

City of Charlotte

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



Meeting Agenda

Monday, September 12, 2022

Council Chamber

City Council Business Meeting

Mayor Vi Lyles

Mayor Pro Tem Braxton Winston II

Council Member Dimple Ajmera

Council Member Danté Anderson

Council Member Tariq Scott Bokhari

Council Member Ed Driggs

Council Member Malcolm Graham

Council Member Reneé Johnson

Council Member LaWana Mayfield

Council Member James Mitchell

Council Member Marjorie Molina

Council Member Victoria Watlington

5:00 P.M. CITY COUNCIL ACTION REVIEW, CHARLOTTE-MECKLENBURG, ROOM 267

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

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Action Review Items

Safety Initiatives Update

Staff Resource(s):

Johnny Jennings, Police

Federico Rios, Housing and Neighborhood Services

Time: Presentation - 20 minutes; Discussion - 20 minutes

Explanation

- Receive an update from the Charlotte-Mecklenburg Police Department and on the SAFE Charlotte initiatives.

Disparity Study Overview

Staff Resource(s):

Phil Reiger, General Services

Steven Coker, General Services

Thomas Powers, City Attorney's Office

Time: Presentation - 15 minutes; Discussion - 20 minutes

Explanation

- Provide an overview on the Disparity Study.

4. Closed Session (as necessary)

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
COUNCIL CHAMBER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

CONSENT

- 5. Consent agenda items 35 through 46 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.

POLICY

6. City Manager's Report

7. Sponsorship Policy Revisions

Action:

Adopt a resolution revising the Council-adopted Sponsorship Policy to account for exclusive sponsorships provided for specific Animal Care and Control adoption/clinic and Missing Persons events.

Staff Resource(s):

Johnny Jennings, Police

Joshua Fisher, Police

Current Ordinance

- A sponsorship is a contribution of money or in-kind support for a city program or service in exchange for which the city acknowledges the sponsor and contribution and grants the sponsor some rights to associate their name and their products with the program or service.
- City Council adopted a Sponsorship Policy (Policy) in 2009 to govern the approval of sponsorships of the City of Charlotte and City programs and services by external entities. Under this agreement, every approved sponsorship relationship must be documented in a Sponsorship Agreement approved by City Council or the City Manager.
- The Animal Care and Control (AC&C) Division within the Charlotte-Mecklenburg Police Department (CMPD) routinely receives offers from various private sector organizations to sponsor animal clinic days or adoption events.
- CMPD also receives sponsorships to help in the efforts of locating missing persons.
- Some of these opportunities are missed due to the timing required to fulfill the sponsorship approval process.
- To capitalize on these partnership opportunities, help locate missing persons, and save additional pets, a policy exception is being requested specifically for sponsorships of Missing Persons and AC&C events.
- Current Non-Exclusive provisions:
 - The Policy also states that most sponsorships must be non-exclusive, meaning that the city cannot commit to a single exclusive sponsor for a given service or program unless City Council determines that there are compelling reasons for exclusivity.
 - As written, the current policy requires each AC&C event and Missing Persons program that is sponsored by one company to be approved by City Council to be exclusive, even when one sponsor is providing funding for the entire day's event.

Proposed Changes

- Update the Policy language to allow AC&C service sponsorships for adoption and clinic events and Missing Persons sponsored programs to be exempt from the Policy's non-exclusive provision to allow for a single sponsor of select events on a given date(s).
- Include additional administrative and formatting updates consistent with current policy and practice.

Attachment(s)

Resolution

Sponsorship Policy - Blackline

[Sponsorship Policy Resolution](#)

[Citywide Sponsorship Policy - blackline](#)

BUSINESS

8. Grant for Alternatives to Violence Program Expansion

Action:

- A. Authorize the City Manager or his designee to accept a grant in the amount of \$1,000,000 from the United States Department of Justice to expand the implementation of the Alternatives to Violence Program in Charlotte, and**
- B. Adopt a budget ordinance appropriating \$1,000,000 from the United States Department of Justice in the Neighborhood Development Grants Fund.**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Federico Rios, Housing and Neighborhood Services

Explanation

- Each year the Charlotte-Mecklenburg Police Department (CMPD) applies for and receives the Edward Byrne Memorial Justice Assistance Grant (JAG Grant) from the United States Department of Justice to fund programs and expenses that support CMPD's approved operating budget.
- This year, Housing and Neighborhood Services also applied for and received a JAG Grant to fund the expansion of the Alternatives to Violence program, implemented along the Beatties Ford Road corridor in Council District 2 in August 2021, to new service sites.
- The new service sites will be selected in coordination with the city's technical assistance partner for the program, Cure Violence Global, with input from community partners and stakeholders.
- A Request for Proposal will be issued to identify an implementation partner for the new sites.
- The grant project period lasts from October 1, 2022, to March 31, 2024.

Background

- The city and Mecklenburg County have 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 Youth Advocate Programs, Inc. (YAP) was selected to implement the Cure Violence Global Violence Interruption Model along the Beatties Ford Road corridor.
- On February 22, 2021, City Council ratified an interlocal agreement between the city and Mecklenburg County in which Mecklenburg County provided a one-time payment of \$250,000 to the city to implement a violence interruption program.
- On August 9, 2021, City Council accepted a grant in the amount of \$1,200,000 from GreenLight Fund Charlotte to support the Alternatives to Violence program, which serves to fund the city's contract expense with YAP.

