

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, February 22, 2021**

**Electronic Regular Meeting Hosted from Room 267**

### **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 BUSINESS MEETING,  
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,  
ELECTRONIC REGULAR MEETING HOSTED FROM ROOM  
267**

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## 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.

## 2. Action Review Agenda Overview

**Staff Resource(s):**

Marcus Jones, City Manager

## 3. Redistricting Considerations

**Staff Resource(s):**

Patrick Baker, City Attorney

**Time:** 10 minutes - Presentation; 20 minutes - Discussion

**Explanation**

- Provide an overview of considerations associated with 2020 Census Data and redistricting of City Council districts.

[Redistricting Considerations](#)

## 4. Mayor and Council Ethics Policy Revisions

**Staff Resource(s):**

Patrick Baker, City Attorney's Office

Lina James, City Attorney's Office

**Time:** 10 minutes - Presentation; 20 minutes - Discussion

**Explanation**

- Provide an overview of proposed revisions to the Code of Ethics, Gift Policy, and Disclosure Requirements for the Mayor and City Council.

[Mayor and Council Ethics Policy Proposed Revisions](#)

## 5. Source of Income Discrimination Update

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

**Time:** 10 minutes - Presentation; 20 minutes - Discussion

**Explanation**

- Provide an update on considerations on the recommended strategy for addressing source of income discrimination.

[Source of Income Discrimination Update](#)

**6. Closed Session (as necessary)**

## **PUBLIC FORUM**

### **7. Public Forum**

## **CONSENT**

- 8. Consent agenda items 23 through 57 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.

## **AWARDS AND RECOGNITIONS**

### **9. Mayor's Youth Employment Program Month Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing February 2021 as Mayor's Youth Employment Program Month.

### **10. Ramona Brant Day Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing February 25, 2021, as Ramona Brant Day.

## **PUBLIC HEARING**



## 11. Public Hearing on Airport 2021 General Airport Revenue Bonds and Bond Anticipation Notes

### **Action:**

**Hold a public hearing related to the issuance of revenue bonds not to exceed \$500,000,000 and revenue bond anticipation notes not to exceed \$300,000,000.**

### **Staff Resource(s):**

Haley Gentry, Aviation  
Kelly Flannery, Finance

### **Explanation**

- At its February 8, 2021 meeting, City Council authorized the application to the Local Government Commission for debt issuance to fund Aviation Capital Investment Plan projects and to refund existing debt and set this public hearing for General Airport Revenue Bonds (GARBs) expected to be issued in May 2021.
- The issuance of up to \$500,000,000 in revenue bonds is comprised of up to \$250,000,000 in GARBs to provide permanent financing for projects listed below, including expenses funded with short-term construction-period financing issued in 2019, and up to \$250,000,000 in refunding Series 2010A-B and Series 2011A-B for debt service savings.
- The new construction period financing program for up to \$300,000,000 in short-term notes is to provide financing for other projects that are in the design phase; it is expected that permanent financing for these projects will be secured in two to three years.
- The 2021 GARBs will provide long-term financing for the following or other similar projects which are part of the Aviation Capital Investment Plan:
  - Terminal Lobby Expansion,
  - Concourse E Expansion,
  - Central Energy Plant,
  - Atrium Life Safety, and
  - Field Maintenance Building Renovation.
- The 2021 Bond Anticipation Notes will provide short-term financing for the following or other similar projects:
  - Concourse A Expansion Phase 2,
  - Terminal Lobby Expansion,
  - Terminal Lobby Roof,
  - Terminal Lobby Canopy,
  - North End Around Taxiway and Relocation,
  - Taxiway F Extension, Deice Pad, and Taxiway South Cross Field, and
  - Concourse E Dual Taxilanes.
- Long and short-term financing authorized by these actions is secured by Airport revenue, and the Airport's signatory airlines have approved the projects.
- Prior to issuing this debt, a third-party feasibility study will be completed to indicate that sufficient revenues are forecasted to be available to repay the debt.
- With the City Council approval, it is anticipated the Local Government Commission will approve this action at its April meeting.
- Internal Revenue Service regulations require a public hearing on new, tax-exempt, debt-funded projects.
- In compliance with NC G.S. 166A-19.24. *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through February 23, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

### **Fiscal Note**

Funding: Airport Debt Service Fund

**POLICY**

**12. City Manager's Report**

## 13. Mayor and Council Ethics Policy Revisions

### Action:

**Adopt a resolution to revise the Code of Ethics, Gift Policy, and Disclosure Requirements for the Mayor and City Council.**

### **Committee Chair:**

Ed Driggs, Budget and Effectiveness

### **Staff Resource(s):**

Patrick Baker, City Attorney's Office

Lina James, City Attorney's Office

### **Background**

- At the July 26, 2020 Council Business Meeting, the Mayor referred to the Budget and Effectiveness Committee (Committee) the review of the current Code of Ethics, Gift Policy, and Disclosure Requirements for the Mayor and City Council of the City of Charlotte, North Carolina (Ethics Policy) to determine if revisions are needed.
- Council's Ethics Policy was adopted in 1978 and most recently revised in 2020:
  - On September 8, 2020, Council adopted limited revisions to the Ethics Policy as recommended by the Committee:
    - Substituted the word "investigator" with "independent outside counsel" in Part D;
    - Made review and referral of pending complaints retroactive to date of first 2020 complaint;
    - Authorized retaining independent outside counsel to review qualifying complaints received under Part D; and
    - Authorized continued review of the policy for further clarifications.

### **Proposed Revisions**

- The proposed revisions clarify the requirements for reporting and reviewing potential ethics-related concerns; revisions are limited to Part A and Part D of the Ethics Policy. Specific revisions include:
  - Conflict of interest - if potential for conflict of interest arises, councilmembers shall seek advice of attorney where (revised **Part A, Section 3.b.**):
    - Actions may be misunderstood; or
    - Councilmember's connections with a contractor or subcontractor relates to city business; or
    - Councilmember's business or property interests disclosed on economic interest statement are subject of city business; and
    - Obligation to disclose potential conflict is on councilmember, not the contractor, subcontractor, or city.
  - Complaint and Review Process (revised **Part D, Sections 1 & 2**):
    - Creates new *prima facie* allegation standard for complaints: facts in the complaint, if true, must be sufficient to establish an alleged violation;
      - *Prima facie* allegation defined to include connections posing potential conflicts misappropriation of city resources; criminal or fraudulent activity, or any harassment; and
      - City Attorney may refer violations of law (criminal or fraudulent) to appropriate agency.
    - City Attorney shall forward complaint to subject councilmember;
    - Authorizes initial review by City Attorney and extends time to submit complaint;
    - If allegation standard met, authorizes City Attorney referral to outside counsel; and
    - Investigations section deleted.

### **Committee Discussion**

- The Committee received information and discussed the policy at the August 18, 2020; September 15, 2020; October 27, 2020; December 1, 2020; December 15, 2020; and January 6, 2021 Committee meetings.
- On December 15, 2020, the Committee voted unanimously in favor of revisions to potential conflicts of interest and obligations, standard of review for complaints, initial attorney review and subsequent referral process, and to recommend proposed policy revisions to the full Council.
- On January 6, 2021, the Committee voted to approve additional clarifications to the Committee-approved revisions for consideration by full Council. (Driggs, Eiselt, and Graham for; Ajmera and Johnson opposed)
- At the February 22, 2021 Business Meeting, Council is scheduled to receive a presentation highlighting the proposed changes.

