

Explanation

- The City requires pest control services at various Aviation and CATS facilities to provide a safe environment for customers, employees, and business partners.
- The goal of pest control is to eliminate the food, water, and shelter available to pests while minimizing the use of chemicals.
- On October 19, 2021, the City issued an Invitation to Bid; six bids were received.
- Sustainable Pest Systems, Inc. was selected as the lowest responsive, responsible bidder.
- Services provided within the scope of the contract contributes to the overall performance, safety, and cleanliness of City facilities.
- Annual expenditures are estimated to be \$161,835.

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part C: Section 2.1(a) The City shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

These contracts meet the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Aviation Operating Budget and CATS Operating Budget

45. Bond Issuance Approval for 8th & Tryon

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$17,000,000, to finance the development of 8th & Tryon.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for 8th & Tryon, a 106-unit new construction affordable housing development to be developed, owned, and operated by Horizon Development Properties, Inc., the wholly-owned non-profit development subsidiary of INLIVIAN, or an affiliated or related entity.
- The development will be located at 426 North Tryon Street in Council District 1 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging of 60 percent of AMI for the entire development. Of the 106 new units, 32 will serve households that earn 30 percent of AMI or less.
- This action further supports City Council's September 27, 2021, approval of a \$3,200,000 Housing Trust Fund allocation to this development.
- This action will not further obligate the City financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- The INLIVIAN bonds, not to exceed \$17,000,000, will be used to finance land acquisition and construction of the development.

Background

- The developer applied for an allocation of four percent low-income housing tax credits and a housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$17,000,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it has an indirect interest.

Attachment(s)

City of Charlotte Resolution for 8th & Tryon

INLIVIAN Resolution for 8th & Tryon

[City of Charlotte Bond Resolution 8th & Tryon](#)

[INLIVIAN Resolution 8th & Tryon](#)

46. Bond Issuance Approval for Sugar Creek Apartments

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$23,000,000, to finance the development of Sugar Creek Apartments.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Sugar Creek Apartments, a 188-unit new construction affordable housing development to be developed, owned, and operated by Sugar Creek Apartments LLC, a North Carolina limited liability company, or an affiliated or related entity.
- The development will be located at 230 West Sugar Creek Road in Council District 4 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging of 60 percent AMI for the entire development. Of the 188 new units, 39 will serve households that earn 30 percent of AMI or less.
- This action further supports City Council's April 26, 2021, approval of a \$3,000,000 Housing Trust Fund allocation to this development.
- This action will not further obligate the City financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- The INLIVIAN bonds, not to exceed \$23,000,000, will be used to finance land acquisition and construction of the development.

Background

- The developer applied for four percent low-income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$23,000,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest.

Attachment(s)

City of Charlotte Resolution for Sugar Creek Apartments
INLIVIAN Resolution for Sugar Creek Apartments

[City Bond Resolution Sugar Creek Apartments](#)

[INLIVIAN Resolution Sugar Creek Apartments](#)

47. Set a Public Hearing on Kennington Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for January 10, 2022, for the Kennington Area voluntary annexation petition.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, Planning, Design, and Development

Explanation

- The City has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current City limits.
- Annexation of this area will allow for more orderly development review, extension of City services, capital investments, and future annexation processes.
- The 45.05-acre "Kennington" site is located along the west side of Hood Road and south of Plaza Road Extension in eastern Mecklenburg County.
 - The property is currently vacant.
 - The petitioner has plans to develop 106 single family homes on the site.
 - The property is zoned R-3, which allows for single family residential uses.
 - The property is located immediately adjacent to City Council District 5.
 - The petitioned area consists of two parcels; parcel identification numbers: 108-121-20 and 108-121-18.

Consistency with City Council Policies

- The annexation is consistent with voluntary annexation policy approved by City Council on March 24, 2003.
 - Is consistent with the policy to not adversely affect the City's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on City finances or services; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map

Resolution

[Kennington Area Annexation Map](#)

[Resolution for Kennington Area Annexation](#)

48. Resolution of Intent to Abandon an Unopened Right-of-Way off Rocky River Road Parallel to Rockland Drive

Action:

- A. Adopt a Resolution of Intent to abandon an unopened right-of-way off Rocky River Road parallel to Rockland Drive, and**
- B. Set a Public Hearing for January 10, 2022.**

Staff Resource(s):

Liz Babson, Transportation
Casey Mashburn, Transportation

Explanation

- North Carolina General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The right-of-way is located in Council District 4.

