

City of Charlotte

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



Meeting Agenda

Monday, April 8, 2024

Council Chamber

City Council Business Meeting

*Mayor Vi Lyles
Mayor Pro Tem Danté Anderson
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Tiawana Brown
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

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.

[2024-04-08 Council Agenda QA](#)

2. Consent agenda items 10 through 14 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Time: 10 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

Aviation Budget Outlook

Staff Resource(s):

Haley Gentry, Aviation

Time: Presentation - 10 minutes; Discussion - 20 minutes

Explanation

- Provide an overview of the FY 2025 Outlook for Aviation.

Affordable Housing Funding Recommendations

Staff Resource(s):

Rebecca Hefner, Housing & Neighborhood Services

Time: Presentation - 15 minutes; Discussion - 30 minutes

Explanation

- Provide affordable housing funding recommendations.

[Aviation Budget Outlook](#)

[Affordable Housing Funding Recommendations](#)

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

AWARDS AND RECOGNITIONS

6. Fair Housing Month

Action:

Mayor Lyles will read a proclamation recognizing April 2024 as Fair Housing Month.

PUBLIC HEARING

7. Public Hearing on the Proposed Fiscal Year 2025 Annual Action Plan for Housing and Community Development

Action:

Conduct a public hearing on the proposed Fiscal Year 2025 Annual Action Plan for Housing and Community Development.

Staff Resource(s):

Rebecca Hefner, Housing and Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Explanation

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan (Plan) to receive federal funding for housing and community development activities.
- In Fiscal Year 2025, the city expects to receive the following federal funding allocations totaling \$13,242,584 (funding amounts are estimates based on prior fiscal year allocations; actual FY 2023 funding amounts are expected to be released in the next few weeks):
 - Community Development Block Grant (CDBG): \$5,618,194
 - HOME Investment Partnerships Grant (HOME Program): \$3,463,178
 - Emergency Solution Grants (ESG): \$494,529
 - Housing Opportunity for Persons with AIDS (HOPWA): \$3,666,683
- The Plan describes the city's use of HUD funding during Fiscal Year 2025 and is consistent with the city's Housing Charlotte Framework to preserve existing housing, expand the supply of low- and moderate-income housing, and support family self-sufficiency.
- The Plan includes housing and community development needs and resources for the city and the Charlotte-Mecklenburg Regional Housing Consortium (Consortium).
- The Consortium, authorized by HUD pursuant to HOME Program guidelines, is a partnership among the city, Mecklenburg County, and the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville.
- Community engagement on the Plan includes:
 - Publishing a draft copy of the Plan to the city's website with paper copies available by request in English and Spanish.
 - Holding an in-person public forum on February 15, 2024, and virtual public forum on February 20, 2024. During the forums, staff provided an overview of the Action Plan, answered participants' questions, and provided residents with opportunities to make comments.
 - Holding a public hearing at the April 8, 2024, Council business meeting.
 - City Council will be asked to vote on adoption of the Plan at its April 22, 2024, Business Meeting.

Attachment(s)

Proposed FY 2025 Annual Action Plan for Housing and Community Development - Executive Summary

[FY25 Annual Action Plan Executive Summary](#)

POLICY

8. City Manager's Report

[04.08.2024 City Manager's Memo](#)

BUSINESS

9. Charlotte-Mecklenburg Regional Housing Consortium

Action:

Approve continuing the city's participation in the Charlotte-Mecklenburg Regional Housing Consortium for the HOME Investment Partnerships Program funding period of July 1, 2024, through June 30, 2027, and successive automatic renewal periods thereafter.

Staff Resource(s):

Rebecca Hefner, Housing and Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Explanation

- The U.S. Department of Housing and Urban Development's (HUD) HOME Investments Partnerships Program (HOME Program) allows contiguous units of local governments to create consortiums to allow municipalities that would not otherwise qualify for HOME Program funding to be able to directly participate in the HOME Program and thereby collaborate on regional affordable housing initiatives.
- The Charlotte-Mecklenburg Regional Housing Consortium (Consortium) was first established in July 2000 pursuant to HOME Program guidelines.
- The current Consortium consists of the City of Charlotte as lead entity, Mecklenburg County, and the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville, and is governed by the Charlotte-Mecklenburg Regional Housing Consortium Joint Cooperation Agreement dated July 1, 2012 (Agreement).
- Each municipality, through its participation in the Consortium, is eligible to receive HOME Program funding for affordable housing activities, with the city serving as the lead entity as defined by HUD.
- Pursuant to HUD guidelines, the Agreement includes an automatic renewal provision every three federal fiscal years, including the July 1, 2024, through June 30, 2027, period, and each successive qualified HOME Program funding period thereafter.
- The city, as the Consortium's lead entity, assumes overall responsibility for compliance of Consortium activities with HOME Program requirements, and provides technical assistance to Consortium members, facilitates quarterly meetings, oversees monitoring of projects to ensure compliance, and determines fund allocations for qualified activities proposed by Consortium members.
- This action confirms the city's continued participation in the Consortium for the Home Program funding period of July 1, 2024, through June 30, 2027, and the automatic renewals of successive HOME Program qualified funding periods thereafter pursuant to the terms of the Agreement.

