

City of Charlotte

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



Meeting Agenda

Monday, March 25, 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.

[2024-03-25 Council Agenda QA](#)

2. Consent agenda items 22 through 41 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

Update on Residential Development in the UDO

Staff Resource(s):

Alyson Craig, Planning, Design & Development

Time: Presentation - 15 minutes; Discussion - 20 minutes

Explanation

- Provide an overview of UDO standards for residential conservation developments.

[UDO Text Amendments Presentation](#)

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. Brain Injury Awareness Month

Action:

Council member Johnson will read a proclamation recognizing March 2024 as Brain Injury Awareness Month.

PUBLIC FORUM

7. Public Forum

PUBLIC HEARING

8. Public Hearing on a Resolution to Close a Portion of Alleyway between Scott Avenue and Fountain View Street

Action:

- A. Conduct a public hearing to close a Portion of Alleyway between Scott Avenue and Fountain View Street, and
- B. Adopt a resolution and close a Portion of Alleyway between Scott Avenue and Fountain View Street.

Staff Resource(s):

Debbie Smith, Transportation

Casey Mashburn, Transportation

Explanation

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

Petitioner

SHG East Boulevard, LLC

Right-of-Way to be Abandoned

Portion of Alleyway between Scott Avenue and Fountain View Street

Reason

Per the petition submitted by SHG East Boulevard, LLC, The abandonment of the alleyway will facilitate the future redevelopment of abutting parcels of land. The city has no objections.

Notification

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

Adjoining property owner(s)

None

City Departments

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

Attachment(s)

Map

Resolution

[2023-000881A - Abandonment Map](#)

[2023-000881A - Resolution to Close 03.25.24](#)

9. Public Hearing and Decision on Alverton Area Voluntary Annexation

Action:

- A. Conduct a public hearing for Alverton Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of March 25, 2024, to extend the corporate limits to include this property and assign it to the adjacent City Council District 4.

Staff Resource(s):

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

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 12.739-acre property located north of Interstate 485 along the east side of Mount Holly-Huntersville Road.
- The property is owned by Southcraft Development, LLC.
- The site is currently developed with one single-family home on the property that will be removed prior to any redevelopment.
- The annexation area is zoned N1-A (Neighborhood 1, A).
 - The site's N1-A zoning allows for single-family residential uses as well as duplexes, triplexes, and a limited number of other uses.
- The petitioned area consists of one parcel; parcel identification number: 033-111-10.
- The property is located within Charlotte's extraterritorial jurisdiction, shares boundaries with current city limits, and is immediately adjacent to City Council District 4.
- The intent of the annexation is to enable the development of 32 single-family dwelling units.
- In the evaluation of this annexation area, Charlotte-Mecklenburg Stormwater Services, Charlotte-Mecklenburg Police Department, and Charlotte Solid Waste Services noted that this annexation area would have minimal to no impacts to the departments' resources.
- The Charlotte Fire Department noted capacity to service this area would increase once the new Firehouse No. 46 at Beatties Ford Road and Miranda Road is operational.
- The potential revenue generated from this annexation area is projected to exceed the estimated cost of extending municipal services to the site.

Consistent with City Council Policies

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

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Map - Alverton Area Annexation](#)

[Survey - Alverton Area Annexation](#)

[Ordinance - Alverton Area Annexation](#)

POLICY

10. City Manager's Report

BUSINESS

11. Authorization of the Sale of Certificates of Participation

Action:

Adopt a resolution authorizing and approving an installment financing contract for the proposed financing and calling for the execution and delivery of various documents necessary to complete the sale of Certificates of Participation.

Staff Resource(s):

Teresa Smith, Finance

Matthew Hastedt, Finance

Explanation

- This action authorizes the city to enter into an installment financing contract not to exceed \$137,000,000 to finance the city's acquisition of certain equipment and construction of and improvements to facilities.
- Certificates of Participation (COPs) are a common debt financing tool used by municipal governments to help fund the purchase of capital equipment and the construction or renovation of facilities.
- The proceeds from this financing will be used to finance the costs of below and similar other projects:
 - Construction of CMPD Northwest police station,
 - Acquisition of a new police helicopter,
 - ADA facilities,
 - Construction, renovation, and improvements to firefighting and other public safety facilities,
 - Capital building improvements and sustainability related utility systems upgrades,
 - Charlotte Mecklenburg Government Center HVAC replacement,
 - Improvements to other governmental facilities, and
 - Acquisition of Charlotte Water equipment.
- This action authorizes the City Manager and the authorized officers named in the resolution to take the necessary actions to complete the financing and related documents for the life of the debt.