Fiscal Note

Funding: Neighborhood Development Grants Fund

Attachment(s)

Budget Ordinance

[ATV Program Expansion Budget Ordinance](#)

9. Naturally Occurring Affordable Housing Preservation and Rental Subsidy Support Request

Action:

- A. **Approve an \$8,000,000 allocation of funding from the Coronavirus State and Local Fiscal Recovery Fund provided by the American Rescue Plan Act of 2021 to Central NOAH, LLC, an affiliate of Ascent Real Estate Capital, LLC, for the acquisition and rehabilitation of Peppertree Apartments,**
- B. **Approve a Naturally Occurring Affordable Housing Rental Subsidy Program reimbursement request to allocate funds over a 20-year period for 44 new long-term rental subsidies at Peppertree Apartments for households earning 30 percent and below the area median income, and**
- C. **Authorize the City Manager to negotiate, execute, amend, and renew contracts as needed to complete these transactions, with**
 - **Central NOAH, LLC (Peppertree Apartments), and**
 - **Housing Collaborative (formerly Socialserve).**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services

Warren Wooten, Housing and Neighborhood Services

Explanation

- Central NOAH, LLC, an affiliate of Ascent Real Estate Capital (Owner), proposes to acquire and renovate Peppertree Apartments, including creating new long-term rental subsidies for 30 percent Area Median Income (AMI) households (currently \$28,250/family of four).
- Peppertree Apartments is a 292-unit existing multi-family naturally occurring affordable housing (NOAH) development on approximately 14.9 acres located at 4335 Central Avenue in Council District 5 (parcel identification numbers 101-173-41 and 101-173-44) (Property) and meets the city's NOAH criteria which include:
 - The property's age is greater than 15 years;
 - Rents are in the area median income (AMI) range that are at risk due to surrounding neighborhood dynamics;
 - The property can be rehabilitated to maintain a good quality of life for residents for the next 20 years or more;
 - The property is located in an area with close proximity to quality jobs, schools, and transportation infrastructure; and
 - The property is located in an area experiencing transformative change and property appreciation.
- The Owner is requesting the following city support for the development:
 - Acquisition and Rehabilitation
 - A funding allocation of \$8,000,000 for the acquisition and rehabilitation of the Property.
 - The total development budget is \$55,870,000, which amounts to a 1:6 leverage ratio of city financing. The city investment will be used towards acquisition costs, and includes a 20-year deed restriction for the preservation of the 292 units at the following AMI levels:
 - 88 units at 30 percent AMI,
 - 146 units at 31 percent to 60 percent AMI, and
 - 58 units at 61 percent to 80 percent AMI.
 - A third-party inspection has been performed on the property to determine the existing property conditions.
 - The proposed rehabilitation will consist of the following:

- Roof, window, and door improvements;
- HVAC, water heater, and appliance replacements;
- Cabinet and flooring replacements;
- Siding repair;
- Sidewalk, parking lot, and site work/drainage/water-sewer improvements.
- The Mecklenburg County Board of County Commissioners will consider financial support of the acquisition and rehabilitation in the amount of \$4,000,000 on September 20, 2022.
- Rental Subsidies
 - Of the 88 total units set aside for 30 percent AMI households, the Owner has agreed to specifically set aside 44 units for 30 percent AMI households that do not have existing vouchers or other forms of rental assistance for 20 years.
 - To create new, long-term rental subsidies for these 44 units, the city is being asked to commit to annual funding for the length of the property's 20-year deed restriction at an amount not to exceed the development's annual city property tax bill. The maximum amount of the reimbursement will be adjusted each year in correspondence with the actual amount of the current year's property taxes. In 2022, the development's city property tax bill is \$90,244.
 - The rental subsidies will pay the difference between what the resident household can afford (30 percent of their income) and the lesser of the property's asking rent or Fair Market Rent.
 - Funds will be provided to Housing Collaborative (formerly Socialserve), a local non-profit organization, who will identify eligible tenants and administer the rental subsidy on behalf of the city.
 - Additionally, pursuant to the NOAH Rental Subsidy Program Guidelines, the Owner has agreed to:
 - Allocate a minimum of 80 percent of all units to residents earning 80 percent AMI (currently \$75,350/family of four) and below, with the majority of units set aside for 60 percent AMI (currently \$56,520/family of four) and below, through a 20-year long-term deed restriction,
 - Distribute rental subsidies evenly across one-bedroom, two-bedroom, and three-bedroom units as applicable, and
 - Commit to housing new residents who qualify for the rental subsidy as units come available through natural turnover to avoid displacement.
 - The Mecklenburg County Board of County Commissioners will consider the Owner's request to provide rental subsidies for the county's portion of the property taxes for 20 years on September 20, 2022. The city's rental subsidy participation is contingent on county approval.

Background

American Rescue Plan Act (ARPA)

- 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, including eligible housing costs, obligated by December 31, 2024.

Naturally Occurring Affordable Housing Preservation

- In August 2018, Council adopted the Housing Charlotte Framework which recommends preserving NOAH properties and aligning local resources to support opportunities to use rental subsidies to support target populations, particularly in areas with strong pathways to opportunity. Rental subsidies reduce housing instability for low-income families, improve outcomes for children, and help to reduce poverty, homelessness, and other hardships.
- In March 2019, Council adopted Guidelines for Preserving Naturally Occurring Affordable Housing (guidelines). The goals of the guidelines include:

- Limiting displacement of current residents by preserving existing affordability;
 - Preserving quality affordable and workforce housing by increasing the number of available deed-restricted units and the physical structure of the units;
 - Providing low-interest loans so that high-performing for-profit and non-profit owner operators can purchase and/or upfit NOAH properties and preserve them as affordable;
 - Allowing existing owners to participate in return for deed restrictions and demonstrated management and maintenance history; and
 - Aligning guidelines with other city policies.
- On November 8, 2021, Council approved the Guidelines for the Naturally Occurring Affordable Housing Rental Subsidy Program to expand opportunities for low-income households to live in high-quality NOAH developments through the creation of new long-term rental subsidies.
 - On August 22, 2022, Council received a presentation on the Peppertree NOAH preservation and rental subsidy support request.