Background

- The HOME Program is the largest federal formula grant to states and local governments designed exclusively to create access to affordable housing opportunities for low-income households.
- Home Program funds are often used in partnership with local nonprofit groups to fund a wide range of affordable housing activities including acquisition, rehabilitation, new construction, tenant-based rental assistance, and homebuyer activities/programs such as down payment assistance.
- The city, with input from Consortium members, other community stakeholders, and the public, submits a Consolidated Plan and Annual Action Plan to HUD, setting forth the strategic plan and details for the use of the HOME Program funding to help provide affordable, safe, and decent housing for low-income families. The most recent plan was approved by City Council on May 8, 2023.
- Additionally, in April 2023, the Housing, Safety and Community Committee received an update on the implementation of the Housing Trust Fund Tune-Up, including leveraging the use of HOME Program and other federal funding sources to create additional affordable housing opportunities in our community. This includes seeking opportunities to issue joint requests for proposals with Mecklenburg County (Consortium member) for the use of HOME Program and other federal funding sources.

Attachment(s)

2012 Charlotte-Mecklenburg Regional Housing Consortium Joint Cooperation Agreement

[2012 Housing Consortium Joint Cooperative Agreement](#)

CONSENT

10. Audio Visual Equipment and Installation for Fire Training Academy

Action:

- A. **Approve the purchase of audio-visual equipment and installation by the sole source exemption,**
- B. **Approve a contract with Inter Technologies Corporation for the purchase of audio-visual equipment and installation, and**
- C. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Reginald T. Johnson, Fire
Reuben Fitzgerald, Fire
Jeffrey Richardson, Fire

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 in order to maintain standardization and compatibility with existing equipment.
- City Council approval is required for any purchases made under the sole source exemption.

Explanation

- The contract will provide audio-visual equipment and installation in twelve Charlotte Fire Department Training academy classrooms.
- Expenditures are estimated to be \$170,065.

Charlotte Business INClusion

This is a sole source contract and is exempt from the CBI Program.

Fiscal Note

Funding: General Capital Investment Plan

11. Traffic Signals and Hardware

Action:

- A. Approve a unit price contract with General Traffic Equipment Corp. for the purchase of Traffic Signals and Hardware for an initial three-year term, 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):

Debbie Smith, Transportation

Bryan Tarlton, Transportation

Explanation

- The Charlotte Department of Transportation (CDOT) operates and maintains a transportation system that includes traffic signals and supporting infrastructure to manage traffic operations throughout the city.
- CDOT maintains traffic signals at over 900 intersections across the city.
- This contract will provide various traffic signal components such as signal housings, visors, backplates, and mounting hardware.
- On January 29, 2024, the city issued an Invitation to Bid; three bids were received.
- General Traffic Equipment Corp. was selected as the lowest responsive, responsible bidder.
- At renewal, price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept decreases, if warranted.
- Annual expenditures are estimated to be \$250,000.

Charlotte Business INclusion

Contract goals were not established on this Contract because there were no MWSBEs available to perform the work for the Contract.

Fiscal Note

Funding: CDOT Operating Budget

12. Construct Matheson Avenue Bridge Streetscape Project

Action:

Approve a contract in the amount of \$12,885,798.48 to the lowest responsive, responsible bidder Blythe Development Company for the Matheson Avenue Bridge Streetscape Project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Keith Bryant, General Services

Explanation

- The Applied Innovation Corridor (AIC) Program identifies infrastructure investments in Charlotte's North End to spur economic growth and facilitate recruitment of high-tech industries to the area.
- This project is identified in the AIC Program and will include pedestrian, bicycle, and bridge improvements on Matheson Avenue from North Tryon Street to Jordan Place in Council District 1 and make connections to the Cross Charlotte Trail, Blue Line Extension and NoDa neighborhood.
- The work will include, but is not limited to:
 - Reducing travel lanes from four to two lanes for vehicles
 - Cycle track (south side) and sidewalk (north and south side) along Matheson Avenue
 - Grading, paving, drainage, curb and gutter and bridge improvements
- On February 2, 2024, the city issued an Invitation to Bid (ITB); two bids were received.
- NC General Statute 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 readvertisements result in fewer than three competitive bids.
- On March 6, 2024, the city re-issued the ITB; two bids were received.
- Blythe Development Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2027.