Fiscal Note

Funding: Municipal Debt Service Fund and Charlotte Water Debt Service Fund

Attachment(s)

Resolution

[Resolution - Charlotte Governmental Facilities COPs, Series 2024](#)

12. Sale of City-Owned Land for West Sugar Creek Redevelopment

Action:

- A. Adopt a resolution approving the sale of 4.32 acres of city-owned property at 5342 Reagan Drive and 5350 Reagan Drive (parcel identification numbers: 089-064-47 and 089-064-31) to Prosperity Hidden Valley, LLC for \$1 for the development of affordable housing, and**
- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete the sale of the property.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Monica Holmes, Planning, Design & Development
Rebecca Hefner, Housing & Neighborhood Services

Explanation

- The city-owned property at 5342 Reagan Drive and 5350 Reagan Drive (collectively, the "Property") is located on the southeastern corner of the West Sugar Creek Road and Interstate 85 interchange, in Council District 1. The Property consists of approximately 4.33 acres and is currently zoned N2-B (intended for the development of multi-family dwellings).
- In April 2023, the city acquired the Property for \$4,200,000, which was the estimated fair market value based on a February 9, 2023, appraisal of the Property.
- Prior to the city purchase, the Property was an operating hotel (Economy Inn) with a long history of nuisance and criminal activity.
- On June 29, 2023, the city issued a Request for Proposals (RFP) for the redevelopment of the Property. The primary objective of the RFP was to address the critical need for affordable homeownership opportunities for low- to moderate-income households, and specifically requested the development of affordable, for-sale townhomes on the Property.
- To ensure a smooth transition into the redevelopment phase, the city conducted environmental remediation, building demolition, and rezoning of the Property during the RFP process.
- Three responses to the RFP were received, and Prosperity Hidden Valley, LLC, a North Carolina limited liability company, was selected based on their qualifications, experience, cost, and responsiveness to RFP requirements.
- Prosperity Hidden Valley, LLC (Developer) is a partnership consisting of True Homes, LLC, and Prosperity Alliance, LLC. Both are experienced affordable housing developers that offer a community, mission-oriented approach, with a focus on affordable homeownership especially for households impacted by racial disparities in homeownership. These developers also have a history of social impact including supporting economic mobility initiatives such as youth enrichment services including college scholarships for youth in public housing, and workforce development.
- The proposed development will include the following:
 - A minimum of 39 new construction for-sale residential townhome units.
 - All units will be affordable to families earning at or below 80 percent of the Area Median Income (AMI).
 - Affordability period of 20 years.
 - Units may not be leased during the affordability period.
 - The unit purchase price will be limited to the city's House Charlotte maximum home sales price for the year the sale takes place.
 - To ensure that the homes are accessible, the Developer will be utilizing the House Charlotte Downpayment Assistance Program and special mortgage financing options from established banking partners that are available to low-and-moderate-income homebuyers.
- The Property is being conveyed to the Developer for \$1 to enable the construction of the affordable townhome development and to mitigate the need for the city to commit further financial support to the project. The Developer is not seeking additional grant funding from the city.

- In addition to the development details noted above, the conveyance will include a due diligence period with closing to occur within approximately 60 days from the end of the due diligence period, and a reverter clause that can be enforced if the units are not completed and available for occupancy within three years from the date of the deed conveying the Property to the Developer.

Background

- The Spring 2020 Sugar Creek/I-85 Design Sprint Report and 2022 West Sugar Creek Corridors of Opportunity Playbook recommended reducing the concentration of economy hotels/hotel rooms at the interchange of Sugar Creek and I-85 to support crime and violence prevention in the area including through the acquisition of hotel property for housing development.
- A key priority of the Playbook also included increasing affordable housing homeownership options and maintaining affordability.
- On November 14, 2023, the Planning Commission reviewed the proposed sale of the Property and had no comments.
- This transaction is consistent with the City-Owned Real Estate and Facilities Policy, the Guidelines for Evaluation and Disposition of City Owned Land for Affordable Housing, and supports the recommendations of the I-85/Sugar Creek Corridors of Opportunity Design Sprint and Playbook.

Fiscal Note

Funding: Proceeds to be deposited into the General Capital Investment Plan

Attachment(s)

Map

Resolution

[Map - Sale of City-Owned Land for West Sugar Creek Redevelopment](#)

[Resolution - Sale of City-Owned Land for West Sugar Creek Redevelopment](#)

13. Spectrum Center Agreement Revision

Action:

- A. Authorize the City Manager, or his designee, to negotiate and execute an agreement between Charlotte Arena Operations, LLC and the City of Charlotte in an amount not to exceed \$30,000,000 for additional Spectrum Center improvements and \$30,000,000 for the City's investment in a new practice facility development,**
- B. Adopt a budget ordinance appropriating \$30,000,000 in proceeds from Certificates of Participation in the Tourism Capital Projects Fund for additional arena improvements and repairs,**
- C. Adopt a budget ordinance appropriating \$30,000,000 in proceeds from Certificates of Participation in the Tourism Capital Projects fund for the City's contribution to a new practice facility development, and**
- D. Authorize the City Manager to negotiate and execute contracts necessary to amend agreements for the Spectrum Center renovations and advance construction of the new practice facility related to the City's agreement with Charlotte Arena Operations, LLC.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Teresa Smith, Finance

