

City of Charlotte

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



Meeting Agenda

Monday, August 22, 2022

Council Chamber

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,
Council Chamber**

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

CONSENT

- 1. Consent agenda items 25 through 76 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

PUBLIC FORUM

2. Public Forum

AWARDS AND RECOGNITIONS

3. Aggie-Eagle Classic Day Proclamation

Action:

Council member Graham will read a proclamation recognizing September 3, 2022, as Aggie-Eagle Classic Day in celebration of the 100th anniversary of the storied historically black college or university rivalry.

PUBLIC HEARING

4. Public Hearing and Decision on Eastfield Station Area Voluntary Annexation

Action:

- A. Conduct a public hearing for the Eastfield Station Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of August 22, 2022, to extend the corporate limits to include this property and assign it to the adjacent City Council District 4.

Staff Resource(s):

Alyson Craig, Planning, Design & Development
Holly Cramer, Planning, Design & Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 48.9811-acre property located along the north side of Hucks Road and the east side of Arthur Davis Road in northern Mecklenburg County.
- The property is owned by MVP Equities Fund IV, LLC.
- The site currently has some single-family residential uses but is largely vacant and is zoned R-12, which allows for multi-family residential use up to 12 dwelling units per acre.
- The petitioned area consists of one parcel; parcel identification number: 027-181-24.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of 110 single-family homes on the site.

Consistent with City Council Policies

- The annexation is consistent with voluntary annexation policy approved by City Council on March 24, 2003; more specifically this annexation:
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services;
 - 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

[Eastfield Station Area Annexation Map](#)

[Eastfield Station Area Annexation Survey](#)

[Ordinance Eastfield Station Area Annexation](#)

5. Public Hearing on a Resolution to Close a Portion of McAlpine Station Drive

Action:

- A. Conduct a public hearing to close a portion of McAlpine Station Drive, and
- B. Adopt a resolution and close a portion of McAlpine Station Drive.

Staff Resource(s):

Debbie Smith, Transportation

Anthony Mendez, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from the 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 6.

Petitioner

The McAlpines, LLC

Right-of-Way to be Abandoned

A portion of the McAlpine Station Drive right-of-way

Reason

Per the petition submitted by The McAlpines, LLC, excess right-of-way was dedicated for the McAlpine Station Drive and is not being utilized. The city has no objections.

Notification

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

Adjoining property owner(s)

The McAlpines, LLC - No objections

City Departments

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

Attachment(s)

Map

Resolution

[2022-01A McAlpine Station Abandonment Map](#)

[2022-01A Resolution to Close](#)

6. Public Hearing on a Resolution to Close a Portion of Unopened Mcaden Street

Action:

- A. Conduct a public hearing to close a portion of unopened Mcaden Street, and
- B. Adopt a resolution and close a portion of unopened Mcaden Street.

Staff Resource(s):

Debbie Smith, Transportation

Anthony Mendez, Transportation

Explanation

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

Petitioner

Jay Pravinchandra Patel

Right-of-Way to be Abandoned

A portion of unopened Mcaden Street

Reason

Per the petition submitted by Jay Pravinchandra Patel, the abandonment will allow for development of the adjacent property. The city has no objections.

Notification

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

Adjoining property owner(s)

Jay Pravinchandra Patel and Nimisha Patel - No objections

Michael Konen - No objections

City Departments

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

Attachment(s)

Map

Resolution

[2022-02A Portion of McAden Abandonment Map](#)

[2022-02A Resolution to Close](#)

POLICY

7. City Manager's Report

8. Sewer Backup Policy Revisions

Action:

Adopt a resolution approving revisions to the Sewer Backup Policy.

Staff Resource(s):

Angela Charles, Charlotte Water

Teresa Smith, Finance

Betty Coulter, Finance

Current Policy

- The Sewer Backup Policy was adopted by City Council in 1990 and establishes terms and conditions for handling property damage claims caused by sanitary sewer backups.
- Under the current policy, a maximum payment of \$15,000 is paid by the city to an affected party if a sanitary sewer backup occurs on the premises of the affected party and the sanitary sewer backup was the result of a blockage in the city sanitary sewer system. This amount has remained unchanged since 1990.
- The affected party has to meet the eligibility requirements under the Sewer Backup Policy but is not required to demonstrate that the city was at fault for the sanitary sewer backup in order to receive \$15,000 from the city.

Proposed Changes

- Proposed changes to the Sewer Backup Policy include:
 - Update the language to clarify the policy guidelines and requirements,
 - Increase the maximum amount for payout from \$15,000 to \$45,000, and
 - Make the revised policy effective January 1, 2022.

Attachment(s)

Resolution

Revised Sewer Backup Policy

[Resolution - Sewer Backup Policy](#)

[Revised Sewer Backup Policy](#)

9. The Umbrella Center

Action:

- A. Approve the Safe Communities Committee's recommendation to allocate \$5,000,000 for the establishment of The Umbrella Center, and**
- B. Authorize the City Manager or his designee to negotiate and execute any necessary contracts and agreements for allocation of \$5,000,000 for the establishment of The Umbrella Center from the Coronavirus State and Local Fiscal Recovery Fund provided by the American Rescue Plan Act of 2021, contingent upon the Umbrella Center raising additional financial support by September 2024, including:**
- \$10,000,000 from Mecklenburg County, and
 - \$20,000,000 from private-sector contributions.

Committee Chair:

Larken Egleston, Safe Communities Committee

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services

Explanation

- The Umbrella Center (Center) is a proposed Family Justice Center, a nationally recognized best practice model for the delivery of services to victims of inter-personal violence.
- The Center will provide a multi-agency, multi-disciplinary co-located service center following a national victim-centered, trauma-informed model in which agencies and organizations that assist victims of domestic violence, sexual assault, elder and dependent adult abuse, human trafficking, and child abuse, such as the Charlotte-Mecklenburg Police Department's Special Victims Unit, are able to work in collaboration with each other, and where victims and their children can seamlessly access the services they need.
- The Center is proposed to be located on approximately 2.9 acres located at 4822 Albemarle Road (parcel identification number 133-011-45) in Council District 5. Additionally, the Center is exploring opportunities for satellite locations in one northern town and one southern town in Mecklenburg County.
- The city's \$5,000,000 funding allocation will be released contingent upon the Center's successful completion of all other fundraising necessary to establish the Center by no later than September of 2024, including:
 - \$10,000,000 from Mecklenburg County, and
 - \$20,000,000 from private-sector contributions.

Background

- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA), which included the Coronavirus State and Local Fiscal Recovery Fund (SLFRF). Charlotte was one of almost 1,000 cities across the nation that received SLFRF funds. SLFRF funds may only be used to cover eligible costs obligated by December 31, 2024.
- SLFRF support of the Center as proposed by this action has been reviewed for compliance with the U.S. Treasury Department's Final Rule regulating allowable uses of SLFRF funds.
- On August 3, 2022, the Mecklenburg County Board of Commissioners approved \$10,000,000 in funding toward the establishment of the Center, including the acquisition costs for the 4822 Albemarle Road property.

Committee Discussion

- On February 1, 2021, Mayor Lyles referred a request for support from Safe Alliance and other service providers to collaborate with the County in the establishment of a Family Justice Center (The Umbrella Center) to the Safe Communities Committee (Committee).

- On February 2, 2021, the Committee received a presentation from the Family Justice Center Steering Committee. The proposed funding model to establish the Center included \$10,000,000 from the city, \$10,000,000 from Mecklenburg County, and \$15,000,000 in fundraising from private donations. On May 20, 2021, the proposed funding model was changed to \$5,000,000 from the city, \$10,000,000 from Mecklenburg County, and \$20,000,000 in fundraising from private donations.
- On May 4, 2021, the Committee received a report from the Strategy and Budget Department recommending continued collaboration with Mecklenburg County, whose core services most closely align with the proposed Center's services, in exploring the creation of a Family Justice Center. The Committee also discussed the Center at their June 1, 2021 meeting.
- On February 1, 2022, the Committee voted unanimously (Council members Egleston, Phipps, Bokhari, Johnson, and Newton) to recommend that City Council allocate \$5,000,000 for the establishment of the Center. The Committee Chair reported this to the City Council at the March 1, 2022 Council Strategy Session.

Fiscal Note

Funding: ARPA funds

10. Source of Income Protections in City Supported Housing Policy

Action:

Adopt a resolution approving the Great Neighborhoods Committee's recommendation to amend the Source of Income Protections in City Supported Housing Policy to:

- **Add enforcement provisions, and**
- **Clarify the applicable policy term.**

Committee Chair:

Victoria Watlington, Great Neighborhoods Committee

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services

Tracy Dodson, City Manager's Office

Current Policy

- City Council adopted the Source of Income Protections in City Supported Housing Policy (Policy) on July 11, 2022.
- The Policy establishes that prospective residential tenants in city-supported developments will not be disqualified from renting a housing unit based on a refusal by the housing operator to consider any lawful source of income. City-supported housing includes:
 - Affordable housing, which is all affordable housing developments receiving any city-provided subsidy or financial incentives, including conveyance of real estate for the production of affordable housing, and
 - Market-rate housing, which is any market-rate housing developed by a master developer or third-party developer(s) as part of a development receiving city infrastructure reimbursement incentives, such as Tax Increment Grants and capital-funded partnerships for infrastructure improvements.

Proposed Changes

- A summary of the recommendations considered by the Great Neighborhoods Committee includes:
 - **Enforcement.** Upon a finding by the Community Relations Committee that a violation of the Policy has occurred, the following measures will occur:
 - *First Violation:*
 - Mandatory compliance training, and Housing Owner/Provider (Owner) shall be provided 30 days from the date of the confirmed violation to cure the violation without penalty.
 - If violation is not cured within 30 days of the confirmed violation, Owner shall pay the applicant denied housing \$100 per day until the violation is cured, or 180 days, whichever occurs first.
 - If violation is not cured by the end of the 180 days, Owner shall be subject to a maximum remedy up to \$23,000 payable to city.
 - *Second Violation within previous five years:*
 - Owner shall be provided 30 days from the date of the confirmed violation to cure the violation without penalty.
 - If violation is not cured within 30 days of the confirmed violation, Owner shall pay the applicant denied housing \$100 per day until the violation is cured, or 180 days, whichever occurs first.
 - If violation is not cured by the end of 180 days, Owner shall be subject to a maximum remedy up to \$57,500 payable to city.
 - *Third Violation within previous seven years:*
 - Owner shall be provided 30 days from the date of the confirmed violation to cure the violation without penalty.

- If violation is not cured within 30 days, Owner shall pay the applicant denied housing \$100 per day until the violation is cured, or 180 days, whichever occurs first.
- If violation is not cured by the end of the 180 days, Owner shall be subject to a maximum remedy up to \$115,000 payable to city, and the Owner may be precluded from future contracts with the city.
 - The maximum remedy amounts are based on the U.S. Department of Housing and Urban Development's (HUD) Fair Housing Act maximum civil penalties and will be adjusted annually based on corresponding inflation adjustments published by HUD.
- Policy Term.
 - The policy term is clarified to be equal to the greater of the incentive period or affordability period as applicable, based on the applicable city incentive agreement.
- The amendments are proposed to be effective immediately upon Council approval.

Committee Discussion

- During the July 11, 2022 Business Meeting, Council directed staff to reassess and finalize the proposed enforcement provisions associated with the Policy, to seek stakeholder input regarding Policy enforcement, and to review the enforcement proposal with the Great Neighborhoods and Economic Development Committees.
- On August 15, 2022, the Great Neighborhoods Committee, joined by the members of the Economic Development Committee, evaluated the above amendments to the Policy.
- The Great Neighborhoods Committee voted unanimously (Council members Watlington, Graham, Johnson, Phipps and Newton) to recommend the proposed policy changes. Additionally, members of the Economic Development Committee in attendance (Council members Graham, Driggs, Phipps, Watlington) also expressed support for the proposed amendment.

