

City of Charlotte

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



Meeting Agenda

Monday, April 24, 2023

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 GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM ROOM 267

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.

[2023-04-24 Council Agenda QA](#)

2. Consent agenda items 18 through 32 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Time: 5 minutes

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.

3. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

4. Action Review Items

Strategic Energy Action Plan Update

Staff Resource(s):

Sarah Hazel, General Services

Time: Presentation - 10 minutes; Discussion - 25 minutes

Explanation

- Receive an update on the Strategic Energy Action Plan.

Planning Update

Staff Resource(s):

Alyson Craig, Planning, Design & Development

Alysia Osborne, Planning, Design & Development

Time: Presentation - 15 minutes; Discussion - 30 minutes

Explanation

- Receive updates on Community Area Planning, UDO Text Amendments, and Rezoning Process Enhancements.

[Action Review 4.1 - SEAP Update](#)

[Action Review 4.2 - Planning Update](#)

5. 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

PUBLIC FORUM

6. Public Forum

AWARDS AND RECOGNITIONS

7. Fair Housing Month Proclamation

Action:

Mayor Lyles will read a proclamation recognizing April 2023 as Fair Housing Month.

8. Year of the Trail Proclamation

Action:

Mayor Lyles will read a proclamation recognizing 2023 as The Year of the Trail.

PUBLIC HEARING

9. Public Hearing and Decision on Mt. Holly Riverside Area Voluntary Annexation

Action:

- A. Conduct a public hearing for Mt. Holly Riverside Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of April 24, 2023, to extend the corporate limits to include this property and assign it to the adjacent City Council District 2.

Staff Resource(s):

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

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 100.55-acre property located along the north side of Mount Holly Road in western Mecklenburg County.
- The property is owned by Revenue Park Investments North, LLC.
- The site is currently vacant aside from an existing regional lift station that will stay in place and in use as future development occurs. The area is zoned MX-2, which allows for residential mixed-use development.
- The petitioned area consists of one parcel; parcel identification number: 031-441-01.
- The property is located within Charlotte's extraterritorial jurisdiction and does not share boundaries with current city limits.
- The intent of the annexation is to extend municipal services for a site that is entitled to develop up to 258 single family attached units, 159 single family detached units, and 336 multi-family units.

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:
 - Will not adversely affect the city's ability to undertake future annexations;
 - Will not have undue negative impact on city finances or services; and
 - Will not result in a situation where unincorporated areas will be encompassed by new city limits.

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Mt. Holly Riverside Area Annexation Map](#)

[Mt. Holly Riverside Area Annexation Survey \(8.5X11\)](#)

[Mt. Holly Riverside Area Annexation Ordinance](#)

POLICY

10. City Manager's Report

[04.24.2023 City Manager's Memo](#)

[City Managers Report - Aviation Budget Outlook](#)

BUSINESS

11. Affordable Housing Development Fee Reimbursement Pilot Program

Action:

Approve the recommendation from Housing, Safety & Community Committee for an Affordable Housing Development Fee Reimbursement Pilot Program with up to \$1,500,000 from the Coronavirus State and Local Fiscal Recovery Fund.

Committee Chair:

Victoria Watlington, Housing, Safety & Community Committee

Staff Resource(s):

Shawn Heath, Housing & Neighborhood Services

Alyson Craig, Planning, Design & Development

Explanation

- The Affordable Housing Development Fee Reimbursement Pilot Program (pilot program) will provide grants to developers to reimburse eligible land development and infrastructure fees for qualifying development projects that incorporate affordable housing units.
- The goal of the pilot program is to support the production of affordable housing development throughout the city and incentivize the inclusion of affordable units in market-rate developments.
- Baseline qualifications for the pilot program include:
 - Development may be rental or for-sale new construction, acquisition, or rehabilitation projects.
 - 20 percent of the housing units in the development must be affordable to households at 60 percent of the Area Median Income (AMI) or below.
 - Development must have a minimum of 25 housing units, of which a minimum of five units must be affordable to households at 60 percent AMI or below.
 - Developer must commit to an affordability period of 30 years.
 - Development cannot receive other city financial support for affordable housing (e.g., Housing Trust Fund, HOME, CDBG, etc.).
- The percentage of development fees reimbursed is based on tiered qualifications as follows:
 - 50 percent reimbursement of eligible development fees:
Projects that meet baseline qualifications and receive non-city public financial investment (e.g., low-income housing tax credits, NC Housing Finance Agency (NCHFA) housing bond allocations, and NCHFA HOME funds).
 - 75 percent reimbursement of eligible development fees:
Projects that meet baseline qualifications and receive no other public financial investment.
 - 100 percent reimbursement of eligible development fees:
Projects that meet baseline qualifications, receive no other public financial investment, and prioritize units for voucher/subsidy holders and establish partnerships that promote upward mobility for residents.
- Fees eligible for reimbursement include standard land development and infrastructure fees including Plan Review Fees, Grading Review and Inspection, Tree Ordinance Review and Inspection, Detention Review and Inspection, Rezoning Fees, Tree Mitigation Fees, Water and Wastewater Service Connection, Water and Wastewater System Development Fees, Waste Permit Fees, and Project Initiation, Review & Inspection Fees.
- Fees not eligible for reimbursement include fees related to revisions to approved plans, reinspection and resubmittal fees, fees charged by non-city entities (e.g., Mecklenburg County building permit fees), fees associated with appeals and variances, and fees for enhanced or expedited review.
- In addition to fee reimbursement, qualifying projects will also be eligible for the affordable housing development allowances in the Unified Development Ordinance where applicable, including allowances for heritage tree mitigation and sidewalk cost reimbursement.
- Staff estimate that three to four projects could participate in the pilot program at the proposed

funding level of \$1.5 million.

- The pilot program will be evaluated after one year or at time of full allocation of pilot funding, whichever is earlier.