**Attachment(s)**

Resolution

Ethics Policy red-line

Updated Ethics Policy

[Ethics Revision Resolution \(2-22-2021\)](#)[Proposed Revised Code of Ethics \(B & E Committee approved - REDLINE\)](#)[Proposed Revised Code of Ethics \(B & E Committee approved - CLEAN\)](#)

**BUSINESS****14. Ratify an Interlocal Agreement for the Violence Interruption Program****Action:**

- A. Adopt a resolution ratifying an interlocal agreement between the City of Charlotte and Mecklenburg County for the contribution of \$250,000 from Mecklenburg County for the Violence Interruption Program,**
  
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the interlocal agreement, and**
  
- C. Adopt a budget ordinance appropriating \$500,000 from the General Operating Fund (\$250,000) and Mecklenburg County (\$250,000) to the Neighborhood Development Grants Fund.**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services  
Federico Rios, Housing and Neighborhood Services

**Explanation**

- In response to the recent increase in violence within the City of Charlotte and Mecklenburg County, the city and county, alongside local partners, have adopted a new public health approach to prevent violent crime.
- This program is comprised of partnerships, including Cure Violence Global and a local community-based organization that will be selected to implement Cure Violence Global's violence interruption model within Charlotte.
- The interlocal agreement is necessary to formalize the county's contribution to the cost share of the Violence Interruption Program.
- On October 6, 2020, the Mecklenburg County Board of County Commissioners appropriated funds for the use of gun violence prevention.
- The county will issue one payment of \$250,000 to the city to support the Violence Interruption Program which constitutes 50 percent of the total pilot phase program cost. The remaining \$250,000 to fund the pilot program will come from the General Operating Fund's existing budget.

**Fiscal Note**

Funding: Neighborhood Development Grants Fund

**Attachment(s)**

Proposed Interlocal Agreement  
Resolution  
Budget Ordinance

[Proposed Interlocal Agreement](#)

[Resolution Violence Interruption Interlocal](#)

[Violence Interruption Budget Ordinance](#)

## 15. Amend an Interlocal Water Agreement with Mount Holly

### **Action:**

**Adopt a resolution amending an Interlocal Agreement with the City of Mount Holly to accept flow into Charlotte Water's sanitary sewer system.**

### **Staff Resource(s):**

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

### **Explanation**

- This item is related to construction of the Stowe Regional Water Resource Recovery Facility (RWRRF) which is outside city limits, adjacent to Council Districts 2 and 3.
- This amendment will modify the existing Interlocal Agreement with the City of Mount Holly, which allows the city to accept flow from the City of Mount Holly into Charlotte Water's sanitary sewer collection system and construct associated infrastructure.
- The amendment will adjust the financial contribution which the City of Mount Holly is providing for construction from \$14,000,000 to \$16,000,000.
- The city conducted studies which indicated the need for a wastewater treatment plant near the confluence of Long Creek and Lake Wylie, to be named the Stowe RWRRF. It also indicated that wastewater treatment needs for Charlotte-Mecklenburg, the City of Belmont, and the City of Mount Holly could be best met through a regional partnership.
- On September 10, 2018, City Council approved the original Interlocal Agreement with the City of Mount Holly.

### **Attachment(s)**

Resolution

Map

[Resolution-Amend an Interlocal Water Agreement with Mount Holly2](#)

[Map-Amend an Interlocal Water Agreement with Mount Holly](#)

## 16. Appropriate Private Developer Funds

### **Action:**

- A. Approve developer agreements with 2151 Hawkins, LLC; Golden Nugget Associates Owner, LLC; and Novant Health for traffic signal modifications, and**
- B. Adopt a budget ordinance appropriating \$169,063 in private developer funds for traffic signal installations and improvements.**

### **Staff Resource(s):**

Liz Babson, Transportation  
Charles Abel, Transportation

### **Explanation**

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$169,063 in private developer funds is for road modifications, traffic signals, traffic signal modifications, and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
  - 2151 Hawkins, LLC contributed \$28,750 for signal modifications at South Boulevard and Tremont Avenue (adjacent to Council Districts 1 and 3)
  - Golden Nugget Associates Owner, LLC contributed \$107,813 for signal modifications at Mint Street and Carson Boulevard (adjacent to Council Districts 2 and 3) and Mint Street and Palmer Street (Council District 3).
  - Novant Health contributed \$32,500 for signal modifications at Providence Road West and Old Ardrey Kell Road, Johnston Road and Providence Road West, Johnston Road and Marvin Road and Providence Road West and Community House Road (Council District 7).
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the city will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

### **Fiscal Note**

Funding: Private Developer Contributions

### **Attachment(s)**

Map  
Budget Ordinance

[Traffic Signal Improvements Map](#)

[Private Developer Funds 2.22.21](#)

## 17. Decision on Oak Hills Property Area Voluntary Annexation

### **Action:**

**Adopt an annexation ordinance with an effective date of February 22, 2021, to extend the corporate limits to include Oak Hills Property Area properties and assign them to the adjacent City Council District 2.**

### **Staff Resource(s):**

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

### **Explanation**

- On January 25, 2021, a public hearing on the Oak Hills Property Area Voluntary Annexation was conducted during the virtual City Council Business Meeting. No comments from the public were received.
- A petition has been received from the owner of this 23.1523-acre property.
- The property is owned by Gilbert Picklesimer and Oak Hills Inc.
- The property is zoned MX-2(CD) mixed use conditional district.
- The petitioned area consists of four parcels, parcel identification numbers 033-251-04, 033-251-02, 033-251-03, and 033-251-18.
- The property is located within Charlotte's extraterritorial jurisdiction and does not share a boundary with current city limits.
- The intent of the annexation is to enable the development of 138 single-family attached units.

### **Consistency with City Council Policies**

- The annexation is consistent with the 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 (GIS)  
Map (Survey)  
Annexation Ordinance

[Oak Hills Property Area Annexation Map](#)

[Oak Hills Property Area Survey Map](#)

[Ordinance - Oak Hills Property Area Annexation](#)



## 18. Decision on Watermark at Mallard Creek Area Voluntary Annexation

### **Action:**

**Adopt an annexation ordinance with an effective date of February 22, 2021, to extend the corporate limits to include Watermark at Mallard Creek Area properties and assign them to the adjacent Council District 4.**

### **Staff Resource(s):**

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

### **Explanation**

- On January 25, 2021, a public hearing on the Watermark at Mallard Creek Area Voluntary Annexation was conducted during the virtual City Council Business Meeting. No comments from the public were received.
- A petition has been received from the owner of this 14.893-acre property.
- The property is owned by Mallard Creek Charlotte NC, LLC.
- The property is zoned CC commercial center district.
- The petitioned area consists of six parcels, parcel identification numbers 029-201-24, 029-664-05, 029-664-04, 029-171-21, 029-171-03, and 029-664-06.
- The property is located within Charlotte's extraterritorial jurisdiction and does not share a boundary with current city limits.
- The intent of the annexation is to enable the development of 276 multi-family units with a standalone clubhouse, fitness center, and pool area.

### **Consistency with City Council Policies**

- The annexation is consistent with the 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 (GIS)  
Map (Survey)  
Annexation Ordinance

[Watermark at Mallard Creek Annexation Map](#)

[Watermark at Mallard Creek Annexation Site Map](#)

[Ordinance - Watermark at Mallard Creek Area Annexation](#)

## 19. Resolution to Close an Alleyway off Royal Court Parallel to East Morehead Street

**Action:**

Adopt a resolution and close an alleyway off Royal Court parallel to East Morehead Street

**Staff Resource(s):**

Liz Babson, Transportation

Krystal Bright, Transportation

**Explanation**

- North Carolina General Statute 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 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.
- A public hearing for this resolution was held on February 8, 2021. No comments from the public were received.