Charlotte Business INclusion

Established MBE Goal: 7.00%
Committed MBE Goal: 7.00%

Blythe Development Company met the established contract goal and has committed 7.00% (\$902,010) of the total contract amount to the following certified firm(s):

- RRC Concrete Inc. (MBE) (\$731,810) (concrete)
- Diamond Trucking of NC Inc. (MBE, SBE) (\$140,200) (hauling)
- Express Logistics Services, Inc. (MBE, SBE) (\$30,000) (hauling, asphalt)

Established WBE Goal: 3.00%
Committed WBE Goal: 3.43%

Blythe Development Company exceeded the established contract goal and has committed 3.43% (\$442,555) of the total contract amount to the following certified firm(s):

- Pentacle Inc. (WBE, SBE) (\$442,555) (fence)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map - Construct Matheson Avenue Bridge Streetscape Project](#)

13. Workforce Development Services

Action:

- A. Authorize the City Manager to negotiate and execute contracts with the following organizations for the provision of workforce development initiatives for a term of two years:**
- Road To Hire (\$1,438,420),
 - Charlotte Works (\$1,305,250),
 - City Startup Labs, Inc. (\$527,850),
 - Gener8tor Management, LLC (\$350,000), and
- B. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Danielle Frazier, City Manager's Office

Explanation

- An important focus of Council's Workforce and Business Development priority is to increase Charlotte residents' access to quality jobs by supporting and connecting residents with quality training programs that result of obtainment in high-demand, sustainable employment.
- As a continuation of the city's workforce development efforts, the proposed contracts will provide services necessary to implement workforce development programs, including intake, assessment, and career path navigation; educational guidance and enrollment; career guidance; job placement; and wraparound services to ensure success.
- On December 15, 2023, the city issued a Request for Proposals (RFP); ten responses were received.
- The agencies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Outcome measures for the contracts include:
 - Industry-recognized credential attainment (85%)
 - Job placement in high-demand occupations (80%)
 - Employment retention up to one year (85%)
 - Increased wages upon training completion and job placement (90%)
- These contracts will allocate \$3.6 million of the \$4.9 million in funding designated by Council for Workforce Development Initiatives that are in response to the negative economic impacts of the COVID-19 public health emergency.
- Council will receive information at a later date as to the proposed uses of the remaining balance of \$1.3 million that is within the Workforce Development allocation.

Background

- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA), which included the Coronavirus State and Local Fiscal Recovery Funds (SLFRF). Charlotte was one of almost 1,000 cities across the nation that received these funds.
- SLFRF funds must be obligated by December 31, 2024, and spent by December 31, 2026.
- In April 2023, Council authorized the use of up to \$9.1 million in SLFRF funds for the implementation of HIRE Charlotte recommendations. The proposed contracts would be paid for using these funds.
- The \$9.1 million is allocated to the following projects which are in development and progress:
 - \$4,900,000 - Workforce Development
 - \$1,500,000 - Target Industry Training
 - \$1,000,000 - Talent Connector
 - \$1,000,000 - Essential Skills Curriculum Development & Training
 - \$500,000 - RENEW HVAC & Clean Tech Training
 - \$160,000 - BankWork\$ Financial Services Training

Charlotte Business INClusion

Contract goals were not established on this Contract as there were no viable subcontracting opportunities.

Fiscal Note

Funding: American Rescue Plan Act (ARPA) Funds

14. Resolution of Intent to Abandon a Portion of Two Alleyways between Heath Court and Hawthorne Lane

Action:

- A. **Adopt a Resolution of Intent to abandon a Portion of Two Alleyways between Heath Court and Hawthorne Lane, and**

- B. **Set a Public Hearing for May 13, 2024.**

Staff Resource(s):

Debbie Smith, Transportation
Casey Mashburn, Transportation

Explanation

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

Petitioners

Queen City Hotel Investors, LLC

Attachment(s)

Map
Resolution

[2023-007396A - Abandonment Map](#)

[2023-007396A Resolution of Intent 03.25.2024](#)

Adjournment

REFERENCES

15. Reference - Charlotte Business INclusion Program

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

Section 7.11 Small Business Market Strategy

Section 7.11: The Business Inclusion Officer may develop a market strategy for SBEs that may consist of setting aside certain classes or sizes of contracts for targeted Solicitations to SBEs.