Explanation

- Current Hornets ownership, Charlotte Arena Operations, LLC, requested a change in city investment and the location of a proposed practice facility.
- The revised proposal has two primary changes from the agreements approved by Council in June 2022:
 - The practice facility is proposed to be built on 60% of the 501 East Trade Street gravel lot adjacent to the Spectrum Center and will be an expanded facility including medical office.
 - The city would provide development rights on the remaining 40% of the gravel lot that can be used for district vision supported uses such as a hotel or expansion of the practice facility development. If this portion of the site is not developed within 5-years, the development rights expire.
 - The city will divert \$30,000,000 initially planned for practice facility development construction to the Spectrum Center (\$245,000,000 is the new total investment into Spectrum Center). The Spectrum Center is currently and will continue to be owned by the city.
 - \$30,000,000 of city investment will remain with the practice facility development.
- Summary of all terms for the 2024 proposal includes:
 - The City of Charlotte will contribute an additional \$30,000,000 to Spectrum Arena improvements, increasing the city's total investment to \$245,000,000 towards the arena and \$30,000,000 towards the practice facility development.
 - The City of Charlotte will have ownership in the practice facility development equal to its \$30,000,000 investment. It is expected no taxes will be assessed on the city's ownership.
 - MSWBE goals for the city's financial commitment will mirror those used for Spectrum Arena but within new city policy that includes WBE. The goals will be MBE of 16% and WBE/SBE of 14%.
 - The use of the city-owned 501 East Trade Street gravel lot located adjacent to Spectrum arena is included in this project as follows:
 - 60% of the gravel lot will be used by Hornets ownership to construct the practice facility development (including medical office).

- Hornets' ownership will have a 5-year option on the remaining 40% of the gravel lot to develop the property for district vision supported uses such as a hotel or expansion of the practice facility development.
- Two separate land transactions will occur for the 60% and 40% developments listed above, and the structure of these transactions pursuant to policy and state statutes will come back to council for consideration.
- The change in the structure alleviates the city's financial obligations associated with potential cost of penalties on construction delays, required 350 parking spaces, cost overruns and practice facility maintenance.
- City staff believe the contribution of the entire gravel lot is appropriate due to the original 2022 obligation of 50% of the gravel lot for the practice facility (option 2) and the release of previous city requirements such as 350 parking spaces, potential construction delay penalties, cost overruns, and maintenance, as well as the Hornet's ownership commitment to replacing city employee parking on future development of the gravel lot.
 - Hornets' ownership will provide, at no cost to the city, construction and access to 125 spaces for city employee daytime parking that will be immediately available upon completion of the practice facility development. Up to 125 spaces for additional city employee parking will be provided on the remaining 40% of the gravel lot with commercially responsible efforts.
 - Naming rights revenues will be retained by Hornets' ownership.
- Expected future City Council engagements include the structure of the land transactions in accordance with policy and state statutes, city financing terms, and update on final agreement prior to execution.
- Local Government Commission approval is required for both the \$30,000,000 for the Spectrum Center Arena improvements and \$30,000,000 for the practice facility complex.

Background

- In June 2022, City Council approved the following three actions:
 - Authorize the City Manager, or his designee, to negotiate and execute an agreement between Hornets Sports Entertainment and the City of Charlotte in an amount not to exceed \$215,000,000 for Spectrum Center improvements and \$60,000,000 for a new Performance Enhancement Center,
 - Adopt a budget ordinance appropriating \$215,000,000 in proceeds from Certificates of Participation in the Tourism Capital Projects Fund for arena improvements and repairs, and
 - Authorize the City Manager to negotiate and execute contracts necessary to complete arena improvements and repairs to the Spectrum Center and Performance Enhancement Center related to the City's agreement with Hornets Sports and Entertainment.
- The approval of these three actions in June 2022 resulted in a 15-year lease extension.
- Two options at the time were available for the Performance Enhancement Center (practice facility).
 - Option 1: The practice facility would be included in the larger Charlotte Transit Center (CTC) redevelopment project.
 - Option 2: The practice facility would be built on one-half of the Brevard Street gravel lot directly adjacent to the Spectrum Center.
- The ownership team of the Hornets Sports and Entertainment has changed since the June 2022 agreements.

Council Discussions

- On February 26, 2024, City Council received a presentation on the new proposal and directed additional discussion take place at the March 4, 2024, Jobs and Economic Development Committee meeting.
- On March 4, 2024, the Jobs and Economic Development Committee received an update on the new proposal and voted unanimously to send the proposal back to City Council for their decision of

approval.

- On March 4, 2024, the Mayor and City Council received a report from the Jobs and Economic Development Committee and discussed the project.

Charlotte Business INclusion

The city has established a 16% MBE and a 14% WSBE goal for this project. Because this is a Construction Manager at Risk project, the Construction Manager has the opportunity to add Minority-owned Business Enterprises (MBE), Women-owned Business Enterprises (WBE) or Small Business Enterprise (SBE) firms throughout the life of the Project.