**Petitioner**

Spectrum Companies

**Attachment(s)**

Map

Resolution

[Alleyway off Royal Court Abandonment Map](#)

[Resolution to Close 02.22.2021](#)

## 20. Appointments to the Privatization/Competition Advisory Committee

**Action:**

Appoint residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for two-year terms beginning March 2, 2021, and ending March 1, 2023.
  - Andwele Beatty, nominated by Council Members Ajmera and Johnson.
  - Jakob Gattinger, nominated by Council Members Ajmera and Driggs.

**Attachment(s)**

Privatization/Competition Advisory Committee Applications

## 21. Appointments to the Transit Services Advisory Committee

**Action:**

**Appoint residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term in the Local/Express Service Passenger category beginning upon appointment and ending January 31, 2023.
  - Connor Burdno, nominated by Council Members Driggs and Graham.
  - Linda Webb, nominated by Council Members Ajmera, Johnson, Newton, Phipps, and Watlington.

**Attachment(s)**

Transit Services Advisory Committee Applications

## 22. Appointments to the Zoning Board of Adjustment

**Action:**

**Appoint residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for three-year terms as Alternate Members beginning January 30, 2021, and ending January 31, 2024.
  - Roderick Davis, nominated by Council Members Graham and Winston.
  - Amar Johnson, nominated by Council Members Ajmera and Johnson.
  - Raghunadha Kotha, nominated by Council Members Ajmera, Egleston, Eiselt, and Phipps.
  - Marshall Williamson, nominated by Council Members Bokhari, Egleston, Eiselt, Newton, and Phipps.

**Attachment(s)**

Zoning Board of Adjustment Applications

## CONSENT

### 23. Traffic Signal Components

**Action:**

- A. Approve unit price contracts for the purchase of Traffic Signal Components for an initial term of three years to the following:**
- Econolite Control Products, Inc.,
  - Temple, Inc., 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):**

Liz Babson, Transportation

Bryan Tarlton, Transportation

**Explanation**

- The Charlotte Department of Transportation maintains a modern signal system that includes 883 traffic signals. The maintenance of the system requires standardized equipment.
- This contract will provide traffic controllers, cabinets, and pedestrian signal equipment for new installations, upgrades to existing equipment, and replacement due to vehicular crashes.
- On June 24, 2020, the city issued an Invitation to Bid; seven bids were received.
- Econolite Control Products, Inc. and Temple, Inc. were selected as the lowest responsive, responsible bidders.
- Annual expenditures are estimated to be \$510,000.

**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.

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

**Fiscal Note**

Funding: Transportation Operating Budget

## 24. Land Acquisition for Charlotte Fire Department

### **Action:**

- A. Approve the purchase of a 2.03-acre property located at 5800 North Tryon Street (parcel identification number 049-011-12) in the amount of \$1,700,100 from Metrolina Retail LLC, HKS2&3 Holdings LLC, RFVW Properties LLC and Jamanadas Kothadia for the Hidden Valley Infill Fire Station, and**
- B. Authorize the City Manager to negotiate and execute any documents necessary to complete this transaction.**

### **Staff Resource(s):**

Phil Reiger, General Services  
Tony Korolos, General Services  
Reginald Johnson, Fire

### **Explanation**

- In October 2019, Charlotte Fire established a Facilities Master Plan, which prioritized capital improvements for the next two years and outlined facility goals through 2029. The Hidden Valley Infill Station was identified as the top priority in this plan.
- The 2.03-acre property is zoned industrial and is located at 5800 North Tryon Street (parcel identification number 049-011-12) in Council District 4.
- This transaction is consistent with City Council's adopted City-Owned Real Estate and Facilities Policy.
- On February 16, 2021, the Charlotte-Mecklenburg Planning Commission recommended approval for the City to purchase the land through the mandatory referral process.
- The terms of the transaction are:
  - \$1,700,100 appraisal price with a five percent earnest money deposit, and
  - 30-day due diligence period with 30 days to close.

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Map Land Acquisition for Charlotte Fire Department](#)

## 25. Mechanical Engineering Design Services

### Action:

- A. Approve unit price contracts for mechanical engineering design services for an initial term of three years to the following:**
- **AME Consulting Engineers, PC (SBE);**
  - **Avcon, Inc. d/b/a Avcon Engineers & Planners Inc. (MBE);**
  - **CMTA, Inc.;**
  - **Maloney & Associates (SBE);**
  - **McKim & Creed, Inc.;**
  - **The Professional Engineering Associates, PA;**
  - **RMF Engineering, Inc. PC;**
  - **Shultz Engineering Group, PC (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  
David Wolfe, General Services  
Steve Marlowe, General Services

### **Explanation**

- The city is responsible for the operations and maintenance of over 200 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 support maintenance and minor renovation projects across the city's building portfolio. Work may include the design and installation of new or replacement HVAC equipment, heat pumps, and geothermal systems.
- Firms may conduct studies for energy efficient design per the city's Sustainable Facilities Policy.
- On November 5, 2020, the city issued a Request for Qualifications (RFQ); 12 responses were received.
- The companies selected are the best qualified firms to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Total annual expenditures are estimated to be \$1,200,000.

### **Charlotte Business INclusion**

AME Consulting Engineers, PC; Maloney & Associates; and Shultz Engineering Group, PC are city certified SBEs. Avcon, Inc. d/b/a Avcon Engineers & Planners Inc. is a city certified MBE.

Per Charlotte Business INclusion Policy: Part B: Section 2.3(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 provision of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: General Services Operating Budget and General Capital Investment Plan

## 26. Charlotte Water Facility Improvements

### **Action:**

**Approve a contract in the amount of \$1,518,567 to the lowest responsive bidder OnSite Development, LLC for site improvements at Field Operations Zone 1 and 2 facilities.**

### **Staff Resource(s):**

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

### **Explanation**

- This contract provides for site improvements at the Field Operations Zone 1 facility in the Town of Huntersville (adjacent to Council District 4) and Zone 2 facility (Council District 1).
- On October 23, 2020, the city issued an Invitation to Bid (ITB); one bid was received.
  - G.S. 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On January 5, 2021, the ITB was re-issued; one bid was received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2021.

### **Charlotte Business INclusion**

Established MBE Goal: 3.00%

Committed MBE Goal: 3.03%

OnSite Development, LLC met the established MBE subcontracting goal and has committed \$46,040 or approximately 3.03% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- MTS Trucking, Inc. (MBE, SBE) (\$23,020) (hauling)
- Streeter Trucking Company (MBE, SBE) (\$23,020) (hauling)

Established SBE Goal: 6.00%

Committed SBE Goal: 6.03%

OnSite Development, LLC met the established SBE subcontracting goal and has committed \$91,505 or approximately 6.03% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- LJR Concrete, LLC (SBE) (\$31,115) (concrete)
- RAH Trucking, Inc. (MBE, SBE) (\$20,130) (hauling)
- Solano Trucking (SBE) (\$20,130) (hauling)
- Tony's Trucking (MBE, SBE) (\$20,130) (hauling)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 27. Irwin Creek Tributary Sanitary Sewer Construction

### **Action:**

**Approve a guaranteed maximum price of \$6,593,215.89 to Sanders Utility Construction Co., Inc. for Design-Build construction services for the Irwin Creek Tributary-Stuart Andrew Boulevard to East Cama Street Segment Sanitary Sewer project.**