Fiscal Note

Funding: American Rescue Plan Act Funds and General Capital Investment Plan

Attachment(s)

Map

August 22, 2022 Presentation

[NOAH Location Map Peppertree Apts](#)

[NOAH Peppertree August 22 2022 Presentation](#)

10. CATS and Centralina Regional Council Interlocal Agreement Amendment

Action:

- A. **Adopt a resolution amending the Charlotte Area Transit System and Centralina Regional Council interlocal agreement for additional CONNECT Beyond operational planning and coordination services, and**
- B. **Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

John Lewis, CATS

Jason Lawrence, CATS

Debbie Smith, Transportation

Explanation

- On October 28, 2019, City Council adopted a resolution ratifying an interlocal agreement between the Charlotte Area Transit System (CATS) and the Centralina Council of Governments, now known as the Centralina Regional Council (Centralina), to engage regional stakeholders and procure, manage, and administer a consultant contract for the development of a regional transit plan, CONNECT Beyond.
- In October 2021, the Metropolitan Transit Commission endorsed the CONNECT Beyond recommendations and adopted a regional work plan to:
 - Provide technical support to neighboring counties and municipalities in the development of high-capacity transit corridors that will connect or serve CATS' existing and future facilities, services, and assets,
 - Participate in a Regional Fare Study and Regional Transportation Demand Management Study,
 - Partner with North Carolina Department of Transportation (NCDOT) and neighboring counties and municipalities in the development of future passenger rail to the Charlotte Gateway Station, and
 - Continue the partnership with the Centralina to advance the CONNECT Beyond Study recommendations of the Five Mobility Moves.
- Centralina, in collaboration with CATS, Charlotte Regional Transportation Planning Organization, Charlotte Department of Transportation, and NCDOT, have assembled funding to advance the CONNECT Beyond plan.
- Fiscal year (FY) 2023 agreement expenditures are estimated to be \$699,859, with a not to exceed amount of \$2,500,000 over the FY 2023-2025 term.
- Given Centralina's multi-county regional role, they are the appropriate agency to procure, manage, and administer the consultant contract and engage regional stakeholders.
- To advance the CONNECT Beyond Plan, Centralina, in coordination with a consultant team and regional stakeholders, will:
 - Advance operational planning and coordination between transit providers in the 12-county CONNECT Beyond Region,
 - Partner with Regional Planning stakeholders to advance activities related to land use and transit integration, mobility hub development, transit education, and equity components,
 - Develop a Regional Transportation Demand Management plan,
 - Convene a regional committee of elected officials and stakeholders to provide direction of key activities related to regional coordination on funding and partnership strategies as well as critical guidance on project deliverables, and
 - Perform general project management duties such as project reporting, communications, consultant procurement, and on-going consultant oversight.

Disadvantaged Business Enterprise (DBE)

Pursuant to the Department of Transportation DBE Program, subpart C, no DBE utilization goal was set for this solicitation due to limited subcontracting opportunities.

Fiscal Note

Funding: CATS Operating Budget and General Capital Investment Plan

Attachment(s)

Resolution

[2022 Centralina Amendment Resolution](#)

11. CATS Shuttle Bus Service Agreement

Action:

- A. **Adopt a resolution ratifying an interlocal agreement with Mecklenburg County to provide shuttle service to the public swimming beach at Ramsey Creek Park, and**
- B. **Authorize the City Manager to renew the agreement for up to two, one-year terms and to amend the agreement consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

John Lewis, CATS
Jason Lawrence, CATS
Pamela White, CATS

Explanation

- On May 28, 2016, Mecklenburg County Parks and Recreation opened its first public swimming beach since the 1970s. The swimming beach is located in Ramsey Creek Park in Cornelius.
- To mitigate neighborhood traffic issues, Mecklenburg County approached CATS to provide a fare-free shuttle service. Mecklenburg County agreed to fund 100 percent of the operating costs.
- As the area has recovered from the pandemic, the current shuttle service recorded Memorial Day weekend ridership at over 2,100 riders.
- CATS seeks to enter into an interlocal agreement with Mecklenburg County to provide the shuttle service for the for the season this year. The interlocal agreement also includes up to two annual renewals for service.
- The shuttle will operate starting Memorial Day weekend and continue to operate every 15 minutes (between 11:00 a.m. and 7:00 p.m.) on weekends and holidays up to and including Labor Day, which will be the last day that the shuttle service will run each year.
- Buses will pick-up riders from the CATS Cornelius Park and Ride and drop-off near the swimming beach in Ramsey Creek Park.
- The seasonal operating cost for service is \$14,703.