Background

- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends leveraging tools to support and incentivize the development of affordable housing.
- 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. Charlotte was one of almost 1,000 cities across the nation that received these funds.

Committee Discussion

- On June 6, 2022, a policy item was referred to the Housing, Safety & Community Committee to assess current development fees, review feedback from the development community, and evaluate options available for the city to implement to lessen the financial burden that development fees place on affordable housing developments.
- On October 3, 2022 and November 7, 2022 the Committee discussed the various development fees associated with land development, implications and options for affordable housing development, and a draft proposal for a fee reimbursement pilot program.
- On February 6, 2023, the Committee discussed developer feedback on the proposed pilot program. The Committee voted 4-1 to advance the pilot program to full Council for consideration (In favor: Watlington, Mayfield, Johnson, Molina; Opposed: Bokhari).
- On February 6, 2023, the Committee briefed Council on the Affordable Housing Development Fee Reimbursement Pilot Program during Council Discussions.

Fiscal Note

Funding: American Rescue Plan Act Funds (ARPA)

12. Affordable Housing Development Support Requests

Action:

- A. Approve \$20,265,000 in Housing Trust Fund allocations for the following multi-family rental and homeownership affordable housing developments contingent upon their receiving a Low-Income Tax Credit award from the North Carolina Housing Finance Agency, where applicable:**
- **Union at Tryon, \$3,800,000 (four percent Low-Income Tax Credit eligible), in Council District 4,**
 - **The Vue at Honeywood, \$3,456,000 (four percent Low-Income Tax Credit eligible), in Council District 2,**
 - **Invoke Living at Ballantyne, \$3,100,000 (four percent Low-Income Tax Credit eligible), in Council District 7,**
 - **Marvin Road Apartments, \$3,479,000 (nine percent Low-Income Tax Credit eligible), in Council District 1,**
 - **River District Apartments, \$5,800,000 (Not Low-Income Tax Credit eligible), in Council District 3,**
 - **Aveline Townhomes, \$630,000 (Homeownership), in Council District 1**
- B. Approve \$3,375,000 in HOME Investment Partnership Program allocations for the following multi-family rental and homeownership affordable housing developments contingent upon their receiving a Low-Income Tax Credit award from the North Carolina Housing Finance Agency, where applicable:**
- **Long Creek Senior Apartments, \$2,250,000 (nine percent Low-Income Tax Credit eligible), in Council District 4,**
 - **Hope Springs Subdivision, \$1,125,000 (Homeownership), in Council District 2**
- C. Authorize the City Manager to execute, amend, and renew contracts and other required documents to complete the transactions approved by these actions.**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Explanation

- On January 13, 2023, the city and Local Initiatives Support Corporation (LISC) issued a joint Request for Proposals (RFP) to aid in the production of affordable housing units. This was the fifth joint RFP conducted by the city and LISC.
- In response to this RFP, 11 proposals were received seeking various types of gap financing support including nine percent and four percent tax credits from the North Carolina Housing Finance Agency (NCHFA).
- Approval of the recommended developments will add 582 affordable and workforce rental housing units and 43 homeownership units to the city's existing supply.
- The recommended developments meet all submission requirements, including land use and rezoning approvals where applicable. Additionally, the following guiding principles were adhered to in the dual city/LISC evaluation of the proposals:
 - Ensuring affordable, multi-family housing developer experience,
 - Creating mixed-income developments in areas of opportunity,
 - Achieving long-term affordability, and
 - Maximizing the leverage of available resources.
- The NCHFA will base their final tax credit awards on:
 - Market demand and local housing needs,
 - Ability to serve qualified residents for the longest affordability period,
 - Design and quality of construction, and
 - Financial structure and long-term viability.

Background

- On November 26, 2001, City Council established the Housing Trust Fund (HTF) to provide financing for affordable housing in the Charlotte area.
- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends expanding the supply of high-quality rental housing by building affordable housing, preserving existing naturally occurring affordable housing, and promoting family self-sufficiency initiatives.
- On June 13, 2022, City Council adopted the U.S. Department of Housing and Urban Development's Annual Action Plan (Plan) which identifies the need for affordable, safe, and decent housing for low- and moderate-income families and reaffirms the goals of the Housing Charlotte Framework.
- Support of HTF and HOME Investment Partnerships Program allocations is consistent with the strategies outlined in both the Housing Charlotte Framework and the Plan, demonstrates local alignment with state-supported affordable housing developments, and allows for local leveraging of tax credit awards.

City Council Discussion

- A briefing of the affordable housing development support requests was provided to City Council during the Action Review portion of the April 10, 2023 Council Business Meeting.

Charlotte Business INClusion

All HTF funded housing projects and their developers are subject to MWSBE goals determined based on the amount of city funding allocations received.

Fiscal Note

Funding: General Capital Investment Plan, HOME Investment Partnerships Program

Attachment(s)

April 10, 2023 Council Action Review Presentation

[HTF Action Review 04.24.23 RCA attachment](#)

13. Non-Profit Partner Funding for Single-Family Housing Rehabilitation

Action:

- A. Approve contracts with the following non-profit partners for single-family housing rehabilitation for an initial term of one year with the total funding across all three organizations not to exceed \$2,000,000:**
- **For The Struggle**
 - **Habitat for Humanity of the Greater Charlotte Region, and**
 - **Rebuilding Together of Greater Charlotte**
- B. Authorize the City Manager to renew the contracts for up to one, one-year term and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Explanation

- Each year, the City of Charlotte receives Community Development Block Grant (CDBG) funding from the U.S. Department of Housing and Urban Development (HUD). The funds are designed to provide a broad range of assistance for low- and moderate-income residents.
- In Fiscal Year 2023, the city received \$5,626,717 in CDBG funding.
- On January 31, 2023, the city issued a Request for Qualifications (RFQ) to rehabilitate single-family housing units of qualified low- and moderate-income households.
- In response to this RFQ, three proposals were received requesting CDBG funding to partner with the city to rehabilitate the homes of low- and moderate-income households, including:
 - For The Struggle
 - Habitat for Humanity of the Greater Charlotte Region, and
 - Rebuilding Together of Greater Charlotte.
- The proposed funding will assist in the rehabilitation of 40 homes owned by low- and moderate-income homeowners.
- Repairs will focus on increasing the useful life of the structure and homeowner safety. Repairs typically include heating, ventilation and air conditioning, plumbing, electrical, and roofing systems along with safety improvements to flooring, stairs, and the installation of ramps.
- The need for housing rehabilitation services outpaces the city's ability to respond to every request. By partnering with these organizations, city funding is leveraged with private donations and volunteer labor resulting in an increased impact of the city's investment.