Attachment(s)

Resolution

Source of Income Protections in City Supported Housing Policy - Blackline

[Resolution Source of Income Policy Amendments](#)

[Policy Source of Income Protections Amended](#)

11. Social Districts

Action:

- A. **Approve the Safe Communities Committee's recommendation to adopt an ordinance establishing Chapter 15, Article XV-Social Districts in the City Code, and**
- B. **Amend Chapter 15, Article I, Section 15-3 of the City Code to add references to Article XV-Social Districts.**

Committee Chair:

Larken Egleston, Safe Communities Committee

Staff Resource(s):

Debbie Smith, Transportation
Casey Mashburn, Transportation
Patrick Baker, City Attorney's Office
Lisa Flowers, City Attorney's Office

Explanation

- In the fall of 2021, the NC General Assembly enacted legislation allowing cities to adopt an ordinance designating social districts; in July 2022, the General Assembly enacted legislation to recodify and clarify social districts.
- A social district is a defined area in which a person may consume alcoholic beverages sold by a permittee. A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours established for the social district pursuant to NC General Statute Section 15-314. A social district may include privately owned property, including permittees and non-permittee businesses; multi-tenant establishments; and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.
- North Carolina Law has requirements on establishing and operating a social district. City requirements include:
 - A Council-adopted ordinance designating a social district which includes days and hours of operation, the boundaries map and written description, and a management and maintenance plan,
 - A published Council-approved management and maintenance plan on the city's website, and
 - Registration of the social district with the NC Alcoholic Beverage Control Commission (ABC Commission).

Proposed Changes

- The proposed new ordinance would adopt the state's requirements into the City Code for the creation of social districts in the city by:
 - Establishing requirements for the sale, possession, and consumption of open containers of alcoholic beverages in social districts,
 - Establishing responsibilities of non-permittee businesses and authorizing multi-tenant establishments to participate in social districts,
 - Referencing Standards and Provisions (administrative process),
 - Stipulating that each social district's management and maintenance plan shall be approved by City Council, and
 - Providing a placeholder for future "Established Districts" upon Council adoption.
- Section 15-3: Beer and wine consumption; possession of open container; disposal of containers, would be amended in sub-sections (b) and (d) to add references to Chapter 15, Article XV Social Districts as a permitted exception to established parameters for the consumption and possession of open containers of alcoholic beverages in public.

Previous Discussion

- On June 6, 2022, at the Strategy Session, city staff presented an overview of social districts that described the legislative ability for local governments to opt in and allow social districts.
- On July 11, 2022, Mayor Lyles referred social districts to the Safe Communities Committee to answer the policy question: "Determine if social districts should be implemented in Charlotte."
- On July 28, 2022, the Safe Communities Committee voted unanimously (Council members Egleston, Phipps, Bokhari and Newton; Council member Johnson was absent) to recommend the adoption of Chapter 15, Article XV-Social Districts to allow social districts in the City of Charlotte.
- On August 15, 2022, the City Council received public comment on the adoption of Chapter 15, Article XV-Social Districts.

Attachment(s)

Ordinance

[Social Districts Ordinance.pdf](#)

12. Unified Development Ordinance

Action:

Adopt the Unified Development Ordinance with an effective date of June 1, 2023.

Staff Resource(s):

Alyson Craig, Planning, Design & Development

Laura Harmon, Planning, Design & Development

Explanation

- The City of Charlotte Unified Development Ordinance (UDO) is a set of regulations designed to guide the city's future growth and development.
- The development of the UDO has been a city-wide effort to consolidate and update eight ordinances and regulations (zoning; subdivision; street and sidewalk regulations; trees; post-construction stormwater regulations; floodplain regulations; driveway/access standards; and soil erosion and sedimentation control) into one document.
- The UDO aligns these regulations with the vision adopted in the Charlotte Future 2040 Comprehensive Plan and builds from other city policies including the Strategic Mobility Plan, the Strategic Energy Action Plan, and complements the Tree Canopy Action Plan.
- The UDO is divided into five sections: Ordinance Introduction (Articles 1 and 2); Zoning Districts and Standards (Articles 3 through 22); Stormwater (Articles 23 through 28); Subdivision, Streets, and Other Infrastructure (Articles 29 through 34); and UDO Administration (Articles 35 through 39).
- In conjunction with adoption of the UDO, the following chapters, articles, and appendix of the City Code are repealed in their entirety on the effective date:
 - Chapter 9, "Floodplain Regulations";
 - Chapter 17, "Soil Erosion and Sedimentation Control";
 - Chapter 18, Article 4, "Post Construction Stormwater";
 - Chapter 19, Article 3, "Driveway Connections";
 - Chapter 19, Article 6, "Sidewalk and Drainage Facilities";
 - Chapter 19, Article 8, "Obstructions and Encroachments", Item 19-245(b)(2);
 - Chapter 20, "Subdivisions"; and
 - Appendix A, "Zoning Ordinance".
- The proposed ordinance to adopt the UDO includes the following:
 - The adoption of the UDO and the repeal of the above referenced ordinances, which shall become effective on June 1, 2023;
 - On June 1, 2023, the Zoning Board of Adjustment shall be renamed the UDO Board of Adjustment;
 - On June 1, 2023, areas mapped with a conventional zoning district will translate to a new UDO zoning district. Areas mapped on the Official Zoning Map with a conditional or optional zoning district will retain their zoning district designations and approved site plan conditions;
 - On June 1, 2023, pending conventional rezoning petitions requesting a rezoning to a pre-UDO zoning will be translated to a UDO zoning district and will become null and void if no decision is reached within two years from the application submittal date, or the effective date, whichever is later;
 - Conditional and optional rezoning applications requesting a zoning map amendment to a pre-UDO zoning district will be accepted by city staff and processed under the pre-UDO zoning regulations, if a complete application is filed by February 1, 2023, even if the decision is made after the effective date. However, the decision must occur no later than March 1, 2024. The petition will become null and void if no decision is reached within that timeframe; and
 - Following the adoption date of the UDO, text amendments to the UDO may be made without further public hearing to codify changes approved by City Council in conjunction with the approval of the UDO, to include addition of or changes to graphics, and to correct typographical or cross-reference errors.
- The approval and repeal of parts of Chapter 21, "Trees", will be brought to City Council in a

separate action.

Background

- Camiros Ltd., a planning and design firm, was hired by the city in the winter of 2015 as the UDO project lead, to work with Planning, Design & Development (PD&D) staff on developing the UDO. The law firm of Parker Poe Adams & Bernstein, LLP, a sub-consultant to Camiros Ltd., provided legal support.
- A UDO Advisory Committee (OAC) was assembled in late 2016, to provide feedback to city staff on technical issues and community concerns throughout the development of the UDO. The OAC represents the development and design professions, neighborhood organizations, non-profit organizations, environmental groups, and other interested groups. The OAC began meeting in late 2016. Over the past seven years, 68 OAC members participated at various times, and 57 OAC meetings were held.
- On April 15, 2019, City Council adopted the first prototype chapter of the UDO for Transit Oriented Development, with a second revision on June 15, 2020. A second UDO chapter for Signs was adopted on October 21, 2019, with a revision on October 19, 2020.
- A city and county interdepartmental team began meeting June 8, 2020, to review and discuss the UDO.
- The first draft of the UDO was released on October 7, 2021, with a 26-page reference guide.
- Public engagement included in-person events throughout the city. There were 750 interactions at 11 pop-up events and five in-person open house events held between September and December of 2021.
- Additional public engagement also included 20 virtual conversations on the various UDO topics in December and January of 2022, with 349 citizens attending, plus eight listening sessions with 318 citizens participating in February and March of 2022.
- Public comments were solicited through a web based public input portal. A total of 1,273 public comments were received on the first UDO draft during the public engagement period between October 7, 2021, and March 18, 2022. PD&D staff responded to each public comment, with staff responses posted on the UDO website at www.charlotteudo.org.
- With assistance from Communication & Marketing, four episodes of "Charlotte's UDO and You!", were filmed to share general information about the UDO, illustrate how it affects the community, and provide a deeper dive into heritage trees, the Neighborhood 1 Zoning Districts, and the changes made in the public hearing draft of the UDO.
- On June 3, 2022, the city released the UDO Public Hearing Draft, also known as the Second Draft, for public review and comment through a public comment portal.
- Public comments were solicited on the UDO Public Hearing Draft through the web-based public input portal. A total of 290 comments were received during the public engagement period between June 3, 2022, and June 30, 2022, and at community input events. PD&D staff responded to each public comment, with staff responses posted on the UDO website at www.charlotteudo.org.
- On June 14, 2022, and June 16, 2022, staff held four virtual sessions to highlight key changes made in the UDO Public Hearing Draft. Twenty-five individuals participated in these sessions.
- A UDO open house was held on June 15, 2022, where residents could drop by to learn about the UDO and the key changes proposed in the UDO Public Hearing Draft. Fourteen individuals interacted with staff.
- A series of 16 virtual office hour sessions were held on June 21, 2022, June 22, 2022, June 23, 2022, and June 28, 2022. Residents could sign-up for 15-minute time slots to speak with staff about the following parts of the UDO: Streets, Sidewalks and Other Infrastructure; Zoning, Stormwater, Trees, and Administration.
- On July 11, 2022, a public hearing was held for City Council and the Planning Committee of the Planning Commission. Twenty-two speakers addressed City Council with comments on the UDO.
- On July 14, 2022, after the UDO public hearing, staff released a summary of 70

recommended changes to the UDO Public Hearing Draft for Planning Committee consideration and released an updated draft of the UDO Public Hearing Draft with the Recommended Changes highlighted.

- At its July 19, 2022 meeting, the Planning Committee of the Charlotte-Mecklenburg Planning Commission voted 7-0 to recommended approval of the UDO Public Hearing Draft with the staff recommended changes and included one additional modification to the UDO use matrix. The Committee recommended requiring a conditional zoning with prescribed conditions (C/PC) for gas stations, and major and minor vehicle repair facilities instead of allowing these uses by-right, with prescribed conditions (PC), as indicated in the attachment, "Planning Committee Recommendation".
- The UDO adoption draft includes all recommended changes and City Council will consider the UDO adoption draft during their scheduled vote on the UDO on Monday, August 22, 2022. To view and download the UDO Adoption Draft, without redline changes, visit <https://charlotteudo.org/wp-content/uploads/2022/08/Complete-Adoption-Draft-Clean.pdf>
- Additional information can be found on the UDO website at www.charlotteudo.org.

Attachment(s)

Proposed Ordinance to Adopt UDO

Planning Committee Recommendation

Summary of Recommended Changes to the UDO Public Hearing Draft

[Proposed Ordinance to Adopt the UDO](#)

[Planning Commission Recommendation UDO](#)

[Summary of Recommended Changes to the UDO Public Hearing Draft](#)

13. Amendments to the Charlotte Tree Ordinance

Action:

Adopt an ordinance to amend Chapter 21 of the City Code with an effective date of June 1, 2023.

Staff Resource(s):

Alyson Craig, Planning, Design & Development

Tim Porter, Planning, Design & Development

Explanation

- Chapter 21 of the City Code is known as the Charlotte Tree Ordinance. This ordinance currently contains development and non-development related tree regulations applicable within the City of Charlotte's corporate limits and its extra-territorial jurisdiction (ETJ).
- Adoption of the proposed amendments to the Charlotte Tree Ordinance is recommended to align with the core consolidation and alignment objectives of the Unified Development Ordinance (UDO) and the overall vision and tree canopy policy objectives of the Charlotte Future 2040 Comprehensive Plan.
- A development-related heritage tree regulation is proposed for inclusion in the UDO and is intended to be adopted as a part of the UDO.
- A non-development related heritage tree regulation is proposed for inclusion in the Charlotte Tree Ordinance.
- In conjunction with adoption of the UDO, the following amendments to the Charlotte Tree Ordinance are proposed and if adopted would become effective on June 1, 2023.
 - All development-related regulatory applicability will be repealed;
 - All development-related tree regulations will be deleted;
 - All definitions that are solely development-related will be deleted;
 - Add language clarifying administrative duties and responsibilities of the Chief Urban Forester;
 - Add a new non-development Heritage Tree regulation protecting native North Carolina trees on private property;
 - Add new definitions related to non-development Heritage Tree regulation;
 - Add language to clarify preservation intent and requirements of city street trees; and
 - Complete minor clarifying and corrective revisions to existing sections of the Charlotte Tree Ordinance.

Background

- The UDO is a set of development regulations designed to guide the city's future growth and development.
- The UDO is a city-wide effort to consolidate and update eight ordinances and development regulations (zoning, subdivision; street and sidewalk regulations; trees; post-construction stormwater regulations; floodplain regulations; driveway/access standards; and soil erosion and sedimentation control). The first draft of the UDO was released on October 7, 2021. This draft included development and non-development related tree regulations.
- The UDO aligns these regulations with the vision adopted in the Charlotte Future 2040 Comprehensive Plan and complements the Tree Canopy Action Plan (TCAP).
- The TCAP was a stakeholder companion project to the Charlotte Future 2040 Comprehensive Plan. The TCAP included data analysis and a review of Charlotte's tree canopy, a peer-city review which included a comparison of Charlotte's urban forestry regulations with four other regional and national cities, a public engagement effort, and a summary report outlining urban forestry policy recommendations for City Council.
 - The TCAP Summary Report to City Council provided numerous policy recommendations and ordinance concepts, including a heritage tree policy and regulations, for consideration to be included in the Charlotte Future 2040 Comprehensive Plan and UDO.
 - Tree canopy policy and ordinance concepts associated with the proposed

amendments of the Charlotte tree Ordinance have been included in all previous, ongoing, and future UDO-supported public engagement strategies, efforts, meetings, and presentations.