### **Staff Resource(s):**

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

### **Explanation**

- Sanders Utility Construction Co., Inc. has developed a guaranteed maximum price (GMP) for construction of the Irwin Creek Tributary-Stuart Andrew Boulevard to East Cama Street Segment sanitary sewer line. The construction will increase the size of the sanitary sewer line, which will require one tunnel crossing of South Tryon Street (Council District 3).
- On December 10, 2018, City Council approved a contract with Sanders Utility Construction Co., Inc. for Design-Build design services. Based on the design, a GMP for construction services was developed.
- On October 28, 2019, City Council approved a contract with Sanders Utility Construction Co., Inc. for construction of the first segment of the Irwin Creek Tributary Sanitary Sewer project.
- This project segment is anticipated to be complete by first 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). Sanders Utility Construction Co., Inc. has committed \$701,550 or approximately 10.64% of the total contract for Phase 2 construction services to the following certified firms:

- Jim Bob's Grading & Paving, Inc. (SBE) (\$351,000) (paving and resurfacing)
- Buffkin Trucking, Inc. (MBE, SBE) (\$98,000) (hauling)
- Diamond Trucking of NC, Inc. (MBE, SBE) (\$98,000) (hauling)
- CES Group Engineers, LLP (WBE, SBE) (\$40,500) (surveying)
- Mohawk Traffic Services, LLC (SBE) (\$30,000) (traffic control)
- R.E. Sifford Utility, Inc. (MBE, SBE) (\$19,000) (construction utility/underground, asphalt cutting)
- Sanders Constructors, Inc. (SBE) (\$18,000) (clearing and grubbing)
- Striping Concepts, LLC (SBE) (\$15,000) (striping streets, parking facilities, lane division)
- Martin Landscaping Company, Inc. (MBE, SBE) (\$11,300) (erosion control and landscaping)
- Professional Communications, LLC (SBE) (\$10,000) (videography)
- Maybury Fencing, Inc. (WBE, SBE) (\$6,000) (fencing)
- Gavel & Dorn Engineering, PLLC (SBE) (\$4,750) (geotechnical)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Anticipated Sanitary Sewer Main Alignment Corridor Map  
Construction Progress Map

[Map 1-Irwin Creek Tributary Sanitary Sewer Construction](#)

[Map 2-Irwin Creek Tributary Sanitary Sewer Construction](#)



## 28. Mallard Creek Wastewater Treatment Plant Expansion

### **Action:**

**Approve a contract in the amount of \$5,674,580 to the lowest responsive bidder Crowder Constructors Inc. dba Crowder Construction Company for the Mallard Creek Wastewater Treatment Plant Phase 1A Expansion project.**

### **Staff Resource(s):**

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

### **Explanation**

- Charlotte Water has initiated a multi-phased program spanning several years within the Mallard Creek Basin (Council District 4), which includes expansion of the Mallard Creek Wastewater Treatment Plant (WWTP).
- The first phase of the plant expansion (Phase 1A) will include improvements that will allow the plant to expand from 12 million gallons per day (mgd) to 13.1 mgd in order to meet immediate capacity needs and includes process air improvements and construction of a new blower building.
- Subsequent phases of the plant expansion will bring the Mallard Creek WWTP from 13.1 mgd to 14.9 mgd, and ultimately 16 mgd, under separate construction contracts.
- On December 3, 2020, the city issued an Invitation to Bid; six bids were received.
- Crowder Constructors Inc. dba Crowder Construction Company was selected as the lowest responsive, responsible bidder.
- The Phase 1A project is anticipated to be complete by first quarter 2022.

### **Charlotte Business INclusion**

Established MSBE Goal: 8.00%

Committed MSBE Goal: 8.79%

Crowder Constructors Inc. dba Crowder Construction Company met the established subcontracting goal and has committed \$498,660 or approximately 8.79% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- CITI, LLC (MBE, SBE) (\$306,660) (instrumentation)
- All Systems Restored HVAC & Electrical, LLC (MBE, SBE) (\$106,000) (HVAC)
- Red Rooster Contractors, LLC (MBE, SBE) (\$78,000) (roofing)
- Diamond Trucking of NC, Inc. (MBE, SBE) (\$8,000) (hauling)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 29. McMullen Creek Tributary Construction Services

### **Action:**

**Approve a guaranteed maximum price of \$9,178,204.55 to Atlantic Coast Contractors, Inc. for Design-Build construction services for the McMullen Creek Tributary-Quail Hollow Segment Sanitary Sewer Replacement, Rehabilitation, and Repair project.**

### **Staff Resource(s):**

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

### **Explanation**

- Atlantic Coast Contractors, Inc. has developed a guaranteed maximum price (GMP) for the replacement, rehabilitation, and repair of the McMullen Creek Tributary-Quail Hollow segment sanitary sewer line.
- This segment will relocate approximately 4,300 linear feet of eight-inch gravity sanitary sewer flowing from Gleneagles Road, along a McMullen Creek tributary stream and the Quail Hollow Golf Course, to the McMullen Creek Interceptor (Council District 6).
- On January 14, 2019, City Council approved a contract with Atlantic Coast Contractors, Inc. for Design-Build design services. Based on the design, a GMP for construction services was developed.
- As part of the design, budgeting, and property owner negotiation process, the project construction is phased.
- On January 27, 2020, City Council approved a contract with Atlantic Coast Contractors, Inc. for construction of the first segment of the McMullen Creek Tributary Sanitary Sewer Replacement, Rehabilitation, and Repair project.
- This project segment is anticipated to be complete by second 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). Atlantic Coast Contractors, Inc. has committed \$1,260,700 or approximately 13.74% of the total contract for Design-Build construction services to the following certified firms:

- Gavel & Dorn Engineering, PLLC (SBE) (\$373,000) (engineering services)
- Central Carolina Underground (SBE) (\$265,000) (manhole rehab)
- Right of Way Contractors, LLC (SBE) (\$250,000) (paving and concrete)
- Venture Utility Construction, Inc. (SBE) (150,000) (utility construction)
- P & H Utilities (SBE) (\$100,000) (public utilities)
- Streeter Trucking Company (MBE, SBE) (\$30,000) (hauling)
- Mid Atlantic Erosion Control Inc (MBE, SBE) (\$30,000) (erosion control)
- Landtec (SBE) (\$22,400) (surveying)
- CriTek Engineering Group, P.C. (MBE, SBE) (\$18,000) (erosion control inspections)
- Jones Grading and Fencing Inc. (SBE) (\$10,000) (hauling)
- Pipe Pros, LLC (SBE) (\$10,000) (video and cleaning of sewer service lines)
- Carolina Wetland Services, Inc. (WBE, SBE) (\$2,300) (wetland services)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Map-McMullen Creek Tributary Construction Services](#)

## 30. Vest Water Treatment Plant Upgrades Contract Amendment

### **Action:**

**Approve a contract amendment in the amount of \$895,045 with Black & Veatch International Company for the Vest Water Treatment Plant Upgrades project.**

### **Staff Resource(s):**

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- The Vest Water Treatment Plant (WTP), located in Council District 2 and constructed in 1922, treats an average of up to 18 million gallons of water per day.
- The last major upgrades to the Vest WTP took place in 1994.
- The Vest WTP Upgrades project will include raw water influent improvements, sedimentation basin improvements, and filter upgrades and rehabilitation.
- This contract amendment is needed for additional construction administration and inspection services for the construction of the project. The project has experienced delays due to unforeseen site conditions which has extended the construction schedule by an estimated six months.
- On October 10, 2016, City Council approved a professional engineering services contract with Black & Veatch International Company for \$2,750,733 to provide design and construction services for the project.
- On March 25, 2019, City Council approved a contract amendment with Black & Veatch International Company for \$2,608,000 to provide construction administration and inspection services for the project.
- The new total value of the contract is \$6,253,778.