Charlotte Business INclusion

This is an interlocal agreement and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion policy)

Fiscal Note

Funding: Revenue will be deposited into CATS Operating Budget

Attachment(s)

Resolution

[Ramsey Creek Shuttle - Mecklenburg - Resolution](#)

12. Exchange of Land Rights along the LYNX Light Rail Corridor with Charlotte Hawkins, LLC

Action:

- A. **Adopt a resolution authorizing an exchange of land rights between the City of Charlotte and Charlotte Hawkins, LLC, or its successors and assigns, involving parcel identification number 121-031-13, and**

- B. **Authorize the City Manager to execute all necessary documents to complete the exchange of land rights between the City of Charlotte and Charlotte Hawkins, LLC, or its successors and assigns.**

Staff Resource(s):

John Lewis, CATS

John Howard, CATS

Explanation

- Charlotte Hawkins, LLC ("Property Owner") proposes to build a mixed-use residential development ("Development") in South End near the intersection of Rampart Street and Hawkins Street, between the LYNX East/West Station and the LYNX New Bern Station in Council District 3.
- In order to construct the Development, the Property Owner requires use of some of the city's excess LYNX right-of-way. The city's ownership of the LYNX right-of-way between Scaleybark and Uptown is a "charter" right-of-way that the city originally purchased from Norfolk Southern Railroad.
- The city's right-of-way is approximately 130 feet wide, which is wider than necessary for the city's use and development of the LYNX Blue Line and Rail Trail. Therefore, per the city's administrative policy, the city generally retains approximately 70 feet in width while allowing the excess right-of-way of approximately 30 feet on either side to be used by the adjacent Property Owner in order to facilitate transit supportive redevelopment.
- The Property Owner will exchange property rights with the city for full and fair consideration as required by law. Fair consideration can be any combination of cash, real, or personal property and other benefits.
- The details of the exchange include:
 - The Property Owner will convey approximately 8,862 square feet of that portion of the rail corridor used by LYNX and the Rail Trail to the city.
 - As part of the transaction, landscaping and other aesthetic enhancements will be installed by the Property Owner as outlined in a land exchange agreement.
 - To bring this transaction to the standard of full and fair consideration, as required by North Carolina law, the Property Owner must also remit to the city \$215,853.
 - The property, improvements, maintenance obligations, and remittance have a total combined value of approximately \$753,622.
 - The city will release approximately 4,635 square feet of excess right-of-way, valued at approximately \$374,508.00, to the Property Owner.
 - Additionally, the city will grant the Property Owner an air rights easement and a no-build easement over a portion of the Right-of-Way valued at approximately \$379,113.
- The city will execute a Land Exchange Agreement, and other supporting documents, with the Property Owner that permit the Property Owner to construct and maintain certain city improvements as described above and allows for the construction of the Development.

Fiscal Note

Funding: Proceeds from the exchange will be deposited in the CATS Capital Investment Plan

Attachment(s)

Map

Resolution

[2161 Hawkins St. Map](#)

[2161 Hawkins.Council.Resolution](#)

13. Regional Express Bus Service Agreement - Rock Hill

Action:

- A. Adopt a resolution ratifying the Interlocal Regional Express Bus Service Agreement with the City of Charlotte and the City of Rock Hill to operate express bus service, and**
- B. Authorize the City Manager to renew the agreement for up to four, one-year terms and to amend the agreement consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

John Lewis, CATS

Jason Lawrence, CATS

Pamela White, CATS

Explanation

- As part of the Metropolitan Transit Commission's (MTC) adopted financial policies, the City of Rock Hill, SC reimburses the City of Charlotte for 50 percent of the net operating expenses, including overhead, for the Charlotte Area Transit System's (CATS) regional express bus service between Rock Hill and Uptown Charlotte.
- This service reduces single-occupancy vehicles on roadways, which helps with congestion and air quality initiatives across the region.
- CATS operates express and shuttle bus services to the City of Rock Hill. The current agreement for these services expired in June of 2022.
 - On April 24, 2017, City Council approved an interlocal agreement with the City of Rock Hill for up to five years (one-year original term plus four annual renewals).
 - The agreement was renewed annually for the entire five years.
- The Rock Hill Express ridership rebounded in Fiscal Year 2022 to 6,588 passengers, which is nearly 121 percent over the Fiscal Year 2021 ridership.
- The total operating expense for Fiscal Year 2023 is estimated to be \$117,713.

Charlotte Business INclusion

This is an interlocal agreement and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

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

Attachment(s)

Resolution

[Rock Hill Express - Resolution](#)

14. World Link Wireless, Inc. Lease at the Charlotte Transportation Center

Action:

- A. Adopt a resolution approving a five-year lease agreement with World Link Wireless, Inc. for operation of a mobile phone retail store at the Charlotte Transportation Center, and**
- B. Authorize the City Manager or his designee to execute all necessary agreements and other documents to complete this transaction.**

Staff Resource(s):

John Lewis, CATS

Allen C. Smith III, CATS

Explanation

- The city uses the Charlotte Transportation Center (CTC), located in Council District 1, as the main terminal and transfer point for Charlotte's public transit system.
- The leasable spaces within the CTC provide opportunities for retail and business firms to offer goods and services to customers using the Charlotte Area Transit System.
- World Link Wireless, Inc. would like to lease retail space at the CTC to operate its Boost Mobile, mobile phone store.
- The terms of the lease renewal agreement are as follows:
 - Approximately 316 square feet of retail space in Suite A110 located in the CTC;
 - A five-year term;
 - Rent in the amount of \$2,640 per month (\$31,680 per year) for year one, escalating at a rate of three 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: Revenues from the lease will be deposited in the CATS Operating Budget.