Fiscal Note

Funding: Tourism Debt Service Fund

Attachment(s)

February 26, 2024, City Council Action Review Presentation
March 4, 2024, Jobs and Economic Development Committee Presentation
Budget Ordinance (Arena improvements)
Budget Ordinance (Practice Facility Development)

[Feb 26 2024 Spectrum Center Agreement Update](#)

[03.04.2024 J&ED Committee Hornets Sports and Entertainment](#)

[2024 Spectrum Budget Ordinance Arena Improvements](#)

[2024 Spectrum Budget Ordinance Arena Practice Facility Development](#)

NOMINATIONS

14. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning April 29, 2023, and ending April 28, 2026.
 - Domenico Santilli is eligible but not interested in reappointment.
- One appointment for a three-year term recommended by the Charlotte Regional Business Alliance for a three-year term beginning April 29, 2024, and ending April 28, 2027.
 - Lindsey Haaser-Braciale is eligible for reappointment.
- One appointment for a three-year term recommended by the Latin American Chamber of Commerce beginning April 29, 2023, and ending April 28, 2026.
 - Richard Cuebas is eligible but not interested in reappointment.
- One appointment for a partial term recommended by the LGBT+ Chamber of Commerce beginning upon appointment and ending June 30, 2026.
 - Chad Turner did not meet attendance requirements.

Attachment(s)

Business Advisory Committee Applications

15. Nominations to the Charlotte Business INClusion Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending February 28, 2025.
 - Camisha Farris did not meet attendance requirements.
- Two appointments for a two-year term beginning March 1, 2024, and ending February 28, 2026.
 - Stephanie Hand is ineligible for reappointment.
 - Vernetta Mitchell has served two terms and is ineligible for reappointment.
- One appointment for a two-year term for an At-Large Representing Prime Construction Company category representative beginning March 1, 2024, and ending February 28, 2026.
 - Gary Beal is eligible for reappointment.
- One appointment for a two-year term for a Black Chamber of Commerce representative beginning March 1, 2024, and ending February 28, 2026.
 - Harrison Williams has served two terms and is ineligible for reappointment.
- One appointment for a two-year term for a Carolinas Asian-American Chamber of Commerce representative beginning March 1, 2024, and ending February 28, 2026.
 - Alex Bui is eligible but not interested in reappointment.
- One appointment for a two-year term for a Hispanic Contractors Association of the Carolinas representative beginning March 1, 2024, and ending February 28, 2026.
 - Carolina Shoffner is eligible for reappointment.
- One appointment for a two-year term for a Latin American Chamber of Commerce representative beginning March 1, 2024, and ending February 28, 2026.
 - Pacino Mancillas is eligible for reappointment.
- One appointment for a two-year term for a Metrolina Minority Contractors Association representative beginning March 1, 2024, and ending February 28, 2026.
 - Valerie Del has served two terms and is ineligible for reappointment.
- One appointment for a two-year term for a Metrolina Native American Association representative beginning March 1, 2024, and ending February 28, 2026.
 - Rebecca LaClaire is eligible for reappointment.

Attachment(s)

Charlotte Business INClusion Advisory Committee Applications

16. Nominations to the Charlotte Mecklenburg Public Access Corporation

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending June 30, 2026.
 - Jakob Gattinger has resigned.

Attachment(s)

Charlotte Mecklenburg Public Access Corporation Applications

17. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending June 30, 2026.
 - Phillip Goodwin has resigned.
- One appointment for a partial term for a Resident Owner of Fourth Ward beginning upon appointment and ending June 30, 2025.
 - Noelle Bell resigned.
- One appointment for a partial term for a Resident Owner of Hermitage Court beginning upon appointment and ending June 30, 2024, and a three-year term beginning July 1, 2024, and ending June 30, 2027.
 - James Jordan has resigned.

Attachment(s)

Historic District Commission Applications

18. Nominations to the INLIVIAN Board of Commissioners

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending December 17, 2024.
 - Ray McKinnon has resigned.

Attachment(s)

INLIVIAN Board of Commissioners Applications

19. Nominations to the Neighborhood Matching Grants Fund

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Business Representative for a two-year term beginning April 16, 2024, and ending April 15, 2026.
 - Anthony Chadwick is eligible for reappointment.
- Four appointments for a Neighborhood Representative from within Program Boundaries for a two-year term beginning April 16, 2024, and ending April 15, 2026.
 - Susana Jerez has resigned.
 - Patricia Johanson has served two terms and is ineligible for reappointment.
 - Jeffrey Simpson is eligible for reappointment.
 - Jonathan Utrup is eligible for reappointment.
- Two appointments for a Non-Profit Sector Representative for a two-year term beginning April 16, 2024, and ending April 15, 2026.
 - Rhonda Dean is eligible for reappointment.
 - Phillip Gussman is eligible for reappointment.
- One appointment for a two-year term Recommended by School Superintendent beginning April 16, 2024, and ending April 15, 2026.
 - Doris Shivers has served two terms and is ineligible for reappointment.

Attachment(s)

Neighborhood Matching Grants Fund Applications

20. Nominations to the Passenger Vehicle for Hire Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Hospitality / Tourism Industry category representative for a partial term beginning upon appointment and ending June 30, 2024, and a three-year term beginning July 1, 2024, and ending June 30, 2027.
 - Sheila Etheridge-Boddie has served two terms and is ineligible for reappointment.

Attachment(s)

Passenger Vehicle for Hire Board Applications

21. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for an Express Service Passenger category representative for a partial term beginning upon appointment and ending January 31, 2026.
 - Antonette Love did not meet attendance requirements.
- One appointment for a Vanpool Rider category representative for a partial term beginning upon appointment and ending January 31, 2025.
 - Parker Cains has resigned.