### **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). Black & Veatch International Company has committed \$120,000 or approximately 13.41% of the contract amendment amount to the following certified firms:

- Capstone Civil Engineering, Inc. (MBE, SBE) (\$75,000) (material testing and inspection services)
- Southeastern Consulting Engineers, Inc. (SBE) (\$45,000) (electrical construction services)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 31. Airport Master Civil Engineering Consultant Services

### **Action:**

- A. Approve a contract with Aviation Consulting Engineers, LLP for master civil engineering consultant 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

Jack Christine, Aviation

### **Explanation**

- The services performed under this contract will include tasks that facilitate decision-making and implementation of projects included in Aviation's Destination CLT Capital Improvement Program.
- Anticipated tasks include project-specific issues, such as program development and verification, cost estimating, technical bridging, and procurement documents. Depending on the project, this could include preliminary engineering/design services.
- On October 1, 2020, the city issued a Request for Qualifications (RFQ); nine responses were received.
- Aviation Consulting Engineers, LLP is the best qualified firm to meet the city's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures are estimated to be \$4,000,000.
- This activity is occurring on Airport property, located in Council District 3.

### **Charlotte Business INclusion /Disadvantaged Business Enterprise**

There are no subcontracting goals associated with this selection. However, DBE and/or MWSBE goals will be negotiated as scopes of work are assigned. Aviation will monitor goal achievement throughout the life of the contract.

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 32. Airport Mechanical, Electrical, and Plumbing General Engineering Consultation Services

### Action:

Approve contracts for engineering consultation services with the following firms for a three-year term:

- AME Consulting Engineers, PC (SBE);
- Burns Engineering, Inc.;
- Bard, Rao + Athanas Consulting Engineers, P.C.;
- McKim & Creed, Inc.;
- RMF Engineering, Inc., P.C.; and
- Prime Engineering, Inc.

### **Staff Resource(s):**

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation requires mechanical, electrical, and plumbing general engineering consultation services for HVAC, plumbing, fire protection, electrical, baggage handling system, passenger boarding bridges, and fueling facilities needs.
- On November 2, 2020, the city issued a Request for Qualifications (RFQ); 11 proposals were received.
- The firms selected are the best qualified to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to RFQ requirements.
- Pricing for these services will be based on the size and nature of the project.
- Total annual expenditures are estimated to be \$1,500,000.
- This activity is occurring on Airport property, located in Council District 3.

### **Charlotte Business INclusion**

AME Consulting Engineers, PC 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.

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

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

### 33. Airport Waterline Construction

**Action:**

**Approve a contract in the amount of \$1,701,062 to the lowest responsive bidder Chandler Construction Services, Inc. for the North End-Around Taxiway Waterline construction project.**

**Staff Resource(s):**

Haley Gentry, Aviation  
Jack Christine, Aviation

**Explanation**

- This contract will provide for the installation of new waterlines to connect an existing gap in the water distribution system. Completion of this work will allow the Airport to take an existing waterline out of service which conflicts with the North End-Around Taxiway project.
- This work will install 2,643 feet of waterline pipe along Old Dowd Road in order to maintain water distribution for the communities west of I-485 to the Catawba River.
- On November 12, 2020, the city issued an Invitation to Bid; four bids were received.
- Chandler Construction Services, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed in the third quarter of 2021.
- This activity is occurring on Airport property, located in Council District 3.

**Disadvantaged Business Enterprise**

Established DBE Goal: 12.00%

Committed DBE Goal: 6.04%

Chandler Construction Services, Inc. failed to meet the established subcontracting goal, but achieved the required Good Faith Efforts in accordance with CFR 49 Part 26. Chandler Construction Services, Inc. has committed 6.04% (\$102,740) of the total contract amount to the following certified firms:

- Scott Trucking (DBE) (\$45,000) (hauling)
- Martin Landscaping (DBE) (\$34,615) (erosion control)
- CES Group Engineers (DBE) (\$23,125) (surveying)

**Fiscal Note**

Funding: Aviation Capital Investment Plan

## 34. Air Traffic Control Tower Ground Lease

**Action:**

**Approve a twenty-year ground lease with the Federal Aviation Administration for a new Air Traffic Control Tower at Charlotte Douglas International Airport.**

**Staff Resource(s):**

Haley Gentry, Aviation  
Ted Kaplan, Aviation

**Explanation**

- On August 24, 2015, City Council approved an amendment to the Memorandum of Agreement between the Airport and the Federal Aviation Administration (FAA) which permits the FAA to construct, operate, and maintain FAA-owned navigation, communication, and weather aids for the support of air traffic operations on the airfield.
- The amendment allowed for construction of a new air traffic control tower to replace the current 1982 FAA tower.
- Aviation will ground lease 11.593 acres to the FAA for the control tower and associated improvements.
- FAA will pay Aviation no monetary consideration for the ground lease. The rights extended to the FAA are the obligations necessary for establishing, operating, and maintaining navigational aid facilities at the Airport.
- This activity is occurring on Airport property, located in Council District 3.

## 35. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$22,983.18.**

**Staff Resource(s):**

Kelly Flannery, Finance

**Explanation**

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

**Attachment(s)**

Taxpayers and Refunds Requested  
Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution](#)

## PROPERTY TRANSACTIONS

### 36. Aviation Property Transactions - 8017 McAlpine Drive

**Action:** Approve the following Acquisition - 8017 McAlpine Drive

The 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 Federal Aviation Administration Reimbursement.

**Project:** Aviation Master Plan

**Owner(s):** Russell James Anderau

**Property Address:** 8017 McAlpine Drive

**Total Parcel Area:** 0.512 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** Single-family Dwelling

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 141-221-15

<https://polaris3g.mecklenburgcountync.gov/#mat=197356&pid=14122115&qsid=14122115>

**Purchase Price:** \$220,000, and all relocation benefits in compliance with Federal, State, or Local regulations.

**Council District:** 3



## 37. Aviation Property Transactions - 8308 McAlpine Drive and Adjacent Vacant Lot

**Action:** Approve the following Acquisition - 8308 McAlpine Drive and adjacent vacant lot

The 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 Federal Aviation Administration Reimbursement.

**Project:** Aviation Master Plan

**Owner(s):** David L. Robinson and Jacqueline P. Robinson

**Property Address:** 8308 McAlpine Drive and adjacent vacant lot

**Total Parcel Area:** 1.232 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** Single-family Dwelling

**Landscaping to be impacted:** Tree and shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 141-221-08 and 141-221-09

<https://polaris3g.mecklenburgcountync.gov/#mat=202261&pid=14122108&qsid=14122108>

<https://polaris3g.mecklenburgcountync.gov/#pid=14122109&qsid=14122109>

**Purchase Price:** \$326,000, and all relocation benefits in compliance with Federal, State, or Local regulations.

**Council District:** 3

## 38. Aviation Property Transactions - 8009 Steele Creek Road

**Action:** Approve the following Acquisition - 8009 Steele Creek Road

The 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 Federal Aviation Administration Reimbursement.

**Project:** Aviation Master Plan

**Owner(s):** Lucas R. Johnson

**Property Address:** 8009 Steele Creek Road

**Total Parcel Area:** 0.980 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** Single-family Dwelling

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 141-101-05

<https://polaris3g.mecklenburgcountync.gov/#mat=196944&pid=14110105&qisid=14110105>

**Purchase Price:** \$189,000, and all relocation benefits in compliance with Federal, State, or Local regulations.

**Council District:** 3

## 39. Aviation Property Transactions - 9020 Whispering Pines Lane

**Action:** Approve the following Acquisition - 9020 Whispering Pines Lane

The 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 Federal Aviation Administration Reimbursement.