Attachment(s)

Resolution

[Resolution - World Link Wireless, Inc.](#)

15. Rhyne Road Water Main Extension

Action:

- A. Approve a developer agreement with US Alliance Rhyne Venture, LLC for water main construction as part of the Rhyne Road Water Main Extension project,**
- B. Authorize the City Manager to amend the agreement consistent for the purpose for which the agreement was made, and**
- C. Adopt a budget ordinance appropriating \$949,867 from US Alliance Rhyne Venture, LLC for a portion of the Rhyne Road Water Main Extension project in the Charlotte Water Capital Projects Fund.**

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Keri Cantrell, Charlotte Water

Explanation

- The Rhyne Road Water Main Extension project extends approximately 300-feet of 16-inch water main tunneled underneath two commercial rail lines on Mount Holly Road to the existing 12-inch water main located on Rhyne Road (Council District 3). The project will increase flow capacity, improve water quality, and add redundancy to the city's water supply network.
- Private developer agreements and appropriations are needed when a developer is required to make infrastructure improvements that will be constructed by Charlotte Water.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$949,867 in private developer funding contributes fifty percent of the total estimated cost of construction.
- Charlotte Water will construct and maintain the water main as part of the public water distribution system.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Private Developer Contributions

Attachment(s)

Budget Ordinance
Map

[Rhyne Road Ordinance](#)

[Map-Rhyne Road Water Main Extension](#)

16. Nominations to the Alternative Compliance Review Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a community representative for a partial term beginning upon appointment and ending June 30, 2023.
 - Michael Bridges has resigned.

Attachment(s)

Alternative Compliance Review Committee Applications

17. Nominations to the Arts and Science Council Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for an at-large Central district representative for a partial term beginning upon appointment and ending July 30, 2024. (Nomination by any Council member)
 - Michael Daly did not meet attendance requirements.
- One appointment for an at-large North/West district representative for a partial term beginning upon appointment and ending July 30, 2024. (Nomination by any Council member)
 - Aisha Dew has served two terms and is ineligible for reappointment.
- One appointment for an at-large South/East district representative for a partial term beginning upon appointment and ending July 30, 2024. (Nomination by any Council member)
 - Tangela Faulk did not meet attendance requirements.
- One appointment for a District 1 representative for a partial term beginning upon appointment and ending July 30, 2024. (Nomination by Council member Anderson)
 - Michael Haithcock has served two terms and ineligible for reappointment.
- One appointment for a District 4 representative for a partial term beginning upon appointment and ending July 30, 2024. (Nomination by Council member Johnson)
 - Oneaka Mack Saba did not meet attendance requirements.
- One appointment for a District 5 representative for a partial term beginning upon appointment and ending July 30, 2024. (Nomination by Council member Molina)
 - Amy Harris has served two terms and ineligible for reappointment.

Attachment(s)

Arts and Science Council Advisory Committee Applications

18. Nominations to the Bicycle Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending December 31, 2024.
 - Liza Pratt has resigned.

Attachment(s)

Bicycle Advisory Committee Applications

19. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term recommended by the Certified SBE-Hispanic Contractors Association beginning upon appointment and ending April 28, 2023 followed by a three-year term beginning April 29, 2023, and ending April 28, 2026.
 - Domenico Santilli is eligible but not interested in reappointment.
- One appointment for a partial term recommended by the Charlotte Regional Business Alliance beginning upon appointment and ending April 28, 2024.
 - McClean Godley has resigned.
- One appointment for a three-year term recommended by the Charlotte Regional Business Alliance beginning April 29, 2022, and ending April 28, 2025.
 - Tonia Woodbury did not meet attendance requirements and is ineligible for reappointment.

Attachment(s)

Business Advisory Committee Applications

20. Nominations to the Charlotte Business INClusion Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a two-year term recommended by the Hispanic Contactors Association of the Carolinas beginning March 1, 2022, and ending February 28, 2024.
 - Sandra Velez did not meet attendance requirements and is ineligible for reappointment.
- One appointment for a partial term recommended by the Latin American Chamber of Commerce beginning upon appointment and ending February 28, 2024.
 - Griselda Bailey has resigned.

Attachment(s)

Charlotte Business INClusion Advisory Committee Applications

21. Nominations to the Charlotte Equitable Development Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending August 31, 2024.
 - Ismaail Qaiyim did not meet attendance requirements.

Attachment(s)

Charlotte Equitable Development Commission Applications

22. Nominations to the Charlotte International Cabinet

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for an Airport category representative for a partial term beginning upon appointment and ending June 30, 2024.

Attachment(s)

Charlotte International Cabinet Applications

23. Nominations to the Citizens Review Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning August 1, 2022, and ending July 31, 2025.
 - Samuel Smith is eligible and interested in reappointment.

Attachment(s)

Citizens Review Board Applications

24. Nominations to the Domestic Violence Advisory Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning September 22, 2022, and ending September 21, 2025.
 - Emon Northe is eligible and interested in reappointment.

Attachment(s)

Domestic Violence Advisory Board Applications

25. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Business Operator of Dilworth representative for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Jessica Hindman has served two terms and is ineligible for reappointment.
- One appointment for a partial term for a Resident Owner of Hermitage Court beginning upon appointment and ending June 30, 2024.
 - James Jordan has resigned.

Attachment(s)

Historic District Commission Applications

26. Nominations to the Keep Charlotte Beautiful Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending June 30, 2025.
 - Liz Koerschgen has resigned.
- One appointment for a partial term beginning upon appointment and ending June 30, 2023.
 - Susan Tompkins did not meet attendance requirements.