Petitioners

David Hughes of Nest Communities, LLC

Attachment(s)

Map
Resolution

[2020-24A Rocky River Unopened ROW Abandonment Map](#)

[2020-24A Resolution of Intent 12.13.2021](#)

49. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$381,092.05.

Staff Resource(s):

Teresa Smith, Finance

Explanation

- Mecklenburg County notified and provided the City the list of Property Tax refund due to clerical or assessment error.

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Tax Payers](#)

[Resolution](#)

50. Meeting Minutes

Action:

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of:

- October 18, 2021 Zoning Meeting, and
- October 25th-27th, 2021 Annual Retreat.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- City Council meeting minutes can be accessed at <https://charlottenc.gov/CityClerk/Pages/Minutes.aspx>.

PROPERTY TRANSACTIONS

51. In Rem Remedy 1040 Rosada Avenue

For In Rem Remedy, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence,
- Reduce the proportion of substandard housing,
- Increase tax value of property by making land available for potential infill housing development, and
- Support public safety initiatives.

Policy:

- Housing and Neighborhood Development and Community Safety

In Rem Remedy items are initiated from 3 categories:

1. Public Safety - Police and/or Fire Departments
2. Complaint - petition by citizens, tenant complaint, or public agency referral
3. Field Observation - concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Public Safety: 1040 Rosada Avenue (Council District 4)

Action:

Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1040 Rosada Avenue (Neighborhood Profile Area 371).

Attachment(s)

In Rem Packet for 1040 Rosada Avenue

[1040 Rosada Av](#)

52. Aviation Property Transactions - 8508 Douglas Drive and 8507 and 8517 McAlpine Drive

Action: Approve the following Acquisition: 8508 Douglas Drive, 8507 & 8517 McAlpine Drive

The property is acquired in accordance with Federal Regulations in 49 C.F.R. Part 24 that implement the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

Project: Aviation Master Plan

Owner(s): Jimmy Tucker

Property Address: 8508 Douglas Drive and 8507 and 8517 McAlpine Drive

Total Parcel Area: 1.898 acres combined (0.642 acres, 0.622 acres, and 0.634 acres)

Property to be acquired by Easements: None

Structures/Improvements to be impacted: Single-Family Home

Landscaping to be impacted: Grass and small shrubs

Zoned: R-3

Use: Single-family Residential

Parcel Identification Number(s): 141-222-06, 141-222-01, and 141-222-02

<https://polaris3g.mecklenburgcountync.gov/#mat=205350&pid=14122206&qisid=14122206>

<https://polaris3g.mecklenburgcountync.gov/#mat=205323&pid=14122201&qisid=14122201>

<https://polaris3g.mecklenburgcountync.gov/#mat=205701&pid=14122202&qisid=14122202>

Purchase Price: \$440,000, and all relocation benefits in compliance with Federal, State or Local regulations.

Council District: 3

53. Aviation Property Transactions - 8119 Robbie Circle

Action: Approve the following Acquisition: 8119 Robbie Circle

The property is acquired in accordance with Federal Regulations in 49 C.F.R. Part 24 that implement the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

Project: EIS Mitigation Land South

Owner(s): James K. Todd, Trustee for Family Trust of Helen S. Korbler

Property Address: 8119 Robbie Circle

Total Parcel Area: 1.372 acres

Property to be acquired by Easements: None

Structures/Improvements to be impacted: Single-family Home

Landscaping to be impacted: Grass and small shrubs

Zoned: R-3

Use: Single-family Residential

Parcel Identification Number(s): 141-111-11

<https://polaris3g.mecklenburgcountync.gov/#mat=199105&pid=14111111&qisid=14111111>

Purchase Price: \$275,000, and all relocation benefits in compliance with Federal, State or Local regulations.

Council District: Adjacent to Council District 3

54. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #19

Action: Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #19

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #19

Owner(s): Justin and Michelle McCartney, Trustees of The M. and J. McCartney Revocable Trust Agreement

Property Address: 5839 Wedgewood Drive

Total Parcel Area: 18,992 sq. ft. (0.44 ac.)