Attachment(s)

Transit Services Advisory Committee Applications

CONSENT

22. Police Psychological Services and Fit for Duty Evaluations

Action:

- A. Approve a contract with FMRT Group, LLC for Police Psychological Services and Fit for Duty Evaluations for an initial term of two 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):

Johnny Jennings, CMPD
Gene Lim, CMPD

Explanation

- Charlotte-Mecklenburg Police Department (CMPD) officers have access to sensitive, protected information, and hold positions accountable for protecting the safety of the Charlotte-Mecklenburg community.
- CMPD conducts a thorough evaluation of potential officers. A psychological evaluation is a required component of the officer selection process to assist in assessing the capacity of recruits to handle the comprehensive responsibilities of police officers.
- In addition to the recruitment purposes, CMPD requires employees who exhibit behaviors inconsistent with expectations to undergo a fit-for-duty evaluation in certain circumstances.
- On December 29, 2023, the city issued a Request for Proposals (RFP); one response was received.
- The FMRT Group, LLC meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- At renewal, price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual expenditures are estimated to be \$200,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Police Operating Budget

23. Pedestrian Signal Housing Components

Action:

- A. Approve a unit price contract with General Traffic Equipment Corporation for the purchase of Pedestrian Signal Housing Components for a 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):

Debbie Smith, Transportation

David Smith, 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 be utilized to purchase pedestrian signal housing components for maintenance of existing units and new installations of pedestrian signals throughout the city to promote pedestrian safety.
- On December 28, 2023, the city issued an Invitation to Bid; one bid was received.
- General Traffic Equipment Corporation was selected as the lowest responsive, responsible bidder.
- The contract prices shall remain fixed for the initial three-years term. At renewal, price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual expenditures are estimated to be \$150,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: CDOT Operating Budget

24. Freightliner Parts and Services

Action:

- A. **Approve a contract Amendment #2 with Excel Truck Group for Freightliner Parts and Services to increase the total contract amount by \$1,500,000, and**

- B. **Authorize the City Manager to renew the contract for the remaining renewal term of one year with possible price adjustments and to amend the contract consistent with the purpose for which the contract and this amendment were approved.**

Staff Resource(s):

Phil Reiger, General Services

Chris Trull, General Services

Shelia Anderson, General Services

Explanation

- General Services Fleet Management maintains approximately 715 heavy trucks, 162 of which are manufactured by Freightliner.
- Depending on staffing, bay space, and fleet availability, Fleet Management occasionally utilizes vendors to perform repairs.
- In September 2020, the city contracted with Excel Truck Group for service and original equipment manufacturer (OEM) certified repairs to Freightliner heavy trucks.
- Amendment #1 was executed in September 2023 to address the need for additional funding due to increased service demand.
- Amendment #2 will include funding for two on-site technicians and as-needed service repairs to maintain aging equipment and increase fleet availability.
- A waiver of a competitive solicitation process for these services has been approved for these services based on the vendor's status as the only Freightliner OEM-certified dealer in the Charlotte metro area.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- The new total estimated value of the contract, including Amendment #2, is \$2,000,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Services Operating Budget

25. Solid Waste Services Transitional Workforce Labor Contract

Action:

- A. **Approve a unit price contract with the Center for Employment Opportunities for transitional workforce labor for an initial term of one year, 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):

Rodney Jamison, Solid Waste Services

Explanation

- The Center for Employment Opportunities (CEO) has partnered with Solid Waste Services (SWS) since 2020 to provide daily work crews throughout the city to supplement litter control and rights-of-way cleaning.
- CEO operates in 30 US cities across 12 states, facilitating community beautification while reducing recidivism and providing ongoing employment.
- CEO's unique model provides job placement and wrap-around services for formerly incarcerated individuals to gain work experience and maintain case management.
- All work crews through this agreement are paid, insured, employed, and supervised by CEO in conjunction with SWS management staff.
- A waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver was approved February 12, 2024, for these services based on a successful pilot and the unique employment services opportunity provided for advancing workforce development.
- Annual expenditures are estimated to be \$533,334.

Charlotte Business INclusion

This contract is exempt under the CBI Program.

Fiscal Note

Funding: Solid Waste Services General Operating Budget and Capital Investment Plan

26. Storm Water Educational Campaign Media Planning and Placement Services

Action:

- A. **Approve contract amendment #1 to execute the first of two, one-year optional renewal terms to the contract with The Agency Marketing Group (SBE) for education campaign media planning and placement services, and**
- B. **Authorize the City Manager to renew the contract for one additional, one-year renewal term and to amend the contract consistent with the purpose for which the contract and this amendment were approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Alyssa Dodd, Storm Water Services

Explanation

- In July 2021, the city entered into a contract with The Agency Marketing Group for strategic media planning and placement services in the amount of \$467,700 to assist with the implementation of community outreach and education campaigns to raise awareness of the effects of individual behavior on surface water quality, volunteer opportunities to protect waterways, flood safety, and storm drainage infrastructure.
- This contract amendment is being requested to execute the first one-year renewal option and to expand media placements to effectively reach community members.
- Mecklenburg County reimburses the city for a portion of the contract costs, which is approximately 35 percent annually.
- The new total estimated value of the contract, including all optional renewals, is \$842,700.