Attachment(s)

Keep Charlotte Beautiful Committee Applications

27. Nominations to the Mint Museum Board of Trustees

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning August 1, 2022, and ending July 31, 2025.
 - Roxanne Trenkelbach is eligible and interested in reappointment.

Attachment(s)

Mint Museum Board of Trustees Applications

28. Nominations to the Neighborhood Matching Grants Fund

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a neighborhood representative from within program boundaries for a partial term beginning upon appointment and ending April 15, 2024.
 - Michael Young has resigned.

Attachment(s)

Neighborhood Matching Grants Fund Applications

29. Nominations to the Passenger Vehicle for Hire Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a hospitality / tourism industry category representative for a three-year term beginning July 1, 2021 and ending June 30, 2024.
 - Sheila Etheridge-Boddie has served two terms and is ineligible for reappointment.

Attachment(s)

Passenger Vehicle for Hire Board Applications

30. Nominations to the Planning Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment recommended by the Board of Education for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Sam Spencer has served two terms and is ineligible for reappointment.

Attachment(s)

Planning Commission Applications

31. Nominations to the Privatization / Competition Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for two-year terms beginning March 2, 2022, and ending March 1, 2024.
 - Eric Cohen has served two terms and is ineligible for reappointment.
 - George White is eligible but not interested in reappointment.

Attachment(s)

Privatization / Competition Advisory Committee Applications

32. Nominations to the Storm Water Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a general contractor category representative for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Bill Cornett has served two terms and is ineligible for reappointment.

Attachment(s)

Storm Water Advisory Committee Applications

33. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a vanpool rider category representative for a three-year term beginning February 1, 2022, and ending January 31, 2025.
 - Parker Cains has resigned.

Attachment(s)

Transit Services Advisory Committee Applications

34. Nominations to the Zoning Board of Adjustment

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for an alternate board member for a partial term beginning upon appointment and ending January 31, 2024.
 - Raghunadha Kotha did not meet attendance requirements.

Attachment(s)

Zoning Board of Adjustment Applications

CONSENT

35. Construct Arrowood Road Intelligent Transportation System

Action:

Approve a contract in the amount of \$719,774.75 to the lowest responsive bidder Whiting Construction Company, Inc. for the Arrowood Road Intelligent Transportation System project.

Staff Resource(s):

Debbie Smith, Transportation
David Smith, Transportation
Ashley Boenisch, Transportation

Explanation

- An Intelligent Transportation System (ITS) provides communication channels between vehicles and infrastructure, such as traffic signals. This connectivity supports current and future initiatives by using technology to improve safety and maximize the capacity of existing roadway infrastructure, as described in the “Innovative” policy of the Strategic Mobility Plan.
- This ITS project supports the ITS Master Plan by extending communications along Arrowood Road from South Tryon Street to South Boulevard in Council District 3. The project includes:
 - Installation of approximately 3.2 miles of fiber optic cable,
 - Connections to nine existing traffic signals, and
 - Installation of 11 traffic management cameras.
- On June 30, 2022, the city issued an Invitation to Bid (ITB); 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 August 2, 2022, the ITB was re-issued; one bid was received.
- Whiting Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- Total construction cost is \$719,774.75 and is composed of:
 - 484,752 in Federal funds through the Congestion Mitigation and Air Quality Grant, and
 - \$235,022.75 in city General Capital Investment Plan funds.
- The project is anticipated to be complete by the third quarter of 2023.

Disadvantaged Business Enterprise

Pursuant to the Department of Transportation DBE Program, subpart C, no DBE utilization goal was set for this solicitation due to limited subcontracting opportunities.

Fiscal Note

Funding: General Capital Investment Plan and Congestion Mitigation and Air Quality Grant

36. Public Auction for Disposal of Surplus Equipment

Action:

- A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus,**
- B. Authorize said items for sale by public auction on September 17, 2022, and**
- C. Authorize the City Manager to approve certain administrative and storage fees as may be required from time to time for auction events.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- General Services provides asset recovery and disposal services to city departments, Mecklenburg County, Emergency Management Services, and INLIVIAN.
- Periodic auctions of surplus items are regularly conducted at the City's Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard, Charlotte, North Carolina, in Council District 3.
- Pursuant to NC General Statute Section 160A-270(b), approval is requested for a public auction to be held on September 17, 2022, at 9:00 a.m. to dispose of city-owned property declared as surplus.
- The auction will be virtual with a live simulcast and electronic bidding.
- The auction company will be compensated 8.5 percent of the total gross sale price of rolling stock and miscellaneous items.
- Proceeds from the auction are distributed to the city's General Fund and Enterprise Funds (Including but not limited to Aviation, Charlotte Water, and Charlotte Area Transit System), and other agencies based on asset ownership.

Attachment(s):

Property List

Delegation of Authority

Resolution

Virtual auction information

[Rolling Stock auction \(Exhibit - A\)](#)

[Rolling stock auction - Delegation of Authority](#)

[Rolling stock auction - Resolution](#)

[Virtual Rolling Stock Auction](#)

37. Rain and Stream Gauges Maintenance Agreement

Action:

- A. Approve a five-year agreement with the United State Geological Survey for an amount up to \$2,254,100 for maintenance of storm water rain and stream gauges, and**
- B. Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Samantha Willis, Storm Water Services