Property to be acquired by Easements: 3,209 sq. ft. (0.07 ac.) in Permanent Easement, plus 902 sq. ft. (0.02 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Flagstone staircase

Landscaping to be impacted: Large and medium hardwood trees, medium flowering trees

Zoned: R-4

Use: Single-Family Residential

Tax Code: 171-091-16

<https://polaris3g.mecklenburgcountync.gov/#mat=156571&pid=17109116&qisid=17109116>

Appraised Value: \$41,075

Property Owner's Concerns: The property owner is concerned about the amount of compensation offered.

City's Response to Property Owner's Concerns: The City informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

Recommendation:

To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 6

55. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #38

Action: Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #38

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #38

Owner(s): Ramzi Kheireddine

Property Address: 4327 Waterbury Drive

Total Parcel Area: 16,066 sq. ft. (0.37 ac.)

Property to be acquired by Easements: 1,998.00 sq. ft. (0.05 ac.) in Permanent Easement, plus 799.00 sq. ft. (0.02 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Detached garage

Landscaping to be impacted: Large and small trees, garden bed

Zoned: R-4

Use: Single-Family Residential

Tax Code: 149-203-13

<https://polaris3g.mecklenburgcountync.gov/#mat=128981&pid=14920313&qisid=14920313>

Appraised Value: \$44,625

Property Owner's Concerns: The property owner is concerned about the amount of compensation offered.

City's Response to Property Owner's Concerns: The City explained the rationale of the design and how it meets the objectives for the project and informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

Recommendation:

To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 1

56. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #39

Action: Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #39

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #39

Owner(s): Rafic and Jouhaina Kheireddine; Karim and Glencora Helena Kheireddine

Property Address: 4321 Waterbury Drive

Total Parcel Area: 16,371 sq. ft. (0.38 ac.)

Property to be acquired by Easements: 2,277 sq. ft. (0.05 ac.) in Permanent Easement, plus 909 sq. ft. (0.02 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Large and small trees, large shrub

Zoned: R-4

Use: Single Family Residential

Tax Code: 149-20-312

<https://polaris3g.mecklenburgcountync.gov/#mat=128748&pid=14920312&qisid=14920312>

Appraised Value: \$25,500

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 1

57. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #40

Action: Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #40

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #40

Owner(s): Paul E Dubler

Property Address: 4315 Waterbury Drive

Total Parcel Area: 16,451 sq. ft. (0.38 ac.)

Property to be acquired by Easements: 2,014 sq. ft. (0.05 ac.) in Permanent Easement, plus 826 sq. ft. (0.02 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Large and small trees

Zoned: R-4

Use: Single-Family Residential

Tax Code: 149-203-11

<https://polaris3g.mecklenburgcountync.gov/#mat=128415&pid=14920311&qisid=14920311>

Appraised Value: \$22,800

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 1

[CLTW RES LHC P40](#)

58. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #47

Action: Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #47

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #47

Owner(s): Gregory Edward Soule II and Sarah Noonan Soule Trustee or their successor in trust under In Soule We Trust, dated April 6, 2016

Property Address: 4221 Waterbury Drive

Total Parcel Area: 16,111 sq. ft. (0.37 ac.)

Property to be acquired by Easements: 2,006 sq. ft. (0.05 ac.) in Permanent Easement, plus 648 sq. ft. (0.02 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Medium trees and sodded lawn for landscaping

Zoned: R-4

Use: Single-Family Residential

Tax Code: 149-203-04

<https://polaris3g.mecklenburgcountync.gov/#mat=126312&pid=14920304&qisid=14920304>

Appraised Value: \$32,000

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 1

59. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #48

Action: Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #48

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #48

Owner(s): Stephen John Ingersoll, II and Carling Anderson Ingersoll

Property Address: 4215 Waterbury Drive

Total Parcel Area: 16,152 sq. ft. (0.37 ac.)

Property to be acquired by Easements: 2,000 sq. ft. (0.05 ac.) in Permanent Easement, plus 800 sq. ft. (0.02 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Large trees

Zoned: R-4

Use: Single-Family Residential

Tax Code: 149-203-03

<https://polaris3g.mecklenburgcountync.gov/#mat=125971&pid=14920303&qisid=14920303>

Appraised Value: \$31,475

Property Owner's Concerns: The property owner is concerned about the amount of compensation offered.

City's Response to Property Owner's Concerns: The City informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 1

60. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #50

Action: Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #50

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #50

Owner(s): Wesley M. Scott and Donna S. Scott

Property Address: 4201 Waterbury Drive

Total Parcel Area: 17,352 sq. ft. (0.40 ac.)