Charlotte Business INclusion

Contract goals were not established on this amendment as there were no viable subcontracting opportunities. However, The Agency Marketing Group is a city certified SBE.

Fiscal Note

Funding: Storm Water Operating Fund

27. Interlocal Agreement for Relocation of Sanitary Sewer Infrastructure

Action:

- A. **Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute an interlocal agreement with Mecklenburg County for construction of sanitary sewer line relocations, adjustments, and improvements, and**
- B. **Authorize the City Manager, or his designee, to approve the reimbursement request for the actual cost of the utility construction.**

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This interlocal agreement is for the relocation and replacement of sanitary sewer infrastructure located within the Kings Branch Stream Restoration project, located between Archdale Drive and Farmhurst Drive in Council District 3.
- As part of the relocation of Charlotte Water sanitary sewer assets, a larger pipeline will be constructed.
- The city will reimburse Mecklenburg County for actual construction costs at the conclusion of the project.
- The total estimated city cost of this construction is \$456,000.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Resolution

Map

[Resolution - Interlocal Agreement for Relocation of Sanitary Sewer Infrastructure](#)

[Map - Interlocal Agreement for Relocation of Sanitary Sewer Infrastructure](#)

28. CATS Magnetic Transit Passes Printing Services

Action:

- A. **Approve a contract with EDM Technology for Magnetic Transit Passes Printing 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):

Brent Cagle, CATS

Elizabeth Presutti, CATS

Explanation

- CATS is in need of printing and encoding services of magnetic transit passes, transfers, and ticket vending machine stock for GFI Fast Fare fareboxes and Venstar ticket vending machines located at light rail, streetcar, and bus stations.
- On August 11, 2023, the city issued a Request for Proposal (RFP); two responses were received.
- EDM Technology best meets the city's needs based on responsiveness to RFP requirements in terms of qualifications, experience, and cost.
- Pricing adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual expenditures are estimated to be approximately \$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: CATS Operating Budget

29. Airport Air Filtration Products and Exchange Services

Action:

- A. Approve a unit contract with United Air Filter Company for the purchase of air filtration products and related 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
Jack Christine, Aviation

Explanation

- The Airport provides heating, ventilation, and air conditioning for the Main Terminal Building, five concourses, and several outlying buildings.
- During the COVID-19 pandemic the Airport upgraded the quality of filters and will continue to use them in order to provide protection to the users of airport facilities.
- This contract is for the purchase of air filtration products and the quarterly replacement of air filters on all Airport-owned air handlers.
- On January 3, 2024, the city issued Invitation to Bid (ITB); two responses were received.
- United Air Filter Company best meets the city's needs of qualifications, experience, cost, and responsiveness for ITB requirements.
- Annual expenditures are estimated to be \$285,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Operating Budget

30. Airport Ground Power Unit and Pre-Conditioned Air Unit Parts

Action:

- A. **Approve the purchase of ground power unit and pre-conditioned air unit parts by the sole source exemption,**
- B. **Approve a unit price contract with ITW GSE, Inc. for the purchase of ground power unit and pre-conditioned air unit parts for a term of three years, and**
- C. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Sole Source Exemption

- North Carolina G.S. 143-129 (e)(6) states 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 there is only one supply source.
- City Council approval is required for any purchases made under the sole source exemption.

Explanation

- Aviation owns and maintains 113 passenger boarding bridges. The ground power units (GPU) and pre-conditioned air (PC air) units are integral components of the boarding bridges as they provide regulated power and air conditioning to the aircraft.
- ITW GSE, Inc. is the manufacturer of parts required for the maintenance of existing PC Air and GPU units.
- ITW GSE, Inc. is the only manufacturer who can provide performance standards, standardization, and compatibility with existing equipment.
- Annual estimated expenditures are \$350,000.

Charlotte Business INCLUSION

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

Fiscal Note

Funding: Aviation Operating Budget

31. Airport Property Lease with Xtreme Aviation

Action:

Approve a five-year lease agreement with Xtreme Aviation, LLC for warehouse and office space at the Airport.

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- Xtreme Aviation, LLC will lease the property at 4728 West Blvd., Ste. C, which contains 1,218 square feet.
- Xtreme Aviation, LLC is a company that provides aircraft maintenance services and will be the maintenance provider for Spirit Airlines at Charlotte Douglas International Airport.
- The agreement will be a five-year lease beginning July 5, 2024, and ending July 4, 2029.
- Rent is \$1,700 per month for the first year with three percent increases each year.

Fiscal Note

Funding: Revenue from the lease will be deposited in the Aviation Operating Fund.

32. Bond Issuance Approval for Poplar Grove Apartments

Action:

Adopt a resolution granting INLIVIAN's request to issue new multi-family housing revenue bonds, in an amount not to exceed \$31,000,000, to finance the rehabilitation of an affordable housing development known as Poplar Grove Apartments.