Background

- On August 27, 2018, City Council adopted the Housing Charlotte Framework (Framework), which recommends expanding the supply of high-quality housing by building new affordable housing, preserving existing naturally occurring affordable housing, and promoting family-self-sufficiency initiatives such as homeownership. The proposed rehabilitation projects are consistent with the plan and utilize approaches considered best practices.
- On June 13, 2022, City Council adopted the U.S. Department of Housing and Urban Development's Annual Action Plan, which identifies the need for affordable, safe, and decent housing for low-and-moderate income families and reaffirms the goals of the Framework. The proposed projects are consistent with the Annual Action Plan.

Charlotte Business INCLUSION

These are contracts with a waiver of solicitation for services and are exempt (Part A: Appendix 1.27 of the Charlotte Business INCLUSION Policy).

Fiscal Note

Funding: Community Development Block Grant

14. Law Enforcement Services District Agreement

Action:

Adopt a resolution approving the Amended and Restated 2023 Law Enforcement Services District Agreement for the Continued Consolidation of the Charlotte-Mecklenburg Police Department.

Staff Resource(s):

Johnny Jennings, Police
David Robinson, Police
Ryan Bergman, Strategy & Budget

Explanation

- On October 1, 1993, the City of Charlotte Police Department and the Mecklenburg County Police Department were consolidated via an interlocal agreement between the city and Mecklenburg County.
- The city and county entered into an updated consolidation agreement effective July 1, 1996, which included a funding mechanism for Charlotte-Mecklenburg Police Department (CMPD) services in the extra-territorial jurisdictions (ETJ) in Mecklenburg County. This funding mechanism included creating the Law Enforcement Service District (LESD) tax paid for by property owners in the ETJs covered by the agreement.
- The county terminated the 1996 agreement effective June 30, 2018.
- On February 26, 2018, City Council approved the ratification of a new agreement for the continued consolidation of the CMPD. The 2018 agreement describes CMPD's responsibility to provide comprehensive police services to the Charlotte ETJ, Town of Mint Hill ETJ, Town of Davidson ETJ, and the McGuire Nuclear Power Plant.
 - Following the February 26 approval, the county requested the Town of Pineville ETJ be added to the agreement. On June 11, 2018, City Council approved ratification of an amended and restated agreement that included provision of CMPD services to the Town of Pineville ETJ.
 - This agreement was ratified for a five-year term and will expire effective July 1, 2023.
- This action will ratify a new police consolidation agreement that describes CMPD's responsibility to provide comprehensive policing services to the Charlotte ETJ, Town of Mint Hill ETJ, Town of Davidson ETJ, and the McGuire Nuclear Power Plant.
 - The Pineville Police Department will assume policing responsibility in the Town of Pineville ETJ effective July 1, 2023.
- Estimated LESD revenues to be paid by the county for services are approximately \$18.2 million annually, to include adjustments for natural growth. The agreement is for an initial four-year term and includes a 24-month required notice for termination.

Attachment(s)

Resolution Ratifying the Amended and Restated 2023 Law Enforcement Services District Agreement for the Continued Consolidation of the Charlotte-Mecklenburg Police Department
Proposed Amended and Restated 2023 Law Enforcement Services District Agreement for the Continued Consolidation of the Charlotte-Mecklenburg Police Department

[Charlotte LESD 2004-2027 resolution](#)

[Charlotte LESD 2004-2027 agreement](#)

15. Recommended Uses for American Rescue Plan Act Funds - HIRE Charlotte

Action:

- A. Approve the use of up to \$9,100,000 from the Coronavirus State and Local Fiscal Recovery Fund for HIRE Charlotte implementation recommendations, as follows:**
- Up to \$1,500,000 for HIRE Charlotte employer/job seeker connect platform and career navigators program,
 - Up to \$4,600,000 for technical skills training,
 - Up to \$1,000,000 for essential skills modular curriculum,
 - Up to \$2,000,000 for reskilling opportunities, and
- B. Authorize the City Manager, or his designee, to negotiate and execute any necessary contracts and agreements related to these recommendations.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Explanation

- These actions authorize the City Manager to negotiate and execute any necessary contracts or agreements for the following recommended allocations of Coronavirus State and Local Fiscal Recovery Fund (SLFRF) funding provided by the American Rescue Plan Act of 2021:
 - Up to \$1,500,000 for HIRE Charlotte employer/job seeker connect platform and career navigators program,
 - Support the development of an employer/job seeker connect community website and hubs, including career navigators in the Corridors of Opportunity, providing job opportunities, training, and resources to residents.
 - Up to \$4,600,000 for technical skills training,
 - Fund target industry training & development, apprenticeships, RENEW expansion, and housing/workforce grant opportunity.
 - Up to \$1,000,000 for essential skills modular curriculum,
 - Support universal certification including communication, employability, and digital skills.
 - Up to \$2,000,000 for reskilling opportunities,
 - Fund efforts to partner with employers to provide training for future jobs.
- The proposed uses in this Request for Council Action are to respond to the negative economic impacts of the COVID-19 public health emergency and have been reviewed for compliance with the U.S. Treasury Department's Interim Final Rule regulating allowable uses of SLFRF funds.