- The UDO public engagement included in-person events throughout the city. Additional public engagement also included 20 virtual conversations on the various UDO topics in December 2021 and January of 2022. A total of 1,273 public comments were received on the first UDO draft during the public engagement period between October 7, 2021, and March 18, 2022. The Planning, Design & Development staff responded to each public comment, with staff responses posted on the UDO website at: www.charlotteudo.org.
- Public comments on development and non-development-related tree regulations were solicited, received, and responded to by staff. The "Charlotte's UDO and You!" show was designed to share general information about the UDO and illustrate how it affects the community, and one episode provided a deeper dive into heritage trees.
- Prior to the release of the Public Hearing Draft of the UDO, staff developed a new recommendation suggesting that non-development-related tree regulations should not be included in the UDO and should be included in the Charlotte Tree Ordinance. Staff presented and reviewed the recommendation with City Council at the UDO City Council Work Sessions on May 5, 2022, May 23, 2022, and June 13, 2022, and at the Transportation and Planning Committee Meeting on June 13, 2022. Staff presented and reviewed the recommendation with the Planning Commission at a June 6, 2022, Planning Commission Work Session and with the Charlotte Tree Advisory Commission on June 14, 2022, during their regular June meeting.
- On June 14, 2022 and June 16, 2022, staff held four more virtual sessions to highlight key changes made in the UDO Public Hearing Draft. Twenty-five individuals participated in these sessions.
- On June 15, 2022, an open house was held where residents could drop by to learn about the UDO and the amendments to the Charlotte Tree Ordinance and the key changes proposed in the UDO Public Hearing Draft. Fourteen individuals interacted with staff.
- A series of 16 virtual office hour sessions were held on June 21, 2022, June 22, 2022, June 23, 2022, and June 28, 2022. Residents could sign-up for 15-minute time slots to speak with staff on the proposed amendments to the Charlotte Tree Ordinance or to various parts of the UDO.
- On July 11, 2022, a public hearing was held for the City Council. There were no speakers that addressed the proposed amendments to the Charlotte Tree Ordinance.
- At their July 19, 2022 meeting, the Planning Committee of the Charlotte-Mecklenburg Planning Commission voted 7-0 to recommend approval of the proposed amendments to the Charlotte Tree Ordinance.
- Additional information can be found at:
<https://charlotteudo.org/tree-ordinance-text-amendment-udo/>.

Attachment(s)

Charlotte Tree Ordinance Amendment
Planning Committee Recommendation

[Charlotte Tree Ordinance Amendment](#)

[Planning Committee Recommendation for Trees](#)

14. Charlotte Streets Map and Charlotte Streets Manual

Action:

- A. Adopt a resolution approving the final recommended Charlotte Streets Map, and**
- B. Adopt a resolution approving the final recommended Charlotte Streets Manual.**

Staff Resource(s):

Debbie Smith, Transportation
Ed McKinney, Transportation
Hannah Bromberger, Transportation

Explanation

- The Charlotte Streets Map (Streets Map) and Charlotte Streets Manual (Streets Manual) are key technical support documents to the Unified Development Ordinance (UDO) that further the goal of creating safe and equitable mobility outlined in the Strategic Mobility Plan and the Charlotte Future 2040 Comprehensive Plan.
- On October 28, 2019, City Council adopted the initial Streets Map for the areas around the Blue Line in support of the Transit Oriented Development Ordinance. In support of the UDO, the proposed Streets Map has been expanded to include the entire city.
- The Streets Map is a digital map (available at cltgov.me/streetsmap) that shows existing and future collector and arterial streets. The Streets Map also shows future multimodal cross-sections for all arterial streets and provides key information about street classification, streetscape, and curb lines referenced in the UDO.
- The Streets Manual is a technical document that supports the Subdivision, Streets, and Other Infrastructure regulations in the UDO. The Streets Manual includes the components below:
 - Streets Map supporting document, which provides detailed explanations of the content in the digital Streets Map,
 - Access Management and Driveway Design, which provides guidance, rules, and processes for developers and property owners seeking access to public streets, and
 - Comprehensive Transportation Review Guidelines, which modernizes Traffic Impact Study guidance to provide a multimodal review of transportation-related impacts from development and outlines mitigations.
- Public engagement and input on the Streets Map and Streets Manual included:
 - Online public comments on the first draft from October 2021 through March 2022,
 - Online public comments on the second draft from June 3 through June 30, 2022,
 - Streets Map and Streets Manual components were included as part of the Economic Impact Analysis for the UDO, which was discussed by the Transportation and Planning Committee and with full City Council on June 27, 2022,
 - Virtual public engagement sessions, two of which were offered at 6:00 p.m. on June 23, 2022, and at 12:00 p.m. on June 28, 2022, and
 - A public comment opportunity during the July 11, 2022, City Council Business Meeting.
- Adoption drafts of the Streets Map and Streets Manual are available at charlottenc.gov/smp and contain technical corrections and revisions based on public feedback received on the second drafts.
- The Streets Map and Streets Manual are planned to become effective concurrent with the UDO. The UDO references both documents for key transportation-related regulations.

Attachment(s)

Resolution

[Resolution StreetsMap StreetsManual](#)

BUSINESS**15. Arts and Culture Funding Administrative Services****Action:**

Authorize the City Manager to negotiate and execute a contract with the Foundation for the Carolinas for administrative services for the city's fiscal year 2023 allocation of arts and culture funding in the amount to \$6,000,000.

Staff Resource(s):

Priya Sircar, City Manager's Office

Explanation

- In the adoption of the fiscal year (FY) 2022 budget, City Council approved an allocation of \$6,000,000 in funding for arts and culture initiatives and authorized the City Manager to negotiate and execute a contract with Foundation for the Carolinas for arts and culture funding administration services.
- In the adoption of the FY 2023 budget, City Council approved the allocation of \$6,000,000 in arts and culture funding.
 - \$4,000,000 of General Fund funding, and
 - \$2,000,000 in American Rescue Plan Act funding.
- During July 11, 2022 Action Review, City Council moved to add the approval of the use of the allocation of arts and culture funding to the August 22, 2022 agenda.
- This action approves Foundation for the Carolinas as the FY 2023 administrator of the funding, totaling \$6,000,000.
- The city's commitment is part of a \$6,000,000 contribution to arts and culture, each year from FY 2022 - FY 2024. The private sector matched the city's three-year funding commitment with a total of \$20,000,000, which will also be administered by the Foundation for the Carolinas.
- A waiver of competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on continuity of service, limited vendors with required qualifications, and proprietary information.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Fund and ARPA Funds

16. Eastland Redevelopment Public Private Partnership

Action:

- A. Authorize the City Manager, or his designee, to negotiate and execute an amendment to a contract with C4 Development, LLC (Crosland Southeast) for the reimbursement of costs for public infrastructure in an amount not to exceed \$6,000,000, which will be reimbursed from the General Capital Investment Plan, and**
- B. Authorize the City Manager to negotiate and execute any further ancillary instruments or non-material changes to the agreement as may be necessary.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Todd DeLong, Economic Development

Explanation

- The city purchased approximately 80.4 acres of the former Eastland Mall property in August 2012 as an opportunity to aid economic development and neighborhood revitalization in the area. Eastland Mall was demolished in 2013.
- The redevelopment principles created by the Eastland Area Strategies Team help guide the redevelopment of the site:
 - Enhance the perceptions of the Eastland area and East Charlotte,
 - Unify local communities,
 - Create connectivity and walkability for surrounding neighborhoods,
 - Take advantage of natural features,
 - Create opportunity for civic development, and
 - Increase equitable economic development opportunities.
- From 2017 to 2018, the Economic Development Committee reviewed proposals from four development teams and voted unanimously to engage exclusively with the development team led by Crosland Southeast (Developer).
- Throughout 2019, the city partnered with the Developer to lead a robust and broad outreach effort for more inclusive community engagement.
- In September 2020, City Council approved the purchase of an about 7.96 acres adjacent to the mall site and located at 5745 Central Avenue to support sports and recreation uses for the property.
- On November 9, 2020, City Council authorized the City Manager to negotiate and execute a Master Development Agreement and other necessary agreements for the reimbursement of costs for public infrastructure, public parking, and other public improvements.
- Approximately 30 of 80 acres were allocated for sports and recreational uses with consideration for Tepper Sports and Entertainment (TSE) and a Major League Soccer Academy as partner.
 - The infrastructure improvements required for this portion of the site would have been supported by use of Hospitality Funds and investment from TSE.
- In July 2022, TSE notified the city they no longer wanted to pursue team academy facilities at the Eastland site.
- On August 3, 2022, the city and the Developer held a groundbreaking ceremony on the site to initiate site work and infrastructure construction.

Action A

- This action invests \$6,000,000 of CIP funds towards the redevelopment of Eastland Mall site, which will reimburse the following work required:
 - Site grading,
 - Underground utility mains and storm detention (as required by code), and
 - A portion of offsite improvements, which include multiple new traffic signals and intersection improvements.
- The Developer will build the public improvements and be reimbursed through the CIP as the said improvements are completed.

- Completing the identified public improvements at this time will reduce time and cost and better position the city to identify a new partner for the approximate 30-acre site targeted for sports and recreation uses.

Charlotte Business INClusion

The city negotiates subcontracting participation for Public-Private Partnerships (P3) after the scopes of work are defined. (Part G: Section 2.5 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: General Capital Investment Plan

17. Lease of City-Owned Property on Seigle Avenue

Action

- A. Adopt a resolution approving the restated lease agreement with Envision Charlotte, a North Carolina non-profit corporation, for lease of the property formerly known as the city's Light Vehicle Maintenance Facility (being a portion of parcel identification number 081-115-01), together with the parking lot across the street at 1100 Otts Street (being a portion of parcel identification number 081-114-53), and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the lease of the property.**

Staff Resource(s):

Phil Reiger, General Services

Greg Crawford, General Services

Explanation

- The City of Charlotte owns approximately 4.5 acres of property, identified as parcel identification number 081-115-01, zoned I-2 General Industrial, located at 932 Seigle Avenue in Council District 1. This site was formerly known as the city's Light Vehicle Maintenance Facility and consists of a 36,000± square foot warehouse, two parking lots, and other improvements.
- The city also owns approximately 11.1 acres of property across the street identified as parcel identification number 081-114-53, zoned I-2 General Industrial, located at 1100 Otts Street in Council District 1. This site consists of several parking lots and other improvements.
- Envision Charlotte desires to lease the 36,000± square foot warehouse and two parking lots at 932 Seigle Avenue and one additional parking lot at 1100 Otts Street.
- This action approves a resolution for Envision Charlotte to conduct its operations in the improved portion of the warehouse under the terms and conditions of the restated lease agreement, which clarifies the term of the lease, requires performance reporting, and reserves the city's right to determine the use of the unimproved portion of the warehouse in the event the city elects to undertake improvement of that space. Until such a determination is made, Envision Charlotte will be permitted to use the unimproved portion of the warehouse.
- The city has authority to enter into this lease agreement under its Charter and NC General Statute Section 160A-272.
- The terms of the lease agreement are as follows:
 - An effective date of July 1, 2021,
 - A five-year term until June 30, 2026, and
 - An annual lease rate of \$1.

Attachment(s)

Resolution

Map

[Map Lease of Seigle Avenue](#)

[Resolution - Lease for Seigle Av 15-18448 v.2](#)

18. Funds for Rental and Housing Stability Assistance

Action:

- A. Adopt a budget ordinance appropriating \$3,836,054.57 from the Emergency Rental Assistance program provided by the Consolidated Appropriations Act of 2021 in the General COVID-19 Assistance Fund, and**
- B. Authorize the City Manager, or his designee, to negotiate, execute, amend, and renew any documents necessary related to the program.**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services

Explanation

- The Emergency Rental Assistance (ERA) program provided by the Consolidated Appropriations Act of 2021 makes funding available to state and local governments to assist households that are unable to pay rent or utilities.
- Eligible uses of ERA funds include financial assistance for payment of rent and utilities on behalf of eligible households, housing stability services, and administrative expenses. The city utilized previous ERA awards to fund the RAMP CLT program administered by DreamKey Partners.
- The Consolidated Appropriations Act of 2021 requires the recapture of excess funds not obligated by municipalities and other grantees for eligible ERA purposes, and reallocates those funds to grantees, such as the city, that have obligated their initial ERA allocation.
- Through the reallocation process, Treasury has awarded the city three new allocations of ERA funding totaling \$3,836,054.57.
- This funding will be used to continue anti-displacement efforts throughout the city's geography with an emphasis on households facing eviction or at risk of homelessness.