**Project:** Aviation Master Plan

**Owner(s):** Edward T. Moore (deceased) and Shirley A. Moore

**Property Address:** 9020 Whispering Pines Lane

**Total Parcel Area:** 1.177 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** Single-family Dwelling

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 141-101-40

<https://polaris3g.mecklenburgcountync.gov/#mat=212768&pid=14110140&qisid=14110140>

**Purchase Price:** \$280,000, and all relocation benefits in compliance with Federal, State, or Local regulations.

**Council District:** 3

## 40. Property Transactions - McCullough Drive Streetscape, Parcel #19.1

**Action:** Approve the following Acquisition: McCullough Drive Streetscape, Parcel #19.1

**Project:** McCullough Drive Streetscape, Parcel #19.1

**Program:** McCullough Drive Streetscape

**Owner(s):** J and J University Boulevard LLC

**Property Address:** 115 East McCullough Drive

**Total Parcel Area:** 56,557 sq. ft. (1.30 ac.)

**Property to be acquired by Easements:** 2,337 sq. ft. (0.054 ac.) Utility Easement

**Structures/Improvements to be impacted:** Signs

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** TOD-CC

**Use:** Transit Oriented Development - Community Center

**Tax Code:** 049-331-03

<https://polaris3g.mecklenburgcountync.gov/#mat=34205&pid=04933136&gisid=04933136>

**Purchase Price:** \$42,150

**Council District:** 4

## 41. Property Transactions - McCullough Drive Streetscape, Parcel #21

**Action:** Approve the following Condemnation: McCullough Drive Streetscape, Parcel #21

**Project:** McCullough Drive Streetscape, Parcel #21

**Program:** McCullough Drive Streetscape

**Owner(s):** Shreeji Hospitality of University LLC

**Property Address:** 132 East McCullough Drive

**Total Parcel Area:** 100,619 sq. ft. (2.31 ac.)

**Property to be acquired by Easements:** 771 sq. ft. (0.018 ac.) Utility Easement, 444 sq. ft. (0.01 ac.) Sidewalk Utility Easement, 1,254 sq. ft. (0.029 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** N/A

**Landscaping to be impacted:** Trees and bushes

**Zoned:** TOD-TR

**Use:** Transit Oriented Development - Transit Transition

**Tax Code:** 049-331-36

<https://polaris3g.mecklenburgcountync.gov/#mat=34205&pid=04933136&gisid=04933136>

**Appraised Value:** \$12,750

**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:** 4

## 42. Property Transactions - McCullough Drive Streetscape, Parcel #22

**Action:** Approve the following Condemnation: McCullough Drive Streetscape, Parcel #22

**Project:** McCullough Drive Streetscape, Parcel #22

**Program:** McCullough Drive Streetscape

**Owner(s):** Shreeji Hospitality UNCC LLC

**Property Address:** 139 East McCullough Drive

**Total Parcel Area:** 130,566 sq. ft. (3.00 ac.)

**Property to be acquired by Easements:** 3,593 sq. ft. (0.082 ac.) Utility Easement, 1,853 sq. ft. (0.043 ac.) Storm Drainage Easement, 714 sq. ft. (0.016 ac.) Sidewalk Utility Easement, 4 sq. ft. (0 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** O-1 (CD)

**Use:** Office District

**Tax Code:** 049-331-35

<https://polaris3g.mecklenburgcountync.gov/#mat=38444&pid=04933135&gisid=04933135>

**Appraised Value:** \$26,025

**Property Owner's Concerns:** The property owner is concerned about the type of utility easement being acquired.

**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

### 43. Property Transactions - McCullough Drive Streetscape, Parcel #23.1

**Action:** Approve the following Acquisition: McCullough Drive Streetscape, Parcel #23.1

**Project:** McCullough Drive Streetscape, Parcel #23.1

**Program:** McCullough Drive Streetscape

**Owner(s):** McCullough 131 LLC

**Property Address:** 131 East McCullough Drive

**Total Parcel Area:** 130,613 sq. ft. (3.00 ac.)

**Property to be acquired by Easements:** 1,512 sq. ft. (0.035 ac.) Utility Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** O-1 (CD)

**Use:** Office District

**Tax Code:** 049-331-34

<https://polaris3g.mecklenburgcountync.gov/#mat=33252&pid=04933134&gisid=04933134>

**Purchase Price:** \$29,925

**Council District:** 4

## 44. Property Transactions - North Sharon Amity Road Sidewalk Project, Parcel #8

**Action:** Approve the following Condemnation: North Sharon Amity Road Sidewalk Project, Parcel #8

**Project:** North Sharon Amity Road Sidewalk Project, Parcel #8

**Program:** North Sharon Amity Road Sidewalk Project

**Owner(s):** Morgan Donohue

**Property Address:** 1400 North Sharon Amity Road

**Total Parcel Area:** 21,190 sq. ft. (0.49 ac.)

**Property to be acquired by Easements:** 1,228 sq. ft. (0.028 ac.) Sidewalk Utility Easement, 2,353 sq. ft. (0.054 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 163-144-01

<https://polaris3g.mecklenburgcountync.gov/#mat=39062&pid=16314401&qisid=16314401>

**Appraised Value:** \$9,725

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property and 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:** 5



## 45. Property Transactions - North Sharon Amity Road Sidewalk Project, Parcel #9

**Action:** Approve the following Condemnation: North Sharon Amity Road Sidewalk Project, Parcel #9

**Project:** North Sharon Amity Road Sidewalk Project, Parcel #9

**Program:** North Sharon Amity Road Sidewalk Project

**Owner(s):** Wilson A. Montoya Franco and Stephanie Montoya

**Property Address:** 1412 North Sharon Amity Road

**Total Parcel Area:** 23,418 sq. ft. (0.54 ac.)

**Property to be acquired by Easements:** 921 sq. ft. (0.021 ac.) Sidewalk Utility Easement, 1,128 sq. ft. (0.026 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 163-144-09

<https://polaris3g.mecklenburgcountync.gov/#mat=40404&pid=16314409&gisid=16314409>

**Appraised Value:** \$5,625

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property and 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:** 5

## 46. Property Transactions - North Sharon Amity Road Sidewalk Project, Parcel #10

**Action:** Approve the following Condemnation: North Sharon Amity Road Sidewalk Project, Parcel #10

**Project:** North Sharon Amity Road Sidewalk Project, Parcel #10

**Program:** North Sharon Amity Road Sidewalk Project

**Owner(s):** Willie James Woodley and Mary E. Woodley

**Property Address:** 1420 North Sharon Amity Road

**Total Parcel Area:** 20,386 sq. ft. (0.47 ac.)

**Property to be acquired by Easements:** 882 sq. ft. (0.02 ac.) Sidewalk Utility Easement, 1,660 sq. ft. (0.038 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** N/A

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 163-144-08

<https://polaris3g.mecklenburgcountync.gov/#mat=41093&pid=16314408&gisid=16314408>

**Appraised Value:** \$7,450

**Property Owner's Concerns:** The property owner is concerned about the design of the project and the potential impacts to the property.