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).
- ARPA included the Coronavirus State and Local Fiscal Recovery Fund (SLFRF), which provided \$130 billion in direct assistance for local governments to be used to mitigate the fiscal effects stemming from the COVID-19 public health emergency.
- The SLFRF provides direct payments to metropolitan cities and counties; Charlotte was one of the 990 cities across the nation that met the criteria.
- The U.S. Treasury Department is releasing SLFRF funding to local governments in two equal installments. Charlotte received its first installment of approximately \$71 million in May 2021 and the second installment in May 2022.
- Funds from the SLFRF may only be used to cover costs incurred by December 31, 2024, for the following purposes:
 - To respond to the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted

industries such as tourism, travel, and hospitality;

- To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible city employees who are performing such essential work or by providing grants to eligible employers that have eligible workers who perform essential work;
- For the provision of government services to the extent of the reduction in revenue in the city's budget due to the COVID-19 public health emergency relative to revenues collected in Fiscal Year 2019; and
- To make necessary investments in water, sewer, or broadband infrastructure.

City Council Discussion

- At the February 6, 2023 Jobs and Economic Development (J&ED) Council Committee meeting the committee received a presentation and discussed this funding request.
- At the March 6, 2023 J&ED Council Committee meeting the committee received a presentation that addressed questions from the February 6, 2023 committee meeting.
- The committee voted unanimously to support moving the request forward for consideration by Council action (Ajmera absent).
- City Council was briefed on the request from the J&ED chair at the April 3, 2023 Council Committee Discussions meeting.

Fiscal Note

Funding: American Rescue Plan Act (ARPA) Funds

Attachment(s)

February 6, 2023, Jobs and Economic Development Committee Presentation

[February 6, 2023 Jobs & Economic Development Council Committee Presentation](#)

16. Recommended Uses for American Rescue Plan Act Funds - Additional Small Business Ecosystem Partner Support

Action:

- A. Approve funding in the amount of \$630,000 from American Rescue Plan Act Funds to support three additional organizations that previously applied for the 2022 Small Business Ecosystem Partner Program:**
- Carolinas Asian-American Chamber of Commerce: \$250,000,
 - Carolinas Chinese Chamber of Commerce: \$130,000,
 - Latin American Chamber of Commerce: \$250,000, and
- B. Authorize the City Manager, or his designee, to negotiate and execute any necessary contracts and agreements related to these recommendations.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Holly Eskridge, Economic Development
Christi Floyd, Economic Development

Background

- In 2022, City Council awarded \$2.5 million in American Rescue Plan Act (ARPA) funding for the Small Business Ecosystem Partner program that provided up to \$250,000 in grants to eligible partners supporting local small businesses. Applicants had to be nonprofit, chambers of commerce, government, or academic organizations.
- The 2022 Small Business Ecosystem Partner Program was a competitive grant process. A six-person team of city staff from various departments (excluding Economic Development) reviewed and scored the eligible applications.
- Twenty-one organizations submitted applications and 11 received funding.
- Funding was distributed based on the review process. Applicants were ranked in order and provided with funding until the full \$2.5 million was distributed.

Explanation

- During the February 6, 2023 City Council Committee Discussions Meeting, Council's discussions included consideration of adding support for local ethnic minority chambers within funding for the Small Business Ecosystem Partner Program. At the meeting City Council gave consensus for the additional use of ARPA funds for additional chambers to be added for consideration at a future City Council Business Meeting agenda.
- The three ethnic minority chambers that applied to the 2022 Small Business Ecosystem Partner Program and did not receive full funding include:
 - Carolinas Asian-American Chamber of Commerce: Applied for \$250,000 and received no funding
 - Carolinas Chinese Chamber of Commerce: Applied for \$250,000 and received \$120,000
 - Latin American Chamber of Commerce: Applied for \$250,000 and received no funding
- The Charlotte-Mecklenburg Black Chamber of Commerce did not apply for the 2022 Small Business Ecosystem Partner Program.
- Funding for the additional \$630,000 would be allocated from unprogrammed ARPA funding.

Fiscal Note

Funding: American Rescue Plan Act (ARPA) Funds

Attachment(s)

2022 Small Business Ecosystem Partner Program Overview
2022 Small Business Ecosystem Partner Applicant and Awardee List

[2022 Small Business Ecosystem Partner Grant Program Overview](#)

[2022 Small Business Ecosystem Partner Grant Applicant and Awardee List](#)

APPOINTMENTS

17. Appointments to the Charlotte International Cabinet

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term for an International Business category representative beginning upon appointment and ending June 30, 2024.
 - Chelvy Moe-Mackosso, nominated by Council member Anderson, Driggs, and Molina.

Attachment(s)

Charlotte International Cabinet Applications

CONSENT

18. CBI Construction Bonding Services

Action:

- A. Approve a contract with Merriwether & Williams Insurance Services, Inc. for construction bonding services for an initial term of two years, and**

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

Staff Resource(s):

Reenie Askew, City Manager's Office
Steve Coker, Charlotte Business INClusion

Explanation

- Approved by Council as a new initiative within the FY 2023 budget, the Construction Bonding Services project is to develop a contractor supportive services program providing city certified minority, women, and small business enterprises (MWSBEs) with a range of technical assistance and financial resources to help position them to compete and to successfully complete city construction projects and build contractor compacity.
- On October 10, 2022, the city issued a Request for Proposals (RFP); four responses were received.
- Merriwether & Williams Insurance Services, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$800,000.

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). Merriwether & Williams Insurance Services, Inc. has committed (\$135,000) of the total contract amount to the following certified firm:

- The Wonder Group LLC (MBE)(\$135,000)(communication and marketing)

Fiscal Note

Funding: General Capital Investment Plan

19. Purchase of Rook Public Safety Vehicle

Action:

Authorize the city to apply for funding from the United States Department of Homeland Security's Urban Area Security Initiative Grant Program to purchase a Rook public safety vehicle.