Background

- On February 8, 2021, City Council appropriated \$26,714,160 in Emergency Rental and Utility Assistance funding (ERA1) provided in the FY 2021 Consolidated Appropriations Act.
- On August 9, 2021, City Council appropriated \$28,841,640.10 in Emergency Rental and Utility Assistance funding (ERA2) provided in the American Rescue Plan Act of 2021.

Fiscal Note

Funding: General COVID-19 Assistance Fund

Attachment(s)

Budget Ordinance

[Budget Ordinance](#)

19. Lease at the Charlotte Transportation Center

Action:

- A. Adopt a resolution approving a five-year lease agreement with Golden Meal, Inc. for restaurant space at the Charlotte Transportation Center, and**
- B. Authorize the City Manager, or his designee, to execute all necessary agreements and documents to complete this transaction.**

Staff Resource(s):

John Lewis, CATS

Allen C. Smith III, CATS

Explanation

- The city uses the Charlotte Transit Center (CTC), located in Council District 1, as the main terminal and transfer point for Charlotte's public transit system.
- The leasable spaces provide opportunities for retail and business firms to offer goods and services to customers using the Charlotte Area Transit System.
- Golden Meal, Inc. would like to lease restaurant space at the CTC to operate its US Fried Chicken restaurant.
- The terms of the lease agreement are as follows:
 - Approximately 632 square feet of restaurant space in Suite A150 located in the CTC;
 - Five-year term;
 - Base rent of \$3,000 per month (\$36,000 per year) for year one, escalating at a rate of 3 percent annually for each year thereafter. This rate is consistent with market rates; and
 - Tenant agrees and understands that future transit-related development may result in the early termination of the lease.

Fiscal Note

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

Attachment(s)

Resolution

[Resolution](#)

20. Interlocal Agreement for Youth Diversion Program Grant

Action:

Adopt a resolution authorizing the City Manager to negotiate and execute an interlocal agreement with Mecklenburg County through its Criminal Justice Services to provide an alternative to arrest for youthful offenders while maintaining accountability for delinquent acts and providing support to redirect behavior.

Staff Resource(s):

Johnny Jennings, Police
Martha Dozier, Police
Cara Evans-Patterson, Police

Explanation

- Each year Mecklenburg County's Juvenile Crime Prevention Council (JCPC) receives funds from the North Carolina Division of Juvenile Justice to support programs that assist youth offenders.
- The Charlotte-Mecklenburg Police Department was awarded \$216,319 in funding from the JCPC to support the twelfth year of their Youth Diversion Program.
- Funding will enable school resource officers, patrol, and court counselors, from the North Carolina Department of Juvenile Justice and Delinquency Prevention, to refer up to 400 first-time juvenile offenders to the Diversion Program.
- Program services administered by the CMPD's Youth Diversion Program will include interpersonal skill building, conflict resolution, substance awareness, academics, and career development plan workshops.
- Parental skill training will also be provided to the parents/guardians of program participants.
- Individual offenders who have committed first time offenses such as simple assault, larceny, public disturbance, trespassing, or damage to property may be referred to the program if they meet the criteria established by the CMPD and the Mecklenburg County District Attorney.
- Individuals are referred to the program in lieu of being arrested for an offense they have committed.
- Once an individual has completed the diversion program, the assigned school resource officer will engage them in weekly conversations to help apply the lessons learned through the program.
- Currently, the program has served 3,776 youth, 3,411 (90.33 percent) of whom did not commit any further offenses 12 months after program completion.

Attachment(s)

Resolution

[JCPC Grant Agreement Resolution](#)

21. Resolution Supporting a North Carolina Department of Transportation Safety Project

Action:

Adopt a resolution supporting a safety project on East W.T. Harris Boulevard at Delta Lake Drive to improve traffic safety in support of the Vision Zero Action Plan.

Staff Resource(s):

Debbie Smith, Transportation

Angela Berry, Transportation

Explanation

- The North Carolina Department of Transportation (NCDOT) has conducted an evaluation of crash history at the intersection of East W.T. Harris Boulevard (NC 24) and Delta Lake Drive.
- The evaluation revealed a history of angle crashes for vehicles exiting Delta Lake Drive.
- NCDOT has proposed the installation of a concrete median on East W.T. Harris Boulevard at Delta Lake Drive to restrict left turns from Delta Lake Drive.
- NCDOT will fully fund the cost of these improvements.
- The project requires a resolution of support for the use of NCDOT Highway Safety Improvement Project funding.
- The project supports the Vision Zero Action Plan by advancing a safe transportation system for all users.
- NCDOT anticipates beginning design in fiscal year 2023.
- This intersection is in Council District 5.

Fiscal Note

Funding: North Carolina Department of Transportation

Attachment(s)

Map

Resolution

[NCDOT Safety Project Map - Delta Lake at WT Harris](#)

[NCDOT Safety Project Resolution - Delta Lake at WT Harris](#)

22. City Attorney's Compensation

Action:

Consider a 2022 Compensation Adjustment for the City Attorney.

Staff Resource(s):

Sheila Simpson, Human Resources

Explanation

- On August 15, 2022, the Mayor and City Council met to conduct the City Attorney's performance evaluation and discuss a potential compensation adjustment.
- The Human Resources Director assisted the Mayor and City Council on the details associated with the City Attorney's compensation.

23. Authorization of Storm Water Revenue Bond Anticipation Notes

Action:

- A. **Adopt a bond order and resolution authorizing the issuance of up to \$125,000,000 of revenue bond anticipation notes, and calling for the execution and delivery of various documents in connection with the issuance, and**
- B. **Authorize city officials to take necessary actions to complete the financing, including making the application to the Local Government Commission.**

Staff Resource(s):

Teresa Smith, Finance
Matthew Hastedt, Finance
Angela Charles, Charlotte Water
Mike Davis, Storm Water Services

Explanation

- City Council annually adopts the Storm Water Capital Investment Plan, which includes capital projects to be funded with debt proceeds.
- The debt issuance is planned in two steps: a short-term construction period draw program which will then be converted to long-term, fixed rate revenue bonds once construction nears completion (up to 36 months).
- This financing approach has been used extensively by the city and reduces interest cost, promotes rate stability and provides flexibility in the timing of the spending.
- The construction period financing will be in the form of an \$125,000,000 privately placed drawdown program, allowing the city to reimburse expenses on a monthly basis during construction and eliminating interest expense on funds not yet expended on the project.
- Projects funded include major and minor flood control projects.
- The North Carolina Local Government Commission is expected to review and approve this financing on September 22, 2022.
- This \$125,000,000 will be used on approved projects and can be supported with current revenues.

Fiscal Note

Funding: Storm Water Debt Service Fund

Attachment(s)

Bond Order
Bond Resolution

[Bond Order - Charlotte Storm Water Fee BAN 2022](#)

[Initial Resolution \(Combines Findings and Approvals\) - Charlotte Storm Water BANs 2022](#)

24. Mecklenburg Soil and Water Conservation District Urban Cost Share Program

Action:

Adopt a resolution ratifying an Urban Cost Share Program agreement with the Mecklenburg Soil and Water Conservation District.

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Jordan Miller, Storm Water Services

Explanation

- This agreement will allow Storm Water Services to provide funds to the Mecklenburg Soil and Water Conservation District (District) to support the Urban Cost Share Program.
- The Urban Cost Share Program provides up to 75 percent of project costs (up to \$7,500) per project to residents in Mecklenburg County to reduce runoff, reduce erosion, and address other non-point source pollution issues.
- The District and the city share the goal of educating residents about the storm drainage system, source pollution, and the effects of stream bank erosion to encourage residents to positively impact surface water quality in Mecklenburg County.
- This agreement provides up to \$52,000 in funding for fiscal year 2023.

Fiscal Note

Funding: Storm Water Services Operating Budget

Attachment(s)

Resolution

[Resolution-MSWCD Urban Cost Share Agreement](#)

CONSENT

25. Charlotte Transportation Center Design Reimbursement Agreement

Action:

- A. Authorize the City Manager to negotiate and execute a design reimbursement agreement with WPTP Brevard Holdings LLC in an amount not to exceed \$2,900,000 for the design of the Charlotte Transportation Center redevelopment, and**
- B. Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
John Lewis, CATS

Explanation

- The Charlotte Transportation Center (CTC) located at 310 E. Trade Street was built in 1995 and is beyond its economic useful life.
- The current CTC is proposed to be redeveloped into a new multimodal facility as part of a joint development project that would include high-density, mixed-use development located in Council District 1.
- The proposed private development is approximately 1 million square feet of office, hotel, and retail. The total estimated private investment for this project is \$500,000,000.
- The proposed project includes both a permanent multimodal facility on the current CTC site, as well as a temporary facility on the adjacent property owned by the developer to maintain bus service during construction of the permanent facility. The developer for the site is WPTP Brevard Holdings LLC.
- Total design cost for the CTC redevelopment is estimated at \$18,000,000, which includes architectural and engineering services for both the permanent and temporary transit facilities.
- The design reimbursement will be used to advance conceptual site plans to 30 percent engineering design to determine the feasibility of the project.
- Additional design services may be provided through an amendment to this agreement or through a future joint development agreement.
- Terms of the agreement would require the developers to design the public improvements to 30 percent engineering and the city would reimburse the cost of the design based on actual expenditures.
- City Council will receive an initial report of the analyses completed and outline of next steps in the design process at a future Council meeting.

Disadvantage Business Enterprise

The city has established an overall DBE project goal of 11.10%.

Fiscal Note

Funding: Advanced Planning and Design Program and CATS Capital Investment Plan

26. Violence Interruption Services

Action:

- A. Approve contract amendment #1 to the contract with Youth Advocate Programs, Inc. for the provision of violence interruption services to add \$31,000 and to renew the contract for a one-year term, and**
- B. Authorize the City Manager to renew the contract for up to two additional one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services

Federico Rios, Housing and Neighborhood Services

Explanation

- In May 2021, the city contracted with Youth Advocate Programs, Inc. (YAP) to implement the Cure Violence Global Violence Interruption Model in the Beatties Ford Road area. The initial \$394,000 contract was established for a one-year term.
- The Cure Violence Global Violence Interruption program focuses on youth ages 14-25 that are at risk of perpetrating or becoming a victim of a violent incident.
- Program activities include:
 - identifying potential conflicts and individuals/groups at risk for violence,
 - mediating disputes between individuals,
 - interceding in group disputes to prevent acts of violence,
 - meeting with individuals/groups at risk for retaliation,
 - providing information regarding available resources (e.g., job trainings, education, substance abuse treatment, etc.), and
 - partnering with community groups to promote nonviolence and change community norms.
- Annual expenditures are estimated to be \$400,000.

Background

- The city and Mecklenburg County endorsed an interdisciplinary public health approach to violence prevention, with an initial focus on the Beatties Ford Road corridor.
- On February 12, 2021, the city issued a Request for Proposals for violence interruption services. Four proposals were received. Cure Violence Global (CVG) was selected to provide technical assistance, and YAP was selected to implement the Cure Violence Global Violence Interruption Model in the Beatties Ford Road area.
- On February 22, 2021, Council ratified an interlocal agreement between the city and county in which the county provided a one-time payment of \$250,000 to the city to implement a violence interruption program.
- On August 9, 2021, Council accepted a grant in the amount of \$1,200,000 from GreenLight Fund Charlotte to support the Alternatives to Violence work, which serves to fund the city's YAP contract expense.

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 opportunities identified for the Contract; or (b) there are no SBEs, MBEs, or WBEs (as applicable) certified to perform the scope of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Neighborhood Development Grants Fund

27. Governor's Highway Safety Program Grant for Traffic Safety - Driving While Impaired Task Force

Action:

Accept a grant in the amount of \$202,674 from the NC Governor's Highway Safety Program for the Driving While Impaired Task Force.