Explanation

- The funding from this agreement is used to maintain the rain and stream gauge system in the City of Charlotte stream network.
- Since 1961, the City of Charlotte has worked with the United State Geological Survey (USGS) to gather rainfall and stream flow information through a cost-sharing program. The previous agreement was for a five-year period and approved by City Council on November 13, 2017.
- The rain and stream gauge system for the City of Charlotte is part of a nationwide network that measures quantity and quality of surface water resources.
 - A rain gauge electronically collects and transmits the amount of rain at the location the gauge is stationed. The gauge transmits rainfall amounts to the USGS office for compilation.
 - A stream gauge electronically collects and transmits information about the water within streams and lakes. The gauge collects and transmits elevation, temperature, and flow information to the USGS office for compilation.
 - There are 29 stream gauge stations and 38 rain gauge stations in the City of Charlotte stream network.
- Data from the gauge system is used to:
 - Determine flood-prone areas,
 - Review rain event impacts,
 - Determine long-term trends,
 - Aid in surface water quality investigations,
 - Assist in drainage infrastructure design, and
 - Notify emergency personnel of potential threats to life and property.
- The agreement with USGS is for a five-year period. The total five-year cost is \$3,597,800. The city's share payable to USGS on 29 stream gauges and 38 rain gauges is \$2,254,100, with USGS funding the remaining \$1,343,700.
- Mecklenburg County has a separate annual agreement with USGS and shares the cost on 24 stream gauges and 36 rain gauges.

Charlotte Business INclusion

Contracts with other units of federal or state government are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Storm Water Operating Fund

38. Construction Administration and Inspection Services

Action:

- A. Approve unit price contracts with the following companies for construction administration and inspection services for an initial term of two years:**
- **Black & Veatch International Company,**
 - **DiCon Consulting, PC (SBE),**
 - **Gavel & Dorn Engineering, PLLC (SBE),**
 - **HDR, Inc., and**
- B. Authorize the City Manager to renew the contracts for up to two, two-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

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- These contracts will provide construction administration and inspection services to ensure projects meet construction plans and specification requirements.
- On May 26, 2022, the city issued a Request for Qualifications (RFQ); nine proposals were received.
- The companies selected were determined to be 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.
- Annual aggregate expenditures are estimated to be \$2,000,000.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). A 10.00% MSBE subcontracting goal in aggregate has been committed. The companies have identified the following certified firms to be utilized as the project evolves:

Black & Veatch International Company

- Capstone Civil Engineering Group, Inc. (MBE, SBE) (geotechnical, materials testing, inspection, and blast monitoring)
- Gavel & Dorn Engineering, PLLC (SBE) (geotechnical, materials testing, inspection)
- Southeastern Consulting Engineers, Inc. (SBE) (electrical engineering)
- Stewart Engineering, Inc. (MBE) (surveying)
- Tidemark Land Services, Inc. (SBE) (surveying and SUE)
- TKG, PLLC (SBE, WBE) (document control)

DiCon Consulting, PC (SBE)

- Tidemark Land Services, Inc. (SBE) (surveying)

Gavel & Dorn Engineering, PLLC (SBE)

- Landtec Surveying, Inc. (SBE) (surveying)
- On-Spec Engineering, PC (SBE) (construction material testing, laboratory services)

HDR, Inc.

- Froehling & Robertson, Inc. (MBE) (engineering support services)
- Gavel & Dorn Engineering, PLLC (SBE) (engineering support services)
- Stewart Engineering, Inc. (MBE) (engineering support services)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

39. Conveyor Belt Replacement Parts**Action:**

- A. Approve the purchase of conveyor belt replacement parts by the sole source exemption,**
- B. Approve a contract with Serpentix Conveyor Corp. for the purchase of conveyor belt replacement parts, and**
- C. 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

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 a needed product is available from only one source.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- This contract will provide replacement parts for the repair and rehabilitation of existing conveyor belts at the Mallard Creek Wastewater Treatment Plant (Council District 4).
- The conveyor belts were previously installed within the plant through competitively bid construction projects. Compatible parts are only available from the manufacturer, Serpentix Conveyor Corp.
- Estimated cost of the replacement parts is \$117,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

40. Stowe Regional Water Resource Recovery Facility Construction Phase 2

Action:

Approve a guaranteed maximum price of \$11,511,620 to Crowder/Garney JV for Design-Build construction services for the Stowe Regional Water Resource Recovery Facility project.

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Ron Hargrove, Charlotte Water

Explanation

- Crowder/Garney JV has developed a guaranteed maximum price (GMP) for preliminary sitework, primary clarifiers, and instrumentation and controls that will be used during the construction of the Stowe Regional Water Resource Recovery Facility (SRWRRF) project (adjacent to Council Districts 2 and 3).
- The SRWRRF will treat flows from the existing Long Creek basin and flows from the cities of Mount Holly and Belmont.
- On April 27, 2020, and January 25, 2021, City Council approved contracts totaling \$31,416,107 with Crowder/Garney JV for Design-Build design services.
- On February 14, 2022, and May 31, 2022, City Council approved GMPs totaling \$50,757,414 with Crowder/Garney JV for the procurement of equipment and preliminary site work.
- City Council will receive future requests for the approval of additional construction. The SRWRRF is estimated to be in operation by second quarter 2026.