Staff Resource(s):

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

Explanation

- This action does not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service 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 multi-family housing revenue bonds for Poplar Grove Apartments, an existing 130-unit deed-restricted affordable senior housing development to be rehabilitated, owned, and operated by Poplar Grove Preservation, L.P., a New York limited partnership and affiliate of Related Affordable (Developer), or an affiliated or related entity.
- The development is located on approximately 2.4 acres at 421 North Poplar Street (parcel identification number 078-021-01) in Council District 2 and will serve senior households earning 60 percent and below the Area Median Income.
- The Developer proposes to rehab the development to include replacing the roof, windows and siding, upgrading security lighting, installing new flooring and hot water heaters, bathroom upgrades, and parking lot and walkway repairs.
- While there is no Housing Trust Fund or other city support affiliated with this development, staff has confirmed with INLIVIAN's bond counsel that there will be no permanent displacement of current residents. The majority of the work is proposed to occur with residents in their units and if there are instances where residents need to be temporarily relocated away from their units, INLIVIAN's bond counsel has confirmed that the Developer will pay for hotel accommodations.
- The INLIVIAN bonds, not to exceed \$31,000,000, will be used to finance the acquisition and rehabilitation of the development.

Background

- The developer applied for four percent low-income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the acquisition and rehabilitation of the development.
- The North Carolina Housing Finance Agency approved the application pursuant to its Qualified Allocation Plan and awarded the requested four percent tax credits and bond allocation capacity totaling \$31,000,000 for the development. Tax credit and bond allocations are subject to federal income limits and 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 has an indirect interest. The INLIVIAN board of directors approved issuance of the multi-family housing revenue bonds for the acquisition and rehabilitation project on August 15, 2023.

Attachment(s)

Map
Resolution

[Map Poplar Grove Apartments](#)

[Resolution INLIVIAN Housing Bonds Poplar Grove](#)

33. Set a Public Hearing on Kelly Woods Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for April 22, 2024, for Kelly Woods Area voluntary annexation petition.

Staff Resource(s):

Alyson Craig, Planning, Design, and Development
Holly Cramer, Planning, Design, and Development
Emma Knauerhase, 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 shares boundaries with current city limits.
- Annexation of this area will allow for more orderly development review, extension of city services, capital investments, and future annexation processes.
- The 37.803-acre "Kelly Woods" site is just west side of Kelly Road, north of Pleasant Grove Road in northwestern Mecklenburg County.
 - The site is currently developed with a single-family home that may remain on the site during redevelopment.
 - The petitioner has plans to continue the current land uses on the site and develop no more than 203 single-family homes.
 - The property is zoned N1-A (Neighborhood 1-A). The N1-A district allows for single-family residential uses as well as duplexes, triplexes, and a limited number of other uses.
 - The property is located immediately adjacent to City Council District 2.
 - The petitioned area consists of two parcels; parcel identification numbers: 033-051-19 and 033-051-40.

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

[Map - Kelly Woods Area Annexation](#)

[Resolution - Kelly Woods Annexation Public Hearing](#)

34. Set a Public Hearing on the Parkwood Avenue Associate Reformed Presbyterian Church Historic Landmark Designation

Action:

Adopt a resolution setting a public hearing for April 22, 2024, to consider historic landmark designation for the property known as the "Parkwood Avenue Associate Reformed Presbyterian Church" (Parcel Identification Number 083-093-09).

Staff Resource(s):

David Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Parkwood Avenue Associate Reformed Presbyterian Church as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Parkwood Avenue Associate Reformed Presbyterian Church is located at 1017 Parkwood Avenue in Council District 1.
- Designation of this property could significantly contribute to its long-term preservation.
- The Parkwood Avenue Associate Reformed Presbyterian Church is listed under Parcel Identification Number 083-093-09, and the recommended designation would include the exterior of the structure and the land associated with the tax parcel.
- The property is zoned UR-2(CD).
- The property is owned by A and E Rental Homes LLC.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$2,343.17 for the City of Charlotte taxes and \$4,257.11 for Mecklenburg County taxes.

Attachment(s)

Information Sheet

Resolution

[Information Sheet - Parkwood Avenue Church](#)

[Resolution - Parkwood Avenue Church Public Hearing](#)

35. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$1,313,459.42.

Staff Resource(s):

Teresa Smith, Finance

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested

Resolution Property Tax Refunds

[List of Taxpayers 3.25.24](#)

[Resolution March 25 2024](#)

CONSENT - PROPERTY TRANSACTIONS

36. Aviation Property Transactions - 5500 Wilkinson Boulevard

Action: Approve the following Acquisition: 5500 Wilkinson Boulevard

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

Project: Aviation Master Plan

Program: N/A

Owner(s): Billy R. Johnson Jr.

Property Address: 5500 Wilkinson Boulevard

Total Parcel Area: 49,049 SF (1.126 AC)

Property to be acquired by Easements: None

Structures/Improvements to be impacted: Office/parts building, service garage

Landscaping to be impacted: Shrubs, bushes, trees

Zoned: ML-2

Use: Industrial

Parcel Identification Number(s): 061-271-03

<https://polaris3g.mecklenburgcountync.gov/#mat=150683&pid=06127103&qisid=06127103>

Purchase Price: \$1,500,000 and all relocation benefits in compliance with Federal, State, or Local regulations.