Staff Resource(s):

Johnny Jennings, Police

Jonathan Wally, Police

John Reibold, Police

Explanation

- On January 24, 2022, City Council adopted a resolution authorizing the city to accept a grant award in the amount of \$204,424 from the Governor's Highway Safety Program (GHSP) for the Charlotte-Mecklenburg Police Department's (CMPD) Driving While Impaired (DWI) Task Force. The GHSP grant amount has decreased from \$204,424 to \$202,674. This action authorizes the acceptance of the adjusted amount.
- The CMPD has been invited to apply for a Fiscal Year 2023 Governor's Highway Safety Program grant for the DWI Task Force. This grant has been awarded annually for the previous nine years.
- GHSP requires that City Council adopt a resolution to authorize CMPD to apply for and accept the grant funding.
- The grant will fund 25 percent of the DWI Task Force's personnel costs for six officers and one sergeant in the amount of \$202,674. The City will provide 75 percent matching funds in the amount of \$608,022 from CMPD's operating budget.
- The grant is for a one-year term from October 1, 2022, through September 30, 2023.

Fiscal Note

Funding: General Grants Fund and Police Operating Budget

Attachment(s)

Resolution

[Local Government Resolution FY23](#)

28. Off Duty Scheduling and Payment System

Action:

- A. **Approve a contract with PowerDetails, LLC for an initial term of three years to provide, implement, and maintain an Off Duty Scheduling and Payment System,**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms and to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved, and**
- C. **Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance and support as required to maintain the system for as long as the city uses the system.**

Staff Resource(s):

Jonny Jennings, Police
Tonya Arrington, Police

Explanation

- The Charlotte-Mecklenburg Police Department requires a Secondary Employment scheduling and payment system software to process the following:
 - requests for security from individual employers,
 - requests and approvals from employees and supervisors,
 - special events jobs,
 - special assignments, and
 - other work-related activity.
- On March 22, 2022, the city issued a Request for Proposals (RFP); six responses were received.
- PowerDetails, LLC best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$110,000.

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 opportunities identified for the Contract; or (b) there are no SBEs, MBEs, or WBEs (as applicable) certified to perform the scope of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Police Operating Budget

29. Andros Spartan Robot Products and Services

Action:

- A. **Approve the purchase of Andros Spartan Hazardous Robot Products and Services by the sole source exemption,**
- B. **Approve a contract with Remotec, Inc. for the purchase of Andros Spartan Hazardous Robot Products and Services for the term of five years, and**
- C. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Johnny Jennings, Police
David Johnson, Police
Johnathon Thomas, Police

Sole Source Exemption

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

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD)'s Bomb Squad has utilized Andros Spartan Robots for several decades and utilizes this same robotics platform for all certification and re-certification courses for bomb technicians.
- The Andros Spartan Robot is the primary platform used by squads for certification and recertification school courses.
- The Andros Spartan Robot includes a new state-of-the-art manipulating and 360 degree articulating arm, which is not available with any other product on the market currently.
- The Andros Spartan Robot is built on the same chassis as the current CMPD robots, which supports continuity of operations and ease of training and acclimation for bomb technicians.
- CMPD anticipates the purchase of one to two robots over the five-year term, at a cost of approximately \$290,000 each, which includes shipping, an extended warranty, and facilitation of onsite training courses.
- The Urban Area Security Initiative (UASI) Grant program, which provides funding to aid in the prevention, protection, response, and recovery from terrorist attacks, is providing support for this project.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Grants Fund

30. Fire Apparatus Cooperative Purchasing Contract

Action:

- A. Approve the purchase of fire apparatus from a cooperative contract,
- B. Approve a unit price contract with Rev Group (Sourcewell Contract 113021-RVG) for the purchase of fire apparatus for a term of one year, and
- C. Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.

Staff Resource(s):

Josh Westbrooks, Fire

Lisa Williams, Fire

Explanation

- Fire apparatus are primarily used for service calls involving fires, medical aid, or hazardous materials to transport firefighters to an incident with the necessary equipment for firefighting and technical rescue operations.
- Fire apparatus include fire engines, ladder trucks, and mid mount platforms.
- Charlotte Fire operates Spartan Motors USA Inc. fire trucks. This contract would allow for fleet standardization and savings on operational training, parts, and maintenance.
- NC General Statute Section 143-129 (e) (3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies can leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$8,000,000.

Charlotte Business INClusion

This is a cooperative purchasing contract and is exempt (Part A: Appendix 27 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: General Capital Equipment Fund

31. Citywide Trip Hazard Removal Services

Action:

- A. Approve unit price contracts with the following companies for Citywide Trip Hazard Removal Services for an initial term of one year:**
- American Grinding Company, LLC dba American Sidewalk Management,
 - Precision Safe Sidewalks, LLC, and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Debbie Smith, Transportation

Charles Jones, Transportation

Explanation

- The Charlotte Department of Transportation (CDOT) is responsible for the maintenance of approximately 2,200 miles of sidewalk and over 32,000 curb ramps within the City of Charlotte.
- These contracts will provide services to remove trip hazards on city-maintained pedestrian infrastructure, including removal of concrete tripping hazards from sidewalks, curb ramps, and concrete curbing.
- It has historically been more cost-effective to contract out these services, which allows city staff to support the construction and replacement of sidewalk infrastructure that is unable to be repaired.
- On June 7, 2022, the city issued a Request for Proposals (RFP); three responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual total expenditures are estimated to be \$630,000.

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part B: Section 2.3, 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 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.

However, Precision Safe Sidewalks, LLC has committed to use the following certified firms to participate:

- 24K Hauling, Inc. (MBE, SBE) (Hauling and Recycling of Concrete)
- Barkley & Co Trucking, LLC (MBE, SBE) (Hauling and Recycling of Concrete)
- MB Richards Engineering, PLLC (WBE, SBE) (Assessments)

Fiscal Note

Funding: Powell Bill Fund

32. Street Maintenance Facility HVAC Replacement

Action:

Approve a contract in the amount of \$811,966 to the lowest responsive bidder Armstrong Mechanical Services, Inc. for CDOT Northpointe Street Maintenance Facility HVAC Replacement project.

Staff Resource(s):

Phil Reiger, General Services
David Wolfe, General Services
Steve Marlowe, General Services

Explanation

- This project includes the replacement of the HVAC system at CDOT's Northpointe Street Maintenance Facility located at 4411 Northpointe Industrial Boulevard in Council District 2.
- Construction will include the removal of the existing boiler and associated pump, new HVAC controls system, hot water control valves, and a gas-fired water heater.
- The new system will increase facility heating system efficiency from 82 to 97 percent, reducing energy costs and greenhouse gas emissions by 15 to 20 percent.
- On June 8, 2022, the city issued an Invitation to Bid; two bids were received.
 - NC General Statute Section 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 July 12, 2022, the ITB was re-issued; two bids were received.
- Armstrong Mechanical Services, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2024.

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part B: Section 2.3, 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, SBEs, and WBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: General Capital Investment Plan

33. Coulwood and Valley Haven Stream Restoration Projects

Action:

- A. Approve a contract in the amount of \$1,151,000 with Wildlands Engineering, Inc. for Phase 1 Services for the Coulwood Stream Restoration Progressive Design-Build Project, and**
- B. Approve a contract in the amount of \$1,193,100 with North State Environmental, Inc. for Phase 1 Services for the Valley Haven Stream Restoration Progressive Design-Build Project.**

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Matt Gustis, Storm Water Services

Explanation

- Services for each project consist of survey, geotechnical investigations, wetland assessments, design plan production, easement acquisition services, and associated permitting.
- The city's primary goal is to maximize environmental benefit while creating conditions that will also yield mitigation credits.
- Stream restoration projects are ideal candidates for the design-build method as compared with the low-bid build delivery method. This delivery method allows for field design changes during construction, which are a critical component for a successful stream restoration project.
- On October 15, 2021, the city issued a Request for Qualifications (RFQ); four responses were received.
- Wildlands Engineering, Inc. and North State Environmental, Inc. were 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.
- The city's design-build delivery method is in conformance with NC General Statute Section 143-128.1(a) and consistent with the Design-Build Institute of America best practices.
- Prior to construction, amendments to these contracts will be brought to City Council following negotiation of the guaranteed maximum price. The contract amendments will include all costs to complete the projects through construction, warranty, and required mitigation monitoring.

Action A

- The project area is located in the Long Creek watershed with boundaries of Gum Branch to the north, Mount Holly Road to the south, Valleydale Road to the east, and Tom Sadler Road to the west, in Council District 2.
- Restoration of over 4,300 linear feet of this stream and associated wetlands is expected which will yield Stream Mitigation Units (SMUs) and Wetland Mitigation Units when complete under the city's Umbrella Stream and Wetland Mitigation Bank.

Action B

- The project area is located in the McAlpine Creek watershed with boundaries of Rocky Falls Road to the north, McAlpine Creek to the south, Pineburr Road to the east, and Charter Place to the west, in Council District 6.
- Restoration of over 7,400 linear feet of this stream is expected which will yield SMUs when complete under the city's Umbrella Stream and Wetland Mitigation Bank.

Charlotte Business INclusionAction A

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). Wildlands Engineering, Inc. has committed 28.58% (\$328,992) of the total contract amount to the following certified firms:

- Avioimage Mapping Services, Inc (SBE) (\$12,900) (Aerial Survey and Mapping Services)
- CES Group Engineers, LLP (WBE) (\$64,900) (Survey and Utility Locator Services)

- Gavel and Dorn Engineering, PLLC (SBE) (\$202,707) (Geotechnical Engineering)
- Habitat Assessment and Restoration Professionals (WBE, SBE) (\$48,485) (Planting Plan and Invasive Species Control Plan)

Action B

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INCLUSION Policy). North State Environmental Inc. has committed 25.30% (\$301,800) of the total contract amount to the following certified firms:

- CES Group Engineers, LLP (WBE) (\$222,500) (Survey, Utility Locator Services, Landscape Architecture Support)
- Froehling & Robertson, Inc. (MBE) (\$61,200) (Geotechnical Engineering)
- WGR Southeast, LLC (SBE) (\$18,100) (Environmental)

Fiscal Note

Funding: Storm Water Capital Investment Plan

34. Stormwater Planning and Watershed Modeling

Action:

- Approve a unit price contract with Woolpert North Carolina PLLC for planning and watershed modeling for an initial term of three years, and**
- 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):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Kate Labadorf, Storm Water Services

Explanation

- Storm Water Services is using consultant engineers to provide planning and watershed modeling services throughout the city.
- Specific planning and watershed modeling tasks include assistance in developing and implementing a project identification and prioritization process in support of the capital investment plan.
- On April 7, 2022, the city issued a Request for Qualifications (RFQ); eight responses were received.
- Woolpert North Carolina PLLC is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures are estimated to be \$200,000.

Charlotte Business INCLUSION

Per Charlotte Business INCLUSION Policy: Part B: Section 2.3, 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, SBEs, and WBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Storm Water Services Operating Budget

35. Asphalt and Concrete Cleaning Services

Action:

- A. Approve unit price contracts with the following companies for asphalt and concrete cleaning services for an initial term of one year:**
- Carolina Pressure Wash Co,
 - Schettini Floor Solutions LLC, and
- B. Authorize the City Manager to renew the contracts for up to four, 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):

Angela Charles, Charlotte Water
Jackie Jarrell, Charlotte Water
Marion Sanders, Charlotte Water

Explanation

- This contract will provide street, driveway, and sidewalk cleaning services after completion of Charlotte Water maintenance and repair projects.
- On May 10, 2022, the city issued a Request for Proposals (RFP); two responses were received.
- Carolina Pressure Wash Co and Schettini Floor Solutions LLC meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$200,000.

Charlotte Business INclusion

Per Charlotte 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 SBEs, MBEs, or WBEs (as applicable) 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: Charlotte Water Operating Budget

36. Centrifuge Preventive Maintenance and Repair Services

Action:

- A. **Approve a one-year contract renewal for the contract with Andritz Separation Inc. for Mallard Creek Wastewater Treatment Plant centrifuge preventive maintenance and repair services, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Ron Hargrove, Charlotte Water
Travis Hunnicutt, Charlotte Water

Explanation

- This contract provides for preventative maintenance and repair services for dewatering and thickening centrifuges at the Mallard Creek Wastewater Treatment Plant (WWTP), located within Council District 4.
- The contract renewal will extend the term of the contract and will include preventative maintenance services for three centrifuges at the plant.
- On February 25, 2019, the city issued a Request for Proposals (RFP); two responses were received.
- Andritz Separation Inc. best met the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The new estimated value of the contract, including this renewal, is \$650,000.