Section 3.1 Contract Goals

Section 3.1.2: Contract Goals: One or more contract goals may be established for all Contracts of \$100,000 or more.

Section 3.1.3: Types of Contract Goals: A Contract Goal can be a (i) MWSBE Goal, (ii) MBE Goal, (iii) SBE Goal, (iv) WBE Goal, (v) MSBE Goal, (vi) WSBE Goal or (vii) MWBE Goal.

Section 3.1.4: Participation Plan for Specific City Agreements:

3.1.4.1: Participation Plans shall be used for Contracts using the Infrastructure Reimbursements Agreements, Developer Agreements, Financial Partner agreements, design-build construction delivery method, construction manager at-risk delivery method, and public-private partnership construction delivery method. The Business Inclusion Officer may require a Participation Plan for other Contracts not specified in this section.

3.1.4.2: The Business Inclusion Officer shall draft a Participation Plan describing what outreach and other efforts the Contractor will be required to undertake to meet the Contract Goals established for the Contract. Any revisions to a Participation Plan after submission shall be approved in writing by the Business Inclusion Officer.

Section 3.1.5: Negotiated Contract Goals:

3.1.5.1: The City may negotiate with a Business Enterprise regarding prospective MWSBE utilization on a Contract prior to its Solicitation. In such instances, the negotiation regarding any Contract Goals may involve scopes of work that are undefined prior to Solicitation but will consist of an overall City expenditure of funds that is known.

Section 3.1.6: No Contract Goals: Contract Goals will not be established on a Contract if (i) there are no MWSBEs to perform the work for the Contract or (ii) it is an Exempt Contract.

Section 8.0 Definitions

Section 8.15: Contract: Any written agreement between the City and Business Enterprise, or any modification thereof, obligating the Business Enterprise to furnish goods or services to the City or perform construction activities for the City. This term shall not include exempt contracts.

Section 8.21: Exempt Contracts: The following Contracts are exempt from all aspects of the CBI Program unless a Department elects otherwise:

8.21.1 Federal Funded Agreements: 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.

8.21.2 Financial Partner Agreements: Contracts with a Financial Partner that has an existing MWSBE program or DBE program that the Financial Partner uses regularly and can provide evidence thereof.

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

8.21.4 Legal Services: Contracts to provide legal services on behalf of the City or its employees or elected officials.

8.21.5 No Competitive Process: Contracts 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 agreements 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 North Carolina General Statutes § 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

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

8.21.7 Special Exemptions: Contracts where the Department and the Business Inclusion Officer agree that there was no discretion to hire an MWSBE including, but not limited to, payments or reimbursements to City employees or the procurement of utilities.

8.21.8 State Funded Agreements. Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to North Carolina General Statutes § 143- 128.2

Section 5.0: Responsibilities After Contract Award

Section 5.4: New Subcontracting Opportunities

5.4.1: If a Contract has a previously unidentified opportunity for MWSBE participation or if a scope of work has been enlarged or increased, then the Contractor shall notify the Department Head.

5.4.2 Notice: Contractor shall promptly notify the Department Head of the new opportunity for MWSBE participation and whether existing MWSBE Subcontractors on the Contract can and/or will perform the new work.

5.4.3 Response: Upon receipt of the notice under Section 5.4.2, the Department Head shall notify the Contractor that (i) there will be no Supplemental Goal or (ii) there will be a Supplemental Goal based on MWSBE availability.

Section 7.12: Financial Partners

7.12.1 Exemption: If a Financial Partner currently administers a program for MWSBEs, then the Financial Partner may seek an exemption from the Business Inclusion Officer by communicating an intent to use the Financial Partner's existing program in lieu of adhering to the CBI Program. Determinations are made on a case-by-case basis by Business Inclusion Officer.

7.12.2 Contract Goals: A Financial Partner shall be subject to Section 3 (Goals) and Section 4 (Good Faith Efforts) if the Financial Partner has not been exempted pursuant to Section 7.11.1.

16. 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.

17. 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.