Staff Resource(s):

Johnny Jennings, Police

Tonya Arrington, Police

Explanation

- The Urban Area Security Initiative (UASI) Grant Program allows eligible applicants to apply for funding to aid in the prevention, protection, response, and recovery from terrorist attacks.
- CMPD is seeking authority to apply for UASI funding to purchase a Rook multi-purpose, critical incident response vehicle.
- The Rook functions similar to a forklift built on a Caterpillar skid-steer platform and is equipped with attachments and plating to allow for a level of adaptability, maneuverability, and safety. CMPD does not currently have this type of vehicle.
- The Rook can be used by CMPD when responding to natural disasters, search and rescue, active violence incidents, armed and barricaded subjects, and explosive devices.
- The capability provided by this vehicle would improve CMPD's bomb squad to a "Type I", the highest rating per standards set by the Federal Emergency Management Agency.
 - As example, the Rook can be used to relocate a vehicle containing suspected explosives to a safe area for mitigation or disposal.
- The specialized vehicle will be available for use by all public safety agencies in Charlotte-Mecklenburg and the ten-county UASI region.
 - Cabarrus, Catawba, Gaston, Iredell, Lincoln, Lancaster, Mecklenburg, Stanly, Union, and York.
 - Estimated costs are \$500,000. Governing body approval is required for the requesting UASI funds for this purpose, no city matching funds are required.

20. Robinson Church Road Improvements

Action:

- A. Approve a contract in the amount of \$783,753 with American Engineering Associates - Southeast, P.A. for design and construction administration of Robinson Church Road Farm-to-Market Road Improvement services, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Explanation

- In May 2020, the city entered into a planning contract with American Engineering Associates in the amount of \$490,204 for the Robinson Church Road Farm-to-Market Road Improvements.
- Originally established as a route for agricultural areas to transport products in to town markets, this road is not currently optimized for use by current forms and volume of transportation.
- This contract includes design and construction administration for the Robinson Church Road Farm-to-Market Road Improvements from the intersection of Robinson Church Road and W.T. Harris Boulevard to the intersection of Robinson Church Road and Plott Road in Council District 5.
- This project will include landscaped medians, curb and gutter, shared-use paths, and planting strips.
- On September 19, 2019, the city issued a Request for Qualifications (RFQ); 32 responses were received. 16 firms were selected for advanced planning and design for the transportation projects.
- American Engineering Associates - Southeast, P.A. is the best qualified firm to meet the city's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements.
- City Council will be asked to consider future actions for real estate acquisition and construction.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). American Engineering Associates - Southeast, P.A. has committed 16.05% (\$125,792) of the total contract amount to the following firms to be utilized as the project evolves:

- Center Line Location, LLC (SBE) (subsurface utility exploration - soft digs)
- Capstone Civil Engineering (MBE) (geotechnical)
- Habitat Assessment & Restoration Program (SBE) (environment studies)
- John Davenport Engineering (MBE) (signal design)

Fiscal Note

Funding: General Capital Investment Plan

Attachment

Map

[Map Robinson Church Road Farm-to-Market Road Improvements.pdf](#)

21. Professional Engineering Services for Various Storm Water Services Projects

Action:

- A. **Approve a contract for up to \$1,300,000 with Armstrong Glen, PC for planning and design services for the Morning Dale Storm Drainage Improvement Project,**
- B. **Approve a contract for up to \$1,100,000 with D&A Wolverine, PLLC for planning and design services for the Lanier Storm Drainage Improvement Project,**
- C. **Approve a contract for up to \$1,600,000 with ESP Associates, Inc. for planning and design services for the Collective Culverts Storm Drainage Improvement Project,**
- D. **Approve a contract for up to \$1,300,000 with STV Engineers, Inc. for planning and design services for the Tennessee Storm Drainage Improvement Project,**
- E. **Approve a contract for up to \$1,200,000 with WithersRavenel, Inc. for planning and design services for the Brooklain-Coulwood Storm Drainage Improvement Project, and**
- F. **Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Angela Charles, Charlotte Water

Mike Davis, Storm Water Services

Matthew Gustis, Storm Water Services

Explanation

- Professional engineering services will include evaluation of infrastructure and reported storm drainage concerns to determine and design needed improvements to the existing drainage system.
- Specific planning tasks include, but are not limited to:
 - Site assessment activities,
 - Hydrologic and hydraulic analyses,
 - Determination of alternatives to address the applicable drainage issues,
 - Recommendations of a preferred solution, and
 - Evaluation of downstream impacts.
- Specific design tasks include, but are not limited to:
 - Design of repairs and/or improvements,
 - Preparation of construction documents, and
 - Construction administration.
- On December 19, 2022, the city issued a Request for Qualifications (RFQ); 24 responses were received.
- Armstrong Glen, PC, D&A Wolverine, PLLC, ESP Associates, Inc., STV Engineers, Inc., and WithersRavenel, 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.

Action A

- The Morning Dale Storm Drainage Improvement Project is bordered by Hinson Drive to the north, Stratfordshire Drive to the south, Tadlock Place to the east and Morning Dale Road to the west, in Council District 6.

Action B

- The Lanier Storm Drainage Improvement Project is bordered by Unaka Avenue to the north, Buena Vista Avenue to the south, N. Sharon Amity Road to the east and Dudley Drive to the west, in Council District 5.

Action C

- The Collective Culverts Storm Drainage Improvement Project consists of five separate drainage culverts located at: N. Kings Drive, Harris Houston Road, Allister Drive, Parview Drive, and Pence Road. These five locations are in Council Districts 1,4,5, and 7.

Action D

- The Tennessee Storm Drainage Improvement Project is bordered by N. Hoskins Road to the north, Honeywood Avenue to the south, a tributary to Stewart Creek to the east and Alabama Avenue to the west, in Council District 2.