Charlotte Business INclusion

Per Charlotte 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 SBEs, MBEs, or WBEs (as applicable) 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: Charlotte Water Capital Investment Plan and Charlotte Water Operating Budget

37. Clark Creek Pump Station and Forcemain Construction

Action:

Approve a guaranteed maximum price of \$9,632,624 to State Utility Contractors, Inc. for Design-Build construction services for the Clark Creek Pump Station and Forcemain project.

Staff Resource(s):

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

Explanation

- State Utility Contractors, Inc. has developed a guaranteed maximum price (GMP) for the procurement of materials, pre-construction services, and demolition services for improvements to the McDowell Creek Wastewater Treatment Plant, located in the Town of Huntersville (adjacent to Council District 2).
- This project will construct sanitary sewer infrastructure to transfer flow from east Mecklenburg County to the McDowell Creek WWTP.
- On February 14, 2022, City Council approved a contract for \$5,668,010 with State Utility Contractors, Inc. for Design-Build design services. Based on the design, GMPs for construction services are developed.
- City Council will receive future requests for the approval of additional GMPs for construction once established.

Charlotte Business INclusion

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed \$691,500 or approximately 7.18% of the total contract for construction services to the following certified firms:

- Sanders Constructors, Inc. (SBE) (\$155,500) (clearing and grubbing)
- Soggy Bottom Erosion Control (SBE) (\$123,800) (erosion control)
- GDC, Inc. (MBE, SBE) (\$100,000) (traffic control services)
- CES Group Engineers, LLP (WBE, SBE) (\$98,700) (surveying)
- CITI, LLC (MBE) (\$64,000) (instrumentation)
- Smart Electric Company, Inc. (WBE) (\$62,500) (electrical services)
- Martin Landscaping Co. Inc. (MBE, SBE) (\$54,000) (landscaping)
- Buffkin Trucking, Inc. (MBE, SBE) (\$28,000) (hauling)
- Gavel & Dorn Engineering, PLLC (SBE) (\$5,000) (geotechnical)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

38. Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure

Action:

- A. **Adopt a resolution authorizing the City Manager to negotiate and execute a municipal agreement with the North Carolina Department of Transportation for construction of water and sanitary sewer line relocations, adjustments, and improvements, and**

- B. **Authorize the City Manager to approve the reimbursement request for the actual cost of the utility construction.**

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This municipal agreement is for the relocation and replacement of water and sanitary sewer infrastructure located within the North Carolina Department of Transportation's (NCDOT) highway improvements project (Project U-5114), located at the intersection of US 21 Statesville Road and Gilead Road in the Town of Huntersville (adjacent to Council District 4).
- As required by the NCDOT's encroachment agreements, the city is financially responsible for reimbursing the NCDOT for the actual construction costs to relocate city-owned water and sanitary sewer lines within the state-maintained right-of-way at the conclusion of the project.
- The total estimated city cost of this construction is \$1,174,631.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

Resolution

[Map-Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure](#)

[Resolution-Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure](#)

39. CATS Bus Tire Leasing and Services

Action:

- A. **Approve a unit price contract to the lowest responsive bidder Bridgestone Americas Tire Operations, LLC for bus tire leasing and services for an initial term of three years, and**

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

Staff Resource(s):

John Lewis, CATS

Allen C. Smith III, CATS

Jennifer Fehribach, CATS

Explanation

- The city has used a bus tire leasing company to provide tires for the bus and paratransit fleet since 1980.
- Leasing tires for use on buses is the predominant practice of transit agencies nationally. The benefits of leasing include:
 - Low inventory,
 - On-going technical support,
 - Equipment and tire disposal, and
 - Minimal employee overhead.
- On March 4, 2022, the city issued a Request for Proposals (RFP); two proposals were received.
- Bridgestone Americas Tire Operations, LLC best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to the RFP requirements.
- First year expenditures are estimated to be \$1,058,137, with a total five-year expenditure estimated at \$5,526,401.

Disadvantaged Business Enterprise (DBE)

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

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

Fiscal Note

Funding: CATS Operating Budget

40. Light Rail Vehicle Accident Repair

Action:

- A. Authorize the City Manager to negotiate and execute a contract with Siemens for light rail vehicle accident repair 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 and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, CATS

Allen C. Smith III, CATS

Explanation

- This contract will provide repair services for Light Rail Vehicles (LRVS) that have sustained damage in collisions or accidents and have an associated approved claim from Risk Management.
- This contract will expedite repairs, reduce downtime, and help CATS meet service levels.
- A waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on continuity of service, limited vendors with required qualifications, and proprietary information.
- Expenditures for the contract over the term of the contract are estimated not to exceed \$1,474,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS Operating Budget and Risk Management Fund

41. Federal Aviation Administration Reimbursement Agreement

Action:

- A. **Authorize the City Manager to execute a reimbursement agreement with the Federal Aviation Administration for the relocation of the airport surveillance radar, and**

- B. **Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- Aviation is in the design phase of terminal and ramp expansion projects which will increase airfield capacity and reduce delays.
- The existing Airport Surveillance Radar (ASR-9) equipment located on the airfield conflicts with the proposed terminal and ramp expansion projects.
- This reimbursable agreement provides for Federal Aviation Administration (FAA) design and construction support to relocate this facility to a new site on the airfield outside of conflict with future capital expansions.
- This agreement also provides for Federally furnished materials related to the relocation of the equipment.
- The city will reimburse the FAA for the cost of the work, which is estimated at approximately \$2,923,725.
- This activity is occurring on Airport property, located in Council District 3.

Fiscal Note

Funding: Aviation Capital Investment Plan

42. Airport Fire Protection Improvements

Action:

- A. **Approve a contract in the amount of \$4,448,091 with Messer Construction Co. for Construction Manager at-Risk services for the Federal Inspections Station Facility and Concourse D Renovations project, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- On August 9, 2021, City Council approved a contract with Messer Construction Co. in the amount of \$598,999 for preconstruction management at risk services for the Federal Inspection Station Facility (FIS) and Concourse D Renovations project.
- This contract will provide for the installation of the fire protection system upgrades required to bring the terminal into compliance with NC State Building Code.
- On February 1, 2021, the city issued a Request for Qualifications (RFQ); nine responses were received.
- Messer Construction Co. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Council will be asked to consider an action at a future business meeting for a guaranteed maximum price contract for Construction Manager at-Risk for the full construction of the FIS and D Concourse Renovations.
- This activity is occurring on Airport property, located in Council District 3.

Disadvantaged Business Enterprise (DBE)

The Federal DBE Program neither requires nor permits goals for every contract. There is no DBE goal for this contract. The city must meet its overall goal by using a mix of contract goals and race-neutral means.

Fiscal Note

Funding: Aviation Capital Investment Plan

43. Airport Roadway Relocation Construction

Action:

Approve a contract in the amount of \$39,422,735 to the lowest responsive bidder Crowder Construction Company for the North End-Around Taxiway Old Dowd Road construction project.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- A portion of the existing Old Dowd Road conflicts with the North End-Around Taxiway (NEAT) project currently underway at the Airport.
- This contract will provide for the construction of a new section of roadway and overhead bridge to replace the portion in conflict.
- This work will include grading, drainage, paving, utility, and bridge construction.
- On April 13, 2022, the City issued an Invitation to Bid; four bids were received.
- Crowder Construction Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter fiscal year 2023.
- This activity is occurring on Airport property, located in Council District 3.

Disadvantaged Business Enterprise

Established DBE Goal: 19.00%

Committed DBE Goal: 19.00%

Crowder Construction Company met the established subcontracting goal and has committed 19.00% (\$7,490,673) of the base bid amount to the following certified firms:

- Diamond Trucking of NC (DBE) (\$3,341,678) (hauling)
- Reliance Construction Management Company (DBE) (\$1,311,218) (clearing and grubbing)
- Martin Landscaping (DBE) (\$1,067,650) (erosion control)
- Lopez Rebar (DBE) (\$640,138) (rebar)
- Top Choice Concrete (DBE) (\$181,066) (flatwork)
- 4D Construction (DBE) (\$151,368) (sip)
- Gosalia Concrete (DBE) (\$145,249) (barrier wall)
- CES Group Engineers (DBE) (\$138,600) (surveying)
- BC Cannon (DBE) (\$119,772) (maintenance of traffic)
- Express Logistics (DBE) (\$111,765) (hauling)
- Construction Resource Group (DBE) (\$109,705) (MSE wall)
- Reynolds Fence & Guardrail (DBE) (\$108,225) (guardrail)
- McCain Striping (DBE) (\$64,239) (striping)

Fiscal Note

Funding: Aviation Capital Investment Plan

44. Airport Sprinkler Upgrades

Action:

- A. **Approve a contract in the amount of \$3,605,800 to the lowest responsive bidder Edison Foard Construction Services, Inc. for the terminal building sprinkler and voice evacuation upgrades project, and**
- B. **Authorize the City Manager 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 Aviation Department recently conducted an analysis to identify improvements needed for the fire sprinkler system in various portions of the Airport terminal.
- Portions of the fire sprinkler system upgrades have been included in various terminal renovation projects. This contract will bring additional areas that were not captured in a renovation project into compliance with NC State Building Code.
- On May 24, 2022, the city issued an Invitation to Bid (ITB); one bid was received.
 - NC General Statute Section 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 June 23, 2022, the city re-issued an ITB; one bid was received.
- Edison Foard Construction Services, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter of fiscal year 2024.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business INclusion

Established MSBE Goal: 10.00%
Committed MSBE Goal (at time of Bid): 0.42%

Edison Foard failed to meet the established subcontracting goal but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy). Edison Foard has committed 0.42% (\$15,000) of the total contract amount to the following certified firm(s):

- Providence Paint (SBE) (\$15,000) (painting)

Fiscal Note

Funding: Aviation Capital Investment Plan

45. Fiscal Year 2022 Tax Collector's Settlement Statement and Fiscal Year 2023 Order of Collection

Action:

- A. Receive as information and record in full in the minutes the Mecklenburg County Tax Collector's Settlement Statement for Fiscal Year 2022, and
- B. Adopt an Order of Collection, pursuant to NC General Statute Section 105-321 (b), authorizing the Mecklenburg County Tax Collector to collect the taxes for Fiscal Year 2023.

Staff Resource(s):

Teresa Smith, Finance
Matthew Hastedt, Finance
Stephanie Kelly, City Clerk's Office

Explanation

Action A

- According to NC General Statute Section 105-373:
 - After July 1, and before being charged with collecting taxes for the current fiscal year, the Tax Collector must submit to the governing board an annual report of the amount collected on the preceding fiscal year's taxes with which he/she is charged and the amount remaining uncollected, and
 - The Tax Collector's Settlement Statement must be entered in full into the official record of the governing board.
- The Tax Collector's Settlement Statement is an informational report on property tax collection activity for the preceding fiscal year (July 1, 2021- June 30, 2022) and previous fiscal years.

Action B

- According to NC General Statute Section 105-321(b), an order directing the Tax Collector to collect the taxes charged in tax records and receipts must be entered into the official record of the governing board.
- The Order of Collection authorizes the collection of Fiscal Year 2023 real estate and motor vehicle taxes.

Attachment(s)

Fiscal Year 2022 Tax Collector's Settlement Statement and Fiscal Year 2023 Order of Collection

[FY22 Tax Collector's Settlement Statement and FY23 Order of Collection](#)

46. Set a Public Hearing on Cresswind Charlotte - Phase 9 Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for September 26, 2022, for the Cresswind Charlotte - Phase 9 Area voluntary annexation petition.

Staff Resource(s):

Alyson Craig, Planning, Design & Development

Holly Cramer, Planning, Design & Development

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current city limits.
- Annexation of this area will allow for more orderly development review, extension of city services, capital investments, and future annexation processes.
- The 27.743-acre "Cresswind Charlotte - Phase 9" site is located along the west side of Plaza Road and south of Camp Stewart Road in eastern Mecklenburg County.
 - The site is currently vacant.
 - The petitioner has plans to develop 60 single family homes on the site.
 - The property is zoned R-3, which allows for single family residential uses up to three dwelling units per acre.
 - The property is located immediately adjacent to City Council District 5.
 - The petitioned area consists of one parcel: parcel identification number: 111-211-18

Consistency with City Council Policies

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

Attachment(s)

Map

Resolution

[Cresswind Charlotte - Phase 9 Area Annexation Map](#)

[Resolution for Cresswind Charlotte - Phase 9 Area Annexation](#)

47. Set a Public Hearing on Garrison Road Industrial Phase 1 Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for September 26, 2022, for the Garrison Road Industrial Phase 1 Area voluntary annexation petition.