Property to be acquired by Easements: 1,296 sq. ft. (0.03 ac.) in Permanent Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Large trees, small and mature shrubs

Zoned: R-4

Use: Single Family Residential

Tax Code: 149-203-01

<https://polaris3g.mecklenburgcountync.gov/#mat=125368&pid=14920301&qisid=14920301>

Appraised Value: \$18,500

Property Owner's Concerns: The property owner is concerned about the potential impacts to the property.

City's Response to Property Owner's Concerns: The City was able to redesign to accommodate some of the property owner's design requests.

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 1

61. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #55

Action: Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #55

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #55

Owner(s): Daniel Hunter Courtney

Property Address: 1201 Sewickley Drive

Total Parcel Area: 15,880 sq. ft. (0.37 ac.)

Property to be acquired by Easements: 1,780 sq. ft. (0.04 ac.) in Permanent Easement, plus 774 sq. ft. (0.02 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Large and medium trees

Zoned: R-4

Use: Single-Family Residential

Tax Code: 149-183-26

<https://polaris3g.mecklenburgcountync.gov/#mat=23081&pid=14918326&gisid=14918326>

Appraised Value: \$20,050

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 1

62. Charlotte Water Property Transactions - North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Road Water Transmission), Parcel #9

Action: Approve the following Condemnation: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Road Water Transmission), Parcel #9

Project: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Road Water Transmission), Parcel #9

Owner(s): Delilah Thompson

Property Address: 9617 E. W.T. Harris Boulevard

Total Parcel Area: 20,055 sq. ft. (0.46 ac.)

Property to be acquired by Easements: 1,574 sq. ft. (0.04 ac.) in Permanent Utility Easement, plus 2,014 sq. ft. (0.05 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Large trees

Zoned: R-4

Use: Single-family residential

Tax Code: 135-044-20

<https://polaris3g.mecklenburgcountync.gov/#mat=463211&pid=13504420&qisid=13504420>

Appraised Value: \$3,075

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation:

To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 5

63. Charlotte Water Property Transactions - North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Road Water Transmission), Parcel #16

Action: Approve the following Condemnation: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Road Water Transmission), Parcel #16

Project: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Road Water Transmission), Parcel #16

Owner(s): Patricia A. Schadewald and Russell A. Brown

Property Address: 9417 East W.T. Harris Boulevard

Total Parcel Area: 20,192 sq. ft. (0.46 ac.)

Property to be acquired by Easements: 1,536 sq. ft. (0.04 ac.) in Permanent Utility Easement, plus 2,020 sq. ft. (0.05 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single Family Residential

Tax Code: 135-034-03

<https://polaris3g.mecklenburgcountync.gov/#mat=220088&pid=13503403&qsid=13503403>

Appraised Value: \$2,275

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation:

To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 5

64. Charlotte Water Property Transactions - Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #1

Action: Approve the following Acquisition: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #1

Project: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #1

Owner(s): Daniel M. Campbell and Ellen T. Campbell

Property Address: 1606 Lombardy Circle

Total Parcel Area: 7,405.2 sq. ft. (0.17 ac.)

Property to be acquired by Easements: 922 sq. ft. (0.02 ac.) in Permanent Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Town House

Parcel Identification Number(s): 153-021-40

Purchase Price: \$22,819.50

Council District: 1

65. Charlotte Water Property Transactions - Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #5

Action: Approve the following Condemnation: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #5

Project: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #5

Owner(s): Douglas and Deborah Wyatt

Property Address: 1618 Lombardy Circle

Total Parcel Area: 10,957 sq. ft. (0.25 ac.)

Property to be acquired by Easements: 2,680 sq. ft. (0.06 ac.) in Permanent Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Townhouse SFR

Tax Code: 153-021-35

<https://polaris3g.mecklenburgcountync.gov/#mat=552335&pid=15302135&qisid=15302135>

Appraised Value: \$34,850

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation:

To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 1

66. Charlotte Water Property Transactions - Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #6

Action: Approve the following Condemnation: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #6

Project: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #6

Owner(s): Elizabeth Katter Simonini

Property Address: 1622 Lombardy Circle

Total Parcel Area: 6,795 sq. ft. (0.16 ac.)