**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:** 5

## 47. Property Transactions - North Sharon Amity Road Sidewalk Project, Parcel #12

**Action:** Approve the following Condemnation: North Sharon Amity Road Sidewalk Project, Parcel #12

**Project:** North Sharon Amity Road Sidewalk Project, Parcel #12

**Program:** North Sharon Amity Road Sidewalk Project

**Owner(s):** Spectrum Southeast LLC

**Property Address:** 1500 North Sharon Amity Road

**Total Parcel Area:** 389,436 sq. ft. (8.94 ac.)

**Property to be acquired by Easements:** 424 sq. ft. (0.01 ac.) Storm Drainage Easement, 1,686 sq. ft. (0.039 ac.) Sidewalk Utility Easement, 1,074 sq. ft. (0.025 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** O-1 (CD)

**Use:** Office District

**Tax Code:** 163-071-01

<https://polaris3g.mecklenburgcountync.gov/#pid=16307101&gisid=16307101>

**Appraised Value:** \$14,450

**Property Owner's Concerns:** The property owner is concerned about the easement language.

**City's Response to Property Owner's Concerns:** The city responded by discussing proposed easement language revisions with the property owner's legal counsel.

**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

## 48. Property Transactions - Parkwood Avenue Streetscape, Parcel #23

**Action:** Approve the following Condemnation: Parkwood Avenue Streetscape, Parcel #23

**Project:** Parkwood Avenue Streetscape, Parcel #23

**Program:** Parkwood Avenue Streetscape

**Owner(s):** WPP Block Owner II LLC

**Property Address:** 317 East 16th Street

**Total Parcel Area:** 78,362 sq. ft. (1.80 ac.)

**Property to be acquired by Easements:** 7,716 sq. ft. (0.177 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** TOD-UC

**Use:** Transit Oriented District - Urban Center

**Tax Code:** 083-011-50

<https://polaris3g.mecklenburgcountync.gov/#mat=603460&pid=08301150&gisid=08301150>

**Appraised Value:** \$84,875

**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

## 49. Property Transactions - 6534 Providence, Parcel #1

**Action:** Approve the following Condemnation: 6534 Providence, Parcel #1

**Project:** 6534 Providence, Parcel #1

**Program:** 6534 Providence

**Owner(s):** Brock Robbins

**Property Address:** 6600 Providence Road

**Total Parcel Area:** 86,761 sq. ft. (1.991 ac.)

**Property to be acquired by Easements:** 154 sq. ft. (0.004 ac.) Sanitary Sewer Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 211-021-04

<https://polaris3g.mecklenburgcountync.gov/#mat=172359&pid=21102104&qsid=21102104>

**Appraised Value:** \$425

**Property Owner's Concerns:** The property owner does not support 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:** 7

## 50. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #20

**Action:** Approve the following Condemnation: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #20

**Project:** Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #20

**Program:** Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane)

**Owner(s):** Damon Decristoforo and Veronica P Decristoforo

**Property Address:** 3800 Providence Road

**Total Parcel Area:** 27,332 sq. ft. (0.63 ac.)

**Property to be acquired by Easements:** 2,388 sq. ft. (0.055 ac.) Sidewalk Utility Easement, 1,751 sq. ft. (0.04 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 183-095-05

<https://polaris3g.mecklenburgcountync.gov/#mat=115839&pid=18309505&gisid=18309505>

**Appraised Value:** \$15,700

**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:** 6

## 51. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #7

**Action:** Approve the following Acquisition: Shade Valley Road Realignment and Roundabout, Parcel #7

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #7

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** Andrew Patrick Linton

**Property Address:** 4833 Monroe Road

**Total Parcel Area:** 20,092 sq. ft. (0.46 ac.)

**Property to be acquired by Fee:** 1,338 sq. ft. (0.03 ac.) Fee Simple

**Property to be acquired by Easements:** 1,247 sq. ft. (0.029 ac.) Sidewalk Utility Easement, 4,825 sq. ft. (0.111 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Parking and driveway

**Landscaping to be impacted:** Tree

**Zoned:** O-6 (CD)

**Use:** Office District

**Tax Code:** 161-051-07

<https://polaris3g.mecklenburgcountync.gov/#mat=137952&pid=16105107&qisid=16105107>

**Purchase Price:** \$44,963

**Council District:** 5

## 52. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #8

**Action:** Approve the following Acquisition: Shade Valley Road Realignment and Roundabout, Parcel #8

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #8

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** Andrew Patrick Linton

**Property Address:** 4843 Monroe Road

**Total Parcel Area:** 14,326 sq. ft. (0.33 ac.)

**Property to be acquired by Fee:** 926 sq. ft. (0.02 ac.) Fee Simple

**Property to be acquired by Easements:** 898 sq. ft. (0.021 ac.) Sidewalk Utility Easement, 3,063 sq. ft. (0.07 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Parking and sign

**Landscaping to be impacted:** Trees, bushes, and right-of-way

**Zoned:** O-6 (CD)

**Use:** Office District

**Tax Code:** 161-051-08

<https://polaris3g.mecklenburgcountync.gov/#mat=486929&pid=16105108&qisid=16105108>

**Purchase Price:** \$31,460

**Council District:** 5



## 53. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #9

**Action:** Approve the following Acquisition: Shade Valley Road Realignment and Roundabout, Parcel #9

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #9

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** Richard W. and Jeanette A. Stikeleather

**Property Address:** 4915 Monroe Road

**Total Parcel Area:** 34,260 sq. ft. (0.79 ac.)

**Property to be acquired by Fee:** 1,257 sq. ft. (0.03 ac.) Fee Simple

**Property to be acquired by Easements:** 1,142 sq. ft. (0.026 ac.) Sidewalk Utility Easement, 4,032 sq. ft. (0.093 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Parking, driveway, and irrigation

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** O-2

**Use:** Office District

**Tax Code:** 161-051-09

<https://polaris3g.mecklenburgcountync.gov/#mat=617833&pid=16105109&qisid=16105109>

**Purchase Price:** \$57,300

**Council District:** 5

## 54. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #11

**Action:** Approve the following Condemnation: Shade Valley Road Realignment and Roundabout, Parcel #11

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #11

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** Dane and Romeo LLC

**Property Address:** 4927 Monroe Road

**Total Parcel Area:** 15,669 sq. ft. (0.36 ac.)

**Property to be acquired by Fee:** 741 sq. ft. (0.02 ac.) Fee Simple

**Property to be acquired by Easements:** 623 sq. ft. (0.014 ac.) Sidewalk Utility Easement, 1,838 sq. ft. (0.042 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Parking and driveway

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** O-2

**Use:** Office District

**Tax Code:** 161-051-11

<https://polaris3g.mecklenburgcountync.gov/#mat=139382&pid=16105111&qisid=16105111>

**Appraised Value** \$32,950

**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

## 55. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #12

**Action:** Approve the following Acquisition: Shade Valley Road Realignment and Roundabout, Parcel #12

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #12

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** Oak Investments LLC

**Property Address:** 4929 Monroe Road

**Total Parcel Area:** 18,664 sq. ft. (0.43 ac.)

**Property to be acquired by Fee:** 743 sq. ft. (0.02 ac.) Fee Simple

**Property to be acquired by Easements:** 711 sq. ft. (0.016 ac.) Sidewalk Utility Easement, 1,348 sq. ft. (0.031 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Parking

**Landscaping to be impacted:** Landscaping and irrigation

**Zoned:** O-2

**Use:** Office District

**Tax Code:** 161-051-31

<https://polaris3g.mecklenburgcountync.gov/#mat=139439&pid=16105131&qisid=16105131>

**Purchase Price:** \$24,000

**Council District:** 5

## 56. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #16 and 18

**Action:** Approve the following Condemnation: Shade Valley Road Realignment and Roundabout, Parcel #16 and 18

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #16 and 18

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** Oakhurst Townhome Association Inc