Staff Resource(s):

Alyson Craig, Planning, Design & Development
Holly Cramer, Planning, Design & Development

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current city limits.
- Annexation of this area will allow for more orderly development review, extension of city services, capital investments, and future annexation processes.
- The 149.7-acre "Garrison Road Industrial Phase 1" site is located along the east side of Garrison Road, west of Interstate 485 in Mecklenburg County.
 - The property is mostly vacant with some single-family residential uses.
 - The petitioner has plans to develop 5 Class A industrial buildings totaling 1,212,840 square feet of industrial uses on the site.
 - The property is zoned I-1(CD), which allows for light industrial uses.
 - The property is located immediately adjacent to City Council District 3.
 - The petitioned area consists of five parcels; parcel identification numbers: 141-291-05, 141-291-03, 141-291-02, 141-291-01, and 141-181-65.

Consistency with City Council Policies

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

Attachment(s)

Map
Resolution

[Garrison Road Industrial Phase 1 Area Annexation](#)

[Resolution for Garrison Road Industrial Phase 1 Area Annexation_new](#)

48. Set a Public Hearing on Orchard Creek Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for September 26, 2022, for Orchard Creek voluntary annexation petition.

Staff Resource(s):

Alyson Craig, Planning, Design & Development

Holly Cramer, Planning, Design & Development

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current city limits.
- Annexation of this area will allow for more orderly development review, extension of city services, capital investments, and future annexation processes.
- The 47.205-acre "Orchard Creek" site is located along the north side of Plaza Road and west of Hood Road in eastern Mecklenburg County.
 - The site is currently vacant.
 - The petitioner has plans to develop 128 single family units on the site.
 - The property is zoned R-3, which allows for single family residential uses up to three dwelling units per acre.
 - The property is located immediately adjacent to City Council District 5.
 - The petitioned area consists of one parcel: parcel identification number 105-111-03.

Consistency with City Council Policies

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

Attachment(s)

Map

Resolution

[Orchard Creek Area Annexation Map](#)

[Resolution for Orchard Creek Area Annexation](#)

49. Set a Public Hearing on the Battle of McIntyre's Farm Monument Historic Landmark Designation

Action:

Adopt a resolution setting a public hearing for October 10, 2022, to consider historic landmark designation for the structure known as the "Battle of McIntyre's Farm Monument" (parcel identification number 037-116-05).

Staff Resource(s):

Alyson Craig, Planning, Design & Development
Dave Pettine, Planning, Design & Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Battle of McIntyre's Farm Monument as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Battle of McIntyre's Farm Monument is associated with the property located at 5801 Beatties Ford Road near the intersection of Beatties Ford Road and McIntyre Avenue, in Council District 2.
- Designation of this structure could significantly contribute to its long-term preservation.
- The Battle of McIntyre's Farm Monument is associated with property listed under parcel identification number 037-116-05, and the recommended designation would include the monument in its entirety and a 24-foot radius of land immediately surrounding the monument, which land comprises a portion of the land associated with the tax parcel.
- The property is zoned R-4.
- The property is owned by Mecklenburg County.
- The property is exempt from property taxes.

Attachment(s)

Information Sheet
Resolution

[Resolution cover sheet](#) [ELBD marker](#) [McIntyre Farm](#)

[Public Hearing Resolution](#) [ELBD marker](#) [McIntyre Farm](#)

50. Set a Public Hearing on the Franks House Historic Landmark Designation

Action:

Adopt a resolution setting a public hearing for October 10, 2022, to consider historic landmark designation for the property known as the "Franks House" (parcel identification number 073-063-12).

Staff Resource(s):

David Pettine, Planning, Design & Development

Alyson Craig, Planning, Design & Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Franks House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Franks House is located at 305 Dunbar Street in Council District 2.
- Designation of this property could significantly contribute to its long-term preservation.
- The Franks House is listed under parcel identification number 073-063-12, and the recommended designation would include the exterior of the structure and the land associated with the tax parcel.
- The property is zoned Uptown Mixed Use District (UMUD).
- The property is owned by Rivafinoli Partners LLC .
- Based on the current value, the potential amount of deferrable taxes would be approximately \$500 for the City of Charlotte, \$880 for Mecklenburg County, and \$55 for Special District 4.

Attachment(s)

Information Sheet

Resolution

[Franks House resolution cover sheet](#)

[Franks House Public Hearing Resolution](#)

51. Set a Public Hearing on the Williams Memorial Presbyterian Church Wall and Marker Historic Landmark Designation

Action:

Adopt a resolution setting a public hearing for October 10, 2022, to consider historic landmark designation for the structures known as the "Williams Memorial Presbyterian Church Wall and Marker" (parcel identification number 041-171-01).

Staff Resource(s):

Alyson Craig, Planning, Design & Development
Dave Pettine, Planning, Design & Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Williams Memorial Presbyterian Church Wall and Marker as local historic landmarks.
- Public hearings are required prior to City Council action on designation requests.
- The Williams Memorial Presbyterian Church Wall and Marker are associated with the property located at 4700 Beatties Ford Road in Council District 2.
- Designation of these structures could significantly contribute to their long-term preservation.
- The Williams Memorial Presbyterian Church Wall and Marker are associated with property listed under parcel identification number 041-171-01, and the recommended designation would include the wall in its entirety, as well as a 20-foot wide strip of land abutting each side of the wall, running for the entire length of each segment of the wall, and the marker in its entirety, as well as a 20-foot radius of land immediately surrounding the marker, which land comprises a portion of the land associated with the tax parcel.
- The property is zoned R-4.
- The property is owned by Williams Memorial Presbyterian Church, Inc.
- The property is exempt from property taxes.

Attachment(s)

Information Sheet
Resolution

[Resolution cover sheet ELBD marker Williams Pres Church](#)

[Public Hearing Resolution ELBD marker Williams Pres Church](#)

52. Resolution of Intent to Abandon an Alleyway off Ridgecrest Avenue and Ellsworth Road

Action:

- A. Adopt a Resolution of Intent to abandon an Alleyway off Ridgecrest Avenue and Ellsworth Road, and**

- B. Set a Public Hearing for September 26, 2022.**

Staff Resource(s):

Debbie Smith, Transportation

Anthony Mendez, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The alleyway is located in Council District 6.

Petitioners

Ashworth Rd, LLC

Attachment(s)

Map

Resolution

[2022-04A Alleyway off Ridgecrest Abandonment Map](#)

[2022-04A Resolution of Intent 08.22.2022 rev](#)

53. Resolution of Intent to Abandon the Old Alignment of Ridge Road Off Lawrence Gray Road

Action:

- A. **Adopt a Resolution of Intent to abandon the Old Alignment of Ridge Road off Lawrence Gray Road, and**
- B. **Set a Public Hearing for September 26, 2022.**

Staff Resource(s):

Debbie Smith, Transportation
Anthony Mendez, Transportation

Explanation

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

Petitioners

J. Alton and Brenda M. Stewart Living Trust

Attachment(s)

Map
Resolution

[2022-09A Ridge Rd Abandonment Map](#)

[2022-09A Resolution of Intent 08.22.2022 rev](#)

54. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$3,485.76.

Staff Resource(s):

Teresa Smith, Finance
Matthew Hastedt, Finance

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers August](#)

[Resolution August 22](#)

55. Meeting Minutes

Action:

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

- December 21, 2020 Zoning Meeting,
- December 13, 2021 Business Meeting,
- December 20, 2021 Zoning Meeting, and
- January 10, 2022 Business Meeting.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

PROPERTY TRANSACTIONS

56. In Rem Remedy: 3820 Northaven Dr

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

Public Purpose:

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

Policy:

- Housing and Neighborhood Development and Community Safety

In Rem Remedy items are initiated from 3 categories:

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

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

Field Observation: 3820 Northaven Dr, Council District 1

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3820 Northaven Dr Neighborhood Profile Area 21.

Attachment(s)

In Rem Packet for 3820 Northaven Dr

[3820 Northaven Dr - In Rem](#)

57. Aviation Property Transactions - 8704 Steeleberry Drive

Action: Approve the following Acquisition: Aviation Master Plan

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

Project: Aviation Master Plan

Owner(s): Mikel Gubanez

Property Address: 8704 Steeleberry Drive

Total Parcel Area: 0.792 acres

Property to be acquired by Easements: None

Structures/Improvements to be impacted: Single-family Home

Landscaping to be impacted: Grass and Shrubs

Zoned: R-3

Use: Single-family Residential

Parcel Identification Number(s): 141-103-09

<https://polaris3g.mecklenburgcountync.gov/#mat=207805&pid=14110309&qisid=14110309>

Purchase Price: \$255,000, and all relocation benefits in compliance with Federal, State or Local regulations.

Council District: 3

58. Charlotte Water Property Transactions - Irwin Basin Tributary to Remount Road, Parcel #14

Action: Approve the following Condemnation: Irwin Basin Tributary to Remount Road, Parcel #14

Project: Irwin Basin Tributary to Remount Road, Parcel #14

Owner(s): Emma Young and/or her Heirs

Property Address: 648 Miller Street

Total Parcel Area: 4,129 sq. ft. (0.09 ac.)

Property to be acquired by Easements: 134.00 sq. ft. (0.003 ac.) in Permanent Sanitary Sewer Easement, plus 370.00 sq. ft. (0.01 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Metal fencing

Landscaping to be impacted: Medium sized tree and natural growth

Zoned: R-8

Use: Single Family Residential

Tax Code: 145-014-02

<https://polaris3g.mecklenburgcountync.gov/#mat=170165&pid=14501402&qisid=14501402>

Appraised Value: \$2,650

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: 3

59. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #63

Action: Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #63

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #63

Owner(s): Dennis Gordon Shytle and Annette Woody-Shytle

Property Address: 1023 Sewickley Drive

Total Parcel Area: 14,707 sq. ft. (0.34 ac.)

Property to be acquired by Easements: 1,649.00 sq. ft. (0.04 ac.) in Permanent Sanitary Sewer Easement, plus 673.00 sq. ft. (0.02 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Large tree

Zoned: R-4

Use: Single Family Residential

Tax Code: 149-183-18

<https://polaris3g.mecklenburgcountync.gov/#mat=4610&pid=14918318&qsid=14918318>

Appraised Value: \$21,600

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

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

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

Council District: 1

60. Charlotte Water Property Transactions - Water Transmission Improvement, Parcel #2

Action: Approve the following Condemnation: Water Transmission Improvement, Parcel #2

Project: Water Transmission Improvement, Parcel #2

Owner(s): Elizabeth P. Cook Family Limited Partnership

Property Address: 2800 West Mallard Creek Church Road

Total Parcel Area: 92,962 sq. ft. (2.13 ac.)

Property to be acquired by Easements: 2,216.00 sq. ft. (0.05 ac.) in Permanent Utility Easement, plus 3,173.00 sq. ft. (0.07 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Six medium trees

Zoned: B-1(CD)

Use: Commercial

Tax Code: 029-011-22

<https://polaris3g.mecklenburgcountync.gov/#mat=358172&pid=02901122&qisid=02901122>

Appraised Value: \$36,625

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

61. Property Transactions - 1615 Burnley Road, Parcel #10.1

Action: Approve the following Acquisition: 1615 Burnley Road, Parcel #10.1

Project: 1615 Burnley Road, Parcel #10.1

Program: 1615 Burnley Road

Owner(s): Aaron M Prim

Property Address: 6301 Rosecrest Drive

Total Parcel Area: 17,968 sq. ft. (0.413 ac.)

Property to be acquired by Easements 1,210 sq. ft. (0.028 ac.) Storm Drainage Easement, 747 sq. ft. (0.17 ac.) Sanitary Sewer Easement, 744 sq. ft. (0.017 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees and shrubs

Zoned: R-4

Use: Single-family Residential

Tax Code: 173-051-28

<https://polaris3g.mecklenburgcountync.gov/#mat=166331&pid=17305128&qisid=17305128>

Purchase Price: \$10,676

Council District: 6

62. Property Transactions - 10120 South Tryon, Parcel #1

Action: Approve the following Acquisition: 10120 South Tryon, Parcel #1

Project: 10120 South Tryon, Parcel #1

Program: 10120 South Tryon

Owner(s): BTC III Charlotte DC LP, a Delaware limited partnership

Property Address: 10015 John Price Road

Total Parcel Area: 264,334 sq. ft. (6.07 ac.)