Property to be acquired by Easements: 2,091 sq. ft. (0.05 ac.) in Permanent Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Townhouse SFR

Tax Code: 153-021-34

<https://polaris3g.mecklenburgcountync.gov/#mat=442930&pid=15302134&qisid=15302134>

Appraised Value: \$28,750

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation:

To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 1

67. Charlotte Water Property Transactions - Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #8

Action: Approve the following Condemnation: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #8

Project: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #8

Owner(s): John C. Granzow

Property Address: 1626 Lombardy Circle

Total Parcel Area: 6,880 sq. ft. (0.16 ac.)

Property to be acquired by Easements: 2,159 sq. ft. (0.05 ac.) in Permanent Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Townhouse SFR

Tax Code: 153-021-32

<https://polaris3g.mecklenburgcountync.gov/#mat=51893&pid=15302132&gisid=15302132>

Appraised Value: \$29,675

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation:

To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 1

68. Property Transactions - Central/Kilborne/Norland Pedestrian and Bike Improvements, parcel #7

Action: Approve the following Acquisition: Central/Kilborne/Norland Ped and Bike Improvements, parcel #7

Project: Central/Kilborne/Norland Ped and Bike Improvements, parcel #7

Program: Central/Kilborne/Norland Ped and Bike Improvements

Owner(s): HA-CT Properties LLC

Property Address: 1747 Norland Road

Total Parcel Area: 23,522 sq. ft. (0.54 ac.)

Property to be acquired by Easements: 57 sq. ft. (0.001 ac.) Post Construction Controls Easement, 1411 sq. ft. (0.032 ac.) Utility Easement, 438 sq. ft. (0.01 ac.) Sidewalk Utility Easement, 122 sq. ft. (0.003 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Driveway

Zoned: B-2

Use: Business

Tax Code: 131-023-19

<https://polaris3g.mecklenburgcountync.gov/#mat=56785&pid=13102319&qisid=13102319>

Purchase Price: \$12,275

Council District: 5

69. Property Transactions - DeArmon Road Improvements, Parcel #36

Action: Approve the following Condemnation: DeArmon Road Improvements, Parcel #36

Project: DeArmon Road Improvements, Parcel #36

Program: DeArmon Road Improvements

Owner(s): Manochehr Ghahhari and Claudia Sandra Jacobs

Property Address: 12301 DeArmon Road

Total Parcel Area: 183,006 sq. ft. (4.23 ac.)

Property to be acquired Fee: 12,839 sq. ft. (0.29 ac.) Fee Simple

Property to be acquired by Easements: 2,452 sq. ft. (0.056 ac.) Utility Easement, 1,559 sq. ft. (0.036 ac.) Storm Drainage Easement, 3,681 sq. ft. (0.085 ac.) Slope Easement, 1,814 sq. ft. (0.042 ac.) Sidewalk Utility Easement, 6,121 sq. ft. (0.141 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Split rail fence and parking area light

Landscaping to be impacted: Tree

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-072-19

<https://polaris3g.mecklenburgcountync.gov/#mat=27189&pid=02707219&gisid=02707219>

Appraised Value: \$46,025

Property Owner's Concerns: The property owner is concerned about the design of the project.

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project.

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 4

70. Property Transactions - Dixie River Road WM Extension, parcel #8

Action: Approve the following Condemnation: Dixie River Road WM Extension, parcel #8

Project: Dixie River Road WM Extension, parcel #8

Program: Dixie River Road WM Extension

Owner(s): Yadira Fernandez

Property Address: 0 Dixie River Road

Total Parcel Area: 17,529 sq. ft. (0.40 ac.)

Property to be acquired by Easements: 1,394 sq. ft. (0.032 ac.) Utility Easement, 1,869 sq. ft. (0.043 ac.) Waterline Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 141-161-30

<https://polaris3g.mecklenburgcountync.gov/#pid=14116130&qisid=14116130>

Appraised Value: \$4,200

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: Adjacent to Council District 3

71. Property Transactions - Dixie River Road WM Extension, parcel #9

Action: Approve the following Condemnation: Dixie River Road WM Extension, parcel #9

Project: Dixie River Road WM Extension, parcel #9

Program: Dixie River Road WM Extension

Owner(s): Known and Unknown heirs and lineal descendants of Marshall Grier (date of death 07-14-1975) and Surviving spouse Bernie Lee Grier (d/o/d 04-25-1990)

Property Address: 6820 Dixie River Road

Total Parcel Area: 536,668 sq. ft. (12.32 ac.)