Action E

- The Brooklain-Coulwood Storm Drainage Improvement Project is bordered by Coulwood Drive to the north, Brooklain drive to the south, Cathey Road to the east and Waycross Drive to the west, in Council District 2.

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).

Action A

Armstrong Glen, PC has identified the following certified firms to participate as project scopes are defined:

- Froehling & Robertson, Inc. (MBE) (geotechnical assessment)
- Pipe Pros. (SBE) (inspection and cleaning)
- Survey & Mapping Control, Inc. (SBE) (field surveying)

Action B

D&A Wolverine PLLC PC has identified the following certified firms to participate as project scopes are defined:

- Avioimage Mapping Services, Inc. (SBE) (survey, mapping, plats, easements, utility locating, aerial support, drone operating, staking)
- Centerline Locating, LLC (SBE) (utility locating)
- Southern Engineering and Testing, P.C.(SBE) (geotechnical engineering, materials testing & laboratory analysis, design & reporting)
- Survey & Mapping Control, Inc. (SBE) (aerial photogrammetry, mapping, survey)
- Sweetwater Utility Exploration LLC (SBE) (underground utility locates)

Action C

ESP Associates, Inc has identified the following certified firms to participate as project scopes are defined:

- Centerline Locating, LLC (SBE) (utility locating and SUE)
- Habitat Assessment and Restoration Professionals (SBE) (environmental and ecological services)
- Barry Lambert Engineering, PC (SBE) (structural engineering)
- The Survey Company, Inc. (SBE) (land surveying)

Action D

STV Engineers, Inc. has identified the following certified firms to participate as project scopes are defined:

- Froehling & Robertson, Inc.) (MBE) (geotechnical engineering services)
- Hinde Engineering, Inc. (SBE) (utility coordination services)
- Stewart Engineering, Inc. (MBE) (surveying, utility locating, and plat preparation services)

Action E

Withers Ravenel has identified the following certified firms to participate as project scopes are defined:

- Alpha & OmegaGroup, PC (SBE) (structural engineering)
- Capstone Civil Engineering (MBE,SBE) (geotechnical investigations)
- Tidemark Land Services Inc. (SBE) (survey, easement plats)

Fiscal Note

Funding: Storm Water Capital Improvement Plan

Attachment(s)

Map

[Professional Engineering Services for Various Storm Water Services Projects - map](#)

22. Construction Change Order for the Alanhurst/Cherrycrest Storm Drainage Improvement Project

Action:

Approve change order #1 for \$561,434.04 to Blythe Development Company for the Alanhurst/Cherrycrest Storm Drainage Improvement Project.

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Logan Oliver, Storm Water Services

Explanation

- Construction is complete for the Alanhurst/Cherrycrest Storm Drainage Improvement Project. This project improved and replaced deteriorating pipe which will reduce flooding of roads and structures in the Sugar Creek watershed. The project boundaries are Griffith Road to the north, Archdale Drive to the south, Old Pineville Road to the east and Interstate I-77 to the west, in Council District 3.
- Construction included the installation of storm drainage, drainage system rehabilitation, water/sanitary sewer, curb, gutter, and driveways.
- This change order is for additional work added to the contract and work associated with private utility impacts and delays. Additional work items include rock removal, masonry drainage structures, and asphalt.
- On March 25, 2019, City Council approved the construction contract with Blythe Development Company for this project.
- The new total value of the contract is \$4,702,048.54.

Charlotte Business INclusion

All additional work involved in this Change Order will be performed by Blythe Development Company and their existing subcontractor(s)/subconsultant(s) (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Storm Water Capital Improvement Plan

Attachment(s)

Map

[Alanhurst Cherrycrest](#)

23. Replacement Pumps, Pump Parts, and Process Equipment

Action:

- A. Approve the purchase of replacement pumps, pump parts, process equipment, and maintenance services by the sole source exemption,
- B. Approve unit price contracts with the following companies for the purchase of replacement pumps, pump parts, process equipment, and maintenance services for the term of five years:
- ABB Inc.,
 - Alfa Laval Inc.,
 - Atlas Copco Compressors LLC,
 - Blake & Pendleton, Inc.,
 - Brown and Morrison, Ltd.,
 - Carolina Pumpworks, LLC,
 - Carotek, Inc.,
 - Charles R. Underwood, Inc.,
 - Chemscan Inc.,
 - Chemtrac Inc.,
 - Clear Water Sales, Inc.,
 - DXP Enterprises Inc. dba Premier Water a DXP Company,
 - Emory Wilson Process, Inc.,
 - Evoqua Water Technologies, LLC,
 - EW2 Environmental, Inc.,
 - EWT Holdings III Corp.,
 - Flotech Inc.,
 - Gardner Denver Inc. dba Gardner Denver Nash, LLC,
 - Hadronex Inc. dba SmartCover Systems,
 - Harold Beck & Sons, Inc.,
 - Heyward,
 - Howden North America Inc. dba Howden Roots LLC,
 - Interstate Utility Sales, Inc.,
 - Jim Myers & Sons, Inc.,
 - JWC Environmental, LLC,
 - Mechanical Equipment Company,
 - Mersino Dewatering Inc. dba Global Pump,
 - MSA Safety Inc.,
 - National Oilwell Varco LLP (NOV),
 - Ovivo USA LLC,
 - Parkson,
 - Pete Duty & Associates, Inc.,
 - Preferred Sources, Inc.,
 - Primary Flow Signal,
 - Pro Chem, Inc.,
 - Quincy Compressor, LLC,
 - Serpentix Conveyor Corporation,
 - Siemens Industry,
 - Southeast Pump & Equipment Inc.,
 - SPX FLOW Inc. dba SPX FLOW US LLC,
 - Tencarva Machinery Company, LLC,
 - VAG,
 - Vulcan Industries Inc.,
 - Waterman,
 - Williams Dillard Baker, Inc. dba WC Equipment Sales, Inc.,

- **WSG and Solutions Inc.,**
- **Xylem Water Solutions USA, Inc.,**
- **YSI Inc., and**

C. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.