Property to be acquired by Easements 23,472 sq. ft. (0.539 ac.) Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: I-1

Use: Light Industrial

Tax Code: 201-181-05

<https://polaris3g.mecklenburgcountync.gov/#mat=598860&pid=20118105&gisid=20118105>

Purchase Price: \$53,100

Council District: 3

63. Property Transactions - 8-inch Sanitary Sewer to Serve 6428 Lake Road, Parcel # 1

Action: Approve the following Condemnation: 8-inch Sanitary Sewer to Serve 6428 Lake Road, Parcel # 1

Project: 8-inch Sanitary Sewer to Serve 6428 Lake Road, Parcel # 1

Program: 8-inch Sanitary Sewer to Serve 6428 Lake Road

Owner(s): Amanda Spriggs and Kevin B Spriggs

Property Address: 6322 Lake Road, Mint Hill

Total Parcel Area: 14,995 sq. ft. (0.345 ac.)

Property to be acquired by Easements: 1,054 sq. ft. (0.024 ac.) Sanitary Sewer Easement, 1,752 sq. ft. (0.041 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Mailbox

Landscaping to be impacted: Trees and shrubs

Zoned: R

Use: Residential

Tax Code: 137-096-08

<https://polaris3g.mecklenburgcountync.gov/#mat=167309&pid=13709608&gisid=13709608>

Appraised Value: \$3,875

Property Owner's Concerns: Unknown, no response received.

City's Response to Property Owner's Concerns: Property owner is unresponsive.

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

Council District: Adjacent to 5

64. Property Transactions - 8-inch Sanitary Sewer to Serve 6428 Lake Road, Parcel # 9

Action: Approve the following Condemnation: 8-inch Sanitary Sewer to Serve 6428 Lake Road, Parcel # 9

Project: 8-inch Sanitary Sewer to Serve 6428 Lake Road, Parcel # 9

Program: 8-inch Sanitary Sewer to Serve 6428 Lake Road

Owner(s): Asset Management Leasing Inc

Property Address: 6500 Lake Road, Mint Hill

Total Parcel Area: 20,010 sq. ft. (0.46 ac.)

Property to be acquired by Easements: 987 sq. ft. (0.023 ac.) Sanitary Sewer Easement, 772 sq. ft (0.018 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees and various plantings

Zoned: R

Use: Residential

Tax Code: 137-095-15

<https://polaris3g.mecklenburgcountync.gov/#mat=170265&pid=13709515&gisid=13709515>

Appraised Value: \$3,075

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

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

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

Council District: Adjacent to 5

65. Property Transactions - Harrisburg Road Sidewalk Gap - Phase 2, Parcel #1 and #2

Action: Approve the following Acquisition: Harrisburg Road Sidewalk Gap - Phase 2, Parcel # and #2

Project: Harrisburg Road Sidewalk Gap - Phase 2, Parcel #1, 2

Program: Harrisburg Road Sidewalk Gap - Phase 2

Owner(s): Daniel Moody Lee and unknown heirs of Gertrude Hunter Lee

Property Address: 7300 and 7308 Harrisburg Road

Total Parcel Area: 38,362 sq. ft. (0.88 ac.)

Property to be acquired by Easements 1,860 sq. ft. (0.043 ac.) Sidewalk Utility Easement, 973 sq. ft. (0.023 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Tax Code: 111-146-19, 111-146-18

<https://polaris3g.mecklenburgcountync.gov/#mat=186483&pid=11114619&qisid=11114619>

<https://polaris3g.mecklenburgcountync.gov/#mat=186876&pid=11114618&qisid=11114618>

Purchase Price: \$20,000

Council District: 5

66. Property Transactions - Idlewild BPS Supply Main, Parcel #1

Action: Approve the following Condemnation: Idlewild BPS Supply Main, Parcel #1

Project: Idlewild BPS Supply Main, Parcel #1

Program: Idlewild BPS Supply Main

Owner(s): SCI North Carolina Funeral Services LLC

Property Address: 5400 Monroe Road

Total Parcel Area: 5,667,278 sq. ft. (130.10 ac.)

Property to be acquired by Easements: 122,343 sq. ft. (2.80 ac.) Water Line Easement, 20,231 sq. ft. (0.464 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Tax Code: 163-041-01 (163-041-01A)

<https://polaris3g.mecklenburgcountync.gov/#mat=148730&pid=16304101&gclid=16304101>

Appraised Value: \$92,950

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

67. Property Transactions - Monroe Road Streetscape, Parcel #21

Action: Approve the following Acquisition: Monroe Road Streetscape, Parcel #21

Project: Monroe Road Streetscape, Parcel #21

Program: Monroe Road Streetscape

Owner(s): Seifert Group LLC

Property Address: 4331 Monroe Road

Total Parcel Area: 34,887 sq. ft. (0.80 ac.)

Property to be acquired by Easements 1,230 sq. ft. (0.029 ac.) Sidewalk Utility Easement, 2,174 sq. ft. (0.05 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Tree

Zoned: B-2

Use: Business District

Tax Code: 159-061-15

<https://polaris3g.mecklenburgcountync.gov/#mat=129149&pid=15906115&qisid=15906115>

Purchase Price: \$56,400

Council District: 5

68. Property Transactions - Monroe Road Streetscape, Parcel #23

Action: Approve the following Acquisition: Monroe Road Streetscape, Parcel #23

Project: Monroe Road Streetscape, Parcel #23

Program: Monroe Road Streetscape

Owner(s): Ultimate USA Real Estate Inc

Property Address: 4335 Monroe Road

Total Parcel Area: 35,759 sq. ft. (0.82 ac.)

Property to be acquired by Easements 1,285 sq. ft. (0.030 ac.) Sidewalk Utility Easement, 2,764 sq. ft. (0.064 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Parking spaces

Landscaping to be impacted: Trees

Zoned: B-2

Use: Business District

Tax Code: 159-061-16

<https://polaris3g.mecklenburgcountync.gov/#mat=129356&pid=15906116&qisid=15906116>

Purchase Price: \$55,500

Council District: 5

69. Property Transactions - Monroe Road Streetscape, Parcel #32

Action: Approve the following Acquisition: Monroe Road Streetscape, Parcel #32

Project: Monroe Road Streetscape, Parcel #32

Program: Monroe Road Streetscape

Owner(s): Domar-4500 Monroe LLC and Waters-4500 Monroe LLC

Property Address: 4500 Monroe Road

Total Parcel Area: 156,942 sq. ft. (3.60 ac.)

Property to be acquired by Easements 2,626 sq. ft. (0.061 ac.) Sidewalk Utility Easement, 85 sq. ft. (0.002 ac.) Bus Stop Improvement Easement, 872 sq. ft. (0.02 ac.) Utility Easement, 1,386 sq. ft. (0.032 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Shrubs

Zoned: B-D(CD)

Use: Business District

Tax Code: 161-071-18

<https://polaris3g.mecklenburgcountync.gov/#mat=131775&pid=16107118&qisid=16107118>

Purchase Price: \$72,426

Council District: 5

70. Property Transactions - Monroe Road Streetscape, Parcel #44

Action: Approve the following Acquisition: Monroe Road Streetscape, Parcel #44

Project: Monroe Road Streetscape, Parcel #44

Program: Monroe Road Streetscape

Owner(s): Ilma Realty Corp

Property Address: 4806 Monroe Road

Total Parcel Area: 17,007 sq. ft. (0.39 ac.)

Property to be acquired by Easements 1,443 sq. ft. (0.034 ac.) Sidewalk Utility Easement, 761 sq. ft. (0.018 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign and bollards

Landscaping to be impacted: None

Zoned: B-1

Use: Business District

Tax Code: 161-082-16

<https://polaris3g.mecklenburgcountync.gov/#mat=136974&pid=16108216&qisid=16108216>

Purchase Price: \$32,730

Council District: 5

71. Property Transactions - XCLT Tryon to Orr, Parcel # 4, 5, and 7

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 4, 5, and 7

Project: XCLT Tryon to Orr, Parcel # 4,5 & 7

Program: XCLT Tryon to Orr

Owner(s): Victor Murrillo

Property Address: 124 and 128 Mellow Drive and 221 Burroughs Street

Total Parcel Area: 79,227 sq. ft. (1.82 ac.)

Property to be acquired by Fee Simple: 9,958 sq. ft. (0.229 ac.) Fee Simple

Property to be acquired by Easements: 5,342 sq. ft. (0.123 ac.) Permanent Greenway Easement, 9,514 sq. ft. (0.219 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-12 MF

Use: Multi-family Residential

Tax Code: 089-021-04, 089-021-03, 089-021-07

<https://polaris3g.mecklenburgcountync.gov/#mat=28347&pid=08902104&qisid=08902104>

<https://polaris3g.mecklenburgcountync.gov/#mat=49473&pid=08902103&qisid=08902103>

<https://polaris3g.mecklenburgcountync.gov/#mat=75916&pid=08902107&qisid=08902107>

Appraised Value: \$160,000

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

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

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

Council District: 1

72. Property Transactions - XCLT Tryon to Orr, Parcel # 6

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 6

Project: XCLT Tryon to Orr, Parcel # 6

Program: XCLT Tryon to Orr

Owner(s): Victor Murrillo

Property Address: 4725 and 4727 North Tryon Street

Total Parcel Area: 81,780 sq. ft. (1.88 ac.)

Property to be acquired by Easements: 332 sq. ft. (0.008 ac.) Permanent Greenway Easement, 1,612 sq. ft. (0.037 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Business

Tax Code: 089-021-06

<https://polaris3g.mecklenburgcountync.gov/#mat=462367&pid=08902106&gisid=08902106>

Appraised Value: \$8,300

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

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

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

Council District: 1

73. Property Transactions - XCLT Tryon to Orr, Parcel # 8

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 8

Project: XCLT Tryon to Orr, Parcel # 8

Program: XCLT Tryon to Orr

Owner(s): Victor Murillo

Property Address: 224 Burroughs Street

Total Parcel Area: 79,174 sq. ft. (1.82 ac.)

Property to be acquired by Easements: 8,736 sq. ft. (0.20 ac.) Permanent Greenway Easement, 7,292 sq ft (.167 ac.) Post Construction Control Easement, 7,640 sq. ft. (0.175 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-12MF

Use: Multi-family Residential

Tax Code: 089-023-03

<https://polaris3g.mecklenburgcountync.gov/#mat=77854&pid=08902303&qisid=08902303>

Appraised Value: \$100,575

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

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

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

Council District: 1

74. Property Transactions - XCLT Tryon to Orr, Parcel # 16

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 16

Project: XCLT Tryon to Orr, Parcel # 16

Program: XCLT Tryon to Orr

Owner(s): Harvey W Gouch and Louise G Couch (deceased)

Property Address: 400 Lambeth Drive

Total Parcel Area: 169,701 sq. ft. (3.895 ac.)

Property to be acquired by Easements: 12,028 sq. ft. (0.28 ac.) Permanent Greenway Easement, 3,473 sq. ft. (0.080 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-17MF

Use: Multi-family Residential

Tax Code: 089-111-10

<https://polaris3g.mecklenburgcountync.gov/#mat=433389&pid=08911110&gisid=08911110>

Appraised Value: \$36,225

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

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

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

Council District: 1

75. Property Transactions - XCLT Tryon to Orr, Parcel # 27 and 28

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 27 and 28

Project: XCLT Tryon to Orr, Parcel # 27 and 28

Program: XCLT Tryon to Orr

Owner(s): Roni R Cook and Timmy R Cook

Property Address: 601 and 611 Dawn Circle

Total Parcel Area: 21,292 sq. ft. (0.489 ac.)

Property to be acquired by Fee Simple: 21,292 sq. ft. (0.489 ac.) Fee Simple

Property to be acquired by Easements: 765 sq. ft (0.18 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Tax Code: 089-211-02, 089-211-01

<https://polaris3g.mecklenburgcountync.gov/#mat=161720&pid=08921102&qisid=08921102>

<https://polaris3g.mecklenburgcountync.gov/#mat=159284&pid=08921101&qisid=08921101>

Appraised Value: \$49,375

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

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

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

Council District: 1

76. Property Transactions - XCLT Tryon to Orr, Parcel # 36

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 36

Project: XCLT Tryon to Orr, Parcel # 36

Program: XCLT Tryon to Orr

Owner(s): Victor Murrillo

Property Address: Burroughs Street

Total Parcel Area: 29,659 sq. ft. (0.68 ac.)

Property to be acquired by Easements: 3,723 sq. ft. (0.086 ac.) Post Construction Controls Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Business

Tax Code: 089-023-20

<https://polaris3g.mecklenburgcountync.gov/#pid=08902320&gisid=08902320>

Appraised Value: \$15,625

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

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

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

Council District: 1

77. Closed Session

Adjournment

REFERENCES

78. 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.

79. 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.

80. 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.