Property to be acquired by Easements: 6,216 sq. ft. (0.143 ac.) Utility Easement, 10,303 sq. ft. (0.237 ac.) Waterline Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 141-161-20

<https://polaris3g.mecklenburgcountync.gov/#mat=177397&pid=14116120&qisid=14116120>

Appraised Value: \$9,275

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: Adjacent to Council District 3

72. Property Transactions - Dixie River Road WM Extension, parcel #33

Action: Approve the following Acquisition: Dixie River Road WM Extension, parcel #33

Project: Dixie River Road WM Extension, parcel #33

Program: Dixie River Road WM Extension

Owner(s): Carl Bradley Frazier and Justine A Miller-Frazier

Property Address: 7021 Dixie River Road

Total Parcel Area: 249,669 sq. ft. (5.73 ac.)

Property to be acquired by Easements: 10,813 sq. ft. (0.248 ac.) Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: N/A

Zoned: R-5

Use: Single-family Residential

Tax Code: 113-211-13

<https://polaris3g.mecklenburgcountync.gov/#mat=180908&pid=11321113&qisid=11321113>

Purchase Price: \$13,100

Council District: Adjacent to Council District 3

73. Property Transactions - Dixie River Road WM Extension, parcel #34 and 35

Action: Approve the following Acquisition: Dixie River Road WM Extension, parcel #34 and 35

Project: Dixie River Road WM Extension, parcel #34 and 35

Program: Dixie River Road WM Extension

Owner(s): George W White and Loretta F White

Property Address: 7015 and 7009 Dixie River Road

Total Parcel Area: 55,820 sq. ft. (1.28 ac.)

Property to be acquired by Easements: 4,954 sq. ft. (0.114 ac.) Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: N/A

Zoned: R-5

Use: Single-family Residential

Tax Code: 113-211-14, 113-211-29

<https://polaris3g.mecklenburgcountync.gov/#mat=180625&pid=11321114&qisid=11321114>

<https://polaris3g.mecklenburgcountync.gov/#mat=180236&pid=11321129&qisid=11321129>

Purchase Price: \$15,400

Council District: Adjacent to Council District 3

74. Property Transactions - Dixie River Road WM Extension, parcel #40

Action: Approve the following Condemnation: Dixie River Road WM Extension, parcel #40

Project: Dixie River Road WM Extension, parcel #40

Program: Dixie River Road WM Extension

Owner(s): Muhammad Nadeem, Mahwish Sultan, Azra Perveen Siddiqui, Shahid Muhammad and Javaid Muhammad

Property Address: 6739 Dixie River Road

Total Parcel Area: 157,420 sq. ft. (3.61 ac.)

Property to be acquired by Easements: 650 sq. ft. (0.015 ac.) Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 113-211-47

<https://polaris3g.mecklenburgcountync.gov/#mat=176219&pid=11321147&qisid=11321147>

Appraised Value: \$1,025

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: Adjacent to Council District 3

75. Property Transactions - Idlewild/Monroe Intersection - Phase I, Parcel #15, 19, 35, and 37

Action: Approve the following Acquisition: Idlewild/Monroe Intersection - Phase I, Parcel #15, 19, 35, and 37.

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement and Federal Transit Administration reimbursement.

Project: Idlewild/Monroe Intersection - Phase I, Parcel #15, 19, 35, and 37.

Program: Idlewild/Monroe Intersection - Phase I

Owner(s): Hendrick Automotive Group

Property Address: 6000 Monroe Road, 2525, 2301 and 2315 Rama Road

Total Parcel Area: 284,831 sq. ft. (6.54 ac.)

Property to be acquired by Fee: 12,330 sq. ft. (0.28 ac.) Fee Simple

Property to be acquired by Easements: 7,276 sq. ft. (0.167 ac.) Post Construction Controls Easement, 168 sq. ft. (0.004 ac.) Bus Stop Improvement Easement, 3,849 sq. ft. (0.088 ac.) Utility Easement, 348 sq. ft. (0.008 ac.) Retaining Wall Easement, 192 sq. ft. (0.004 ac.) Storm Drainage Easement, 10,374 sq. ft. (0.238 ac.) Sidewalk Utility Easement, 13,830 sq. ft. (0.317 ac.) Temporary Construction Easement, 6,143 sq. ft. (0.141 ac.) Waterline Easement.