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 2.4 of the Charlotte Business INclusion Policy). Crowder/Garney JV has committed \$635,437 or approximately 5.52% with the following certified firms:

- Kingdom Trucking LLC (MBE, SBE) (\$261,220) (purchasing and trucking of aggregates)
- Collins Reinforcing, Inc. (WBE) (\$162,750) (rebar installation)
- HG Global Services, Inc. (SBE) (\$86,165) (primary clarifiers metals)
- Lil Associates II, Inc. (MBE, SBE) (\$75,000) (charlotte business inclusion participation consultant)
- Pedulla Trucking Excavating & Paving, Inc. (WBE) (\$34,302) (primary clarifiers excavation)
- The Survey Company, Inc. (SBE) (\$16,000) (land surveyor and global positioning system services)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Stowe Regional Water Resource Recovery Facility Construction Phase 2](#)

41. Enterprise Resource Planning Consulting and Project Management Services

Action:

- A. Authorize the City Manager to negotiate and execute a contract with DeannaMichel Inc. to provide consulting, program, and project management services to the city's implementation plan of an Enterprise Resource Planning solution for a term of four years, and**
- B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Reenie Askew, City Manager's Office
Markell Storay, Innovation & Technology

Explanation

- The city is currently in the process of procuring a new Enterprise Resource Planning ("ERP") System to support finance, human resources, budget, procurement, and project and grant cost accounting requirements across the city.
- The current systems in place are nearing the end of their useful life and are unable to meet all of the city's current needs.
- DeannaMichel Inc. (DMI) will provide professional consulting services through the life of the project to include project governance, budget planning and management, a communications plan, and management for the implementation project, risk management, and portfolio planning.
- 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 DMI's ability to best meet the city's needs in terms of qualifications, cost, and extensive experience specific to the project needs.
- Annual expenditures are estimated to be \$549,000.

Charlotte Business INCLUSION

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

Fiscal Note

Funding: General Capital Investment Plan

PROPERTY TRANSACTIONS

42. In Rem Remedy 5325 Elcar Drive

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: 5325 Elcar Drive, Unincorporated Mecklenburg County

Action:

Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5325 Elcar Drive Neighborhood Profile Area 83.

Attachment(s)

In Rem Packet for 5325 Elcar Drive

[5325 Elcar Dr](#)

43. Charlotte Water Property Transactions - North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (W.T. Harris-Plott Road Water Transmission), Parcel # 67

Action: Approve the following Condemnation: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (W.T. Harris-Plott Road Water Transmission), Parcel # 67

Project: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (W.T. Harris-Plott Road Water Transmission), Parcel #67

Owner(s): DKS Properties, LLC

Property Address: 7115 East W.T. Harris Boulevard

Total Parcel Area: 60,308 sq. ft. (1.38 ac.)

Property to be acquired by Easements: 8,366 sq. ft. (0.19 ac.) in Permanent Utility Easement, plus 5,297 sq. ft. (0.12 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Signage, exterior lighting, temporary parking loss/drive through

Landscaping to be impacted: Mature trees and shrubs

Zoned: B-1(CD)

Use: Commercial

Tax Code: 109-011-13

<https://polaris3g.mecklenburgcountync.gov/#mat=349439&pid=10901113&qsid=10901113>

Appraised Value: \$102,700

Property Owner's Concerns: None

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

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

Council District: 5

44. Property Transactions - Monroe at Ashmore Pedestrian Beacon, Parcel # 1

Action: Approve the following Condemnation: Monroe at Ashmore pedestrian Beacon, Parcel # 1

Project: Monroe at Ashmore Pedestrian Beacon, Parcel # 1

Program: Monroe at Ashmore Pedestrian Beacon

Owner(s): 5820 Green CLT, Inc

Property Address: 5820 and 5822 Monroe Road

Total Parcel Area: 55,045 sq. ft. (1.26 ac.)

Property to be acquired by Easements: 95 sq. ft. (0.002 ac.) Bus Stop Improvement Easement, 37 sq. ft. (0.001 ac.) Sidewalk Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: O-1

Use: Office District

Tax Code: 163-051-22

<https://polaris3g.mecklenburgcountync.gov/#mat=576691&pid=16305122&qisid=16305122>

Appraised Value: \$23,450

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 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: 5

45. Property Transactions - Monroe at Ashmore Pedestrian Beacon, Parcel # 3

Action: Approve the following Condemnation: Monroe at Ashmore pedestrian Beacon, Parcel # 3

Project: Monroe at Ashmore Pedestrian Beacon, Parcel # 3

Program: Monroe at Ashmore Pedestrian Beacon

Owner(s): James M Cullen

Property Address: 701 Ashmore Drive

Total Parcel Area: 19,798 sq. ft. (0.45 ac.)

Property to be acquired by Easements: 400 sq. ft. (0.009 ac.) Bus Stop Improvement Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 163-031-15

<https://polaris3g.mecklenburgcountync.gov/#mat=180287&pid=16303115&qsid=16303115>

Appraised Value: \$2,525

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: 5

46. Property Transactions - South End Rail Trail/I-277 Pedestrian Bridge, Parcel # 1

Action: Approve the following Condemnation: South End Rail Trail/I-277 Pedestrian Bridge, Parcel # 1

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

Project: South End Rail Trail/I-277 Pedestrian Bridge, Parcel # 1

Program: South End Rail Trail/I-277 Pedestrian Bridge

Owner(s): CSHV 615 College, LLC

Property Address: 615 South College Street

Total Parcel Area: 85,307 sq. ft. (1.96 ac.)

Property to be acquired by Easements: 1,177 sq. ft. (0.027 ac.) Sidewalk Utility Easement, 3,344 sq. ft. (0.077 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: UMUD-O

Use: Uptown Mixed Use

Tax Code: 125-125-06

<https://polaris3g.mecklenburgcountync.gov/#mat=655954&pid=12512506&qisid=12512506>

Appraised Value: \$334,525

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 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

Adjournment

REFERENCES

47. 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.

48. 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.

49. 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.