**Property Address:** 4715 Monroe Road and Birchside Drive

**Total Parcel Area:** 108,356 sq. ft. (2.49 ac.)

**Property to be acquired by Fee:** 97 sq. ft. (0.002 ac.) Fee Simple

**Property to be acquired by Easements:** 1,526 sq. ft. (0.035 ac.) Utility Easement, 235 sq. ft. (0.005 ac.) Storm Drainage Easement, 4,007 sq. ft. (0.092 ac.) Sidewalk Utility Easement, 7,089 sq. ft. (0.163 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Sign and Irrigation

**Landscaping to be impacted:** Landscaping

**Zoned:** NS

**Use:** Neighborhood Service District

**Tax Code:** 161-054-39, 161-054-40

<https://polaris3g.mecklenburgcountync.gov/#mat=571571&pid=16105439&qisid=16105439>

<https://polaris3g.mecklenburgcountync.gov/#pid=16105440&qisid=16105440>

**Appraised Value:** \$121,025

**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:** 5

**57. Property Transactions - Townes Road 1225, Parcel #1**

**Action:** Approve the following Acquisition: Townes Road 1225, Parcel #1

**Project:** Townes Road 1225, Parcel #1

**Program:** Townes Road 1225

**Owner(s):** Charles Hall Ashford III and Kirstin E. Ashford

**Property Address:** 1232 Townes Road

**Total Parcel Area:** 30,441 sq. ft. (0.70 ac.)

**Property to be acquired by Easements:** 363 sq. ft. (0.008 ac.) Storm Drainage Easement, 343 sq. ft. (0.008 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Light pole

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 151-101-20

<https://polaris3g.mecklenburgcountync.gov/#mat=27706&pid=15110120&gisid=15110120>

**Purchase price:** \$13,725

**Council District:** 1

## ZONING HEARINGS

### 58. Rezoning Petition: 2020-083 by The Keith Corporation

**Location:** Approximately 2.397 acres located along the northeast side of 5th Street, the southwest side of Park Drive, and north of Caswell Road. (Council District 1 - Egleston)

**Current Zoning:** O-2 (office) and R-43MF (multi-family residential)

**Proposed Zoning:** MUDD-O (mixed-use development, optional)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and site and design.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2020\\_083\\_PHSА\\_DONE](#)

[2020\\_083\\_RevSitePlan\\_2021\\_01\\_12](#)

### 59. Rezoning Petition: 2020-156 by Eastgroup Properties

**Location:** Approximately 38.33 acres located along the east and west side of Pinecrest Drive, north of Shopton Road, and east of Interstate 485. (ETJ nearest Council District 3 - Watlington)

**Current Zoning:** R-3 AIR (single-family residential, airport noise overlay)

**Proposed Zoning:** I-1 (CD) AIR (light industrial, conditional, airport noise overlay)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and technical revisions related to site and building design and environment.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2020\\_156\\_PHSА\\_DONE](#)

[2020\\_156\\_RevSitePlan\\_2021\\_01\\_11](#)

## 60. Rezoning Petition: 2020-159 by Bainbridge Communities Acquisitions III, LLC

**Location:** Approximately 14.83 acres bound by the northern side of Mallard Creek Road, the northeast side of Ridge Road and the eastern side of Beard Road. (Council District 4 - Johnson)

**Current Zoning:** R-3 (single-family residential)

**Proposed Zoning:** R-22MF (CD) (multi-family residential, conditional)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and land use and technical revisions.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2020\\_159\\_PHSА\\_DONE](#)

[2020-159\\_RevSitePlan\\_2021\\_01\\_11](#)

## 61. Rezoning Petition: 2020-161 by KM JDH Beatties Ford, LLC

**Location:** Approximately 0.377 acres located on the south side of Mt Holly-Huntersville Road, east of Fox Thorne Drive and west of Beatties Ford Road. (Council District 2 - Graham)

**Current Zoning:** B-1 (CD) (neighborhood business, conditional)

**Proposed Zoning:** B-2 (CD) (general business, conditional)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and land use.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2020\\_161\\_PHSА\\_DONE](#)

[2020-161\\_RevSitePlan\\_2021\\_01\\_11](#)

## 62. Rezoning Petition: 2020-162 by Mt. Island Promenade, LLC

**Location:** Approximately 6.11 acres located along the northwest side of Smith Farm Road, the southeast side of Corning Place, and south of Riverbend Village Drive. (Council District 2 - Graham)

**Current Zoning:** NS LWPA (neighborhood services, Lake Wylie Protected Area)

**Proposed Zoning:** NS SPA LWPA (neighborhood services, site plan amendment, Lake Wylie Protected Area)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and requested technical revisions.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2020\\_162\\_PHSА\\_DONE](#)

[2020-162\\_RevSitePlan\\_2021\\_01\\_11](#)

## 63. Rezoning Petition: 2020-165 by Taylor Davis

**Location:** Approximately 6.99 acres located along the south side of Mt. Holly - Huntersville Road, the east side of Beatties Ford Road, and north of Interstate 485. (Council District 2 - Graham)

**Current Zoning:** R-8MF (CD) (multi-family residential, conditional)

**Proposed Zoning:** R-8MF (CD) SPA (multi-family residential, conditional site plan amendment) with 5-year vested rights.

**Staff Recommendation:**

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and land use.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2020\\_165\\_PHSА\\_DONE](#)

[2020-165\\_RevSitePlan\\_2021\\_01\\_11](#)



## 64. Rezoning Petition: 2020-167 by Hopper Communities

**Location:** Approximately 3.08 acres located on the west side of Bancroft Street, north of 24th Street, and east of Graham Street. (Council District 1 - Egleston)

**Current Zoning:** I-2 (general industrial) and R-5 (single-family residential)

**Proposed Zoning:** MUDD-O (mixed-use development, optional)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and site and building design.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2020\\_167\\_PHSА\\_DONE](#)

[2020-167\\_RevSitePlan\\_2021\\_01\\_11](#)

## 65. Rezoning Petition: 2020-170 by Sree Properties

**Location:** Approximately .26 acres with frontages on Downs Avenue and Shamrock Drive, east of Newell Avenue. (Council District 1 - Egleston)

**Current Zoning:** R-5 (residential)

**Proposed Zoning:** R-8 (residential)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

[2020\\_170\\_PHSА\\_DONE](#)

## 66. Rezoning Petition: 2020-174 by MOD CLT, LLC

**Location:** Approximately 0.44 acre at the southeastern corner of the intersection of Norwood Drive and Parkway Avenue. (Council District 2 - Graham)

**Current Zoning:** R-5 (single-family residential)

**Proposed Zoning:** R-8 (single-family residential)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

[2020\\_174\\_PHSА\\_DONE](#)

## 67. Rezoning Petition: 2020-178 by Teresa M. Orsini

**Location:** Approximately 0.7 acre located SW of the intersection of Belmont Avenue and Seigle Avenue in the Belmont neighborhood. (Council District 1 - Egleston)

**Current Zoning:** MUDD-O/I-2 (mixed-use development, optional & industrial)

**Proposed Zoning:** MUDD-O and MUDD-O SPA (mixed-use development, optional and mixed-use development, optional, site plan amendment)

**Staff Recommendation:**

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to site and building design and requested technical revisions related to site and building design.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2020\\_178\\_PHSА\\_DONE](#)

[2020\\_179\\_RevSitePlan\\_2021\\_01\\_11](#)

## Adjournment

## REFERENCES

## 68. 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.

## 69. 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.

## 70. 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.