Structures/Improvements to be impacted: None

Landscaping to be impacted: N/A

Zoned: O-1

Use: Office District

Tax Code: 163-051-20, 163-051-18, 163-051-17, 163-051-32

<https://polaris3g.mecklenburgcountync.gov/#mat=550807&pid=16305120&gisid=16305120>

<https://polaris3g.mecklenburgcountync.gov/#mat=80712&pid=16305118&gisid=16305118>

<https://polaris3g.mecklenburgcountync.gov/#mat=79014&pid=16305117&gisid=16305117>

<https://polaris3g.mecklenburgcountync.gov/#mat=79965&pid=16305132&gisid=16305132>

Purchased Price: \$581,525

Council District: 5

76. Property Transactions - Morris Field Bridge Replacement, parcel #4

Action: Approve the following Acquisition: Morris Field Bridge Replacement, parcel #4

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement and Federal Transit Administration reimbursement.

Project: Morris Field Bridge Replacement, parcel #4

Program: Morris Field Bridge Replacement

Owner(s): BIN - WB4101 LLC

Property Address: 3925 Morris Field Drive

Total Parcel Area: 212,564 sq. ft. (4.87 ac.)

Property to be acquired by fee: 1,977 sq. ft. (0.05 ac.) Fee Simple

Property to be acquired by Easements: 7,853 sq. ft. (0.18 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees and various plantings

Zoned: I-2

Use: Industrial

Tax Code: 117-111-11

<https://polaris3g.mecklenburgcountync.gov/#mat=633032&pid=11711111&gjsid=11711111>

Purchase Price: \$18,925

Council District: 3

Adjournment

REFERENCES

77. Reference - Charlotte Business INclusion Policy

The following excerpts from the City of Charlotte's Charlotte Business INclusion Policy are intended to provide further explanation for those agenda items that reference the Charlotte Business INclusion Policy in the business meeting agenda.

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).

When feasible, the Charlotte Business INclusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

Part A: Section 3.1: Subcontracting Goals. The City shall establish one or more Subcontracting Goals for all Construction Contracts of 200,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

Appendix Section 20: Contract: For the purposes of establishing a (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INclusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INclusion Policy:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a City department or division competes with Business Enterprises to perform a City function.

Real Estate Leasing and Acquisition Contracts: Contracts for the acquisition or lease of real estate.

Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation.

State Funded Contracts Subject to the State’s MWBE Requirements: Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a DBE program or minority and women business development program maintained by a Financial Partner.

Interlocal Agreements: Contracts with other units of federal, state, or local government.

Contracts for Legal Services: Contracts for legal services, unless otherwise indicated by the City Attorney.

Contracts with Waivers: Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

Special Exemptions: Contracts where the department and the CBI Program Manager agree that the department had no discretion to hire an MWSBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 35: Informal Contracts: Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

Part B: Construction and Commodities Contracts

Part B: Section 2.1: When the City sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no MBEs, WBEs, or SBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

Part C: Service Contracts

Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part C: Section 2.1(b) and 2.1(c): The City may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer’s Committed Subcontracting Goals; and (c) an affidavit listing the MWBEs or SBEs it intends to use on the Contract.

Part C: Section 2.1(h) Negotiated Goals: The City may seek to negotiate Subcontracting Goals after Proposals have been submitted.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope/Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

Part F: Financial Partners

Part F: Section 4: Financial Partners shall undertake the following outreach efforts with respect to MWBEs and SBEs:

- 4.1 Notify MWBEs and SBEs of any contracting or procurement opportunities that may exist in the Financial Partner's business for which there are MWBEs and SBEs listed in the City's database; and
- 4.2 Request advice and assistance from the CBI Office as to what additional SBE measures might be helpful if and when it becomes apparent that outreach alone will be insufficient to meet the Financial Partner's MWBE and SBE Goal; and
- 4.3 Follow such additional measures as the CBI Office reasonably recommends.

Part G: Alternative Construction Agreements

Part G: Section 2.7: Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

78. Reference - Property Acquisitions and Condemnations

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail,
 - Making several site visits,
 - Leaving door hangers and business cards,
 - Seeking information from neighbors,
 - Searching the internet,
 - Obtaining title abstracts, and
 - Leaving voice messages.
- For most condemnation cases, the City and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The term "fee simple" is a synonym for ownership and is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited.

79. Reference - Property Transaction Process

Property Transaction Process Following City Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, the City continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City's legal representative. Filing of the condemnation documents allows:
 - The City to gain access and title to the subject property so the capital project can proceed on schedule.
 - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
 - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.