Council District: 3

37. Charlotte Water Property Transactions - Kings Branch Stream and Sewer Improvements, Parcel # 1

Action: Approve the following Property Condemnation: Kings Branch Stream and Sewer Improvements, Parcel # 1

Project: Kings Branch Stream and Sewer Improvements, Parcel #1

Owner(s): GK Lexington Green, LLC

Property Address: 604 Archdale Drive

Total Parcel Area: 844,273 sq. ft. (19.38 ac.)

Property to be acquired by Easements: 2,948 sq. ft. (0.07 ac.) in Sanitary Sewer Easement; 16,178 sq. ft. (0.37 ac.) in Sanitary Sewer Easement within Existing Storm Drainage Easement; 6,050 sq. ft. (0.14 ac.) in Permanent Utility Easement; 10,653 sq. ft. (0.25 ac.) in Permanent Utility Easement overlapping Existing Storm Drainage Easement and Existing Sanitary Sewer Easement; 1,816 sq. ft. (0.04 ac.) in Permanent Utility Easement overlapping New Sanitary Sewer Easement

Structures/Improvements to be impacted: Temporary impact to parking and dumpster

Landscaping to be impacted: None

Zoned: OFC

Use: Multi Family

Parcel Identification Number(s): 169-183-01

<https://polaris3g.mecklenburgcountync.gov/#mat=303803&pid=16918301&qisid=16918301>

Appraised Value: \$78,225

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

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

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

Council District: 3

Attachment(s): Map

[Map - Kings Branch Stream and Sewer Improvements, Parcel # 1](#)

38. Property Transactions - Ideal Way, Parcel # 1

Action: Approve the following Acquisition: Ideal Way 816, Parcel # 1

Project: Ideal Way 816, Parcel # 1

Program: Ideal Way 816

Owner(s): Ellen Reid W. Sutton and William Sutton

Property Address: 2144 Kirkwood Avenue

Total Parcel Area: 9,808 sq. ft (0.225 ac.)

Property to be acquired by Easements: 1,135 sq. ft. (0.026 ac.) Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N2-B

Use: Neighborhood 2 Zoning District

Parcel Identification Number(s): 121-103-13

<https://polaris3g.mecklenburgcountync.gov/#mat=463324&pid=12110313&qsid=12110313>

Purchase Price: \$27,108

Council District: 1

39. Property Transactions - Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 4

Action: Approve the following Acquisition: Rea Road Widening (I-485 to Williams Pond Lane) Parcel # 4

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

Project: Rea Road Widening (I-485 to Williams Pond Lane)

Program: Rea Road Widening (I-485 to Williams Pond Lane)

Owner(s): Colony at Piper Glen, LLC

Property Address: 7810 Ballantyne Commons Parkway and 5231 & 5235 Piper Station Drive

Total Parcel Area: 307,392 sq. ft. (7.057 ac.)

Property to be acquired by Fee Simple: 3,363 sq. ft. (0.077 ac.) Fee Simple Outside Existing Right-of-Way

Property to be acquired by Easements: 5,381 sq. ft. (0.124 ac.) Sidewalk Utility Easement, 7,221 sq. ft. (0.166 ac.) Permanent Utility Easement, 975 sq. ft. (0.022 ac.) Storm Drainage Easement and 8,584 sq. ft. (0.197 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: NS & B-1SCD

Use: Neighborhood Service District & Business Conditional Zoning

Parcel Identification Number(s): 225-045-05

<https://polaris3g.mecklenburgcountync.gov/#mat=703326&pid=22504505&qsid=22504505>

Purchase Price: \$444,600

Council District: 7

40. Property Transactions - Spring Valley Road, Parcel # 1

Action: Approve the following Acquisition: Spring Valley Road 3022, Parcel # 1

Project: Spring Valley Road 3022, Parcel # 1

Program: Spring Valley Road 3022

Owner(s): David Alder and Rachel Lahbabi

Property Address: 3011 Spring Valley Road

Total Parcel Area: 17,338 sq. ft. (0.398 ac.)

Property to be acquired by Easements: 932 sq. ft. (0.021 ac.) Storm Drainage Easement and 1,688 sq. ft. (0.039 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number(s): 173-151-02

<https://polaris3g.mecklenburgcountync.gov/#mat=97394&pid=17315102&qisid=17315102>

Purchase Price: \$10,950

Council District: 6

41. Property Transactions - Thermal Culverts Storm Drainage Improvement Project, Parcel # 7

Action: Approve the following Acquisition: Thermal Culverts SDIP, Parcel # 7

Project: Thermal Culverts SDIP, Parcel # 7

Program: Thermal Culverts SDIP

Owner(s): HDP Glen Cove, LLC

Property Address: 6000 - 6032 Pineburr Road

Total Parcel Area: 84,942 sq. ft. (1.950 ac.)

Property to be acquired by Easements: 5,790 sq. ft. (0.133 ac.) Storm Drainage Easement and 2,318 sq. ft. (0.053 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: N2-B

Use: Neighborhood 2 Zoning District

Parcel Identification Number(s): 189-262-20

<https://polaris3g.mecklenburgcountync.gov/#mat=438540&pid=18926220&qisid=18926220>

Purchase Price: \$100,000

Council District: 6

Adjournment

REFERENCES

42. 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.

43. 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.

44. 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.