Staff Resource(s):

Angela Charles, Charlotte Water

Ron Hargrove, 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 standardization or compatibility are the overriding considerations.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- These contracts provide replacement pumps, pump parts, and process equipment that can only be obtained from assigned representatives or the manufacturer. They similarly may require service to be provided by manufacturer authorized representatives to honor warranties.
- In order to meet operational needs and regulatory requirements, Charlotte Water's pumps and process equipment needs to be repaired and/or replaced in a timely and cost-effective manner.
- This equipment was previously installed through many competitive construction bid processes.
- Annual expenditures across all 48 contracts are estimated to be \$8,000,000.

Charlotte Business INclusion

These are sole source contracts and are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Charlotte Water Operating Budget

24. Airport Janitorial Services

Action:

- A. Approve contracts with the following companies for janitorial services for an initial term of three years:**
- **ABM Aviation, Inc.**
 - **Sunshine Cleaning Systems, LLC (WBE), 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):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- The Aviation department contracts for janitorial services to maintain a world class facility by performing daily cleaning and maintenance of an estimated three million square foot facility, including the terminal building and additional on-property buildings, to provide a functional and safe experience for approximately 50 million annual passengers.
- On September 30, 2022, the city issued a Request for Proposals (RFP); 10 responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated expenses for the initial three-year term include:
 - ABM Aviation, Inc. estimated at \$45,599,960 for zones 2 & 3, and
 - Sunshine Cleaning Systems, LLC (WBE) estimated at \$9,181,200 for zones 1 & 4.

Charlotte Business INclusion

Sunshine Cleaning Systems, LLC is a city certified WBE.

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy).

ABM Aviation, Inc. has committed 24.42% (\$11,137,788) of the total contract amount to the following certified firm(s):

- Elite Touch Cleaning Services, Inc. (MBE) (\$4,046,214) (janitorial services)
- The Johnson Group (WBE) (\$4,958,826) (janitorial services)
- GDC, Inc. (MBE, SBE) (\$2,132,748) (supplies)

Sunshine Cleaning Systems, LLC (WBE) has committed 20.00% (\$1,836,240) of the total contract amount to the following certified firm(s):

- Alexander Cleaning Services, LLC (SBE) (\$918,120) (janitorial services)
- Love Cleaning with Care, Inc. (MBE) (\$918,120) (janitorial services)

Fiscal Note

Funding: Aviation Operating Budget

Attachment(s)

Map of Airport Zones

[TerminalMap_3_Sections_Aug_2022](#)

25. Airport Security Services Contract

Action:

- A. Approve a contract with ACTS Airport Services, Inc. for Airport Security Services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jerome Woodard, Aviation

Explanation

- The Aviation department is responsible for providing for the safety and security of persons and property operating on or adjacent to the airport restricted areas, including:
 - Protecting all materials and equipment against access by unauthorized persons;
 - Checking the identification of persons entering or leaving restricted areas of the airport;
 - Deterring/preventing persons from attempting to gain unauthorized access to airport facilities;
 - Deterring/preventing the introduction of an unauthorized weapon, explosive, or flammable substance into the restricted areas of the airport;
 - Inspecting vehicles and personnel entering into the restricted areas of the airport pursuant to the relevant federal regulations governing the airport; and
 - Maintaining compliance with the Transportation Security Administration approved Airport Security Program and Security Directives.
- On November 14, 2022, the city issued a Request for Proposals (RFP); eight responses were received.
- ACTS Airport Services, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$2,500,000.
- This activity is occurring on Airport property.

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). ACTS Airport Services, Inc. has committed to utilizing MWSBE firms for 21.00% of the total contract amount as the project evolves and scopes of work are defined.

Fiscal Note

Funding: Aviation Operating Budget

26. Vehicle Tires, Tire Repair and Maintenance Services

Action:

- A. Approve a unit price contract with Parrish Tire Company for the purchase of Vehicle Tires and Tire Repair and Maintenance Services for an initial term of five years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year renewal terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Phil Reiger, General Services

Marcy Mars, General Services

Explanation

- There are over 6,500 city-owned vehicles in operation across all departments including, but not limited to, heavy-duty refuse and recycle trucks, street sweepers, construction equipment, light-duty trucks, trailers, cars, and SUVs.
- Tires and tire maintenance are key to ensure safety as well as performance and economic efficiencies.
- This contract includes new tire purchase, tire retreading, tire inspection, tire replacement, tire repair, and road call services.
- On January 18, 2023, the city issued an Invitation to Bid; four bids were received.
- Parrish Tire Company was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$1,165,000.

Charlotte Business INClusion

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

This contract meets the provisions of (b) - there are no MWBEs or SBEs certified.

Fiscal Note

Funding: Various departments' operating budgets

27. Bond Issuance Approval for South Village Apartments

Action:

Adopt a resolution granting INLIVIAN's request to issue new multi-family housing revenue bonds in an amount not to exceed \$17,000,000, to finance the development of an affordable housing development known as South Village Apartments.

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Explanation

- This action will not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of new multi-family housing revenue bonds for South Village Apartments, an 82-unit new construction affordable housing development to be developed, owned, and operated by Scaleybark Apartments, LLC, a North Carolina limited liability company, or an affiliated or related entity.
- The development will be located on approximately 2.42 acres at 3655 DeWitt Lane (parcel identification numbers 149-01-247 and 149-01-251) in Council District 3, and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging at 60 percent of AMI for the entire development.
- This action further supports City Council's approval of \$7,705,245 Housing Trust Fund and American Rescue Plan support.
- The new INLIVIAN bonds, not to exceed \$17,000,000, will be used to further finance construction of the development.

Background

- On July 22, 2019, City Council approved a \$3,000,000 Housing Trust Fund allocation to support the South Village Apartments development on city owned property. Due to unprecedented changes in market conditions resulting in cost escalations of housing projects, the developer experienced a financing gap and subsequently requested additional city support for the development. On November 28, 2022, City Council approved an additional \$4,705,245 in American Rescue Plan funds for the development.
- In conjunction with the city Housing Trust Fund request, the developer applied for four percent low-income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to help finance construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and an initial bond allocation capacity of \$12,000,000, and subsequently increased the bond allocation capacity by an additional \$5,000,000 at the request of the developer to help fill the gap resulting from cost escalations, for a total of \$17,000,000 bond allocation capacity. Tax credit and bond allocations are subject to federal income limits, set-aside rules, and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest. The INLIVIAN board of commissioners approved the issuance of the initial \$12,000,000 multi-family housing revenue bonds on January 21, 2020 (these bonds have not yet been issued). On March 21, 2023, the INLIVIAN board approved increasing the amount of the multi-family housing revenue bonds by \$5,000,000, for a total amount not to exceed \$17,000,000.

Attachment(s)

Map
City of Charlotte Resolution - South Village Apartments

[Map South Village at Scaleybark](#)

[City Bond Resolution INLIVIAN South Village Scaleybark](#)

28. Resolution of Intent to Abandon a Portion of Cleveland Avenue

Action:

- A. Adopt a Resolution of Intent to abandon a Portion of Cleveland Avenue, and**
- B. Set a public hearing for May 22, 2023.**

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.
- Cleveland Avenue is located in Council District 1.

Petitioner

Mason Ellerbe

Attachment(s)

Map

Resolution

[2023-000115A - Portion of Cleveland Ave Abandonment Map](#)

[2023-000115A Resolution of Intent 04.24.2023](#)

29. Set a Public Hearing on Galloway Ridge Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for May 22, 2023, for Galloway Ridge Area voluntary annexation petition.

Staff Resource(s):

Alyson Craig, Planning, Design, and Development

Holly Cramer, Planning, Design, and Development

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation does not share 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 81.039-acre "Galloway Ridge" site is located east side of Hutchinson Lane, the west side of Kelly Road, just north of Pleasant Grove Road.
 - A portion of the site is currently developed with five single family homes and the remainder of the site is vacant.
 - The petitioner has plans to develop 280 multi-family units on the site.
 - The property is zoned MX-2 Innov, (residential mixed-use with innovative standards).
 - The property is located near City Council District 2.
 - The petitioned area consists of eleven parcels; parcel identification numbers: 033-231-01, 033-051-03, 033-051-16, 033-051-21, 033-051-31, 033-051-32, 033-051-33, 033-051-34, 033-051-41, 033-051-10, and 033-051-15.

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

[Galloway Ridge Area Annexation Map](#)

[Resolution for Galloway Ridge](#)

PROPERTY TRANSACTIONS

30. Charlotte Water Property Transactions - Clarke Creek Basin PS and FM Project, Parcel #42

Action: Approve the following Condemnation: Clarke Creek Basin PS and FM Project, Parcel #42

Project: Clarke Creek Basin PS and FM, Parcel #42

Owner(s): Donna Lynn Abbott, Trustee for the Robert Lee Stancil Irrevocable Trust dated March 13, 2012, and Heirs of the Estate of Robert Lee Stancil

Property Address: 12349 Old Statesville Road, Huntersville

Total Parcel Area: 1,003,577 sq. ft. (23.04 ac.)

Property to be acquired by Easements: 4,331 sq. ft. (0.10 ac.) in Permanent Sewer Easement and 2,177 sq. ft. (0.05 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: NR

Use: Forest-Commercial Production

Parcel Identification Number(s): 017-361-02
<https://polaris3g.mecklenburgcountync.gov/#mat=572315&pid=01736102&gisid=01736102>

Appraised Value: \$4,475

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

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

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

Council District: Town of Huntersville, adjacent to Council District 4

31. Property Transactions - Colony Rd 4625, Parcel # 1

Action: Approve the following Acquisition: Colony Rd 4625, Parcel # 1

Project: Colony Rd 4625, Parcel # 1

Program: Colony Rd 4625

Owner(s): TH Property Owner 7, L.P.

Property Address: 4601 Colony Road

Total Parcel Area: 823,956 sq. ft. (18.915 ac.)

Property to be acquired by Easements: 2,994 sq. ft. (0.069 ac.) Storm Drainage Easement and 6,286 sq. ft. (0.144 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-20MF

Use: Multi-family

Parcel Identification Number(s): 183-152-80

<https://polaris3g.mecklenburgcountync.gov/#mat=332829&pid=18315280&qsid=18315280>

Purchase Price: \$20,600

Council District: 6

32. Property Transactions - Shamrock Drive Improvements, Parcel # 87

Action: Approve the following Condemnation: Shamrock Drive Improvements, Parcel # 87

Project: Shamrock Drive Improvements, Parcel # 87

Program: Shamrock Drive Improvements

Owner(s): Alpheus R. Clark, III

Property Address: 2557 Elkwood Circle

Total Parcel Area: 11,313 sq. ft. (0.260 ac.)

Property to be acquired by Fee Simple: 116 sq. ft. (0.003 ac) Fee Simple

Property to be acquired by Easements: 1,036 sq. ft. (0.024 ac.) Utility Easement and 185 sq. ft. (0.004 ac.) Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Tree

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number(s): 093-042-53

<https://polaris3g.mecklenburgcountync.gov/#mat=581435&pid=09304253&qisid=09304253>

Appraised Value: \$15,550

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

City's Response to Property Owner's Concerns: The city informed the property owner that they could obtain their own appraisal or provide supporting documentation to justify their counteroffer. The city continues to negotiate with the property owner.

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

33. 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.

34. 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.

35. 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.